



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem Oregon 97301-1266  
 (503) 986-0900  
 www.wrd.state.or.us

S-68626 APP  
S-49594 permit

# 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

Applicant(s): BARBARA GILBERT  
First Last

Mailing Address: P.O. BOX 504

HEPPNER OR 97836  
City State Zip

Phone: 541-377-1723  
Home Work Other

### PROPERTY BUYER INFORMATION

Applicant(s): MONTY & SUSAN CRUM  
First Last

Mailing Address: P.O. BOX 121

IONE OR 97843  
City State Zip

Phone: 541-422-7178  
Home Work Other

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

County: Morrow Township: 4S Range: 28 Section: 27

Tax Lot Number(s): Portion of 100 and 800 Shown in orange on attached map.

Street address of water right property: 58379 Willow Creek Rd., Heppner, OR 97836

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

Application #: \_\_\_\_\_ Permit #: \_\_\_\_\_ Certificate or Page #: 67695

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

Name of individual completing this form: Krista Price / Mid-Columbia Title Co. Phone: 541-481-2280

Signature: Krista Price Date: 1/21/14

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

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STATE OF OREGON  
COUNTY OF MORROW  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MORROW COUNTY  
P.O. BOX 788  
HEPPNER, OREGON 97836

confirms the right to use the waters of AN UNNAMED STREAM, a tributary of WILLOW CREEK, for CAMPGROUND USES (RESTROOMS, KITCHENS, SHOWERS, TRAILER HOOK-UPS, AND TENT-CAMP SPIGOTS).

This right was perfected under Permit 49594. The date of priority is DECEMBER 9, 1985. This right is limited to 0.02 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW 1/4 SE 1/4, SECTION 27, T 4 S, R 28 E, W.M.; 1500 FEET NORTH AND 580 FEET EAST FROM THE SOUTH 1/4 CORNER OF SECTION 27.


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

A description of the place of use to which this right is appurtenant is as follows:

NE 1/4 SW 1/4 CAMPGROUND USES  
SECTION 27  
TOWNSHIP 4 SOUTH, RANGE 28 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed AUGUST 19, 1992.

  
Martha O. Pagel

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Recorded in State Record of Water Right Certificates numbered 67695.

68626.JM

*dnsp.*

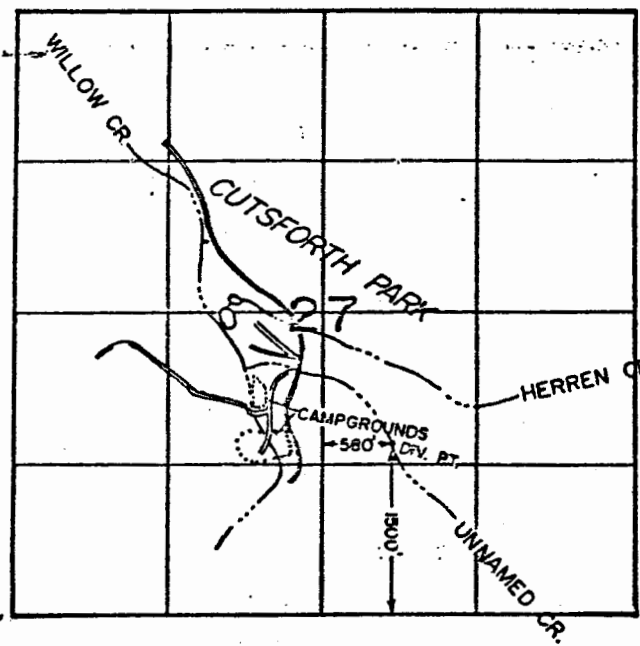
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1985

WATER RESOURCES DEPT  
SALMON DIVISION

Application No. 68626  
Permit No. 49594

T4S. R28E. W.M.



SCALE 1" = 1320'



IN NAME OF

MORROW COUNTY

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## NOTICE

Each certificate enclosed confirms the water right established under the terms of a permit or transfer order issued by this department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The owner of the land is the owner of the water right. Oregon law does not allow the Director to reissue a certificate because of a change in the ownership.

