



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Certificate of Water Right Ownership Update

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. *If for multiple rights, a separate form for each right will be required.*

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION

Applicant(s): Carolyn Rutledge
First Last
Mailing Address: 37711 Agnes Illahe Road
City State Zip
Agness Oregon 98406
City State Zip
Phone: None None None
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Marian Smith Trustee of Marian Smith Revocable Trust
First Last
Mailing Address: 37711 Agnes Illahe Road
City State Zip
Agness Oregon 98406
City State Zip
Phone: 541-247-2373 None 541-373-0900
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Curry Township: 34 South Range: 11 West WM Section: 7
Tax Lot Number(s): 801 (R17968) (Curry County Title Report attached)

Street address of water right property: 37711 Agnes Illahe Road

Water Right Information (attach copy of water right permit or certificate & final proof map):

Application #: 5-52061 Attached Permit #: 37503 Certificate or Page #: 49899 Attached

Will all the lands associated with this water right be owned by the buyer? ☐ Yes ☒ No

Name of individual completing this form: Marian R. Smith, Trustee Phone: 541-373-0900

Signature: Marian R. Smith Date: December 3, 2013

Please be sure to attach a copy of your property deed or legal description of the property.

RECEIVED BY OWRD



Donald G. Grant, P.S.

December 6, 2013

William E. Ferber, Regional Manager
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

**RE: Permit No. 37503 (Certificate of Water Right)
Ownership Update from Carolyn R. Rutledge to Marian Smith**

Dear Mr. Ferber:

Please find enclosed the original Certificate of Water Right Ownership Update pursuant to our prior correspondence. The Ownership Update changes the contact information for the water rights per the attached form from Carolyn Rutledge to Marian Smith, Trustee.

Please let me know if you have any questions.

Very truly yours,
DONALD G. GRANT, P.S.

Donald G. Grant

DGG:mmi
enclosures

cc: Marian Smith (w/encs.)(via email only)
SMIM001

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SALEM, OR

Donald G. Grant, P.S.
Attorneys and Counselors at Law
1700 Main Street, Suite 245, Washougal, WA 98671
TEL: (360) 694-8488 / FAX: (360) 694-8688 / E-MAIL: don@dongrantps.com

Curry County Title, Inc.

29820 Ellensburg Avenue

P.O. Box 672

Gold Beach, OR 97444

(541) 247-6645

(541) 247-6914 Fax

(541) 247-2708 Escrow Fax

1-(800) 535-9465

Email: docs@currycountyttitle.com

Underwritten by: Old Republic National Title Insurance Company

TITLE ONLY:

November 28, 2012

Owner: Smith

Donald G. Grant, PS
Heritage Plaza, Suite 104
15640 N.E. Fourth Plain Blvd.
Vancouver, WA 98682

Title Number : 78914T
Title Officer : Bryan Little

PLANT SERVICE REPORT:

Fee \$200.00

We are prepared to issue title insurance in the form and amount shown above. This Report is preliminary to the issuance of a policy of title insurance and shall become null and void unless a policy is issued, and the full premium therefore paid. The land hereinafter described is:

See Exhibit A attached hereto and made a part hereof.

and as of October 20, 2012 at 5:00 p.m., the title is vested as fee simple in:

MARIAN R. SMITH, TRUSTEE, MARIAN R. SMITH REVOCABLE LIVING TRUST,
dated February 13, 2002

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Exceptions, conditions, stipulations and exclusions as follows:

1. Rights of the public in and to any portion lying within the limits of public roadways, if any, and/or right of private parties over any portion lying within existing roadways or driveways not disclosed by the public records.

2. An easement, including the terms and provisions thereof;

Recorded : November 6, 1947 DV: 32 Page: 371

In Favor of : Robert P. Doerr and Monica T. Doerr

3. Right-of-way Agreement, including the terms and provisions thereof;

Recorded : December 5, 1957 DV: 52 Page: 79

In Favor of : West Coast Telephone Company

4. An easement, including the terms and provisions thereof;

Recorded : February 19, 1960 DV: 58 Page: 64

In Favor of : Robert M. Cook

5. An easement, including the terms and provisions thereof;

Recorded : February 25, 1960 DV: 58 Page: 91

In Favor of : Robert P. Doerr and Monica T. Doerr

NOTE: Any conveyance or encumbrance should include the following:

TOGETHER WITH an easement as disclosed by DV: 62 Page: 442 recorded August 29, 1961.

