



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): Arthur and Mary B. Spada - Grand Island Farm, LLC  
First Last

Mailing Address: PO Box 157  
Saint Paul OR 97137  
City State Zip

Phone: (503) 633-2941  
Home Work Other

## PROPERTY BUYER INFORMATION

Applicant(s): Magna Land, LLC  
First Last

Mailing Address: P.O. Box 11718  
Newport Beach CA 92658  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

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

County: Yamhill Township: \_\_\_\_\_ Range: \_\_\_\_\_ Section: \_\_\_\_\_  
 Tax Lot Number(s): See attached legal description.

Street address of water right property: N/A

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

Application #: S-72039 Permit #: S-52060 Certificate or Page #: 84132

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

Name of individual completing this form: Arthur Spada Phone: (503) 633-2941

Signature: Arthur Spada Date: 4/28/14

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

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2. Vesting\_01\_200911860

RECORDING REQUESTED BY:  
Fidelity National Title Company of Oregon

GRANTOR'S NAME:  
Arthur Spada and Mary B. Spada, Trustees

GRANTEE'S NAME:  
Arthur & Mary B. Spada - Grand Island Farm, LLC

SEND TAX STATEMENTS TO:  
Arthur & Mary B. Spada  
13635 NE Clackamas Street  
Portland, OR 97230

AFTER RECORDING RETURN TO:  
Arthur & Mary B. Spada  
13835 NE Clackamas Street  
Portland, OR 97230

Escrow No: 20090014609-FTPOR01

OFFICIAL YAMHILL COUNTY RECORDS  
REBEKAH STERN DOLL, COUNTY CLERK

200911860



\$36.00

DHR-DDMR Cnt=1 Stn=2 ANITA  
07/21/2009 03:59:16 PM  
\$15.00 \$10.00 \$11.00

BARGAIN AND SALE DEED - STATUTORY FORM

Arthur Spada and Mary B. Spada, Trustees of the Arthur Spada Living Trust U/A dated 10/3/07 and Mary B. Spada and Arthur Spada, Trustees of the Mary B. Spada Living Trust U/A dated 10/3/07, conveys to

Arthur & Mary B. Spada - Grand Island Farm, LLC, an Oregon Limited Liability Company, Grantee, the following described real property, situated in the County of Yamhill, State of Oregon

SEE ATTACHED EXHIBIT "ONE"

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. 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.

The true consideration for this conveyance is \$-0- (See ORS 93.030).

Dated: July 15, 2009

Arthur Spada Trust U/A dated 10/3/07

BY: Arthur Spada  
Arthur Spada, Trustee

BY: Mary B. Spada  
Mary B. Spada, Trustee

FNT 20090014609

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Mary B. Spada Living Trust U/A dated 10/3/07

BY: Mary B. Spada  
Mary B. Spada, Trustee

BY: Arthur Spada  
Arthur Spada, Trustee

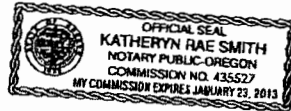
STATE OF OREGON

COUNTY OF MULTNOMAH

On this 16 day of July, 2009, personally appeared before me Arthur Spada and Mary B. Spada Trustees of the Arthur Spada Living Trust U/A dated 10/3/07 and Mary B. Spada and Arthur Spada, Trustees of the Mary B. Spada Living Trust U/A dated 10/3/07

Kathryn R. Smith

Notary Public for Oregon  
My Commission Expires: 1/23/13



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PRELIMINARY REPORT  
(Continued)

Order No.: 20090014641-FTPOR21

EXHIBIT "ONE"

PARCEL I:

The West half of the Southeast quarter of Section 23, Township 5 South, Range 3 West of the Willamette Meridian, in the County of Yamhill and State of Oregon.

PARCEL II:

Government Lot 7 and all of Government Lot 6 in Section 25, Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon, that lies East of the County Road conveyed to Yamhill County, Oregon, by deed recorded March 6, 1920 in Book 80, page 315, Deed Records.