The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion would be forfeited by the nonuse. However, land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. A water right may also be forfeited by any intentional act by the owner that would cause the water right to be unusable. For example, the land irrigated under the water right is made nonirrigable by covering it with pavement or buildings.

STATE OF OREGON }  
County of Morrow

149834

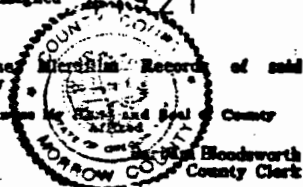
I hereby certify that the within instrument was received for record.

on 12-29-93 at 10:50 a.m.

and assigned 41921

in the Microfilm Record of said county

Witness My Hand and Seal of County



on 12-29-93  
Hondsworth  
County Clerk



3850 Portland Rd NE  
Salem, OR 97310  
(503) 378-3739  
FAX (503) 378-8130

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MCTC 8818

Until a change is requested all tax statements should be sent to Grantee at the following address:

Monty L. Crum and Susan T. Crum  
P.O. Box 121  
Ione, OR 97843

After Recording Please Return to:  
MID-COLUMBIA TITLE COMPANY  
P.O. BOX 290  
BOARDMAN, OR 97818

CERTIFIED TO BE A  
TRUE AND EXACT COPY  
OF THE ORIGINAL  
X *Kushtor*

### STATUTORY WARRANTY DEED

*KNOW ALL MEN BY THESE PRESENTS THAT, BARBARA GILBERT, GENE D. HELIKER AND LOUANNE M. HELIKER, Grantors herein, do hereby grant, bargain, sell, convey and warrant unto MONTY L. CRUM AND SUSAN T. CRUM, husband and wife, as tenants by the entirety, Grantee, the following described tract of land in the County of Morrow, and State of Oregon, more particularly described as follows:*

**FOR LEGAL DESCRIPTION SEE EXHIBIT "A" ATTACHED HERETO.**

*TO HAVE AND TO HOLD the granted premises unto the said Grantees, its heirs and assigns forever.*

*And the Grantors do covenant that they are lawfully seized in fee simple of the above granted premises free from all encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any, and that they will, and their successors heirs executors and administrators shall Warrant and forever defend the granted premises, against the lawful claims and demands of all persons, except as stated below:*

**THE TRUE AND ACTUAL CONSIDERATION IS \$245,000.00.**

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 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.

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Dated this 17 day of January, 2014.

BARBARA GILBERT by Gene D. Heliker

her attorney in fact  
BARBARA GILBERT by Gene D. Heliker,  
Her attorney in fact

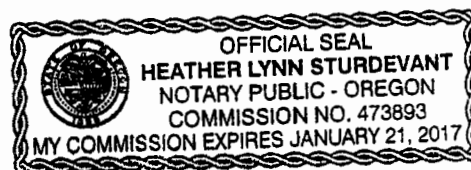
Gene D. Heliker  
GENE D. HELIKER

Louanne M. Heliker  
LOUANNE M. HELIKER

STATE OF OREGON  
COUNTY OF MORROW

This instrument was acknowledged before me this 17<sup>th</sup> day of January, 2014 by GENE D. HELIKER,  
INDIVIDUALLY AND AS ATTORNEY IN FACT FOR BARBARA GILBERT.

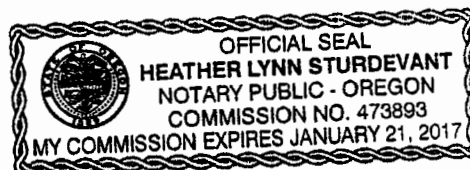
Heather Lynn Sturdevant  
Notary Public for the State of OREGON  
My Commission Expires: 1-21-17



STATE OF OREGON  
COUNTY OF Lane

This instrument was acknowledged before me this 17<sup>th</sup> day of January, 2014 by LOUANNE M.  
HELIKER.

Heather Lynn Sturdevant  
Notary Public for the State of OREGON  
My Commission Expires: 1-21-17



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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

A tract of land located in the SE1/4 NW1/4, in the SW1/4 NE1/4, in the NW1/4 SE1/4 and in the NE1/4 SW1/4 of Section 27, T.4S., R.28E., W.M., Morrow County Oregon, being more particularly described as follows:

All of the said SW1/4 NE1/4.