NOTE: Any conveyance or encumbrance should include the following:

TOGETHER WITH an easement as disclosed by Inst. #2006-2468 recorded May 3, 2006.

NOTE: Any future purchaser would be required to get a new permit for any access or easement along a Forest Service Road.

NOTE: Taxes for the year 2012-2013 in the amount of \$592.19 paid in full.

Map No. 34-11-00, Tax Lot No. 801 (R17968)

NOTE: We find no judgments or United States Internal Revenue Liens against:

MARIAN R. SMITH.

Prepared by: Brianne Becker for:
Bryan Little: Title Officer

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Exhibit A

A parcel beginning at a point 402.02 feet North of and 524.09 feet West of the South 1/16 Corner common to Section Seven (7) and Lot Eight (8), Township Thirty-four (34) South, Range Eleven (11) West, Willamette Meridian, said point being on the Northwestern property line of the parcel described in DV: 58 Page: 87 of the Curry County, Oregon, deed records;

Running thence South 30° 01' East a distance of 138.55 feet;

Thence due East a distance of 101.27 feet;

Thence North 5° 57' West a distance of 110.12 feet;

Thence North 13° 11' West a distance of 92.74 feet to the above mentioned property line;

Thence South 59° 59' West along said property line a distance of 159.47 feet, more or less, to the point of beginning.

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Curry County Title, Inc.

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Email: docs@currycountyttitle.com

Underwritten by: Old Republic National Title Insurance Company

Privacy Policy Notice

Title V of the Gramm-Leach-Bliley Act (GLBA) generally prohibits any financial institution, directly or through its affiliates, from sharing nonpublic personal information about you with a nonaffiliated third party unless the institution provides you with a notice of its privacy policies and practices, such as the type of information that it collects about you and the categories of persons or entities to whom it may be disclosed. In compliance with the GLBA, we are providing you with this document, which notifies you of the privacy policies and practices of **(Curry County Title)**

We may collect nonpublic personal information about you from the following sources:

Information we receive from you such as on applications or other forms.

Information about your transactions we secure from our files, or from [our affiliates or] others.

Information we receive from a consumer reporting agency.

Information that we receive from others involved in your transaction, such as the real estate agent or lender.

Unless it is specifically stated otherwise in an amended Privacy Policy Notice, no additional nonpublic personal information will be collected about you.

We may disclose any of the above information that we collect about our customers or former customers to our affiliates or to nonaffiliated third parties as permitted by law.

We also may disclose this information about our customers or former customers to the following types of nonaffiliated companies that perform marketing services on our behalf or with whom we have joint marketing agreements:

Financial service providers such as companies engaged in banking, consumer finance, securities and insurance.

Non-financial companies such as envelope stuffers and other fulfillment service providers.

WE DO NOT DISCLOSE ANY NONPUBLIC PERSONAL INFORMATION ABOUT YOU WITH ANYONE FOR ANY PURPOSE THAT IS NOT SPECIFICALLY PERMITTED BY LAW.

We restrict access to nonpublic personal information about you to those employees who need to know that information in order to provide products or services to you. We maintain physical, electronic, and procedural safeguards that comply with federal regulations to guard your nonpublic personal information.

