



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:

COPY

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): Garrett Roseberry  
First Last  
 Mailing Address: P.O. Box 831  
Lakeview Oregon 97630  
City State Zip  
 Phone: 541-353-2524  
Home Work Other

### PROPERTY BUYER INFORMATION

RECEIVED BY OWRD

Applicant(s): Wilks Ranch Oregon, Ltd.  
First Last  
 Mailing Address: P.O. Box 111  
Cisco Texas 76437 SALEM, OR  
City State Zip  
 Phone: 817-850-3616  
Home Work Other

NOV 17 2014

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

County: Klamath Township: 35W & 36S Range: 14E Section: Sec.32-Twp. 32  
Sec. 36-Twp 5

Tax Lot Number(s): See Attached Permit

Street address of water right property: N/A

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

Application #: S-45859 Permit #: 34239 Certificate or Page #: 42408

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

Name of individual completing this form: Garrett Roseberry Phone: 541-353-2524

Signature: *Garrett Roseberry* Date: 10/16/2014

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

STATE OF OREGON  
COUNTY OF KLAMATH

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **FREDERICK W. & ELIZABETH H. HYDE**  
97622

of **P. O. Box 305, Bly**, 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  
**North Fork Sprague River**

a tributary of **Sprague River** for the purpose of  
irrigation of **91.0** acres

under Permit No. **34239** 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 **March 18, 1969**

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  
**2.28** cubic feet 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 **NE<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub>, Section 3, NE<sup>1</sup>/<sub>4</sub> SE<sup>1</sup>/<sub>4</sub>, Section 4, SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>,  
Section 5, T. 36 S., R. 14 E., W. M., 3790 feet South and 7720 feet East, 3840 feet  
South and 4230 feet East, 2100 feet South and 1920 feet West, all from NW Corner,\***

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-fortieth** 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 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:

**14.8** acres SW<sup>1</sup>/<sub>4</sub> SW<sup>1</sup>/<sub>4</sub> y  
Section 32  
T. 35 S., R. 14 E., W. M.

**3.9** acres Lot 1 (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) y  
**8.8** acres SW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> y  
**23.8** acres SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> y  
**18.8** acres Lot 3 (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) y  
**13.9** acres Lot 4 (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) y  
**7.0** acres SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub> y  
Section 5  
T. 36 S., R. 14 E., W. M.

91.0

\* Section 4.

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. **August 18, 1975**

**James E. Searson**  
Water Resources Director **State Engineer**

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34239

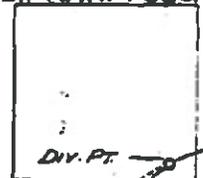
42408

# T.35 & 36S.R.14E.W.M.

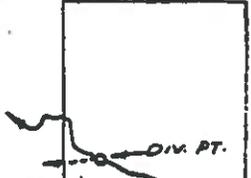
*W. Elk Sprague Ab. Meas.*



NE 1/4 SW 1/4 SEC. 3



NE 1/4 SE 1/4 SEC. 4



DIV. PTS. LOC: 3790'S. & 7720'E.; 3840' & 4230E.;  
2100'S. & 1920'W.; ALL FROM N.W. COR. SEC. 4

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## FINAL PROOF SURVEY UNDER

Application No. 45252 Permit No. 34239  
IN NAME OF

FREDERICK W. & ELIZABETH H. HYDE

Surveyed OCT. 30 1974, by R. MCKEN



2014-010849  
Klamath County, Oregon  
10/16/2014 12:45:26 PM  
Fee: \$57.00

After recording return to:

Wilks Ranch Oregon , LTD, a Partnership

PO Box 111

Cisco, TX 76437

Until a change is requested all tax statements shall be sent to the following address:

Wilks Ranch Oregon , LTD, a Partnership

PO Box 111

Cisco, TX 76437

Escrow No. MT101504CT

Title No. 0101504

SWD r.020212

**STATUTORY WARRANTY DEED**

**Powell-Roseberry LLC, an Oregon Limited Liability Company, as to Parcels 1 through 10 and Pine Mountain Cattle Company, an active Washington Corporation, as to Parcel 11**

Grantor(s), hereby convey and warrant to

**Wilks Ranch Oregon , LTD, a Partnership,**

Grantee(s), the following described real property in the County of **KLAMATH** and State of Oregon free of encumbrances except as specifically set forth herein:

**SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE**

**"together with all water right permits and certificates appurtenant to the property, along with any irrigation diversion, irrigation ditch or reservoir easements, licenses or permits associated with the water rights ; and, together with all grazing permits and leases of the Seller."**

**Together with one hundred percent (100%) of the mineral, wind, air, timber and water interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by Grantor.**

**The true and actual consideration for this conveyance is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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SALEM, OR

*Grant*

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 16 day of October, 2014

Powell-Roseberry LLC, an Oregon Limited Liability Company

Pine Mountain Cattle Company, an active Washington Corporation

BY: Garrett L. Roseberry  
Garrett L. Roseberry, Manager

BY: Garrett L. Roseberry  
Garrett L. Roseberry, President

State of Oregon  
County of Klamath

This instrument was acknowledged before me on October 16, 2014 by Garrett L. Roseberry, as Manager for Powell-Roseberry LLC, an Oregon Limited Liability Company

Cherice F. Treasure  
(Notary Public for Oregon)  
My commission expires 6/17/2016



State of Oregon  
County of Klamath

This instrument was acknowledged before me on October 16, 2014 by Garrett L. Roseberry, as President for Pine Mountain Cattle Company, an active Washington Corporation.

