



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

**RECEIVED**

Applicant(s): Irene E Toelle Estate et al JAN 04 2012  
First Last  
 Mailing Address: 6393 Lardon Road NE WATER RESOURCES DEPT  
City State Zip SALEM, OREGON  
Salem OR 97317  
City State Zip  
 Phone: 503-364-6190 Work Other  
Home

### PROPERTY BUYER INFORMATION

Applicant(s): Three Up Outfit, an Arizona General Partnership  
First Last  
 Mailing Address: 140 Rio Salado Parkway #901  
Tempe AZ 85281  
City State Zip  
 Phone: 602-689-1848 Work Other  
Home

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

County: Marion Township: T7S Range: R2W Section: 9  
 Tax Lot Number(s): 1200

Street address of water right property: 5603 Lardon Road NE, Salem

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

Application #: 43520 Permit #: 4-3312 Certificate or Page #: 38708

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

Name of individual completing this form: Jon Fields Phone: 503-559-8350

Signature: Jon Fields Date: Jan 3, 2012

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

STATE OF OREGON  
COUNTY OF MARION  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That H. C. TOELLE

of 5603 Lardon Road NE, Salem, 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 a well

a tributary of West Branch Little Pudding River for the purpose of irrigation of 43.7 acres

under Permit No. G-3312 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 June 2, 1966

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 0.55 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 Lot 4 (SE¼ SW¼), Section 9, T. 7 S., R. 2 W., W. M. Well located: 830 feet North and 1290 feet West from S¼ Corner, Section 9.

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 one-eightieth of one cubic foot per second per acre or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ 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:

- 2.1 acres Lot 3 (NE¼ SW¼)
- 8.1 acres Lot 4 (SW¼ SW¼)
- 31.6 acres Lot 4 (SE¼ SW¼)
- 1.9 acres SW¼ SE¼
- Section 9
- T. 7 S., R. 2 W., W. M.

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JAN 04 2017

WATER RESOURCES DIVISION  
SALEM OREGON

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

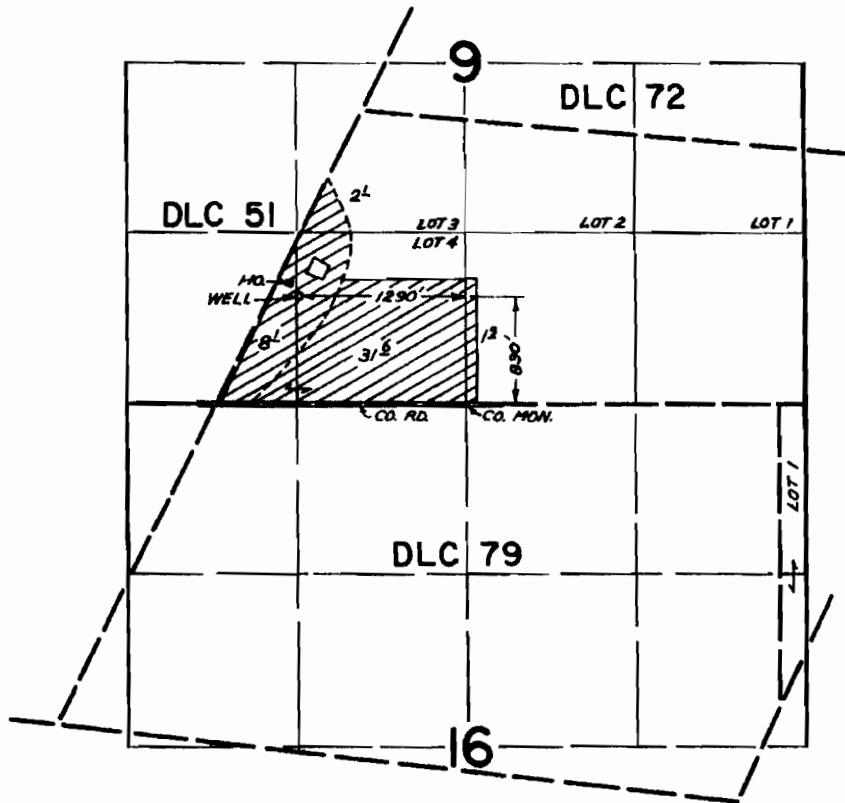
WITNESS the signature of the State Engineer, affixed

