



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): Dennis Hoyt
First Last
 Mailing Address: 68552 Hunter Road
Summerville Oregon 97876
City State Zip
 Phone: 503-789-1317
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Mike Chatelain
First Last
 Mailing Address: 7980 Blanchard Road
Sheridan Oregon 97378
City State Zip
 Phone: 503-843-1213 323-371-0094
Home Work Other

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PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Polk Township: 6 South Range: 6 West Section: 13-14 **SALEM, OR**
 Tax Lot Number(s): 233437 (Property description attached)

Street address of water right property: 7980 Blanchard Road, Sheridan

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

Application #: 46308 Permit #: 34586 Certificate or Page #: Vol 32 p. 40060

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

Name of individual completing this form: Mike Chatelain Phone: 323-371-0094

Signature: Date: 4/10/14

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



After recording return to:
Dennis A. Hoyt and Susan W. Hoyt
7980 Blanchard Road
Sheridan, OR 97378

File No.: 1031-1872695 (AC)
Date: May 23, 2012

Map/Tax Lot # **06613-00-00300**
Tax Account # **233437**

THIS SPACE RESERVED FOR RECORDER'S USE

READ & APPROVED

TRUST DEED
(Assignment Restricted)

THIS DEED OF TRUST, made this **Twenty-third day of May, 2012**, between **Mike Chatelain and Lisa Chatelain, as tenants by the entirety**, as GRANTOR, and **First American Title Company**, as TRUSTEE, and **Dennis A. Hoyt and Susan W. Hoyt, as tenants by the entirety**, as BENEFICIARY.

WITNESSETH: Grantor irrevocably conveys to Trustee in trust, with power of sale, certain real property in **Polk County, Oregon**, described as:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Together with all tenements, hereditaments and appurtenances, including easements, and all other rights thereunto belonging or in any way now or hereafter appertaining, and the rents, issues, and profits thereof, together with all fixtures now or hereafter attached to or used in connection with said real estate.

FOR THE PURPOSE OF SECURING PERFORMANCE of each agreement of Grantor herein contained and payment of the sum of **One Hundred Seventy Five Thousand dollars (\$175,000.00)**, with interest thereon according to the terms of a promissory note of even date herewith, payable to Beneficiary or order, and made by Grantor, the final payment of principal and interest hereof, if not sooner paid, to be due and payable **As per Note of even date herewith, but no later than July 1, 2017.**

Note: The Trust Deed Act provides that the Trustee hereunder must be either an attorney who is an active member of the Oregon State Bar, a bank, trust company or savings and loan association authorized to do business under the laws of Oregon or the United States, a title insurance company authorized to insure title to real property of the state, its subsidiaries, affiliates, agents or branches, the United States or any agency thereof, or an escrow agent licensed under ORS 896.505 to 896.585.

***WARNING: 12 USC 1701/-S regulates and may prohibit exercise of this option.**

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

BEGINNING AT THE QUARTER SECTION CORNER ON THE SECTION LINE BETWEEN SECTIONS 13 AND 14, TOWNSHIP 6 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; RUNNING THENCE EAST 34.32 CHAINS; THENCE SOUTH 24.74 CHAINS; THENCE WEST 34.32 CHAINS; THENCE NORTH 24.74 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT ANY PORTION OF THE ABOVE DESCRIBED PROPERTY LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

NOTE: This legal description was created prior to January 1, 2008.

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SALEM, OR

STATE OF OREGON
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That REED NEUSCHANGER 97378

of Route 1, Box 104, Sheridan, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of reservoir constructed under Application number R-46307, Permit number R-5511

a tributary of unnamed drainageway (Yamhill River) for the purpose of irrigation of 0.5 acre and stock

under Permit No. 34586 of the State Engineer, 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 August 12, 1969

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 1.9 acre feet stored water only, being 0.5 acre foot for irrigation and 1.4 acre feet for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 SW 1/4, as projected within Corner DLC 57, Section 13, T. 6 S., R. 6 W., W. M., 780 feet South and 970 feet East from W 1/2 Corner, Section 13