And;

All that portion of the said SE1/4 NW1/4 and NE1/4 SW1/4 lying easterly of the easterly right of way of Forest Highway 109, EXCEPTING the tract of land deeded to Morrow County, recorded as Morrow County Deed Instrument No. 48018.

And;

All of the said NW1/4 SE1/4, EXCEPTING the tract of land deeded to Morrow County, recorded as Morrow County Deed Instrument No. 48018 and EXCEPTING the following described tract:

Beginning at a 5/8 iron pin with an orange "FSE Survey Marker" cap, said point being 309.37 ft. South and 319.59 ft. East of the Northwest corner of the said NW1/4 SE1/4;

Thence S51°07'40"E, 156.12 ft. to a 5/8 iron pin with an orange "FSE Survey Marker" cap;

Thence S57°06'41"E, 142.78 ft. to a 5/8 iron pin with an orange "FSE Survey Marker" cap;

Thence S58°32'59"E, 269.19 ft. to a 5/8 iron pin with an orange "FSE Survey Marker" cap;

Thence S78°04'58"E, 119.69 ft. to a 5/8 iron pin with an orange "FSE Survey Marker" cap, said pin being 650.05' South and 907.79' East of the said Northwest corner of the NW1/4 SE1/4;

Thence Southeasterly (upstream) along the centerline of Herren Creek, 584 ft., more or less, to a 5/8 iron pin with an orange "FSE Survey Marker" cap, said pin being on the east line of the said NW1/4 SE1/4

Thence S01°39'22"W, 397.67 ft. to the Southeast Corner of the said NW1/4 SE1/4;

Thence S89°08'48"W along the south line of the said NW1/4 SE1/4, 523.76 ft. to a 5/8 iron pin with an orange "FSE Survey Marker" cap;

Thence Northwesterly (downstream) along the centerline of an un-named creek, 1094 ft., more or less, to a 5/8 iron pin with an orange "FSE Survey Marker" cap;

Thence N15°24'22"E, 306.17 ft. to the POINT OF BEGINNING.

Subject to the following, non-exclusive easements, over and across said property described herein, for ingress, egress and utilities to the tract excepted above, being more particularly described as follows:

30 ft. wide easements, being 15 ft. on each side of the following described lines:

Beginning at the point of intersection with an existing road and easterly right of way of Forest Highway 109, said point being 100 ft. south and 50 ft. west of the Northwest corner of the said NW1/4 SE1/4;

Thence Southeasterly along the centerline of the existing road, 1614 ft., more or less, to a point on the northeasterly boundary of the above excepted tract.

ALSO, Beginning at the point of intersection with an existing road and easterly right of way of Forest Highway 109, said point being 474 ft. south and 37 ft. west of the Northwest corner of the said NW1/4 SE1/4;

Thence Southeasterly along the centerline of the existing road, 307 ft. more or less, to the westerly boundary of the above excepted tract.

As shown as TRACT I on Morrow County Map of Survey No. 2013-1689C, filed in the records of the Morrow County Surveyor on December 05, 2013.

TOGETHER WITH the easements, terms and conditions contained in the Agreement for Shared Domestic Well, and Reciprocal Easements and Rights of Refusal recorded simultaneously herewith.

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Page 4

Statutory Warranty Deed  
Gilbert-Helliker/Crum

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Subject to:

1. Unpatented mining claims whether or not shown by the Public Records.
2. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Forest Use Land. If the land has become disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.
3. The rights of the public in roads and highways.
4. Agreement between Orville W. Cutsforth and Barbara Cutsforth, including the terms and provisions thereof, recorded October 4, 1967, a Microfilm No. M-169, Morrow County Microfilm Records.
5. Permit to Appropriate the Public Waters, including the terms and provisions thereof, recorded May 14, 1986, as Microfilm No. M-26741, Morrow County Microfilm Records.  
Certificate of Water Right, including the terms and provisions thereof, recorded December 29, 1993 as Microfilm No. M-41921, Morrow County Microfilm Records.
6. Easements, including the terms and provisions thereof, as disclosed in deeds recorded November 25, 2013 as Microfilm No. 2013-33432 and M-2013-33433, Morrow County Microfilm Records.

