



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

Applicant(s): David V. and Margaret S. Buchanan ^{DVB} (Trustees)
First Last
 Mailing Address: 26355 Greenberry Road
Corvallis OR 97333
City State Zip
 Phone: 541-753-8754 541-753-8754
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): David V. and Margaret S. Buchanan
First Last
 Mailing Address: 26355 Greenberry Road
Corvallis OR 97333
City State Zip
 Phone: 541-753-8754 541-753-8754
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Benton Township: 13S Range: 5W Section: 8
 Tax Lot Number(s): 200, 201

Street address of water right property: 26355 Greenberry Road

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

Application #: S37094 Permit #: 27612 Certificate or Page #: 33400

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

Name of individual completing this form: David V. Buchanan Phone: 541-753-8754

Signature: David V. Buchanan Date: 12/31/13

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 **BENTON**
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **VARDEN F. AND MARY J. BUCHANAN**

of **Route 2, Box 207, Carvallis**, 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 **Beaver Creek**

a tributary of **Muddy Creek, Marys River and Willamette River** for the purpose of irrigation of **26.0 acres**

under Permit No. **27612** 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 **September 18, 1961**

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 **0.33 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 **SW $\frac{1}{4}$ NE $\frac{1}{4}$** , Section 8, T. 13 S., R. 5 W., W. M., Diversion point located **1930 feet West and 440 feet North** from the SW Corner **Harris DIC h3**

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 **2 $\frac{1}{2}$ 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:

0.6 acre **NE $\frac{1}{4}$ NE $\frac{1}{4}$**
 12.2 acres **NW $\frac{1}{4}$ NE $\frac{1}{4}$**
 13.2 acres **Lot 3 (SW $\frac{1}{4}$ NE $\frac{1}{4}$)**
 Section 8
 T. 13 S., R. 5 W., W.M.

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

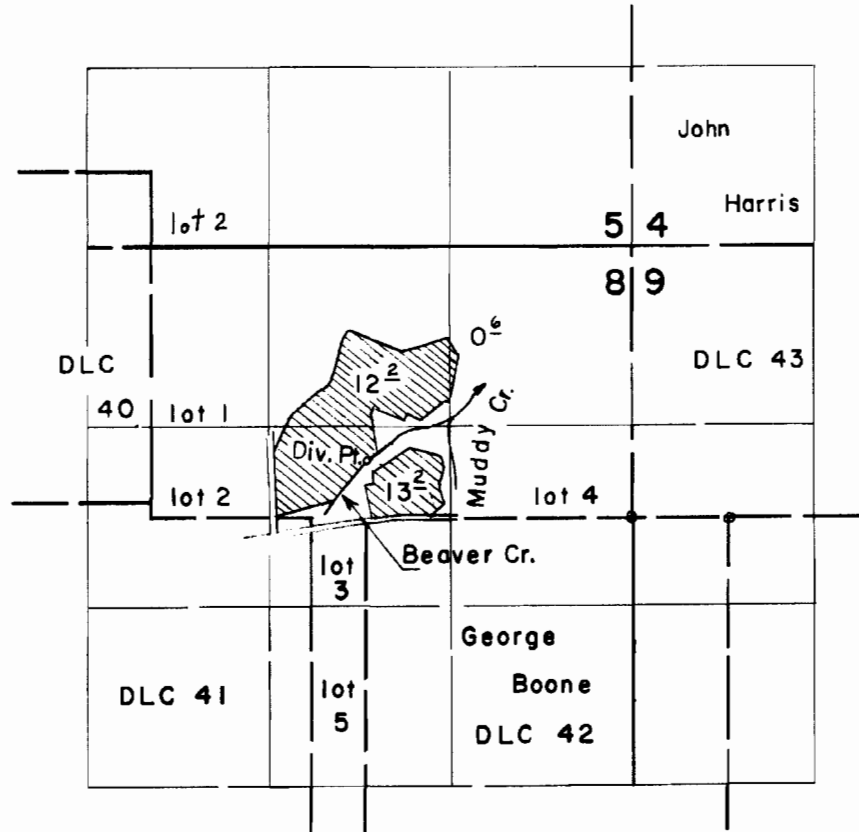
WITNESS the signature of the State Engineer, affixed

this date. **December 19, 1966**

.....**CHRIS L. WHEELER**.....

