

deuce



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

RECEIVED BY OWRD

Applicant(s): Mary Mingo
Mailing Address: PO Box 31
Arlington OR 97812
Phone: 541-980-2799

MAY 22 2014

SALEM, OR

PROPERTY BUYER INFORMATION

Applicant(s): Janette Burgess
Mailing Address: 31112 SR Hwy 224
Benton City WA 99320
Phone: 509-438-4494

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Morrow Township: 2N Range: 23E Section: 6

Tax Lot Number(s): 900

Street address of water right property: 72512 Hwy 74, Ione, OR 97843

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

Application #: Permit #: Certificate or Page #: 80297

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 Company Phone: 541-481-2280

Signature: [Signature] Date: 5/19/14

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

STATE OF OREGON

COUNTY OF MORROW

CERTIFICATE OF WATER RIGHT

RECEIVED BY OWRD

THIS CERTIFICATE ISSUED TO

MAY 22 2014

PAUL & CAROLYN WHITE  
72512 HIGHWAY 74  
IONE, OREGON 97843

SALEM, OR

confirms the right to use the waters of WILLOW CREEK, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 30.0 ACRES.

This right was confirmed by decree of the Circuit Court of the State of Oregon for GILLIAM AND MORROW Counties. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 3, at Page 360. The date of priority is JULY 11, 1908.

The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.50 CFS or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

SW¼ SE¼, SECTION 6, T 2 N, R 23 E, W.M.; 690 FEET NORTH AND 1620 FEET WEST FROM THE SE CORNER, SECTION 6.

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

TWP	RNG	MER	SEC	QTR	QTR	ACRES
2	N	23	E	WM	6	NE SW 10.0
2	N	23	E	WM	6	NW SE 3.0
2	N	23	E	WM	6	SW SE 17.0

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review of the order must be filed within the 60 days of the date of service.

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 and is subject to all other conditions and limitations contained in said decree.

The quantity of water diverted at the new point of diversion shall not exceed the quantity of water lawfully available at the original points of diversion.

The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

The water user shall report total flow figures when requested by the Watermaster. The Watermaster may operate the headgate and monitor the accuracy of the measuring device, as needed.

Water shall be acquired from the same surface water source as the original point of diversion.

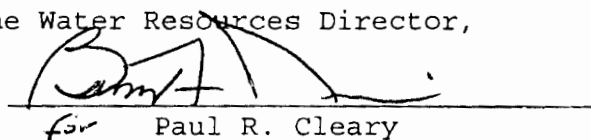
The water user shall install and maintain a fish screen or fish by-pass device. The type and plans of the screen or by-pass device must be approved by the Oregon Department of Fish and Wildlife prior to beginning of construction and shall be installed under the supervision of the Department of Fish and Wildlife.

The water user may participate in the Oregon Department of Fish and Wildlife's cost sharing program for installation of screening and by-pass devices in accordance with ORS 540.525.

This certificate describes that portion of the water right confirmed by Certificate 79956, State Record of Water Right Certificates, modified by the provisions of an order of the Water Resources Director entered JUL 24 2003, approving Transfer Application 9255.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

WITNESS the signature of the Water Resources Director,  
affixed JUL 24 2003.

  
for Paul R. Cleary

Recorded in State Record of Water Right Certificates numbered 80297.

9255hist.VLC

Page 2 of 2

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SALEM, OR

4026 9204  
MCTC

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

Dueling J's Lightning Bar , LLC  
1105 North Lincoln St.  
Spokane, WA 99201

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



I, Bobbi Childers, County Clerk for Morrow County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Bobbi Childers - County Clerk



### STATUTORY WARRANTY DEED

**KNOW ALL MEN BY THESE PRESENTS THAT,** MARY LOU MINGO, Grantor herein, does hereby grant, bargain, sell, convey and warrant unto DUELING J'S LIGHTNING BAR, LLC, a Washington limited liability company, 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 \$340,000.00 PAID BY A QUALIFIED INTERMEDIARY PURSUANT TO AN IRC §1031 TAX-DEFERRED EXCHANGE.**

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.

Dated this 15<sup>th</sup> day of May, 2014.