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TAX  
LOTS before  
Division

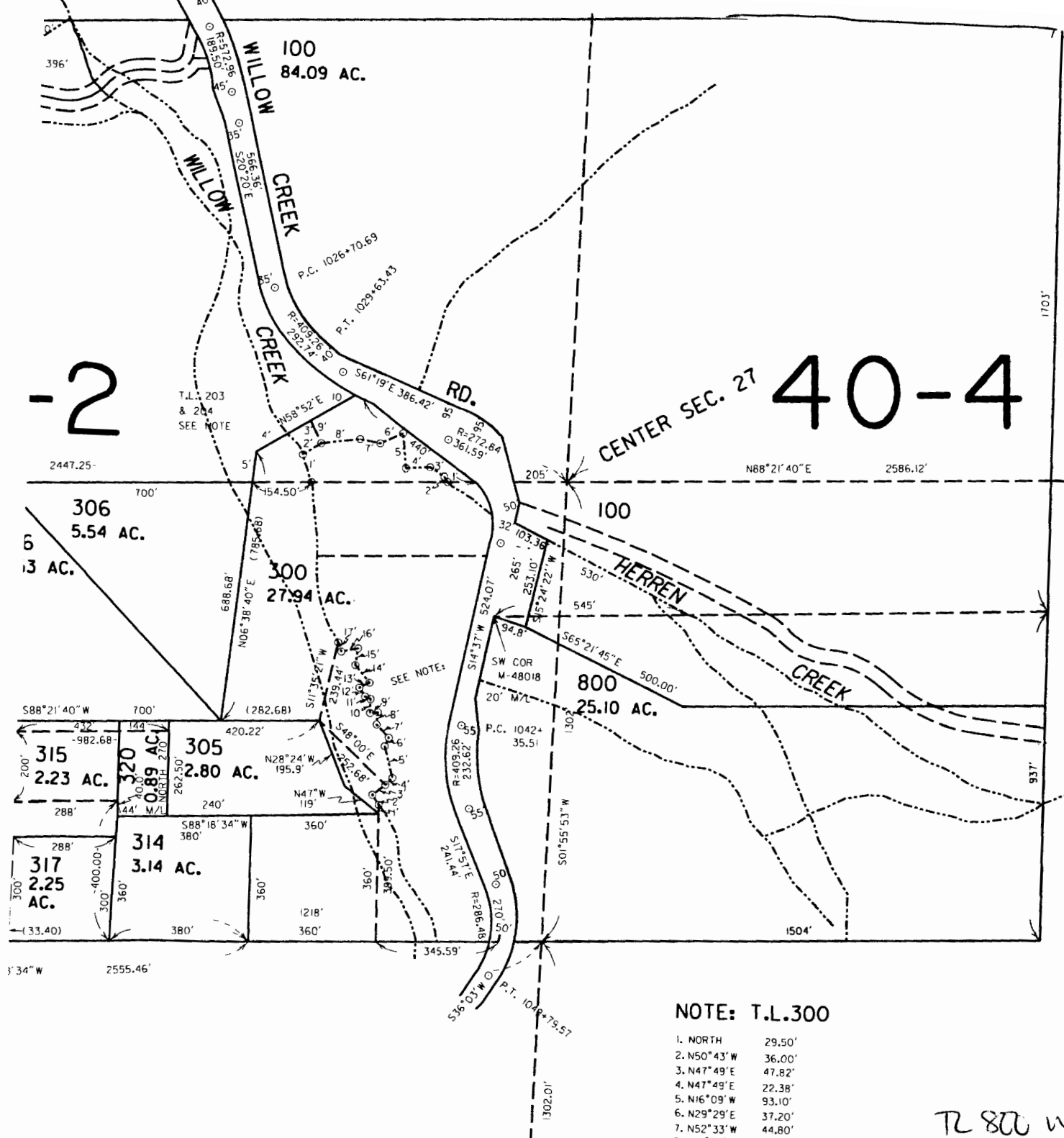
-2

CENTER SEC. 27 40-4

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- NOTE: T.L. 203
1. S88°21'40"W 82.00'
  2. N39°06'W 10.79'
  3. N62°16'W 53.70'
  4. S87°53'W 64.00'
  5. N08°00'W 101.70'
  6. S66°40'W 69.10'
  7. N82°54'W 68.80'
  8. S82°55'W 101.50'
  9. N26°38'W 77.00'
  10. N58°52'E 150.00'

