



# WATER RIGHT OWNERSHIP UPDATE FORM

S-43050

STATE OF OREGON  
WATER RESOURCES DEPT  
ATTN: WATER RIGHTS  
725 SUMMER STREET NE, SUITE A  
SALEM OREGON 97301-1271

## 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 water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a Water Right Certificate to: 1) provide evidence of the Water Right Certificate to the buyer and 2) notify the Water Resources Department of the Water Right Certificate 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 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: SUSAN R. ISAAC  
First Last  
Mailing address: 16973 S. Vista  
City Kuna State Oregon Idaho Zip 83634  
Phone: 208-869-6960  
Home Work Other

### Property Buyer Information:

Applicant: TOP ONIONS USA, INC.  
First Last  
Mailing address: 170 E. Island  
City Ontario State Oregon Zip 97914  
Phone: 541-889-6213  
Home Work Other

### Property Description (attach additional pages if necessary):

County: Malheur Township: 18 S. Range: 47 E. Section: 21

Tax lot number(s): 800

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

See deed and map attached

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

\* See 4 certificates attached

Application #: Permit #: Certificate #: \*

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

Name of individual completing this form: Debbie Jerman Signature: [Signature]

Rev. 11/6/03

Phone: 541-889-7625 Date: 7-1-11

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SALEM, OREGON

After recording return to:  
Malheur County Title Company, Inc.  
81 South Oregon Street  
Ontario, OR 97914

Until a change is requested all tax statements shall be  
sent to the following address:

Top Onions USA Inc.  
170 E. Island  
ONTARIO, OR 97914

File No.: 28554 E  
Date: June 28, 2011

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR 2011-2140  
D ST WD 07/01/2011 03:07 PM  
Cnt=1 Pgs=2 Total: \$47.00



00004303201100021400020022

I, Deborah R. DeLong, County Clerk for Malheur County,  
Oregon certify that the instrument identified herein was  
recorded in the Clerk records.  
Deborah R. DeLong - County Clerk

184721  
800

FML4  
1847C  
3800 ptn.

(STATUTORY WARRANTY DEED)

SUSAN R. ISAAC, Grantor, conveys and warrants to, TOP ONIONS USA, INC., an Oregon corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

Account No.: 07846 Code No.: 15 Map No.: 184721 Tax Lot No.: 800

This property is free from liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$550,000.00 (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 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.

Dated this 1 day of July, 2011.

Susan R. Isaac

STATE OF OREGON County of Malheur)ss

On July 1 2011, personally appeared before me Susan R. Isaac who acknowledged to me that she executed the same as her voluntary act and deed.



Debbie Jerman  
Notary Public for Oregon

My commission expires: 6-30-12

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WATER RESOURCES DEPT  
SALEM, OREGON

2011-2140

EXHIBIT 'A'

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 47 E., W.M.:

Sec. 21: **Unsurveyed Parcel 1 in Partion Plat No. 2006-17**, filed July 25, 2006,  
as Instrument No. 2006-5422, official records, and being located in the SE1/4 of said Sec. 21.

The above parcel being more particularly described as follows:

In Sec. 21: SE1/4,

**EXCEPTING THEREFROM** the Oregon ShortLine Railroad right of way.

**FURTHER EXCEPTING** Unserved Parcel 2 in Partition Plat No. 2006-17, filed July 25,  
2006, as Instrument No. 2006-5422, official records.

**SUBJECT TO:**

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.

The rights of the public in and to that portion of the premises herein lying within streets, roads and  
highways.

Right of Way in favor of Erskine Wood, recorded Aug. 12, 1907, Book N, Page 276, official records,  
for a road and drain ditch right of way.

Right of Way as contained in deed recorded May 1, 1911, Book X, Page 302, official records, for  
railroads, roads and ditches.

An easement in favor of Idaho Power Company for power lines created by instrument, including the  
terms and provisions thereof recorded Sept. 26, 1949, in Book 82, Page 580, Deed Records of Malheur  
County, Oregon

Communications right of way agreement, including the terms and provisions thereof,  
Between: Robert & Yaeko Kido and FTV Communications, L.L.C.a Delaware Corporation.  
Recorded: Dec. 29, 1997, as Instrument No. 97-10042, official records.

Road Dedication as shown on Partition Plat 2006-17, recorded 7-25-06, instrument No. 2006-5422.

Nonresource conditions as contained in partition plat 2006-17, with Instrument No. 2006-5422, official  
records.

An easement created by instrument, including the terms and provisions thereof;

Dated: June 5, 2007

Recorded: June 15, 2007, as Instrument No. 2007-4548, official records of Malheur County, Oregon

Between: Larry D. Kitamura and Ricky L. Kitamura and Robert I. Kido and Yaeko Kido, Trustees  
of the Robert and Yaeko Kido Trust, u/a/d 09-01-98

An easement created by instrument, including the terms and provisions thereof;

Dated: June 13, 2007

Recorded: June 15, 2007, as Instrument No. 2007-4550, official records of Malheur County, Oregon

Between: Robert I. Kido and Yaeko Kido, Trustees of the Robert and Yaeko Kido  
Trust, u/a/d 09-01-98 and Susan Isaac

An easement created by instrument, including the terms and provisions thereof;

Dated: June 13, 2007

Recorded: June 15, 2007, as Instrument No. 2007-4551, official records of Malheur County, Oregon

Between: Susan Isaac and Robert I. Kido and Yaeko Kido, Trustees of the Robert and Yaeko Kido  
Trust, u/a/d 09-01-98

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SALEM, OREGON



STATE OF OREGON  
COUNTY OF MALHEUR  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** JAY N. and EDITH MAE HOLLIDAY

of 2049 Andreason Street, Clarkston, State of Washington, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Snake River

a tributary of Columbia River for the purpose of  
irrigation of 123.6 acres

under Permit No. 32142 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 November 18, 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 3.09 cubic feet 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 NW $\frac{1}{4}$  NW $\frac{1}{4}$ , Section 27, T. 18 S., R. 47 E., W. M. Diversion point located: 352 feet East and 12 feet South from NW Corner, Section 27.

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-fortieth 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 4.0 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:

38.2 acres NE $\frac{1}{4}$  SE $\frac{1}{4}$   
33.8 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
31.4 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
20.2 acres SE $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 21  
T. 18 S., R. 47 E., 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 date. June 14, 1971

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 29, page 37609

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