



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): DeRaeve Family LLC \_\_\_\_\_  
First Last

Mailing Address: P.O. Box 3 \_\_\_\_\_

McMinnville \_\_\_\_\_ Oregon \_\_\_\_\_ 97128 \_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

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## PROPERTY BUYER INFORMATION

Applicant(s): Mark & Marcel \_\_\_\_\_ Gaibler \_\_\_\_\_  
First Last

Mailing Address: P.O. Box 808 \_\_\_\_\_

Carlton \_\_\_\_\_ Oregon \_\_\_\_\_ 97111 \_\_\_\_\_  
City State Zip

Phone: 503-852-9510 \_\_\_\_\_ 503-209-4086 \_\_\_\_\_  
Home Work Other

SALEM, OR

## PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Polk Township: 6 S Range: 4 W Section: 7

Tax Lot Number(s): See attached

Street address of water right property: 8701 Pacific Hwy W, Rickreall, OR 97371

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

Application #: S-87530 Permit #: S-54655 Certificate or Page #: 87717

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

Name of individual completing this form: Marci Gaibler Phone: 503-852-9510

Signature: Marci Gaibler Date: 6-25-14

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

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

RON AND JAMIE LEWIS  
20650 S HWY 99 W  
AMITY OR 97101

DERAEVE FAMILY LLC  
PO BOX 3  
MCMINNVILLE OR 97218

confirms the right to use the waters of AN UNNAMED RESERVOIR for SUPPLEMENTAL IRRIGATION of 785.29 ACRES.

This right was perfected under Permit S-54655. The date of priority is SEPTEMBER 15, 2009. The amount of water to which this right is entitled is limited to 63.0 ACRE FEET (AF), being 47.0 AF FROM AN UNNAMED RESERVOIR ORIGINALLY CONSTRUCTED UNDER PERMIT R-10482, AND 16.0 AF FROM AN UNNAMED RESERVOIR, ENLARGED UNDER PERMIT R-11459, or its equivalent in case of rotation, measured at the point of diversion.

The period of use is March 1 through October 31.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	4 W	WM	7	SE SW	46	3695 FEET SOUTH AND 2155 FEET WEST FROM NE CORNER, MCCARTY DLC 46

The points of re-diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
6 S	4 W	WM	7	NE SE	46	2685 FEET SOUTH AND 500 FEET WEST FROM NE CORNER, MCCARTY DLC 46
6 S	4 W	WM	7	NW SE	46	2685 FEET SOUTH AND 825 FEET WEST FROM NE CORNER, MCCARTY DLC 46

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year. The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

A description of the place of use is as follows:

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Twp	Rng	Mer	Sec	Q-Q	GLot	DLC	Acres
6 S	4 W	WM	7	NE NE	1		2.20
6 S	4 W	WM	7	SE NE	1		16.50
6 S	4 W	WM	7	NE SW		46	20.40
6 S	4 W	WM	7	NW SW		46	1.60
6 S	4 W	WM	7	SW SW		46	21.60
6 S	4 W	WM	7	SE SW		46	36.70
6 S	4 W	WM	7	NE SE		46	13.20
6 S	4 W	WM	7	NE SE	4		8.00
6 S	4 W	WM	7	NE SE		45	3.40
6 S	4 W	WM	7	NW SE		46	37.59
6 S	4 W	WM	7	SW SE		46	27.80
6 S	4 W	WM	7	SE SE		46	19.30
6 S	4 W	WM	7	SE SE		45	15.50
6 S	4 W	WM	8	NW NW	1		0.10
6 S	4 W	WM	8	SW NW	1		0.20
6 S	4 W	WM	8	SW SW		45	34.50
6 S	4 W	WM	8	SE SW		45	13.30
6 S	4 W	WM	17	SW NE		37	3.00
6 S	4 W	WM	17	SE NE		37	1.70
6 S	4 W	WM	17	NE NW		45	15.10
6 S	4 W	WM	17	NW NW		45	40.00
6 S	4 W	WM	17	SW NW	1		39.00
6 S	4 W	WM	17	SE NW	2		13.20
6 S	4 W	WM	17	SE NW		37	2.30
6 S	4 W	WM	17	NE SW		37	18.20
6 S	4 W	WM	17	NE SW	3		17.30
6 S	4 W	WM	17	NW SW			35.20
6 S	4 W	WM	17	SW SW			34.10
6 S	4 W	WM	17	SE SW	4		10.50
6 S	4 W	WM	17	SE SW		37	20.10
6 S	4 W	WM	17	NE SE		37	15.80
6 S	4 W	WM	17	NW SE		37	38.20
6 S	4 W	WM	17	SW SE		37	34.50
6 S	4 W	WM	17	SE SE		37	14.20
6 S	4 W	WM	18	NE NE		45	15.50
6 S	4 W	WM	18	NE NE		46	13.40
6 S	4 W	WM	18	NW NE		46	16.50
6 S	4 W	WM	18	SE NE			18.50
6 S	4 W	WM	18	NE NW		46	26.00
6 S	4 W	WM	18	NW NW		46	18.40
6 S	4 W	WM	20	NE NW	1		15.60
6 S	4 W	WM	20	NW NW		46	37.10

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter in good working order.