this date. December 14, 1972

CHRIS L. WHEELER

State Engineer

T. 7 S. R. 2 W. W. M.



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SALEM, OREGON

**FINAL PROOF SURVEY**  
UNDER

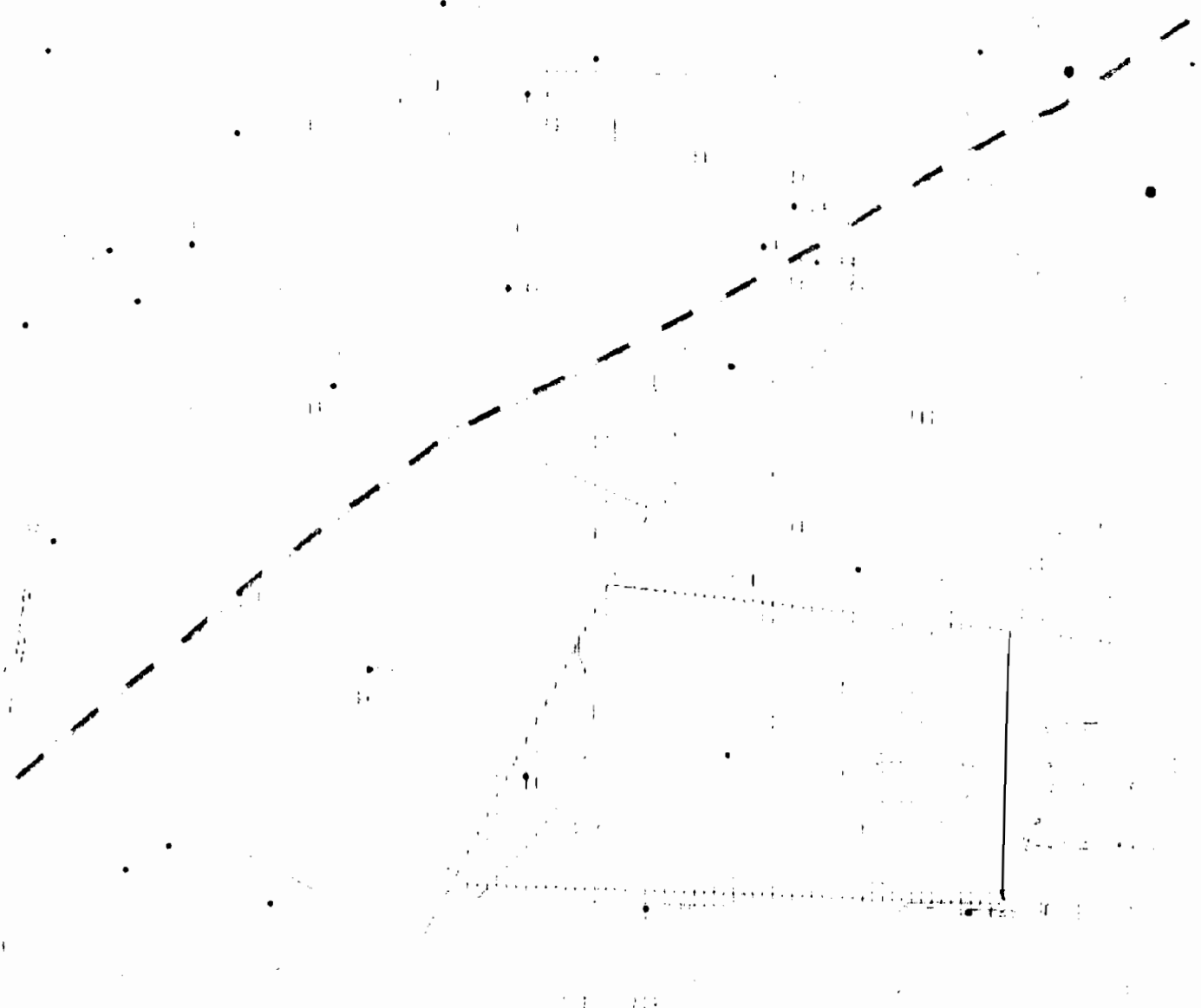
Application No. G-3520 Permit No. G-3312  
IN NAME OF