- NOTE: 1
1. N15°21'W
  2. N58°52'E
  3. N26°38'W
  4. N58°52'E
  5. N06°38'40"

NOTE: T.L.300

1. NORTH 29.50'
2. N50°43'W 36.00'
3. N47°49'E 47.82'
4. N47°49'E 22.38'
5. N16°09'W 93.10'
6. N29°29'E 37.20'
7. N52°33'W 44.80'
8. N01°39'E 40.00'

NOTE:  
BEARINGS AND DISTANCES  
TAKEN FROM DONALD L. STAEBLER  
SURVEY DATED 6-12-68

T.L. 800 was HOME  
T.L. 100 had CABIN

**PROPOSED BOUNDARY ADJUSTMENT**

Situated in the SE1/4 NW1/4, SW1/4 NE1/4, NW1/4 SE1/4 & NE1/4 SW1/4 of Section 27, T.4S., R.28E., W.M., Morrow County, Oregon  
Survey Completed on October 29, 2013

Ferguson Surveying



P.O. BOX 519, 210 E. MAIN  
MT. WASHINGTON, OR 97785  
PHONE (541) 932-4520  
FAX (541) 932-4450  
EMAIL dfo@mtwisco.net



**NARRATIVE**

This survey was performed at the request of Gene Heliker, as the personal representative of the owner, Barbara Gilbert, to survey and locate the proposed boundary adjustment between the properties as described in Morrow County Deed Instruments M-55537 and M-34977.

For clarity purposes, the properties are shown herein as Tract I and Tract II. Tract I is currently described in Deed Instrument #M-55537 and Tract II is described partly in Deed Instrument #M-34977 and as an exception in Deed Instrument #M-55537.

Record monuments from Morrow County Survey No. D-602-K are recovered and utilized as shown herein.

The right of way of Forest Highway #109 (Willow Cr. Rd.) and the exterior boundary of Tract I were not surveyed. The location of the said right of way is plotted herein based on Morrow County Survey #D-634-K and D-715-K. The remaining un-surveyed portion of Tract I is shown based on record information from Morrow County Survey #D-802-K, the said deed records and right of way map.

The proposed adjusted boundary was located by survey of the direction of Mr. Heliker as shown herein.

