



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

# Ownership Update For Certificated Rights Only

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 SEP 25 2019  
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## NO FEES ARE REQUIRED TO SUBMIT THIS FORM

**NOTICE:** A certificate of water right typically stays with the land. In order to track water right ownership, the Department requests that this form be submitted to the Department. **To update multiple rights, a separate form is required for each right.**

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

This form is not for Applications, Permits, Transfers, Groundwater Registrations, or Limited Licenses. To notify the Department of changes in ownership to these types of authorizations, an Assignment is required.

### Current Landowner Information

Name: Godina Real Estate, LLC, an Idaho limited liability company  
 Mailing Address: 19049 Harley Way  
 City: Caldwell State: ID Zip: 83605  
 Phone (Home): 208-571-6234 Work: \_\_\_\_\_ Other: \_\_\_\_\_

### Property Description

County: Malheur Township: 1750. Range: 47E. Section: 28  
 Taxlot Number(s): 100

Street Address of water right property: Bare ground

Water Right Information: Application: \_\_\_\_\_ Permit: \_\_\_\_\_ Certificate #: 93628

Are all the lands associated with this water right owned by the requester? Yes \_\_\_\_\_ No \_\_\_\_\_ If No, include a map showing the portion of the right involved.

Name of individual completing this form: Gilbert Godina, Jr. Phone: 208-571-6234

Signature of requestor: [Signature] Date: 09-19-2019

The Department does not change names on certificates. This form will be placed in the file for future reference only. The Department does not provide acknowledgement that this form has been received.

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AFTER RECORDING RETURN TO:

For Recording Purposes Only:

Malheur County Title Company  
81 South Oregon Street  
Ontario, OR 97914 # 33723

MALHEUR COUNTY, OR	2019-3537
D-MEMO CONTR	09/20/2019 03:17:00 PM
Cnt=1 Pgs=5	\$112.00
I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.	
Gayle V. Trotter - County Clerk	

SEND TAX STATEMENTS TO:

Godina Real Estate LLC  
19049 Harley Way  
Caldwell, ID 83605

174728  
#100

#### MEMORANDUM OF LAND SALE CONTRACT

On the 19<sup>th</sup> day of September, 2019, KENNETH E. THAYER and TURZA L. THAYER, husband and wife, as "Seller", and GODINA REAL ESTATE, LLC, an Idaho Limited Liability Company, as "Purchaser", made and entered into a certain land sale contract, wherein the Seller agreed to sell to the Purchaser and the latter agreed to purchase from the Seller the fee simple title in and to real property in Malheur County, State of Oregon, and more particularly described in Exhibit "1" attached hereto.

The true and actual consideration for the transfer, set forth in the contract, is \$285,000.00, payable \$100,000.00 down on the signing of the contract and the balance payable in annual installments of \$15,840 until paid in full.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD

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CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Note: The foregoing memorandum "shall be recorded by the conveyor not later than 15 days after the instrument is executed and the parties are bound thereby." ORS 93.635.

In Witness Whereof Seller has executed this memorandum on September 20, 2019.

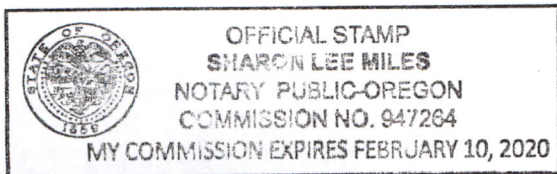
Kenneth E. Thayer  
KENNETH E. THAYER

Turza L. Thayer  
TURZA L. THAYER

STATE OF OREGON )  
 ) ss.  
County of Malheur )

Personally appeared the above named KENNETH E. THAYER and TURZA L. THAYER and acknowledged the foregoing instrument to be their voluntary act and deed before me this 20<sup>th</sup> day of September, 2019.

Sharon L. Miles  
Notary Public for Oregon  
My Commission Expires: 2-10-20



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**EXHIBIT "1"**  
**Legal Description**  
(Thayer/Godina)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 47 E. of the W.M.:

Section 28: All that portion of Government Lot 2 lying West of the normal high water mark of the Snake River.

Also all that portion of Government Lot 3 lying West of the normal high water mark of the Snake River and Northerly of the thread of the Malheur River.

EXCEPTING THEREFROM that portion lying Southwesterly of the following line, to-wit:

Beginning at the Northwest corner of said Lot 3;

thence E. 41.97 feet;

thence S. 0° 40' 50" W., 241.30 feet;

thence S. 17° 53' E., 179.70 feet;

thence S. 35° 59' E., 259.50 feet;

thence S. 47° 50' E., 151.10 feet;

thence S. 62° 14' E., to the thread of the Malheur River and Point of Termination.

FURTHER EXCEPTING THEREFROM that portion as conveyed to the State of Oregon, Dept. Of Transportation by Deed recorded January 15, 1976, as Instrument No. 12567, Deed Records.