H. C. TOELLE

Surveyed MAY 19 1971, by GREG BACA

# WATER RIGHTS IN TOWNSHIP 7

## Section(s) 9



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**PLACE OF USE BY SOURCE OF RIGHT**  
 Multiple shades and colors multiple sources  
 for rights serving the parcel. Use of  
 number in parcel is referenced in report.

Served by surface water as decree right:  
 Interstate right

Served by Groundwater right:

Served by Groundwater registration right:

**NUMBER OF DIVISION BY SOURCE OF RIGHT**

- Surface water right point of division
- Groundwater right point of division
- Groundwater registration point of division

APPLICANT'S REGISTRATION NO. 0000000000



RECORDING REQUESTED BY:  
GRANTOR'S NAME:  
The Cecil A. Barnes, Jr. Revocable Living Trust  
under Agreement dated October 29, 1998  
GRANTEE'S NAME:  
Three-Up Outfit, an Arizona partnership

SEND TAX STATEMENTS TO:  
Three-Up Outfit, an Arizona partnership  
P.O. Box 25  
Mule Creek, NM 88051

AFTER RECORDING RETURN TO:  
Three-Up Outfit, an Arizona partnership  
P.O. Box 25  
Mule Creek, NM 88051

Escrow No: 471811015451-TTMIDWIL20  
5603 Lardon Road NE  
Salem, OR 97305

SPACE ABOVE THIS LINE FOR RECORDER'S USE

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JAN 04 2012  
WATER RESOURCES DEPT  
SALEM, OREGON

**STATUTORY WARRANTY DEED**

Cecil A. Barnes, Trustee of the Cecil A. Barnes, Jr. Revocable Living Trust under Agreement dated October 29, 1998, Grantor, conveys and warrants to

Three-Up Outfit, an Arizona partnership, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon:

See Exhibit 'One' attached hereto and made a part hereof

**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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.**

The true consideration for this conveyance is one-third of the total purchase price of \$1,700,000.00.  
(See ORS 93.030)

DATED: December 28, 2011

THE CECIL A. BARNES, JR. REVOCABLE LIVING TRUST, under Agreement dated October 29, 1998

Cecil A Barnes  
Cecil A. Barnes, Trustee

State of OREGON  
COUNTY of Marion

This instrument was acknowledged before me on December 28, 2011

by Cecil A. Barnes, Trustee of the Cecil A. Barnes, Jr. Revocable Living Trust, under Agreement dated October 29, 1998

Della Jean Senej Notary Public - State of Oregon  
My commission expires: 11-18-13



## Exhibit 'One'

### Legal Description:

The West half of the Donation Land Claim of John Gilmore and wife, situated in Marion County, State of Oregon, and being in Section 9, Township 7 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; and also the adjoining parcel:

Beginning at a stake on the line between Sections 9 and 16, 6 83 chains South 89-3/4° West of the corner common to Sections 9, 10, 15 and 16, in Township 7 South, Range 2 West; and running thence South 89-3/4° West 11.93 chains to corner of McMeekin's land; thence North 32.00 chains to the line of Claim No. 72; thence South 86° East 11 93 chains to a stake; thence South 31.10 chains to the place of beginning, being 3/11 of the East half of the John Gilmore Claim, situated in Marion County, State of Oregon.