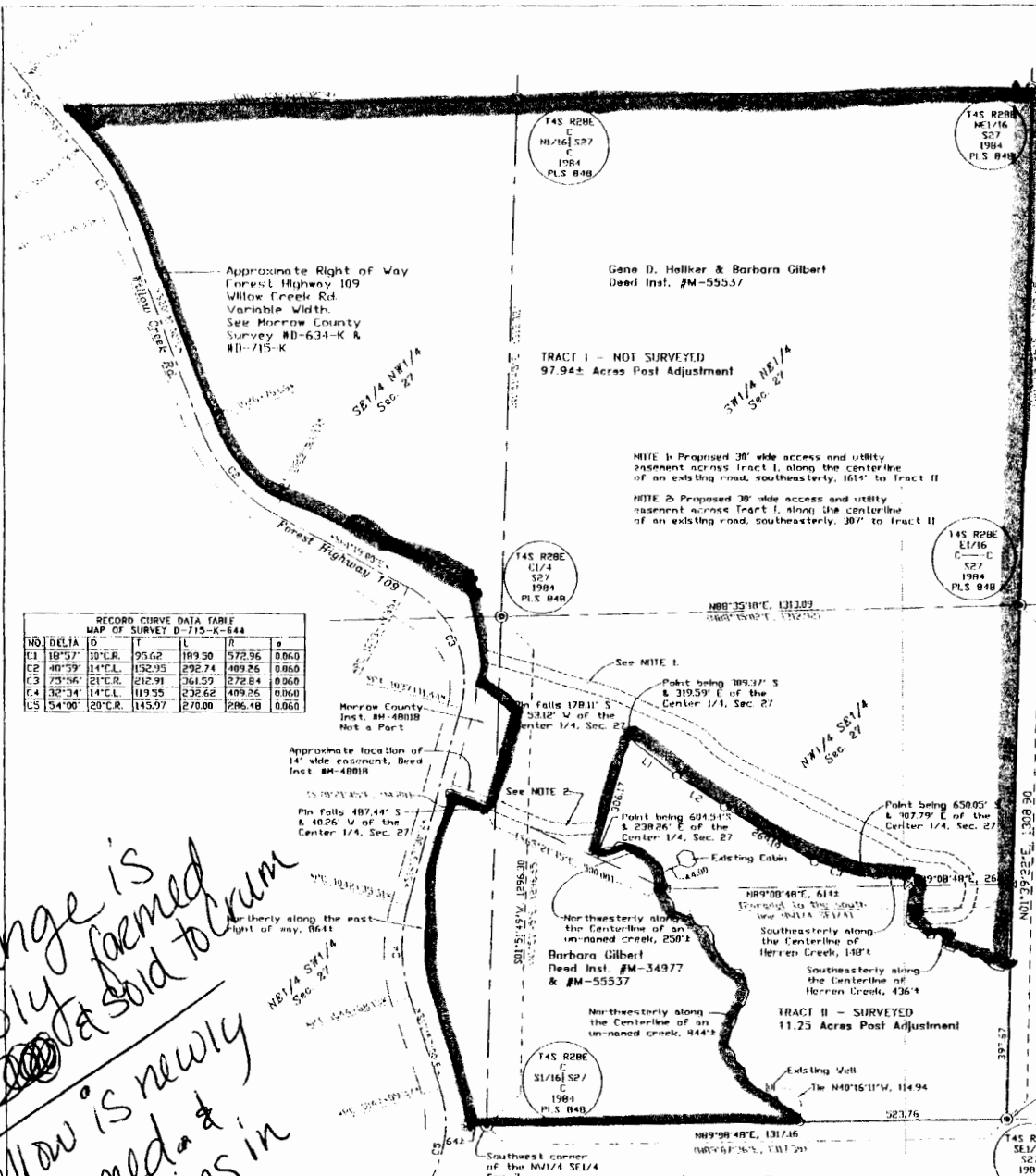
**LEGEND**

- Record Bearing/Dist. as shown on Morrow Co. Survey #D-802-K.
- Record Bearing/Dist. or Station as shown on Morrow Co. Survey #D-634-K & #D-715-K.
- Record Bearing/Dist. from Morrow County Deed Instrument #M-55537.
- Calculated Point, no monument set.
- Found 5/8" rebar pin with 2" dia. aluminum cap stamped "100 S. 852 VALS 1002". No record found for these monuments.
- Found aluminum capped monument from Morrow County Survey #D-802-K.
- Record location of monuments from Morrow County Survey #D-802-K, but used this survey.
- Set 5/8"x30" rebar pin with orange plastic cap marked "ESLE SURVEY MARKER".
- Center of Section Line
- Record Exterior Boundary
- Record Boundary Line to be adjusted
- Proposed Adjusted Boundary Line

NO.	BEARING	DIST.
1	S51°07'40"E	156.12
2	S57°06'41"E	140.78
3	S78°04'58"E	119.69

NO.	DELTA	D	L	R	a	
C1	18°57'	10°CL	25.62	189.50	572.96	0.060
C2	40°59'	14°CL	132.95	292.74	409.26	0.060
C3	23°56'	21°CL	212.91	361.59	272.84	0.060
C4	32°34'	14°CL	119.55	232.62	409.26	0.060
C5	34°00'	20°CL	145.97	270.00	286.48	0.060

*orange is newly formed  
newly formed  
yellow is newly formed & remains in Barbara Gilberts name*



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Scale: 1"=200'

BASIS OF BEARING: True North based on GPS Observations at a point being 1066.79 ft. South and 971.43 ft. West of the Center 1/4 of Section 27.

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Morrow County Surveyor  
Date: 12-5-2013  
Rec'd By: S.K.H.  
No.: 2013-1699C  
Folder No.: 1689