RECEIVED BY OWNER

ORT 287-C

5/07/01

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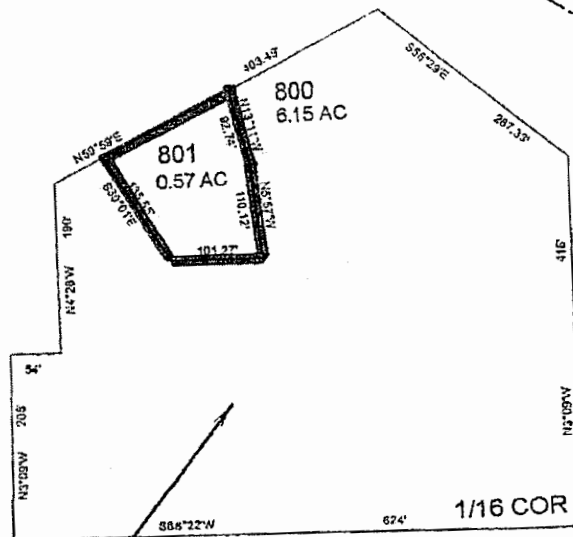
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Property Data Summary Screen			
Prop ID	: R17968	(Real Estate)	Owner: SMITH, MARIAN R TRUSTEE
Map Tax Lot	: 3411-00	-00801-00 (1-00104453)	(48956) 37711 AGNESS ILLAHE ROAD
Legal	: ACRES 0.57		AGNESS, OR 97406
Acreage	: 0.57	Zoning: T	Deferral : Prcls: 101
DBA	:		Sale Info : 50
Situs	: 37711 AGNESS-ILLAHE RD		Deed Type : BS
	AGNESS, OR 97406		Instrument# : 02-1200
Code Areas	: 4-4 (Tax Rate: 7.5339)		Year Built : 1962
			Living Area : 978
2012 Tax Status		2012 Roll Values	
Curr Tax & Assessments:	592.19	RMV Land	\$ 70,630 (+)
Payments or Adjust	: 574.42	RMV Improvements	\$ 37,610 (+)
Discount Allowed	: 17.77	RMV Total	\$ 108,240 (=)
Unpaid Balance	: 0.00	Total Exemptions	\$ 0 (-)
Interest Due	: 0.00	Net RMV	\$ 108,240 (=)
Total Due Current Year:	0.00	M50 Assd Value	\$ 69,810
Delq Tax + Int + Fees	: 0.00	Special Assessments:	66.25
Balance Due	: 0.00	Exemption(Type)	: NONE
Pot Add Tax Liab:			
Enter <RET> to Exit:			

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SALEM, OR

THIS INDENTURE WITNESSETH, That Burl R. Rutledge and Carolyn R. Rutledge,
husband and wife

for the consideration of the sum
of Ten and No/100 DOLLARS

to them paid, have bargained and sold and by these presents do bargain, sell and convey unto

Ernest J. Schneider and Florence E. Schneider

the following described premises, to-wit:

Beginning at a point on the Section Line
between Sections Seven and Eight, in Town-
ship thirty-four South of Range eleven West
of the Willamette Meridian, in Curry County,
Oregon. Said point being 208 feet north of
southeast corner of Northeast quarter of
Southeast quarter of said Section Seven.
From this said point of beginning follow
said Section line 208 feet north; thence
west 416 feet; thence south 208 feet to
the north line of tract land sold to
Ernest J. Schneider and Florence E. Schneider;
thence 416 east to place of beginning.

together with all tenements, hereditaments and appurtenances thereunto belonging, and also all their
estate, right, title and interest in and to the same, including dower and claim of dower, also all water
rights now granted or pending.

TO HAVE AND TO HOLD the said premises, unto the said Ernest J. Schneider and
Florence E. Schneider their Heirs and Assigns forever.

And we the said grantors do hereby covenant
to and with the said grantees their Heirs and Assigns
that we are lawfully seized in fee simple of said premises; that said premises are free from all in-
cumbances and that we will and ours heirs, executors and administrators shall warrant and for-
ever defend the same from all lawful claims whatsoever.

In Witness Whereof We have hereunto set our hands and seals this 13th day of June, 1949.

Burl R. Rutledge (Seal)
Carolyn R. Rutledge (Seal)

(Seal)

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VOL 50 Page 102

STATE OF OREGON } ss.
COUNTY OF ~~COOS~~
CURRY

On this, the 13th day of June, 1949, personally came before me, the undersigned, a Notary Public in and for said county and state, the within named
Burl R. Rutledge and Carolyn R. Rutledge, husband and wife,

to me personally known to be the identical person as described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein named.

Witness my hand and Notarial Seal this 13th day of June, 1949.