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~~, a diversion of 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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:

Irrigation

0.5 acre Lot 3 (NW 1/4 SW 1/4)

Stock

NW 1/4 SW 1/4

As projected within Corner DLC 57

Section 13

T. 6 S., R. 6 W., W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. March 28, 1974

Chris L. Wheeler

State Engineer

To appropriate the Public Waters of the State of Oregon

I, Reed Neuschwanger (Name of applicant)
 of Rt 1 Box 109 Sheridan (Mailing address)
 State of Oregon 97378, 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 Neuschwanger Reservoir (Name of stream)
 a tributary of Yamhill River

2. The amount of water which the applicant intends to apply to beneficial use is 1.9 c.f.s.
 cubic feet per second. (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 Stock water, Irrigation (Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located 1830 ft. N and 1000 ft. E from the SW
 corner of Sec 13 (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.W. 1/4 of SW 1/4 of Sec. 13, Tp. 6S
 (Give smallest legal subdivision) (S. or N.) (E. or W.)
 R. 6W, W. M., in the county of Folk (S. or W.)

5. The _____ to be _____
 (State ditch, canal or pipe line) (Ditch or flume)
 in length, terminating in the _____ of Sec. _____, Tp. _____
 (Smallest legal subdivision) (S. or N.) (E. or W.)
 R. _____, W. M., the proposed location being shown throughout on the accompanying map. (S. or W.)

DESCRIPTION OF WORKS

Diversion Works—
 6. (a) Height of dam _____ feet, length on top _____ feet, length at bottom _____ feet; material to be used and character of construction _____
 (Leave rock, concrete, masonry, rock and brush, timber crib, etc., roadway over or around dam)

(b) Description of headgate _____
 (Timber, concrete, etc., number and size of openings)

(c) If water is to be pumped give general description Not determined yet
 (Give make and type of engine or motor to be used, total head water is 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.

RK

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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, ... ft.; size at intake, ... in.; size at ... ft. from intake ... in.; size at place of use ... in.; difference in elevation between intake and place of use, ... ft. Is grade uniform? ... Estimated capacity, ... sec. ft.

8. Location of area to be irrigated, or place of use

Table with 5 columns: Township North or South, Range E. or W. of Meridian, Section, Party-own Tract, Number Acres To Be Irrigated. Handwritten entries include '65', '6W', '13', 'NW 1/4 of SW 1/4', and '5 a.c. for OSA irrig'.

(If more space required, attach separate sheet)

(a) Character of soil

(b) Kind of crops raised

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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R.N.

10. (a) To supply the city 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, \$ 27,000
- 12. Construction work will begin on or before B-69
- 13. Construction work will be completed on or before B-70
- 14. The water will be completely applied to the proposed use on or before B-71

Reed Neuschwanzer
(Signature of applicant)

Remarks: L.D. By at W 1/4 cor Sec 13, 65 6W
Hence E. 34.32 ch
" S. 24.74 ch
" W 34.32 ch
" N 24.74 ch to B.P.

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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 _____ SALEM, OR

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

PERMIT

STATE OF OREGON,
County of Marion, }

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 1.9 acre feet stored water only
measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from September 1 to be available under application No. R-46307, permit No. R-5511

The use to which this water is to be applied is irrigation and stock, being 0.5 ac for irrigation and 1.4 ac for stock

If for irrigation, this appropriation shall be limited to 24 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

The priority date of this permit is August 12, 1969

Actual construction work shall begin on or before April 24, 1971 and shall

thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1972.

Complete application of the water to the proposed use shall be made on or before October 1, 1973.

WITNESS my hand this 24th day of April, 1970.

Chris L. Wheeler
STATE ENGINEER

Application No. 46308
Permit No. 34586

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 August, 1969, at 10:12 o'clock A.M.

Returned to applicant:

Approved:

April 24, 1970

Recorded in book No. of

Permits on page 34586

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 2 page 9088

Fees \$30.00