



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): Mary Mingo  
First Last  
 Mailing Address: PO Box 31  
Arlington OR 97812  
City State Zip  
 Phone: 541-980-2799  
Home Work Other

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**MAY 22 2014**  
**SALEM, OR**

## PROPERTY BUYER INFORMATION

Applicant(s): Janette Burgess  
First Last  
 Mailing Address: 31112 SR Hwy 224  
Benton City WA 99320  
City State Zip  
 Phone: 509-438-4494  
Home Work Other

## 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 #: G-6232 Permit #: G-5879 Certificate or Page #: 53548  
 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: \_\_\_\_\_

*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

**This is to certify, That** DAVID CHENEY

of Cecil Star Route, Ione, State of Oregon 97843, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Wells 1 and 4

a tributary of Willow Creek (Columbia River) for the purpose of irrigation of 5.5 acres and supplemental irrigation of 66.6 acres

under Permit No. G-5879 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 May 22, 1974

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 0.40 cubic foot per second, being 0.12 cfs from Well 1 and 0.28 cfs from Well 4.

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the NW 1/4 SE 1/4, Section 6, T2N, R23E, WM; 1750 feet North and 2300 feet West, 1770 feet North and 2390 feet West, both from the SE Corner, Section 6.

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 3 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall be further limited to appropriation of water only to the extent that it does not impair or substantially interfere with existing surface water rights of others

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:

SEE NEXT PAGE

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PRIMARY

Well 4

2.2 acres NE 1/4 SW 1/4  
2.4 acres NW 1/4 SE 1/4  
Section 6

Wells 1 and 4

0.3 acre SW 1/4 NW 1/4  
0.6 acre NW 1/4 SE 1/4  
Section 6

Township 2 North, Range 23 East, WM

SUPPLEMENTAL

Well 4

6.0 acres NE 1/4 SW 1/4  
6.0 acres NW 1/4 SE 1/4

Wells 1 and 4

25.8 acres NW 1/4 SW 1/4  
9.8 acres NE 1/4 SW 1/4  
3.0 acres NW 1/4 SE 1/4  
16.0 acres SW 1/4 SE 1/4  
Section 6

Township 2 North, Range 23 East, WM

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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 Water Resources Director, affixed

this date. December 12, 1985

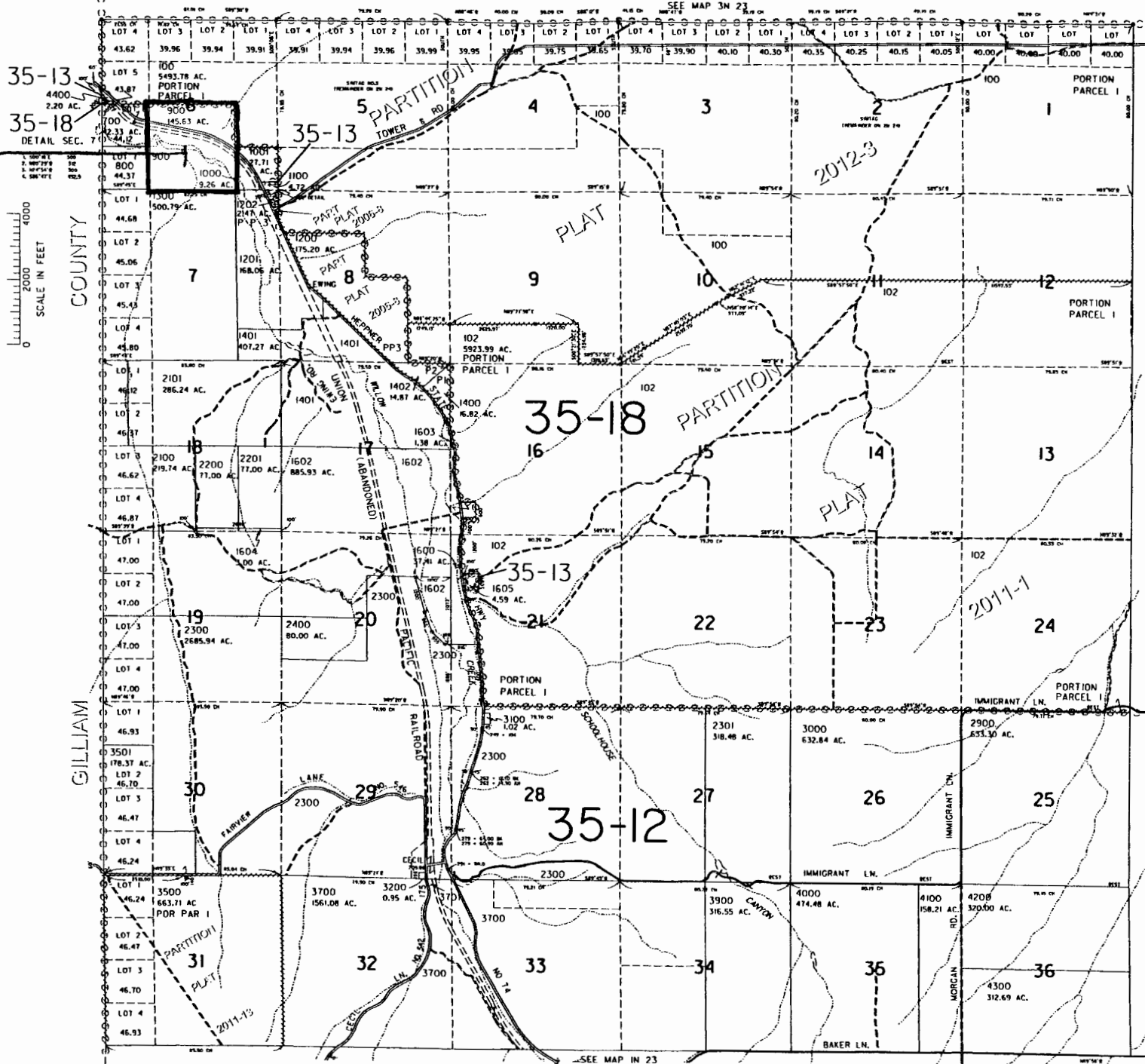
...../s/ William H. Young  
Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 48, page 53548  
9616C

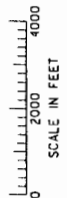
T.2N. R.23E. W.M.  
MORROW COUNTY  
1" = 2000'

THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

SEE MAP 3N 23



Subject  
Property



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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



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



**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

MCTC 9004

### 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.

*Mary Lou Mingo*  
MARY LOU MINGO

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SALEM, OR

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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