[Signature]
Notary Public for Oregon
My commission expires 7-6-49

WARRANTY DEED

FROM

Burl R. Rutledge
Carolyn R. Rutledge

TO

Ernest J. Schneider
Florence E. Schneider

State of Oregon } ss.
County of ~~Coos~~
Curry

I certify that the within instrument of writing was received for record on the 13th day of June, 1949 at 10 o'clock am and recorded on page 101-121 in Book 270 Records of Deeds of said County.

Walter A. MacBee
County Clerk

By Pauline Anderson
Deputy

The Notary Public for Curry County, Oregon



MAR 23 1981

Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

This certificated water right is appurtenant to the specific plan of use where it was established and belongs to the legal owner of the land.

The right exists only for the amount of water needed for the specific use and place of use described in the water right documents.

To change the place of use, point of diversion, or type of use of the water, an application must be filed with the Water Resources Director for approval of the proposed change.

Any portion of this water right is forfeited if allowed to go unused for five or more consecutive years. Also, the right may be lost at any time by an intentional act by the owner that would make the right unusable.

503-986-0900

Blackwell
USFS

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SALEM, OR

STATE OF OREGON

COUNTY OF

CURRY

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

CAROLYN R. RUTLEDGE AND
ROBERT DOERR

of 37709 Agness Illahe Road, Agness, State of Oregon 97406, has made
proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of
a spring

a tributary of Billings Creek
domestic use for one family

for the purpose of

under Permit No. 37503 and that said right to the use of said waters has been perfected in
accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from
June 14, 1974
that the amount of water to which such right is entitled and hereby confirmed, for the purposes
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed
0.005 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream.
The point of diversion is located in the NE 1/4 NE 1/4, Section 7, T34S, R11W, WM;
2,177 feet North and 700 feet West from E 1/4 Corner, Section 7

The amount of water used for irrigation, together with the amount secured under any other
right existing for the same lands, shall be limited to ----- of one cubic foot per second
per acre,

and shall
conform to such reasonable rotation system as may be ordered by the proper state officer.

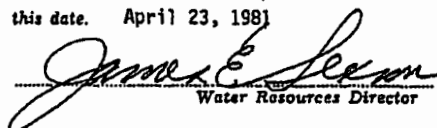
A description of the place of use under the right hereby confirmed, and to which such right
is appurtenant, is as follows:

NE 1/4 SE 1/4
Section 7
Township 34 South, Range 11 West, WM

The right to the use of the water for the purposes aforesaid is restricted to the lands or place
of use herein described and is subject to the existing minimum flow policies established by the
Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. April 23, 1981


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43, page 49899
4346A

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SALEM, OR

*APPLICATION FOR PERMIT

To Appropriate the Public Waters of the State of Oregon

We I, Carolyn Rutledge and Robert Doerr
(Name of applicant)
 of Star Route, Box 90, Agness, Oregon 97406
(Mailing address)
 State of OREGON, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, **SUBJECT TO EXISTING RIGHTS:**

If the applicant is a corporation, give date and place of incorporation _____

1. The source of the proposed appropriation is an unnamed spring flowing into
(Name of stream)
Dillinger Creek, a tributary of Rogue River
2. The amount of water which the applicant intends to apply to beneficial use is 0.0925 CFS
 cubic feet per second. 0.01 CFS TRAFFIC 0.0825 CFS
(If water is to be used from more than one source, give quantity from each)
- **3. The use to which the water is to be applied is irrigation and domestic use
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 431.2 ft. N. and 537.9 ft. W. from the E 1/4
(N. or S.) (E. or W.)
 corner of Sec. 7, Twp. 34S., R. 11 W, Wil. Mer., Curry Co., Ore.
(Section or subdivision)

(If preferable, give distance and bearing to section corner)

(If there is more than one point of diversion, each must be described. Use separate sheet if necessary)
 being within the N. 1/4 of Sec. 7, Tp. 34S.
(Give smallest legal subdivision) (N. or S.) (E. or W.)
 R. 11 W., W. M., in the county of Curry.