- B. The water user shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water use information, including the place of use and nature of use of water under the right.
- C. The water user shall allow the watermaster access to the meter(s); provided however, where any meter is located within a private structure, the watermaster shall request access upon reasonable notice.
- D. The Director may provide an opportunity for the water user to submit alternative measuring and reporting procedures for review and approval.

The water user shall maintain and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

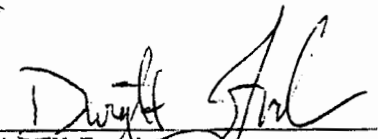
Where two or more water users agree among themselves as to the manner of rotation in the use of water and such agreement is placed in writing and filed by such water users with the watermaster, and such rotation system does not infringe upon such prior rights of any water user not a party to such rotation plan, the watermaster shall distribute the water according to the agreement.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

Issued           AUG 06 2012          

  
Dwight W. French  
Water Right Services Administrator, for  
Phillip C. Ward, Director  
Water Resources Department

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**TAX LOTS:**

**SECTION 7: 600, 601, 602**

**SECTION 8: 500, 501, 800, 801**

**SECTION 17: 300, 301, 401, 500, 501, 600**

**SECTION 18: 100, 101, 900**

**SECTION 20: 300**

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Exhibit 1  
(Parcel A)

SALEM, OR

A tract of land in Sections 7, 8 and 18, Township 6 South, Range 4 West, Polk County, Oregon, being part of that tract of land described in deed a from Patricia A. DeRaeve to the DeRaeve Family LLC and recorded in Book 350, Page 1315, Polk County, Deed Records, and being more particularly described as follows:

Beginning at the Northeast corner of the John McCarty Donation Land Claim No. 46; thence East 765 feet more or less along the North line of said DeRaeve tract (Parcel 3) to the Westerly margin of the Western Oregon Railroad Co. as described in deed recorded in Volume 12, Page 386; thence Southerly 5,000 feet more or less along the Westerly margin to the south line of said DeRaeve tract (Parcel 1) which is on record as being 74.70 chains South of the Northeast corner of the John McCarty DLC No. 46; thence West 1650 feet more or less along the South line said DeRaeve tract to the center of the creek; thence Northerly and Northeasterly along the center of said creek to the North line of said tract (Parcel 3); thence East 200 feet more or less along said North line to a point that is 21.50 chains South of the Northeast corner of the John McCarty DLC No. 46; thence North 21.50 chains along the West line of said DeRaeve tract to the point of beginning.

END OF LEGAL DESCRIPTION

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Exhibit 2  
(Parcel B)

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Beginning at the most northerly northwest corner of that tract of land conveyed to the DeRaeve Family LLC by that deed recorded in BOR 350, Page 1315 of the Polk County Deed Records, said point bears South 1419 feet and West 2618.22 feet from the northeast corner of the John McCarty Donation Land Claim No. 46 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence South along the most northerly west line of said DeRaeve tract of land 1222.32 feet to a reentrant corner in said west line; thence West, 2662 feet, more or less, to a point on the west line of the John McCarty Donation Land Claim No 76 in Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South, along said west line, 40.00 feet thence East 1234.86 feet; thence South 2611.88 feet to a point on the south line of said McCarty Donation Land Claim No 46 which bears East 1234.86 feet from the southwest corner of the McCarty Donation Land Claim No. 76; thence East, along said south claim line, 1420.98 feet to an angle point in the south line of the beforesaid DeRaeve tract of land; thence North 425.97 feet to a reentrant corner in said south line; thence South 88° 42' East, along the south line of said DeRaeve tract of land, 1225 feet, more or less, to the centerline of Ash Swale; thence northerly and easterly, downstream along said Ash Swale centerline, to a point on the north line of said DeRaeve tract of land, which point bears East 2274 feet, more or less, from the point of beginning; thence West 2274 feet, more or less, to the point of beginning and containing 208 acres of land, more or less, all being situated within the south half of Section 7 and the north quarter of Section 18 in Township 6 South, Range 4 West and the northeast quarter of the southeast quarter of Section 12 in Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon.