PARCEL III:

The Northeast quarter of the Southeast quarter of Section 23, Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon.  
ALSO the North half of the Southeast quarter of the Southeast quarter of Section 23, Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon.  
ALSO beginning at a point in the center of swale on the South line of Section 23, Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon, said point being South 89° West 632.5 feet from the Southeast corner of said Section; thence South 89° West along the Section line, 721 feet to the West line of the Southeast quarter of the Southeast quarter of said Section; thence North along said line, 662.2 feet; thence North 89° East parallel with the South line of said Section 23, 1070 feet to the center of swale; thence following the center of swale as follows: South 66° 47' West 113.1 feet; South 24° 04' West 96.4 feet; South 1° 13' East 83.4 feet; South 16° 18' West 123 feet; South 63° 16' West 195.5 feet; South 0° 27' East 246.2 feet to the place of beginning.

PARCEL IV:

Beginning at an iron pipe in the center of the County Road 1.223 chains North of the quarter post on the line between Sections 25 and 26 in Township 5 South, Range 3 West of the Willamette Meridian, in the County of Yamhill and State of Oregon; thence following the average center line of the County Road with the Southerly line of County Survey No. 2846, South 58° 07' West 5.226 chains to an angle; thence South 89° 37' West 7.752 chains; thence 71° 4' West 0.638 of a chain to the West line of land conveyed to Marlon W. Schindler by deed recorded April 4, 1942 in Book 119, page 407, Deed Records; thence North 27° 40' West along the East line of said Schindler tract 17.122 chains to an iron pipe on the Southerly margin of the old river channel; thence South 72° 13' East 13.006 chains; thence South 69° 47' East 8.916 chains to an iron pipe on the Section line between Sections 25 and 26; thence South 69° 47' East, a continuation of the aforesaid course, to the center line of the County Road; thence Southwesterly along the center line of the County Road to the place of beginning.  
EXCEPT that portion of the premises lying in the road.

PARCEL V:

All of the Southeast one-quarter of the Northwest one-quarter and the Northeast one-quarter of the Southwest one-quarter of Section 23, also Lot 1 of Section 23, all of Lot 2 of Section 26 and that portion of Lot 1 of Section 26 which lies West of the following line:  
Beginning at a point on the Section line between Sections 23 and 26, which is West 618.6 feet from the Northeast corner of Section 26; thence South 27° 08' West 286.9 feet; thence South 0° 16' West 263.6 feet; thence South 39° 28' West 149.2 feet; thence South 52° 29' West 171.8 feet; thence South 20° 32' West 434.3 feet; thence South 44° 44' West 139.1 feet; thence South 29° 09' West 200.2 feet to a point on the Southerly boundary of said Lot 1, being on the bank of the slough, all in Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon.

EXCEPT THEREFROM the following described tract:

Beginning at the Northwest corner of the Southeast one-quarter of the Northwest one-quarter of said Section 23; running thence East 70 feet; thence South 180.00 feet; thence West 70.00 feet; thence North 180 feet to the place of beginning.

PARCEL VI:

Beginning at the Southwest corner of the West one-half of the Northeast one-quarter of Section 23, Township 5 South, Range 3 West, of the Willamette Meridian, in the County of Yamhill and State of Oregon; thence North 168 feet along the quarter section line; thence South 47° 27' East 248.42 feet to the quarter section line; thence West 183 feet to the point of beginning.

3x3

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After recording return to:  
Magna Land, LLC  
PO Box 11718  
Newport Beach, CA 92658

Until a change is requested all tax  
statements shall be sent to the  
following address:  
Magna Land, LLC  
PO Box 11718  
Newport Beach, CA 92658

File No.: NCS-645179-OR1 (ch)

*First American Title File: NCS-645179-OR1*

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201404804**  
DMR-DDMR  
Stn=6 SUTTONS **04/30/2014 09:38:34 AM**  
5Pgs \$25.00 \$11.00 \$5.00 \$20.00 **\$61.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify  
that the instrument identified herein was recorded in the Clerk  
records.