### ALSO:

Beginning at the Southeasterly corner of that tract of land conveyed to Harold C. and Irene E. Toelle by deed recorded in Volume 341, page 58, Marion County Record of Deeds, which corner is recorded as bearing South 89°45' West 450.78 feet from a county monument marking the section corner common to Sections 9, 10, 15 and 16, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, and which corner is situate on the Southerly boundary line of said Section 9; and running thence, from the true point of beginning, North 1997.63 feet, along the Easterly boundary of said Toelle tract, to a point; thence South 84°46' 08" East 14.94 feet, along the Westerly extension of the Northerly boundary line of that tract of land conveyed to John F. and Marjorie P. Wikoff by deed recorded in Volume 296, Pages 566 and 567, Marion County Record of Deeds, to a one inch iron pipe; thence South 00°32'41" East 1996.06 feet to a one-half inch iron pipe on the Southerly boundary line of said Section 9, said Southerly boundary line being also the centerline of Lardon Road; thence South 89°30' West 33.86 feet, along said Southerly boundary line, to the point of beginning, save and except that portion of the above described parcel lying within Lardon Road right of way.

### SAVE AND EXCEPT:

Beginning at an iron rod which is 566.92 feet South 89°30' West and 243.00 feet North 00°20' West from the Southeast corner of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence North 40°47' West 229.12 feet to an iron rod; thence North 13°45' East 276.03 feet to a point in the center line of a creek; thence South 30°25' East, along said center line, 160.76 feet to a point; thence South 00°30' East 303.00 feet to the point of beginning.

### ALSO SAVE AND EXCEPT:

Beginning at an iron rod which is 566.92 feet South 89°30' West and 243.00 feet North 00°30' West and 229.12 feet North 40°47' West from the Southeast corner of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; and running thence North 40°47' West 195.83 feet to an iron rod; thence North 21°39' East 263.85 feet to a point in the centerline of a creek; thence North 81° 39' East, along said centerline, 100.00 feet to a point; thence South 08° 56' West, along said center line, 115.45 feet to a point; thence South 30°25' East, along said centerline, 30.00 feet to a point; thence South 13°45' West 276.03 feet to the point of beginning.

### FURTHER SAVE AND EXCEPT:

Beginning at a railroad spike in the South line of Section 9, Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon, said point of beginning being 416.92 feet South 89°30' West from the Southeast corner of said Section 9, said point of beginning also being the Southeast corner of that certain tract of land conveyed to Harold C. Toelle and Irene E. Toelle by Deed recorded in Volume 627, Page 105, Marion County Deed Records; and running thence South 89°30' West, along the South line of said Section 9, a distance of 150.00 feet to a railroad spike; thence North 00°30' West 546.00 feet to a point in the center line of a creek, thence South 57°18' East, along said centerline, 180.81 feet to a point in the East line of the aforesaid Toelle tract; thence South 00°20' East, along said East line, 447.00 feet to the point of beginning.

### Subject to and excepting:

Convenants, Conditions and Restrictions of record

Tax Parcel : 072W0901200

471811015451-TTMIDW1120  
Deed (Warranty-Statutory)

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JAN 04 2012

WATER RESOURCES DEPT  
SALEM, OREGON

The Oregon Water Resources Department asks that you please include with this form:

1. Copies of the Certificates that are mentioned on the form
2. A modern map that reflects the tax lots
3. Contact email addresses (if any)
4. Cell phone contact numbers (optional) as well as land line contact numbers

These items will "streamline" the process.

There is no fee associated with the Ownership Update form.

If you have any questions, please call Herb Mosgar (Water Rights Information/Applications) at 503-986-0804.

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JAN 04 2005  
WATER RESOURCES DEPT  
SALEM, OREGON