## TOGETHER WITH:

Beginning at a point on the west right-of-way line of Pacific Highway West 99W, said point measures 30 feet from the centerline of said Highway when measured at right angles thereto and also measures West 30 feet from the southeast corner of Lot 2 in Section 17 of Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon and running thence West, along the south line of said Lot 2 and the south line of Lot 1 of Section 17 and the north line of the southeast quarter of Section 18 in said Township and Range, 2446 feet, more or less, to the intersection of said north line with the easterly line of that tract of land conveyed to the Southern Pacific Company by deed recorded in Volume 109, Page 391 of the Polk County Deed Records, said point being 10 feet East of that 60 foot wide right-of-way conveyed to the Western Oregon Railroad Company; thence North 1° 29' East, parallel with the Southern Pacific Company's West Side Branch and along the east line of the said Southern Pacific Company tract of land, 30.33 feet, more or less, to a point; thence East, parallel with said quarter section line, 70.00 feet; thence North 1° 29' East, 150.0 feet; thence West, parallel with said quarter section line, 80.00 feet to a point on the east line of said Western Oregon Railroad Company right-of-way, which bears North 1° 29' East, 180.0 feet from the southwest corner of said Southern Pacific Company tract of land; thence, continuing North 1° 29' East, along said east right-of-way line, 1300 feet, more or less, to a one degree curve to the right; thence through said curve on an arc distance of 781 feet, more or less, to a point of tangency; thence North 09° 02' East 1350 feet, more or less, to the point of intersection of said east right-of-way line with the south line of

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that tract of land conveyed to S. Leslie Stewart and Marjorie N. Stewart by deed recorded in SALEM, OR Volume 155, Page 409 of the Polk County Deed Records; thence East, along the south line of said Stewart tract of land, 2123 feet, more or less, to a point on the west right-of-way line of the before said Pacific Highway West 99W, which point measures 30 feet from the centerline of said Highway when measured at right angles thereto; thence Southerly, along said Highway right-of-way line, 2303 feet, more or less to the intersection of said right-of-way line with the most westerly south line of the Horace Burnett Donation Land Claim No. 45 in said Township and Range; thence Westerly, along said claim line, 315.00 feet; thence Southerly, parallel with the before said west right-of-way line of Highway 99W, 332.00 feet; thence Easterly, parallel with the most westerly south line of said Burnett Claim, 315.00 feet to said west right-of-way line; thence Southerly along said west right-of-way line, 955 feet, more or less to the point of beginning and containing 190 acres of land, more or less, all being situated within the southeast quarter of Section 7, the southwest quarter of Section 8, the northwest quarter of Section 17 and the northeast quarter of Section 18 in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon



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Exhibit 3  
(Parcel D)

Beginning at an iron pipe at the Northwest corner of the Southwest quarter of Section 17, Township 6 South, Range 4 West, Willamette Meridian, Polk County Records; thence South along the West line of said Section 17, a distance of 422.00 feet to an iron rod; thence East, 564.68 feet to an iron rod; thence South,  $00^{\circ}00'45''$  West 1676.00 feet to an iron rod; thence East 1146.40 feet to an iron rod; thence North  $00^{\circ}03'03''$  West, 398.00 feet to an iron rod; thence East, 128.80 feet to an iron rod set on the West line of Highway 99 West; thence North,  $00^{\circ}25'30''$  West along the West line of said highway, a distance of 1700.05 feet to the North line of that land described in Parcel 2 of a conveyance from Luella M. Brown and Robert M. Brown to John M. Finn and Ryder W. Finn by instrument of Record in Book 200, Page 648, Polk County Records; thence West, 1,826.58 feet to the point of beginning.