Brian Van Bergen - County Clerk

### STATUTORY WARRANTY DEED

**Arthur & Mary B. Spada - Grand Island Farm, LLC, an Oregon limited liability company,**  
Grantor, conveys and warrants to **Magna Land, LLC, an Oregon limited liability company,** Grantee,  
the following described real property free of liens and encumbrances, except as specifically set forth  
herein:

**LEGAL DESCRIPTION:** Real property in the County of Yamhill, State of Oregon, described as follows:

See Exhibit 'A' attached hereto and by reference made a part hereof.

**Subject to:** See Exhibit 'B' attached hereto and by reference made a part hereof.

The true consideration for this conveyance is **\$3,250,000.00.** (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 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

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After recording return to:  
Magna Land, LLC  
PO Box 11718  
Newport Beach, CA 92658

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following address:  
Magna Land, LLC  
PO Box 11718  
Newport Beach, CA 92658

File No.: NCS-645179-OR1 (ch)

THIS SPACE RESERVED FOR RECORDER'S USE

<b>RECORDED ELECTRONICALLY</b>	
ID <u>2014-04809</u>	County <u>Yamhill</u>
Date <u>4/20/14</u>	Time <u>9:38am</u>
simplifile www.simplifile.com 800.460.5657	

### STATUTORY WARRANTY DEED

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See Exhibit 'A' attached hereto and by reference made a part hereof.

**Subject to:** See Exhibit 'B' attached hereto and by reference made a part hereof.

The true consideration for this conveyance is **\$3,250,000.00**. (Here comply with requirements of ORS 93.030)

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First American Title File: NCS-645179-OR1

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 28<sup>th</sup> day of April, 2014.

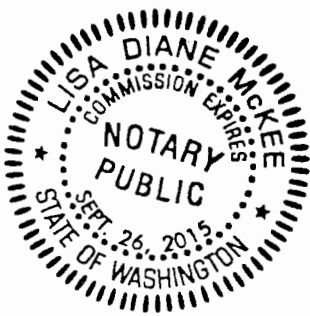
Arthur & Mary B. Spada - Grand Island Farm, LLC, an Oregon limited liability company

Arthur Spada  
By: Arthur Spada, Manager

Mary B. Spada  
By: Mary B. Spada, Manager

STATE OF WASHINGTON )  
County of Clark )ss.

This instrument was acknowledged before me on this 28<sup>th</sup> day of April, 2014 by Arthur Spada and Mary B. Spada, as Managers of Arthur & Mary B. Spada - Grand Island Farm, LLC, an Oregon limited liability company, on behalf of the limited liability company.



Lisa D. McKee  
Lisa D. McKee  
Notary Public for Washington  
My commission expires: 9-26-15

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SALEM, OR

**EXHIBIT 'A'**

**PARCEL 1**

The West half of the Southeast Quarter of Section 23, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon.

Tax Parcel No.: R5323 01100

**PARCEL 2**

Government Lot 7 and all of Government Lot 6 in Section 25, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, that lies East of the County Road conveyed to Yamhill County, Oregon, by Deed recorded March 6, 1920, in Book 80, Page 315, Deed Records.

Tax Parcel No.: R5325 00100

**PARCEL 3**

The Northeast Quarter of the Southeast Quarter of Section 23, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon.

Also the North half of the Southeast Quarter of the Southeast Quarter of Section 23, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon.

Also beginning at a point in the center of swale on the South line of Section 23 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, said point being South 89° West 632.5 feet from the Southeast corner of said Section; thence South 89° West along the Section line, 721 feet to the West line of the Southeast Quarter of the Southeast Quarter of said Section; thence North along said line, 662.2 feet; thence North 89° East parallel with the South line of said Section 23, 1070 feet to the center of swale; thence following the center of swale as follows: South 66° 47' West 113.1 feet; South 24° 04' West 96.4 feet; South 1° 13' East 83.4 feet; South 16° 18' West 123 feet; South 63° 16' West 195.5 feet; South 0° 27' East 246.2 feet to the place of beginning.