State Engineer

T.13S.R.5W.W.M.



FINAL PROOF SURVEY UNDER

Application No. 37094 Permit No. 27612
IN NAME OF

Vardyn F. & Mary J. Buchanan

Surveyed July 21, 1964, by F. Siegmund

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Parcel III:

That portion of Government Lot 3, lying Northerly of County Road No. 35240, also know as Greenberry Road, in Section 8, Township 13 South, Range 5 West Willamette Meridian, in the County of Benton and State of Oregon.

Excepting therefrom that portion lying Northerly of a line extended from the most Easterly Southeast corner of the John H. Kendall Donation Land Claim Notification No. 5320 to the most Westerly Southwest corner of said Kendall Donation Land Claim.

STATE OF OREGON } ss.
County of Benton } **263047**
I hereby certify that the within instrument
was received for record

'99JUN07 PM 2:33

AND ASSIGNED **M268240** 1999

In the microfilm records of said county

Witness My Hand and Seal of County Affixed

JOHN K. ANDERSON

County Administrative Officer

By *[Signature]*
445-615 Deputy

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STATE OF OREGON } SS.
County of Benton } **263048**
I hereby certify that the within instrument
was received for record

'99 JUN 07 PM 2:33

1999
AND ASSIGNED **M268241**

In the microfilm records of said county
Witness My Hand and Seal of County Affixed
JOHN K. ANDERSON
County Administrative Officer

By *[Signature]*
40-15-615
Deputy

Parcel II:

All of that parcel of land as described on instrument number M-24095-80, Deed Records of Benton County, Oregon described as follows: Beginning at the Northwest corner of the DLC of John H. Kendall, the same begin the Northwest corner of the Southeast quarter of Section 5, township 13 South, Range 5 West, Willamette Meridian, running thence West 12.56 chains; thence North to the center of Muddy Creek; thence with the meanderings of said creek Easterly and Southerly through the DLC of Jesse Ownby, P. Ownby, and John Harris to the East boundary line of said John H. Kendall DLC on the West line of Section 9, said township and Range; thence South to the Southeast corner of said John Kendall DLC; thence West to the Southeast corner of Lot 2, Section 8, said Township and Range; thence North to the place of beginning.

Also Lots 1 and 2 in Section 5 and Lots 1 and 2 in Section 8, all in Township 13 South, Range 5 West, Willamette Meridian.

EXCEPTING THEREFROM that portion conveyed to Lloyd O. Malcom, et ux, by deed recorded in Book 142, Page 679, Benton County, Oregon, deed records.

ALSO EXCEPTING THEREFROM that portion thereof described as follows: Beginning at the Southwest corner of Government Lot 2 in Section 8, township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon; thence East along the South line of said lot and the extension thereof, 950 feet; thence North 950 feet; thence West 950 feet to the West line of said Lot 2; thence South 950 feet to the place of beginning.

ALSO EXCEPTING THEREFROM Beginning at the Southwest corner of the John Harris DLC No. 43 in Sections 8 and 9, Township 13 South, Range 5 West Willamette Meridian, Benton County, Oregon; thence Northerly along the Westerly line of said DLC 1540 feet, more of less, to centerline of Muddy Creek; thence along said creek North 80° East 250 feet and thence North 31° East 140 feet to the true point of beginning of the following description; thence leaving said creek North 58°30' West 770 feet; thence North 57° East 695 feet; thence North 5°30' East 470 feet; thence North 84°30' West 330 feet; thence North 27° West 2530 feet, more of less, to the centerline of said Muddy Creek; thence along the various meanderings of said creek Easterly and Southerly 6100 feet, more of less to the true point of beginning.

