

S-8065



WATER RIGHT OWNERSHIP UPDATE FORM

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:

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WATER RESOURCES DEPT
SALEM, OREGON

Applicant: RAYMOND V. MILLER
First Last
Mailing address: 2625 Patricia Avenue
City Ontario **State** Oregon **Zip** 97914
Phone: 541-889-2795
Home Work Other

Property Buyer Information:

Applicant: TOP ONIONS USA, INC.
First Last
Mailing address: 170 E. Island Rd.
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:** 47E **Section:** 15
Tax lot number(s): 800


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

See Warranty Deed attached.

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

See attached Certificate

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

Name of individual completing this form: Debbie Jerman **Signature:** 
Malheur County Title
Phone: 541-889-7625 **Date:** 7-7-11

THIS SPACE RESERVED FOR RECORDER'S USE

MALHEUR COUNTY, OR **2011-2190**
 D ST WD **07/07/2011 03:40 PM**
 Cnt=1 Pgs=3 **Total: \$52.00**



00004377201100021900030035

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

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 Rd.
ONTARIO, OR 97914

File No.: 28576 E
 Date: July 5, 2011

STATUTORY WARRANTY DEED

RAYMOND V. MILLER AND DIANE R. MILLER, husband and wife, **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.: 07664 Code No.: 15 Map No.: 184715C Tax Lot No.: 800

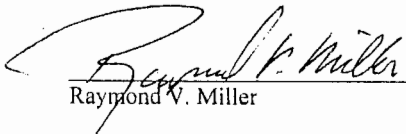
This property is free from liens and encumbrances, EXCEPT:

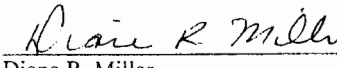
SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is **\$130,000.00** (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 6 day of July, 2011.


 Raymond V. Miller

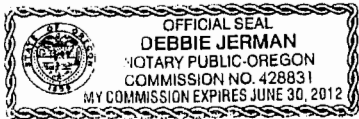

 Diane R. Miller

STATE OF OREGON County of Malheur)ss

On July 6 2011, personally appeared before me Raymond V. Miller and Diane R. Miller who acknowledged to me that they executed the same as their voluntary act and deed.


 Notary Public for Oregon

My commission expires: 6-30-12



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 SALEM, OREGON**

EXHIBIT 'A'

Land in Malheur County, Oregon, as follows:

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

Sec. 15: A parcel of land in the SW1/4 described as follows:

Commencing at the Northwest corner of the NE1/4 SW1/4;

thence S. 0⁰ 12' 05" W., along the West boundary of said NE1/4 SW1/4, 1045.60 feet to the Point of Beginning;

thence S. 19⁰ 14' E., 738.20 feet to a meander point;

thence meandering the North bank of the Snake River the following courses and distances, to-wit:

S. 58⁰ 02' 01" W., 41.56 feet;

S. 46⁰ 37' 12" W., 100.04 feet;

S. 33⁰ 55' 02" W., 134.06 feet;

thence N. 76⁰ 48' 38" W., leaving said meander line, 181.94 feet;

thence N. 45⁰ 35' 15" W., 291.17 feet;

thence N. 20⁰ 34' E., 827.82 feet;

thence S. 14⁰ 40' E., 100.00 feet;

thence S. 19⁰ 14' E., 26.10 feet to the Point of Beginning.

TOGETHER with and Subject to an easement for ingress and egress to be used with others over and across the following described land, to-wit:

Commencing at the Northwest corner of the NE1/4 SW1/4;

thence S. 0⁰ 12' 05" W., along the West boundary of said NE1/4 SW1/4, 1045.60 feet;

thence N. 19⁰ 14' W., 26.10 feet;

thence N. 14⁰ 40' W., 100 feet;

thence S. 20⁰ 34' W., 814.15 feet to the Point of Beginning;

thence S. 45⁰ 35' 15" E., 296.70 feet;

thence S. 44⁰ 24' 45" W., 25 feet;

thence N. 45⁰ 35' 15" W., 285.64 feet;

thence N. 20⁰ 34' E., 27.33 feet to the Point of Beginning.

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.

Regulations, including levies, assessments, drainage rights and easements, of Malheur Drainage District, which said assessments are collected as a part of the general tax levy for Malheur County.

Note: Unrecorded right of way for underground pipeline as disclosed by map on file in the office of Malheur County Title Company, Inc. in Ontario, Oregon (Subject to unrecorded modifications)

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 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.

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.

Continued

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MALHEUR COUNTY, OREGON Page 2 of 3

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SALEM, OREGON**

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 as it now exists or at any time has existed.

An easement in favor of Idaho Power Company for power lines created by instrument, including the terms and provisions thereof;

Recorded: Apr. 17, 1923, in Book 7, Page 375, L&A Records of Malheur County, Oregon

Recorded: May 17, 1923, in Book 7, Page 523, L&A Records of Malheur County, Oregon

Easement in favor of John A. Low recorded Dec. 1, 1951, Book 88, Inst. No. 18243, Deed records, for a pipeline across the NW1/4 SW1/4 of Sec. 15.

RE-RECORDED on Dec. 6, 1955, Book 102, Inst. No. 148, Deed records to correct the legal description.

Easement in favor of Carl McD Roe, etal recorded Sept 22, 1961, Book 119, Inst. No. 32131, Deed records, for a pump and ditch right of way.

An easement in favor of Northwest Essential Oils, Inc., for buried pipeline use for the purpose of transporting waste water created by instrument, including the terms and provisions thereof dated January 19, 1999, recorded April 26, 1999, as Instrument No. 99-2977, official records of Malheur County, Oregon

Consent to easement by Oregon Department of Veterans' Affairs, recorded April 26, 1999, Inst. No. 99-2976, records of Malheur County, Oregon.