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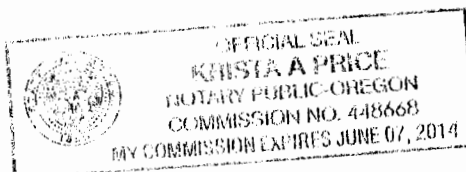
SALEM, OR

Mary Lou Mingo  
MARY LOU MINGO

STATE OF OREGON  
COUNTY OF MORROW

This instrument was acknowledged before me this 15<sup>th</sup> day of May, 2014 by MARY LOU MINGO.

Krista A Price  
Notary Public for the State of OREGON  
My Commission Expires:



**EXHIBIT A**  
**Legal Description**

**A Parcel of land located in Township 2 North, Range 23, East of the Willamette Meridian, in the County of Morrow and State of Oregon described as follows:**

Section 6:           The West Half of the Southeast Quarter and the East Half of the Southwest Quarter.

ALSO; All of those strips, tracts, or parcels of land comprising the "Heppner Branch" right of way of the Union Pacific Railroad Company and the Oregon-Washington Railroad and Navigation Company, situated in the following described legal subdivisions of Morrow County, Oregon.

Section 6:           The Northeast Quarter of the Southwest Quarter and the West Half of the Southeast Quarter.

**EXCEPTING THEREFROM** all roads and rights of way.

**Subject to:**

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as Farm 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.
2. The rights of the public in roads and highways.
3. Right of Way Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative Association, recorded April 11, 1973, as Microfilm No. M-5568, Morrow County Microfilm Records.
4. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative Association, recorded April 7, 1977, as Microfilm No. M-11021, Morrow County Microfilm Records.
5. Water Use, Payment and Rotation Agreement, including the terms and provisions thereof, recorded February 22, 1993 as Microfilm No. M-40024, Morrow County Microfilm Records.  
Assignment of Water Use, Payment and Relocation Agreement, recorded September 17, 1993, as Microfilm No. M-41134, Morrow County Microfilm Records.
6. Reservations, including the terms and provisions thereof, as reserved in deed from Union Pacific Railroad Company, recorded September 26, 1995, as Microfilm No. M-46107, Morrow County Microfilm Records.
7. Easement Deed and Agreement, including the terms and provisions thereof, recorded September 26, 1995, as Microfilm No. M-46108, Morrow County Microfilm Records. (Affects other property also)  
The Right Title and Interest of said Easement Deed and Agreement was conveyed to Morrow County, in Easement Deed and Agreement, recorded November 6, 1996, as Microfilm No. M-49401, Morrow County Microfilm Records.
8. Memorandum of Transmission Easement Agreement, including the terms and provisions thereof, recorded January 8, 2008 as Microfilm No. 2008-21076, and re-recorded June 2, 2008 as Microfilm No. 2008-21964, County Microfilm Records by and between David D. and Mary L. Mingo, as Grantors and Willow Creek Energy, LLC as Grantee.
9. Noise Easement Agreement, including the terms and provisions thereof, between David D. Mingo and Mary L. Mingo as lessor, and Willow Creek Energy LLC, a Delaware limited liability company, as lessee, an agreement of which was dated March 26, 2013, recorded April 04, 2013, as Microfilm No. 2013-31926, Morrow County Microfilm Records.
10. Existing Conservation Enhancement Program (CREP), including the terms and provisions thereof, affecting a portion of the premises for the purposes stated therein.

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SALEM, OR

T.2N. R.23E. W.M.  
MORROW COUNTY  
1" = 2000'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SEE MAP 3N 23