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BENTON COUNTY, OREGON 2010-469085
DE-TR
Cnt=1 Stn=41 COUNTER1 08/26/2010 02:00:17 PM
\$15.00 \$11.00 \$17.00 \$10.00 \$20.00 \$73.00



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



Grantor's Name and Address:
David V. Buchanan, Trustee

Grantee's Name and Address:
David V. Buchanan and
Margaret S. Buchanan

After recording, return to:
Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

Send all tax statements to:
David V. Buchanan and
Margaret S. Buchanan
26335 Greenberry Road
Corvallis, OR 97333

Consideration - Trust Distribution. No other property or value given.

TRUSTEE'S DEED

Whereas, Mary J. Buchanan died on February 6, 2005; and
Whereas, the real estate described herein was owned by David V. Buchanan, Trustee of the Mary J. Buchanan Living Trust dated January 18, 1996; and
Whereas, David V. Buchanan is the duly appointed, qualified and acting successor Trustee of the Mary J. Buchanan Living Trust dated January 18, 1996; and
Whereas, the Trustee exercised an option that the real estate described herein be distributed to David Vardyn Buchanan.

Therefore,

GRANTOR: David V. Buchanan, sole Trustee of the Mary J. Buchanan Living Trust dated January 18, 1996

does hereby grant, bargain, sell and convey unto

GRANTEE: David V. Buchanan and Margaret S. Buchanan, husband and wife,

all the right and interest of said trust, whether acquired by operation of law or otherwise, in that certain real property situated in the County of Benton, State of Oregon, described as follows, to-wit:

See Exhibit "A," attached hereto, and incorporated herein as though fully set forth.

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Exhibit "A"

Parcel I:

Beginning at the Southwest corner of Government Lot 2 in Section 8, Township 13 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence East along the South line of said lot and the extension thereof, 950 feet; thence North 950 feet; thence West 950 feet to the West line of said Lot 2; thence South 950 feet to the place of beginning, all in Benton County, Oregon.

Excepting therefrom that portion described as follows:

Beginning at a point 434.64 feet North and 690.05 feet East of the Southeast corner of the George Herbert Donation Land Claim Number 40 in Township 13 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence North $0^{\circ} 57'$ East 383.58 feet; thence South $44^{\circ} 46'$ East 185.77 feet; thence South $9^{\circ} 56'$ East 76.24 feet; thence South $8^{\circ} 36'$ West 176.32 feet; thence South $88^{\circ} 59'$ West 123.92 feet to the point of beginning.

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Grantor's Name and Address:

David V. Buchanan and Margaret S. Buchanan
26335 Greenberry Road
Corvallis, OR 97333

Grantee's Name and Address:

David V. Buchanan and Margaret S. Buchanan,
Trustees
26335 Greenberry Road
Corvallis, OR 97333

After recording, return to:

Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

Send all tax statements to:

David V. Buchanan and Margaret S. Buchanan,
Trustees
26335 Greenberry Road
Corvallis, OR 97333

Consideration - \$0

BENTON COUNTY, OREGON **2013-503540**
DE-WD
Cnt=1 Str=41 COUNTER1 **02/26/2013 11:52:12 AM**
\$20.00 \$11.00 \$17.00 \$10.00 \$20.00 **\$78.00**



00266402201306035400040045

James V. Morales, County Clerk for Benton
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk
records.

James V. Morales - County Clerk



WARRANTY DEED

GRANTOR: David V. Buchanan and Margaret S. Buchanan

does hereby convey and warrant unto

GRANTEE: David V. Buchanan and Margaret S. Buchanan, Trustees or their successors
in trust under the David V. Buchanan and Margaret S. Buchanan Trust dated December 26, 2012

the following described property located in Benton County, State of Oregon:

See Exhibit A, attached.

And grantor hereby covenants to and with grantee and grantee's heirs, successors and
assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all
encumbrances except those covenants, restrictions, easements and other matters of record.

The true and actual consideration paid for this transfer is \$0.