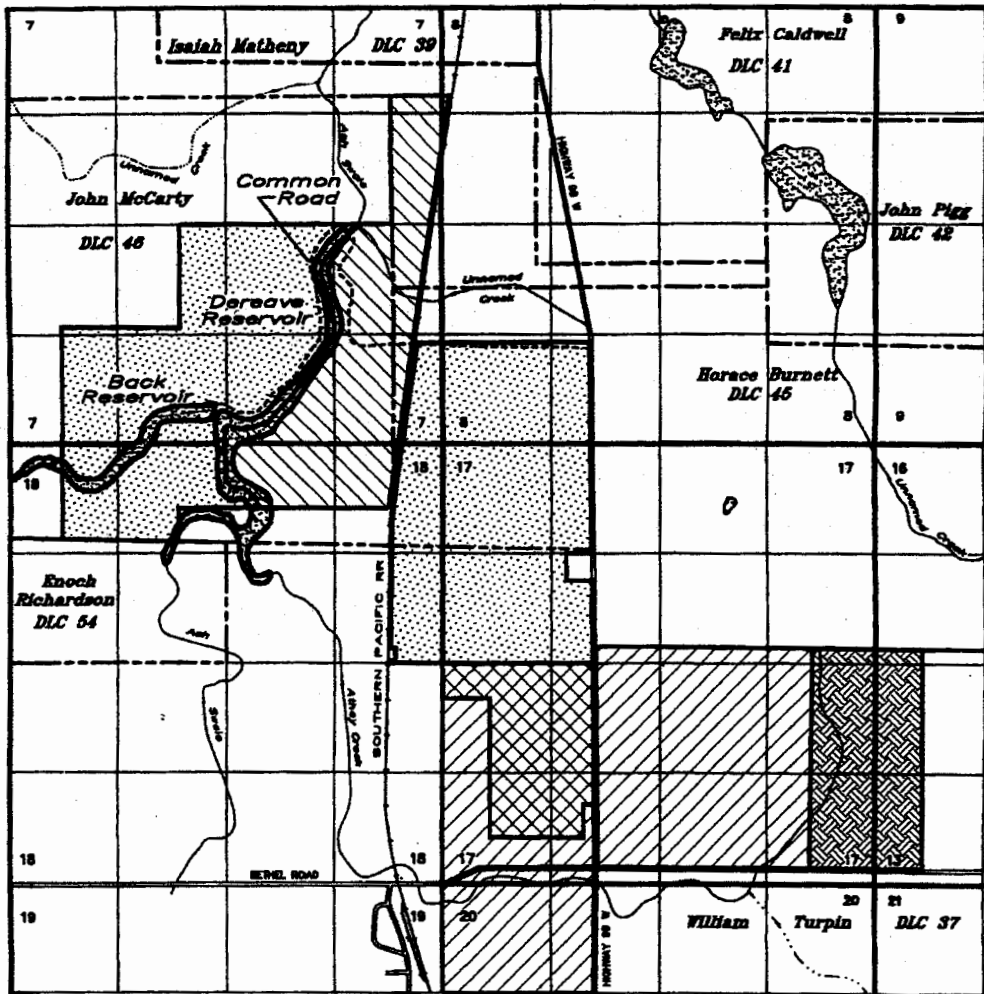
Exhibit 3  
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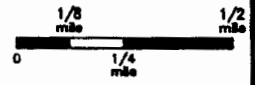
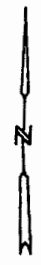
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SALEM, OR

T6S, R4W, WM  
POLK COUNTY



-  PARCEL A - RON & JAMIE LEWIS
-  PARCEL B - DeRAEVE FAMILY LLC *mark & marcel Gaider*
-  PARCEL C - BRIAN C. FINN and LILLIE MAE ROMIG TRUST
-  PARCEL D - DeRAEVE FAMILY LLC 65.44 AC
- JERRY & KRISTEN DOMES



**EXHIBIT 4**  
NOVEMBER 2008

14/14

**EXHIBIT 5**

(SUMMARY/TABLE OF WATER RIGHTS)

05/06/1976	Ash Swale	S-6487/ 83204	Storage for Irrigation	N/A	346.2 (see comments)	N/A	DeRaeve Reservoir storage right limited to approximately 188.18 acre- feet pursuant to <u>Fast v. DeRaeve</u> judgment, dated September 6, 1984.
05/06/1976	Ash Swale / DeRaeve Reservoir	S-40684/ 83203	Irrigation	6.09	2.5 acre-feet per acre (see comments)	487.49	Primary irrigation on Parcels A & B  No duty specified in certificate.
07/30/1982	Ash Swale/ DeRaeve Reservoir	S-46958/ 83200	Irrigation	4.72	2.5 acre-feet per acre	377.5	Primary irrigation on Parcels C, D and Domes property
01/29/1985	Unnamed Tributary of Ash Swale	R-10482/ 83202	Storage for supplemental irrigation	N/A	47.0	N/A	Back Reservoir storage right
01/05/1985	Back Reservoir	S-49361/ 83201	Supplemental Irrigation	None specified	2.5 acre-feet per acre	79.7	Supplemental irrigation for Domes property (same lands as under Permit S-51470/Certificate 85349)
05/10/1991	Unnamed Tributary of Ash Swale/ Back Res.	R-11459/ 85348	Storage for supplemental irrigation and fish culture	N/A	16.0	N/A	

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05/10/1991	Unnamed Tributary of Ash Swale/ Back Res.	S-51470/ 85349	Supplemental irrigation and fish culture	0.3 (fish culture)	19.0	79.7	Same lands as supplemental right under Permit S-49361/Certificate 83201.
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