Account No. 15900	Map No. 17S4728	Code No. 15	Tax Lot No. 100
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SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments or any other facts which a correct survey would disclose.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.
7. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Snake River and the Malheur River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
8. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Snake River and Malheur River.
9. Ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of the Snake River and the Malheur River as they now exist, or at any time have existed.
10. The rights of the public in and to that portion of the premises herein lying within streets, roads and highways. Note: Parties should contact local Road District or State Highway Department for new or non-existing access points for approval.
11. Deed in favor of the State of Oregon, recorded April 21, 1931, Book 35, page 70, Deed Records, for additional right of way over and across Government Lots 2 and 3 in Sec. 28.
12. An easement for power lines created by instrument, including the terms and provisions thereof;  
Recorded: June 23, 1948, in Book 75, Page 109, Deed Records of Malheur County, Oregon  
Favor of: Idaho Power Company
13. Right-Of-Way Contract, including the terms and provisions thereof, from C.J. Thayer and Hazel E. Thayer, husband and wife, etal., to Cascade Natural Gas Corporation, dated July 26, 1965, recorded August 20, 1965, Instrument No. 66858, Leases and Agreements. Affects lands in Sec. 28 and 29.
14. Highway right of way as taken by Malheur County, Oregon under decree in that certain Condemnation proceedings entitled "Malheur County, Plt. -vs- Otix Thayer, Def" being file No. 2374 in the Circuit Court of the State of Oregon for Malheur County, being a strip of

land 70 feet wide over and across Government Lots 2 and 3 in Sec. 28.

15. An easement for utilities created by instrument, including the terms and provisions thereof;  
Recorded: February 19, 1970, as Instrument No. 106904, official records of Malheur County, Oregon  
Favor of: El Paso Natural Gas Company
16. An easement for power lines created by instrument, including the terms and provisions thereof;  
Recorded: August 25, 1970, as instrument No. 113019, official records of Malheur County, Oregon  
Favor of: Idaho Power Company
17. Access Restriction and Reservations as contained in that certain Deed in favor of the State of Oregon, Dept. Of Transportation, recorded January 15, 1976, Instrument No. 12567.
18. An easement for utilities created by instrument, including the terms and provisions thereof;  
Recorded: March 20, 1989, as Instrument No. 89-28639, official records of Malheur County, Oregon  
Favor of: American Telephone and Telegraph Company  
Notice of final description filed May 13, 1991, Instrument No. 91-2935
19. An easement for power lines created by instrument, including the terms and provisions thereof;  
Recorded: June 28, 1989, as Instrument No. 89-35225, official records of Malheur County, Oregon  
Favor of: Idaho Power Company
20. An easement for utilities created by instrument, including the terms and provisions thereof;  
Recorded: February 26, 1990, as Instrument No. 90-1490, official records of Malheur County, Oregon  
Favor of: American Telephone and Telegraph Company

STATE OF OREGON  
 COUNTY OF MALHEUR  
 CERTIFICATE OF WATER RIGHT

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**SEP 25 2019**  
**OWRD**

THIS CERTIFICATE ISSUED TO

THAYER CATTLE CO.  
 KENNETH THAYER  
 1491 HORNING WAY  
 ONTARIO OR 97914

confirms the right to use the waters of MALHEUR RIVER, for IRRIGATION of 282.0 ACRES, DOMESTIC, AND STOCK.

This right was confirmed by decree of the Circuit Court of the State of Oregon for Malheur County. The decree is of record at Salem, in the Order Record of the State Engineer in Volume 8, at Page 228. The date of priority is August 25, 1902.

The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 1.5 acre feet per acre in any 30-day period prior to June 1<sup>st</sup>, 1 acre foot per acre in any 30-day period after June 1<sup>st</sup>, of each year, or 3 acre feet per acre during any season, diverted at a rate not to exceed 1/20 of a cubic foot per second per acre.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
18 S	46 E	WM	2	SE NE	BROSNAN DITCH - 250 FEET NORTH AND 225 FEET WEST FROM E1/4 CORNER, SECTION 2
17 S	47 E	WM	28	SW SW	ADDITIONAL - 150 FEET NORTH AND 17 FEET EAST FROM SW CORNER, SECTION 28

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
17 S	47 E	WM	28	SW NW		38.0
17 S	47 E	WM	28	SE NW	2	23.0
17 S	47 E	WM	28	NE SW	3	14.0
17 S	47 E	WM	28	NW SW		38.0
17 S	47 E	WM	28	SW SW		30.0
17 S	47 E	WM	29	SW NE		25.0
17 S	47 E	WM	29	SE NE		40.0
17 S	47 E	WM	29	NE SE		33.0
17 S	47 E	WM	29	NW SE		37.0
17 S	47 E	WM	29	SE SE		4.0

The quantity of water at the new point of diversion, together with that at the old point of diversion, shall not exceed the quantity of water available at the old point of diversion.

**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 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, 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.



The following provisions shall be effective when in the judgement of the watermaster it becomes necessary to install headgates and measuring devices:

That the diversion works shall include an in line flow meter, a weir, or other suitable device for measuring the water to which the water user is entitled;

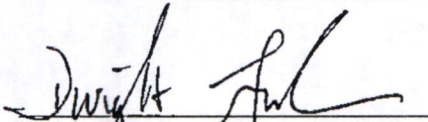
That the type and plans of the measuring device be approved by the watermaster before the beginning of construction work and that the weir or measuring device be installed under the general supervision of said watermaster.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described and is subject to all other conditions and limitations contained in the decree.

This certificate is issued to confirm a change an ADDITIONAL POINT OF DIVERSION approved by an order of the Water Resources Director entered December 22, 1978, at Special Order Volume 31, Page 530, approving Transfer Application T-3876, and together with Certificate 47186 and 48289, supercedes Certificate 6867, State record of Water Right Certificates.

FEB 23 2018

Issued \_\_\_\_\_



Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department

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