



WATER RIGHT OWNERSHIP UPDATE FORM

STATE OF OREGON
WATER RESOURCES DEPT
158 12TH STREET N.E.
SALEM OREGON 97301-4172

WATER RESOURCES DEPT.
SALEM, OREGON

NOV 18 2002

RECEIVED

NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public [ORS 537.110]. In almost every instance, a permit ("water right") 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 water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

Water that has been used for along 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 503-378-8455.

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

Property Seller Information:

Applicant: Marty G. Graham
Mary Ellen Graham
First Last
Mailing address: 21926 NE Park Lane
City Fairview State Oregon Zip 97024
Phone: 503-665-5508 503-284-7581 Ext. 262
Home Work Other

Property Buyer Information:

Applicant: Emmel Brothers Ranch
First Last
Mailing address: 30380 N. River Road
City Prairie City State Oregon Zip 97869
Phone: 541-820-4470
Home Work Other

Property Description (attach additional pages if necessary):

County: Umatilla Township: 2N Range: 27 Section: 33 & 34
Tax lot number(s): 2N-27, Tax Lot 2400

Metes & bounds description (or attach a copy of your property deed & tax lot map with the parcels highlighted): See Attached

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

Application #: _____ Permit #: _____ Certificate #: _____
Volume 3, Page 2706 &
Volume 36, Page 44542
Will all the lands associated with this water right be owned by the buyer? Yes No

Name of individual completing this form: Marty G. GRAHAM Signature: Marty G. Graham

Phone: (503) 665-5508 Date: 11/8/2002

EQ-1
NOTICE OF FILING
AN APPLICATION FOR
ADDITIONAL POINTS
OF DIVERSION

Notice is given hereby that Susan E. Doherty has filed an application for the approval of additional points of diversion of water from Butter Creek. Certificate of water right issued to A. H. Sunderman and recorded at page 2695, Volume 3, State Record of Water Right Certificates, confirms a right to the use of not to exceed 2.98 cubic feet per second of water from Butter Creek for irrigation of, among other lands, 11.4 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 33, and 6.0 acres in NW $\frac{1}{4}$ NW $\frac{1}{4}$, 35.0 acres in SW $\frac{1}{4}$ NW $\frac{1}{4}$, 3.4 acres in SE $\frac{1}{4}$ NW $\frac{1}{4}$, 32.1 acres in NE $\frac{1}{4}$ SW $\frac{1}{4}$, 39.2 acres in NW $\frac{1}{4}$ SW $\frac{1}{4}$, 37.0 acres in SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, Township 2 North, Range 27 East, W.M., with a date of priority of 1873.

The point of diversion is located North 87° 10' East, 2700 feet from the SW corner of Section 34, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 2 North, Range 27 East, W.M.

The applicant herein, owner of the lands above described, proposes to maintain the present point of diversion for irrigation and establish additional points of diversion to be located: (1) North 44° 40' East, 2075 feet from the SW corner of Section 34, being within the NE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 2 North, Range 27 East, W.M., (2) to be located North 10° 00' East, 2550 feet from the SW corner of Section 34, being within the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 34, Township 2 North, Range 27 East, W.M.

All persons interested are notified hereby that a hearing will be held at the county courthouse at Pendleton, Oregon, on October 16, 1973, at 9:30 a.m. All objections to the proposed change, if any there are, will be heard at said time and place. Any and all objections shall be prepared in writing, one copy to be served on Susan E. Doherty, 415 NW Furnish, Pendleton, Oregon, 97801, and one copy filed with the State Engineer, Salem, Oregon, together with a \$5 filing fee at least 10 days prior to the date set for hearing. If no objections are filed, the application may be approved by the State Engineer without a hearing. Administrative rules pertaining to the filing of a protest will be furnished by the State Engineer upon request.

Dated at Salem, Oregon, this 15th day of August, 1973.

CHRIS L. WHEELER
State Engineer
August 22, 29, Sept. 5, 1973

STATE OF OREGON

Water Division No. 2 County of UMATILLA

CERTIFICATE OF WATER RIGHT

(For Rights which have been confirmed by the Courts)

*A 612um
1/2/1919*

This is to Certify, That MRS. MARY WATTENBURGER
of Galloway State of Oregon has a right to the use of
the waters of Butter Creek, a tributary of the Umatilla River

for the purpose of the irrigation of 8-1/3 acres of land, domestic and stock use

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon
for Umatilla County, and the said decree entered of record at Salem, in the
Order Record of the STATE WATER BOARD of Oregon, in Volume 2, at page 250; that
the priority of the right hereby confirmed dates from 1893

that the amount of water to which such right is entitled and hereby confirmed for the purpose
aforesaid, is limited to an amount actually beneficially used for said purpose, and shall
not exceed 0.17 cubic feet per second, and shall be subject to all other conditions
and limitations contained in said decree.

A description of the lands irrigated under such rights, and to which the water hereby con-
firmed is appurtenant, or, if for other purposes, the place where such water is put to beneficial use,
is as follows: 8-1/3 acres in the Southwest quarter of Southwest quarter of Section
Thirty-four, Township Two North, Range Twenty-seven East of Willamette Meridian,
in Umatilla County, Oregon.

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



WITNESS the seal and signature of the STATE

WATER BOARD affixed this 29th day

of December, 1919

STATE WATER BOARD

By [Signature]
State Engineer, President

Attest: [Signature]
Secretary

Certificate of Water Right

STATE OF OREGON,

to

County of Washouli
STATE OF OREGON,

I CERTIFY That the within was received
and duly recorded by me in Volume A

of Book of Water Right Certificates, Page

354 on the 13 day of Jan

1970

R. P. Brown
County Clerk

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

11-11631
STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

This Is to Certify, That SUSAN E. DOHERTY

of 415 N.W. Furnish, Pendleton, State of Oregon, 97801, has
a right to the use of the waters of Butter Creek

a tributary of Umatilla River for the purpose of
the irrigation of 164.1 acres

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Umatilla County, and the said decree entered of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at page 250; that the priority of the right thereby confirmed dates from 1873

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 2.74 cubic feet per second, and shall be subject to all other conditions and limitations contained in said decree

The point of diversion is located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 34, T. 2 N., R. 27 E., W. M., 1360 feet North and 1500 feet East, 2500 feet North and 380 feet East, North 87 degrees 10 minutes East 2700 feet all from the SW Corner, Section 34.

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

11.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 33
6.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
35.0 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
3.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
32.1 acres NE $\frac{1}{4}$ SW $\frac{1}{4}$
39.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
37.0 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 34
T. 2 N., R. 27 E., W. M.

This certificate is issued to confirm additional points of diversion approved by an order entered January 2, 1974, and together with certificate 40397 supersedes certificate 2695.

And said right shall be subject to all other conditions and limitations contained in said decree. 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 Water Resources Director, affixed

this date June 17, 1977.


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 36, page 44542

CERTIFICATE OF WATER RIGHT

STATE OF OREGON

to

STATE OF OREGON } ss. 117704
County of Morrow } Indexed

I hereby certify that the within instrument was received for record. d

On 7-22-77 at 10:40 a.m. ---

and assigned N^o 11631 at

in the Microfilm Records of said county ry

Witness My Hand and Seal of County Affixed

April C. Carmel
County Clerk

By *Barbara Skye*
Deputy