Cherice F. Treasure  
(Notary Public for Oregon)  
My commission expires 6/17/2016



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EXHIBIT "A"

PARCEL 1

Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 15: W1/2 SW1/4

Section 16: NE1/4 SE1/4, S1/2 SE1/4, EXCEPTING THEREFROM:

Beginning at a point 208.7 feet West of the Northeast corner of the SW1/4 of the SE1/4 of Section 16, Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon; thence South 208.7 feet; thence West 208.7 feet; thence North 208.7 feet; thence East 208.7 feet to the point of beginning.

Section 21: E1/2 NE1/4, N1/2 NW1/4, SW1/4 NW1/4, NW1/4 SW1/4

Section 22: NW1/4

PARCEL 2

Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 20: SW1/4 SE1/4

Section 28: W1/2 SW1/4

Section 29: N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4

ALSO Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 19: S1/2 SE1/4

Section 20: W1/2 SW1/4, NE1/4 SW1/4, NW1/4 SE1/4

Section 29: SE1/4 SE1/4

ALSO Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 20: SE1/4 SW1/4

Section 29: NW1/4, N1/2 SW1/4, SW1/4 SW1/4, SW1/4 NE1/4, W1/2 SE1/4

Section 30: E1/2, E1/2 W1/2 EXCEPTING THEREFROM that portion of Land Partition 32-04 lying in Section 30.

Parcel 2 of Land Partition 32-04 being the E1/2 E1/2 of Section 2 and Section 1, Township 36 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon; Sections 6 and 7, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon and Sections 30 and 31, Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

ALSO Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon:

Section 20: NW1/4, W1/2 NE1/4

Section 29: SE1/4 SW1/4

EXCEPT THEREFROM that portion of the above described parcels conveyed to Klamath County by instrument recorded May 7, 1969 in Volume M69, page 3418 through 3423, Microfilm Records of Klamath County, Oregon.

PARCEL 3

Parcel 3 of Land Partition 32-04 being in the E1/2 E1/2 of Section 2 and Section 1, Township 36 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon, Sections 6 and 7, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon and Sections 30 and 31, Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

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**PARCEL 4**

The W1/2 E1/2 and SE1/4 SE1/4 Section 33, Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon, AND all of Section 4, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon. EXCEPTING the SE1/4 SE1/4 NW1/4, SW1/4 SW1/4 NE1/4 and SE1/4 SE1/4 and NW1/4 NE1/4.

ALSO ALL of Section 3, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

EXCEPT the NW1/4 SE1/4 NE1/4, N1/2 of Government Lot 4 (N1/2 NW1/4 NW1/4), N1/2 N1/2 NE1/4 SW1/4, N1/2 S1/2 NW1/4 SE1/4, S1/2 S1/2 SW1/4 SE1/4, S1/2 S1/2 SE1/4 SE1/4.

**PARCEL 5**

The N1/2 S1/2 NW1/4 SE1/4, Section 3, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 6**

The N1/2 N1/2 NE1/4 SW1/4, Section 3, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 7**

The SE1/4 SE1/4, Section 4, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 8**

Township 35 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

Section 32: W1/2, W1/2 E1/2

Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

Section 5: All

Section 8: All

**PARCEL 9**

All of Section 9, EXCEPTING THEREFROM the S1/2 S1/2 NW1/4 NW1/4 and N1/2 N1/2 SW1/4 NE1/4, and the N1/2 S1/2 NE1/4 NE1/4, and the S1/2 S1/2 NW1/4 SE1/4, and the S1/2 N1/2 SE1/4 SW1/4, and the S1/2 S1/2 NW1/4 SW1/4, and the N1/2 S1/2 SW1/4 SW1/4, and the S1/2 N1/2 SE1/4 NW1/4, all in Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 10**

The S1/2 S1/2 SE1/4 SE1/4 of Section 3, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**PARCEL 11**

NW1/4 NE1/4 Section 4, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

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2014-010850  
Klamath County, Oregon  
10/16/2014 12:46:26 PM  
Fee: \$47.00

After recording return to:  
Wilks Ranch Oregon , LTD, a Partnership  
PO Box 111  
Cisco, TX 76437

Until a change is requested all tax statements shall be sent to the following address:  
Wilks Ranch Oregon , LTD, a Partnership  
PO Box 111  
Cisco, TX 76437

Escrow No. MT101504CT  
Title No. 0101504  
SWD r.020212

**STATUTORY WARRANTY DEED**

**Garrett Roseberry,**

Grantor(s), hereby convey and warrant to

**Wilks Ranch Oregon , LTD, a Partnership,**

Grantee(s), the following described real property in the County of **KLAMATH** and State of Oregon free of encumbrances except as specifically set forth herein:

SE1/4 SE1/4 NW1/4; SW1/4 SW1/4 NE1/4 Section 4, Township 36 South, Range 14 East of the Willamette Meridian, Klamath County, Oregon.

**"together with all water right permits and certificates appurtenant to the property, along with any irrigation diversion, irrigation ditch or reservoir easements, licenses or permits associated with the water rights ; and, together with all grazing permits and leases of the Seller."**

**Together with one hundred percent (100%) of the mineral, wind, air, timber and water interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by Grantor.**

The true and actual consideration for this conveyance is **\$186,870.00**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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NOV 17 2014

SALEM, OR

Grant.

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 16 day of October, 2014.

  
Garrett Roseberry, Individually

State of Oregon  
County of Klamath

This instrument was acknowledged before me on October 16, 2014 by Garrett Roseberry.

  
(Notary Public for Oregon)

My commission expires 6/17/2016

RECEIVED BY OWRD

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SALEM, OR