The liability and obligations of the grantor to grantee and grantee's heirs and assigns
under the warranties and covenants contained herein or provided by law shall be limited to the
extent of coverage that would be available to grantor under a standard policy of title insurance

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W.L. LAUER - REGISTERED SURVEYOR #2558

720 NW 4th Street, Corvallis, Oregon 97330 Phone 541-757-9050; FAX 541-757-7578

February 21, 2013

PROPERTY DESCRIPTION

For

DAVID and MARGARET BUCHANAN

PROPERTY 1:

(Tax Lot 400, Map 13-5-05; Tax Lots 300 & 302, Map 13-5-04; Tax Lot 201, Map 13-5-08)

That land conveyed to David V. Buchanan and Margaret S. Buchanan by deed recorded as M-268241-99, Deed Records of Benton County, Oregon;

PROPERTY 2:

(Tax Lot 200, Map 13-5-08)

That land conveyed to David V. Buchanan and Margaret S. Buchanan by deed recorded as M-469085-2010, Deed Records of Benton County, Oregon;

PROPERTY 3:

(Tax Lot 202, Map 13-5-08)

That land conveyed to David V. Buchanan and Margaret S. Buchanan by deed recorded as M-268240-99, Deed Records of Benton County, Oregon;

The above-described properties, combined, are more specifically described as follows:

Beginning at the Northwest corner of the Donation Land Claim of John H. Kendall, Notification No. 5320, the same being the Northwest corner of the Southeast quarter of Section 5, Township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon, running thence West 828.96 feet (12.56 chains); thence North to the center of Muddy Creek; thence with the meanderings of said creek Easterly and Southerly through the DLC of Jesse Ownby, P. Ownby, and John Harris to the East boundary line of said John H. Kendall DLC on the West line of Section 9 said Township and Range; thence South to the Southeast corner of said John Kendall DLC; thence West to the Southeast corner of Lot 2, Section 8, said Township and Range; thence North to the place of beginning;

ALSO: Lots 1 and 2 in Section 5 and Lots 1 and 2 in Section 8, all in Township 13 South, Range 5 West, Willamette Meridian;

ALSO: That portion of Government Lot 3, lying Northerly of County Road No. 35240 (also known as Greenberry Road), in Section 8, Township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon;

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SAVE AND EXCEPT (Tax Lot 204, Map 13-5-08): that land sold to David V. Buchanan and Margaret S. Buchanan by deed recorded on October 14, 1974, as M-51669, Benton County Deed Records, to wit: Beginning at a point 434.64 feet North and 690.05 feet East of the Southeast corner of the George Herbert DLC Number 40 in Township 13 South, Range 5 West, of the Willamette Meridian, Benton County, Oregon; thence North 0° 57' East 383.58 feet; thence South 44° 46' East 185.77 feet; thence South 9° 56' East 76.24 feet; thence South 8° 36' West 176.32 feet; thence South 88° 59' West 123.92 feet to the point of beginning.

ALSO EXCEPTING THEREFROM (Tax Lot 100, Map 13-5-08): that land conveyed to Lloyd O. Malcom, et ux, by deed recorded in Book 142, Page 679, Benton County Deed Records, to wit: Beginning at the southwest corner of the John Harris Donation Land Claim No. 43, Township 13 South, Range 5 West, Willamette Meridian; thence westerly along the north line of the George L. Boone Donation Land Claim No. 42, said Township and Range, 20 chains, more or less, to the center of Muddy Creek; thence northeasterly along the center of said creek to the west line of said Harris Donation Land Claim; thence southerly to the point of beginning;

ALSO EXCEPTING THEREFROM (Tax Lot 301, Map 13-5-04) that land conveyed to Thomas R. Buchanan by deed recorded as M-268242-99, Deed Records of Benton County, to wit: Beginning at the Southwest corner of the John Harris DLC No. 43 in Section 8 and 9, Township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon; thence Northerly along the Westerly line of said DLC 1,540 feet, more or less, to the centerline of Muddy Creek; thence along said creek North 80° East 250 feet and thence North 31° East 140 feet to the true point of beginning of the following description; thence leaving said creek North 58° 30' West 770 feet; thence North 57° East 695 feet; thence North 9° 30' East 470 feet; thence North 84° 30' West 330 feet; thence North 27° West 2,930 feet, more or less, to the centerline of said Muddy Creek; thence along the various meanderings of said creek Easterly and Southerly 6,100 feet, more or less to the true point of beginning.

The total area of the combined Properties 1, 2 and 3 is 390.11 acres, more or less, as computed from the Benton County Assessors Maps referred to above.