5. The pipeline to be 1500 ft.
(Main ditch, canal or pipe line) (Miles or feet)
 in length, terminating in the S. 1/4 of Sec. 7, Tp. 34S.,
(Smallest legal subdivision) (N. or S.) (E. or W.)
 R. 11 W., W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam _____ feet, length on top _____ feet, length at bottom _____

flume to be utilized
(rock and brush, timber crib, etc., waterway over or around dam)

- (b) Description of headgate screened pipe inlet
(timber, concrete, etc., number and size of openings)

- (c) If water is to be pumped give general description _____
(size and type of pump)

(size and type of engine or motor to be used, total head water to be lifted, etc.)

*A different form of application is provided where storage works are contemplated.
 **Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

10030

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Canal System or Pipe Line—

7. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(c) Length of pipe, 1500 ft.; size at intake, 1 1/2" in.; size at 300 ft. from intake 1 in.; size at place of use 1 in.; difference in elevation between intake and place of use, 1.80 ft. Is grade uniform? no. Estimated capacity, sec. ft.

8. Location of area to be irrigated, or place of use Illaha Lodge and Robert Doerr properties.

Township North or South	Range E. or W. of Meridian	Section	Forty-acre Tract	Number Acres To Be Irrigated

(If more space required, attach separate sheet)

(a) Character of soil clay

(b) Kind of crops raised fruit and vegetables

Power or Mining Purposes—

9. (a) Total amount of power to be developed theoretical horsepower.

(b) Quantity of water to be used for power sec. ft.

(c) Total fall to be utilized feet.

(d) The nature of the works by means of which the power is to be developed

(e) Such works to be located in of Sec.

Tp., R., W. M.

(f) Is water to be returned to any stream? (Yes or No)

(g) If so, name stream and locate point of return

....., Sec., Tp., R., W. M.

(h) The use to which power is to be applied is

(i) The nature of the mines to be served

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Municipal or Domestic Supply—

10. (a) To supply the city of _____

(Name of) County, having a present population of _____
and an estimated population of _____ in 19____

(b) If for domestic use state number of families to be supplied _____

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$ 400.00
12. Construction work will begin on or before July 1, 1977
13. Construction work will be completed on or before Sept. 1, 1977
14. The water will be completely applied to the proposed use on or before June 1, 1978

George R. Dodge
(Signature of applicant)
Robert Davis

Remarks: This is to supplement existing water supplies, all tributaries
of the Cano Creek. Right of usage of this spring was granted to
R.H. Cook. U.S. Government has acquired property, and the spring has been
unused since transaction. Verbal agreement to right of way easement has
been expressed by the Forest Service pending your approval.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before _____, 19____

WITNESS my hand this _____ day of _____, 19____

STATE ENGINEER

By _____ ASSISTANT

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SALEM, OR

STATE OF OREGON, }
County of Marion, }

PERMIT

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed _____ cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from _____

The use to which this water is to be applied is _____

If for irrigation, this appropriation shall be limited to _____ of one cubic foot per second or its equivalent for each acre irrigated _____

and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is _____

Actual construction work shall begin on or before _____ and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19____

Complete application of the water to the proposed use shall be made on or before October 1, 19____

WITNESS my hand this _____ day of _____, 19____

STATE ENGINEER

Application No. _____

Permit No. _____

PERMIT

TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 12 day of April
1922 at 8 o'clock H M.

Returned to applicant: _____

Approved: _____

Recorded in book No. _____ of _____

Permits on page _____

STATE ENGINEER

Drainage Basin No. _____ page _____

Fees _____

State Printing 6127

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SALEM, OR



Water Resources Department

MILL CREEK OFFICE PARK

555 13th STREET N.E., SALEM, OREGON 97310

PHONE 378-8508

April 8, 1980

File No. 52061

Carolyn R. Rutledge &
Robert Doerr
Star Route, Box 90
Agness, OR 97406

Dear Ms. Rutledge and Mr. Doerr:

The assignment of permit numbered 37503 from E. J. Schneider to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original is enclosed along with our receipt numbered 16973, covering the recording fee of \$2.00 you submitted.

Sincerely,

Thomas E. Shook
Water Rights Engineer

TES:lrs
Enclosure
cc: E. J. Schneider

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