

A	P	C
G-7432	G-8104	56437 -
G-7937	G-7393	56438 -
68471	49681	60546 -
23236	18349	22116 -
R23252	R942	22117

**OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT OWNERSHIP UPDATE FOR**

NOTICE TO SELLERS & BUYERS:

By law all water belongs to the public (ORS 537.110). In almost ("water right") from the Water Resources Department is needed or storing any water (ORS 537.130). However, most domestic rights. A water right stays with the land. In order to keep title ownership, ORS 537.330 requires persons selling property that 1) provide evidence of the water right to the buyer and 2) not Department of the water right involved with the real estate to exempted from this requirement if the water uses are served city.

Decrees involved

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)378-8455.

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

PROPERTY SELLER INFORMATION:

Name: Daniel P. Wegner, Marjorie Wegner, Terry D. Wegner
Street Address: 129 mile Road
City: McDermitt State: NV Zip: 89421
Phone: _____

PROPERTY BUYER INFORMATION:

Name: Thomas B. Harry, Trustee, Thomas B. Harry & Carolyn D. Harry Family Survivor Trust
Street Address: 8771 Dillard Road
City: Wilton State: CA Zip: 95693
Phone: _____

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: _____ Township: _____ Range: _____ Section: _____
Tax Lot number(s): _____
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted): "see legal on deed attached"

WATER RIGHT INFORMATION (attach copy of water right certificate or permit & final proof map if available):

Application #: _____ Permit # _____ Certificate # _____
Will all lands associated with the water right be owned by the buyer? Yes ☒ No ☐

Name of individual completing this form: Sharon L. Miles Phone: 1-541-889-7625
Signature: Sharon L. Miles Date: 1-12-04

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WATER RESOURCES DEPT
SALEM, OREGON

RECORDING INFORMATION:

Until a change is requested, all tax statements shall be sent to:

Thomas R. Harry, Trustee

8771 Dillard Rd.
Wilton, CA 95695

After recording return to:

Thomas R. Harry, Trustee

8771 Dillard Rd.
Wilton, CA 95695

INSTRUMENT NO. 2003 - 10450
Page 1 of 4 Pages

Inst. No. 2003 - 10450
I certify that the within instrument of writing was received for record on the 31 day of Dec., 20 03 at 11:17 O'clock A.M. FEE \$36
STATE OF OREGON, County of Malheur

DEBORAH R. DeLONG
County Clerk

By: Sheryl Johnson Deputy

FPTC - 19865

WARRANTY DEED

DANIEL P. WEGNER, Trustee of the Daniel P. Wegner Trust under Trust Agreement dated September 22, 1999; and MARJORIE WEGNER, Trustee of the Marjorie Wegner Trust, under Trust Agreement dated September 22, 1999, as to an undivided 1/2 interest; and TERRY D. WEGNER and PATTI J. WEGNER, Husband and Wife, as to an undivided 1/2 interest, Grantors, convey and warrant to THOMAS R. HARRY, Trustee of The Thomas R. Harry and Carolyn D. Harry Family Survivor's Trust established October 23, 1997 under Trust Agreement dated September 17, 1993, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

SUBJECT TO and TOGETHER WITH

1. Any facts, rights, interest, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
2. Easements, encumbrances, or claims thereof, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof.
3. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

See Exhibit B attached hereto and by this reference incorporated herein.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is: \$2,400,000 which is to be paid by and to a facilitator pursuant to an IRC §1031 tax deferred exchange.

WARRANTY DEED - Page 1 of 4

Prepared by Yturri Rose LLP, PO Box "S" Ontario OR 97914

684003\dl\December 30, 2003tm

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WATER RESOURCES DEPT
SALEM, OREGON

Dated this 30th day of December, 2003.

Daniel P. Wegner
Daniel P. Wegner, Trustee of the Daniel P. Wegner
Trust under Trust Agreement dated September 22,
1999

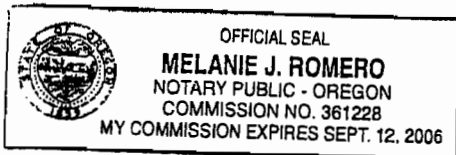
Marjorie R. Wegner
Marjorie Wegner, Trustee of the Marjorie Wegner
Trust under Trust Agreement dated September 22,
1999

Terry D. Wegner
Terry D. Wegner

Patti J. Wegner
Patti J. Wegner / *Patti F. Wegner*

State of Oregon)
) ss
County of Malheur)

The foregoing instrument was acknowledged before me this 30th day of December, 2003
by Daniel P. Wegner, Trustee of the Daniel P. Wegner Trust under Trust Agreement dated
September 22, 1999 and Marjorie Wegner, Trustee of the Marjorie Wegner Trust under Trust
Agreement dated September 22, 1999.



Melanie J. Romero
Notary Public for Oregon
My commission expires: 9-12-06

State of Oregon)
) ss
County of Malheur)

The foregoing instrument was acknowledged before me this 30th day of December, 2003
by Terry D. Wegner and Patti J. Wegner.



Melanie J. Romero
Notary Public for Oregon
My commission expires: 9-12-06

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SALEM, OREGON

Exhibit A

INSTRUMENT NO. 2003-10450
Page 3 of 4 Pages

Parcel A

Land in Malheur County, Oregon, as follows:

In Twp. 39 S., R. 44 E., W.M.:

- Sec. 19: $E\frac{1}{2}E\frac{1}{2}$.
- Sec. 20: $W\frac{1}{2}W\frac{1}{2}$, $SE\frac{1}{4}NW\frac{1}{4}$, $E\frac{1}{2}SW\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$.
- Sec. 28: $W\frac{1}{2}NE\frac{1}{4}$ and $NW\frac{1}{4}$.
- Sec. 29: All.
- Sec. 30: $E\frac{1}{2}NE\frac{1}{4}$.