Abandonment of Easement by Northwest Essential Oils, Inc., recorded Dec. 23, 2003, Inst. No. 2003-10283, records of Malheur County, Oregon.

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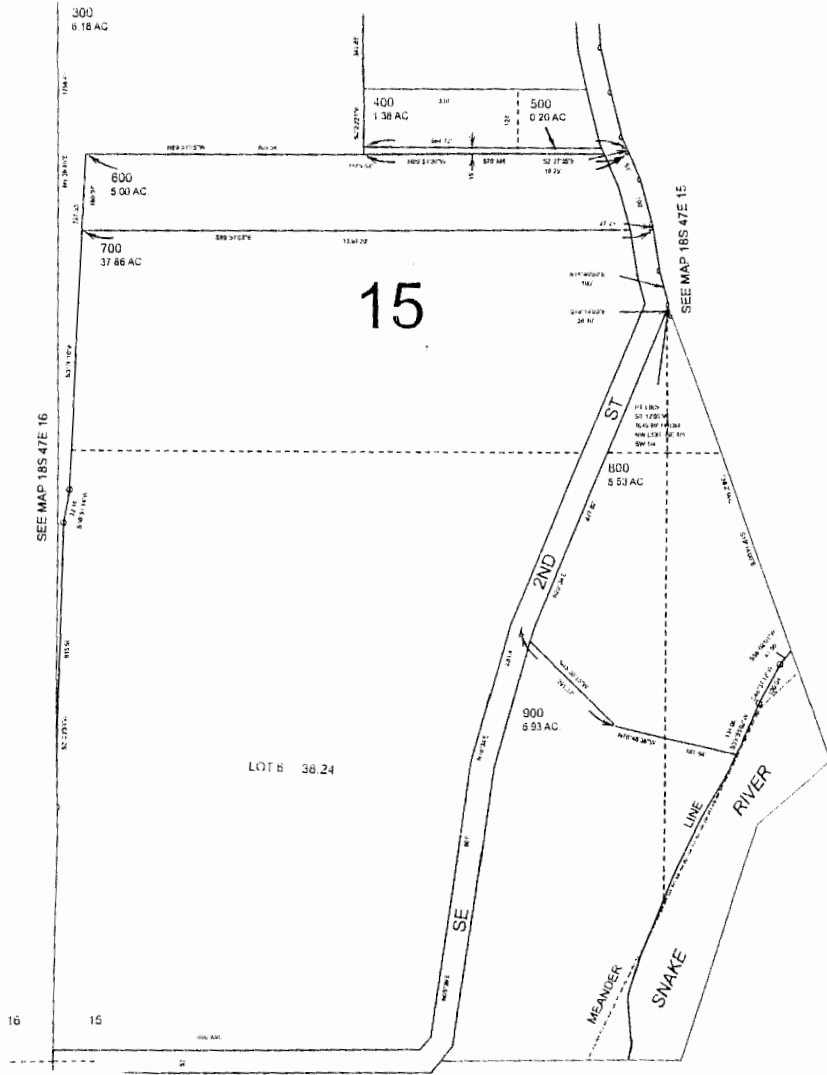
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WATER RESOURCES DEPT
SALEM, OREGON

ATH

Compliments of
MALHEUR COUNTY
TITLE COMPANY INC
Map No. 184715C
Tax Lot 950

This sketch is furnished
to assist in property
location and the company
assumes no liability
for inaccuracies.



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WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON

COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This is to Certify, That J. A. Lackey

of Ontario, 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 Snake River a tributary of Columbia River for the purpose of irrigation under Permit No. 5230 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 August 27, 1921;

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 0.88cubic foot per second;

The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (or, if for other purposes, the place where the water is put to beneficial use), is as follows:

Forty (40) acres in the Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$), Twenty (20) acres in the Northwest Quarter of the Southeast Quarter (NW $\frac{1}{4}$ SE $\frac{1}{4}$), Two and 5/10 (2.5) acres in the Northwest Quarter of the Southwest Quarter (NW $\frac{1}{4}$ SW $\frac{1}{4}$), Five (5) acres in the Southeast Quarter of the Southwest Quarter (SE $\frac{1}{4}$ SW $\frac{1}{4}$), and Two and 5/10 (2.5) acres in the Southwest Quarter of the Southeast Quarter (SW $\frac{1}{4}$ SE $\frac{1}{4}$) of Section Fifteen (15), Township Eighteen (18) South, Range Forty-seven (47) East of the Willamette Meridian, in Malheur County, Oregon, being a total of 70 acres.

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

Rights to the use of water for power purposes are limited to a period of forty years from the date of priority of the right, as herein set forth, subject to a preference right of renewal under the laws existing at the date of the expiration of the right for power purposes, as hereby confirmed and limited.

WITNESS the signature of the State Engineer,

affixed this 1st day of May, 1924.

.....Rhea Lutz,
State Engineer.

Recorded in State Record of Water Right Certificates, Volume 5, page 5026.

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WATER RESOURCES DEPT
SALEM, OREGON

MALHEUR COUNTY TITLE COMPANY, INC.

***81 S. Oregon Street, Ontario, OR 97914
Phone 541-889-7625 * Fax 541-889-3785
Toll Free 1-888-783-2826***

July 15, 2011

State of Oregon
Water Resources Dept.
Attn: Water Rights
425 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Escrow #28576 F
Miller-Top Onions

In connection with the above numbered escrow, I enclose herewith the following:

X Original signed Water Right Ownership Update Form with attachments

If you have any questions or need any further information, please do not hesitate to contact me.

Sincerely,



Debbie Jerman
Escrow Officer

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SALEM, OREGON

Encl.