Tax Parcel No.: R5323 01300

**PARCEL 4**

Beginning at a iron pipe in the center of the County Road 1.223 chains North of the Quarter post on the line between Sections 25 and 26 in Township 5 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon; thence following the average center line of the County Road with the Southerly line of County Survey No. 2846, South 58° 07' West 5.226 chains to an angle; thence South 89° 37' West 7.752 chains; thence South 71° 4' West 0.638 of a chain to the West line of land conveyed to Marion W. Schindler by deed recorded April 4, 1942, in Book 119, Page 407, Deed Records; thence North 27° 40' West along the East line of said Schindler tract 17.122 chains to an iron pipe on the Southerly margin of the old river channel; thence South 72° 13' East 13.006 chains; thence South 69° 47' East 8.916 chains to an iron pipe on the Section line between Sections 25 and 26; thence South 69° 47' East, a

continuation of the aforesaid course, to the center line of the County Road; thence Southwesterly along the center line of the County Road to the place of beginning.

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**SALEM, OR**



EXCEPT that portion of the premises lying in the road.

Tax Parcel No.: R5326 00200

**PARCEL 5**

All of the Southeast Quarter of the Northwest Quarter and the Northeast Quarter of the Southwest Quarter of Section 23; also Lot 1 of Section 23; all of Lot 2 of Section 26 and that portion of Lot 1 of Section 26 which lies West of the following line:

Beginning at a point on the Section line between Sections 23 and 26, which is West 618.8 feet from the Northeast corner of Section 26; thence South 27° 08' West 286.9 feet; thence South 0° 16' West 263.6 feet; thence South 39° 28' West 149.2 feet; thence South 52° 29' West 171.8 feet; thence South 20° 32' West 434.3 feet; thence South 44° 44' West 139.1 feet; thence South 29° 09' West 200.2 feet to a point on the Southerly boundary of said Lot 1, being on the bank of the slough, all in Township 5 South, Range 3 West of the Willamette Meridian.

SAVE AND EXCEPT THEREFROM the following described tract:

Beginning at the Northwest corner of the Southeast Quarter of the Northwest Quarter of said Section 23; running thence East 70 feet; thence South 180.00 feet; thence West 70.00 feet; thence North 180.00 feet to the place of beginning.

Tax Parcel No.: R5326 00800 and R5323 00600

**PARCEL 6**

Beginning at the Southwest corner of the West half of the Northeast Quarter of Section 23, in Township 5 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon; thence North 168 feet along the Quarter Section line; thence South 47° 27' East 248.42 feet to the quarter section line; thence West 183 feet to the point of beginning.

Tax Parcel No.: R5323 01000

**PARCEL 7**

That portion of the historic [relic] channel of the Willamette River, as set forth in U.S. Government Subdivisional Plat from December 17, 1852, abutting the above described parcels, as conveyed by Quit Claim Deed recorded October 25, 2012 as Instrument No. 201215388; Quit Claim Deed recorded May 7, 2013 as Instrument No. 201306879; Quit Claim Deed recorded July 25, 2013 as Instrument No. 201311934.

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SALEM, OR

**EXHIBIT 'B'**

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Willamette River.
3. 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 Willamette River.
4. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette 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.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
6. Easement Agreement, including terms and provisions contained therein. Recorded November 26, 1984 in Film Volume 190, Page 1173. For: Irrigation pipeline  
  
Said easement was modified by instrument recorded January 12, 1988 in Film Volume 219, Page 982.
7. Easement Agreement, including terms and provisions contained therein. Recorded January 12, 1988 in Film Volume 219, Page 984,  
between Clark Noble and The Federal Land Bank of Spokane, a corporation. For Water pipeline
8. Any matters, including defects, relating to the right, title and interest as set forth in Quit Claim Deed recorded October 25, 2012 as Instrument No. 201215388; Quit Claim Deed recorded May 7, 2013 as Instrument No. 201306879; Quit Claim Deed recorded July 25, 2013 as Instrument No. 201311934, Deed and Mortgage Records.  
(Affects Parcel 7)
9. Restrictive Covenant (Natural Resource Protection Covenant), including terms and provisions thereof Recorded October 23, 2013 as Instrument No. 201316435.
10. Boundary discrepancies based upon the fact that no exact location of the slough, as set forth in the U.S. Subdivisional Plat from December 17, 1852, has been established. (Affects Parcels 4 and 7)

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**SALEM, OR**