In Twp. 40 S., R. 43 E., W.M.:

- Sec. 16: $S\frac{1}{2}S\frac{1}{2}$.
- Sec. 20: $SE\frac{1}{4}NE\frac{1}{4}$, $E\frac{1}{2}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$.
- Sec. 21: $N\frac{1}{2}NW\frac{1}{4}$ and $SW\frac{1}{4}NW\frac{1}{4}$.
- Sec. 29: $W\frac{1}{2}NE\frac{1}{4}$, $SE\frac{1}{4}NW\frac{1}{4}$, $N\frac{1}{2}SW\frac{1}{4}$ and $SW\frac{1}{4}SW\frac{1}{4}$.
- Sec. 30: $SE\frac{1}{4}SE\frac{1}{4}$.
- Sec. 31: Govt Lots 2 and 3, $N\frac{1}{2}NE\frac{1}{4}$, $SW\frac{1}{4}NE\frac{1}{4}$ and $E\frac{1}{2}NW\frac{1}{4}$.
- Sec. 32: $NW\frac{1}{4}NW\frac{1}{4}$.

Parcel B

Land in Malheur County, Oregon, as follows:

In Twp. 40 S., R. 42 E., W.M.:

- Sec. 9: $E\frac{1}{2}E\frac{1}{2}$.
- Sec. 10: $W\frac{1}{2}W\frac{1}{2}$.
- Sec. 22: $SE\frac{1}{4}SE\frac{1}{4}$.
- Sec. 23: $SW\frac{1}{4}SW\frac{1}{4}$ and $NE\frac{1}{4}SW\frac{1}{4}$.
- Sec. 26: $W\frac{1}{2}W\frac{1}{2}$.
- Sec. 27: $NE\frac{1}{4}NE\frac{1}{4}$ and $SE\frac{1}{4}SE\frac{1}{4}$.
- Sec. 33: $E\frac{1}{2}SE\frac{1}{4}$ and $SW\frac{1}{4}SE\frac{1}{4}$.
- Sec. 34: $N\frac{1}{2}NE\frac{1}{4}$, $S\frac{1}{2}N\frac{1}{2}$, $N\frac{1}{2}S\frac{1}{2}$ and $SE\frac{1}{4}SE\frac{1}{4}$.
- Sec. 35: West $\frac{1}{2}$, $SW\frac{1}{4}NE\frac{1}{4}$ and $W\frac{1}{2}SE\frac{1}{4}$.

In Twp. 41 S., R. 42 E., W.M.:

- Sec. 2: Govt Lots 1, 2, 3, and 4, $SW\frac{1}{4}NE\frac{1}{4}$ and $S\frac{1}{2}NW\frac{1}{4}$.
- Sec. 3: Govt Lots 1, 2, 3, and 4, $S\frac{1}{2}N\frac{1}{2}$ and South $\frac{1}{2}$.

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Exhibit B

4. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

5. Rights of the public in and to existing County road rights-of-way.

6. Mineral reservation, as reserved by State Land Board and all rights of said party and its successors in interest as owners thereof, in Deed recorded Nov. 17, 1941, Book 53, Page 522, Deed Records of Malheur County, Oregon.

7. An easement for power lines created by instrument, including the terms and provisions thereof recorded January 15, 1997, as Instrument No. 97-390, official records of Malheur County, Oregon, in favor of Oregon-Idaho Utilities, Inc., dba Humboldt Telephone Co.

8. An easement for powerlines created by instrument, including the terms and provisions thereof recorded January 15, 1997, as Instrument No. 97-391, Official Records of Malheur County, Oregon, in favor of Oregon-Idaho Utilities, Inc., dba Humboldt Telephone Co.

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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON
COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTATE OF JOE BANKOFFER

of McDermitt, State of Nevada, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Two Mile Creek & reservoir constructed under App. No. R-23252, Per. No. R-942 a tributary of McDermitt Slough for the purpose of irrigation & supplemental irrigation under Permit No. 18349 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 22, 1948

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 0.78 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 NE $\frac{1}{4}$ NW $\frac{1}{4}$, Section 34, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 33, Township 40 South, Range 43 East, W. M.

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 from direct flow and shall be still further limited to a diversion of not to exceed 3 acre feet per acre for each acre irrigated throughout the irrigation season from March 15, to October 1, from direct flow and storage from reservoir constructed under Permit No. R-942,

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:

Primary	Supplemental	
1.0 acre	1.0 acre	NE $\frac{1}{4}$ NE $\frac{1}{4}$
	22.8 acres	NW $\frac{1}{4}$ NE $\frac{1}{4}$
0.4 acre		SW $\frac{1}{4}$ NE $\frac{1}{4}$
	0.4 acre	SE $\frac{1}{4}$ NE $\frac{1}{4}$
19.0 acres		SE $\frac{1}{4}$ NW $\frac{1}{4}$
8.0 acres		NE $\frac{1}{4}$ SW $\frac{1}{4}$
9.8 acres		SE $\frac{1}{4}$ SW $\frac{1}{4}$
		NW $\frac{1}{4}$ SE $\frac{1}{4}$

Section 29.
Township 40 South, Range 43 East, W. M.

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 7th day of March, 1957.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 22116.

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