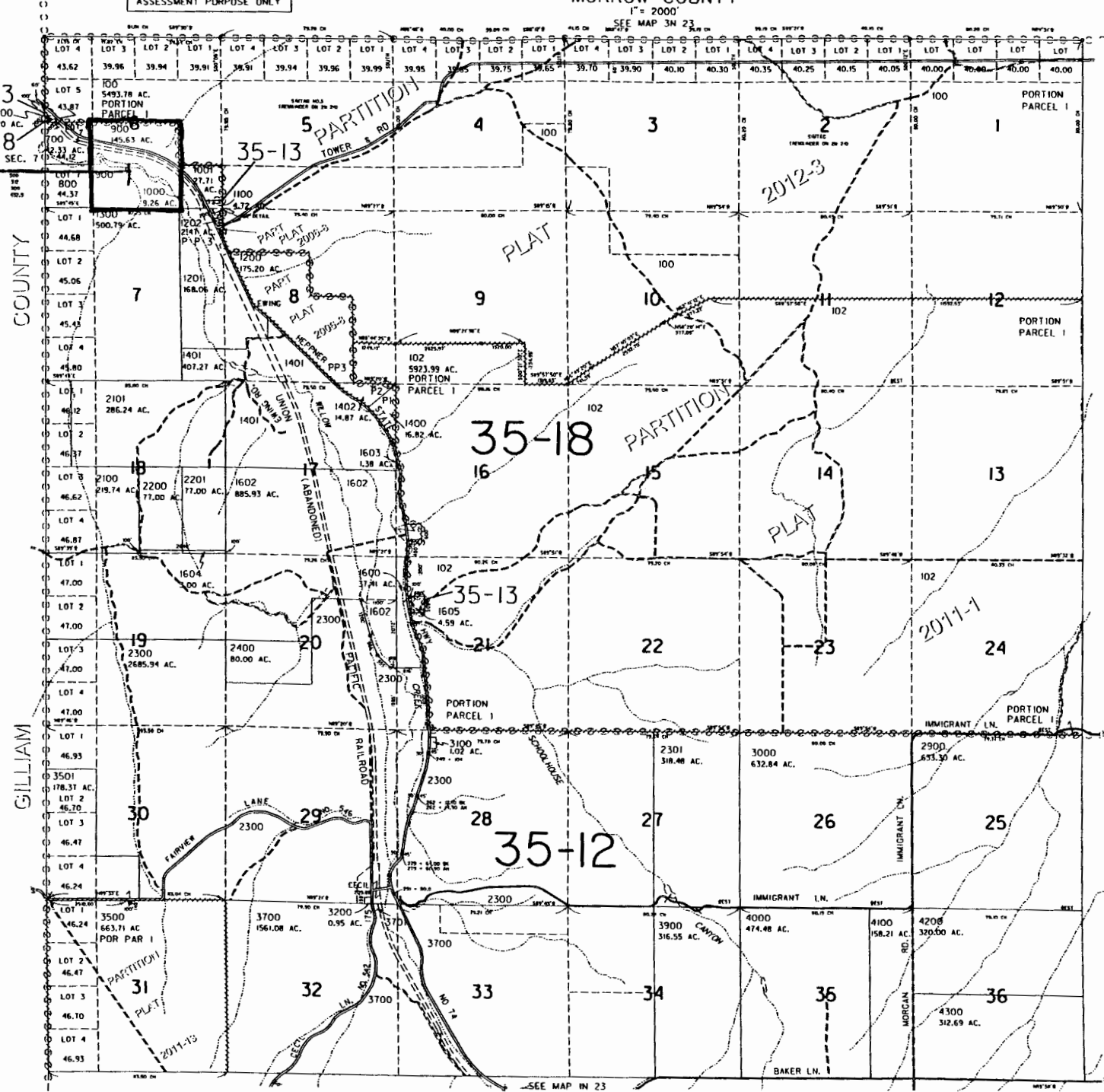
DATE: 01/15/14  
SCALE: 1" = 2000'  
REVISIONS: NONE

SCALE IN FEET  
0 2000 4000

Subject  
Property

35-13  
4400  
2.20 AC.  
35-18  
DETAIL SEC. 7

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MAY 22 2014  
SALEM, OR



CANCELLED NO.  
101  
200  
300  
400  
500  
600  
1500  
1601  
1700  
1800  
1900  
2000  
2302  
2500  
2600  
2700  
2800  
3300  
3400A1  
3400A2  
3600  
3702  
3703  
3800  
3901  
4401

SEE MAP 2N 24

INSERT  
SEC 32  
PARCEL 3701  
1" = 200'

Revised  
7/9/2012, RAA