



**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): Wilbur & Agness Day dba Roads End Water System  
First Last  
 Mailing Address: PO Box 244 (last known address)  
Neetsu Oregon 97364  
City State Zip  
 Phone: N/A N/A N/A  
Home Work Other

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## PROPERTY BUYER INFORMATION

Applicant(s): City of Lincoln City  
First Last  
 Mailing Address: PO Box 50  
Lincoln City Oregon 97367  
City State Zip  
 Phone: 541-996-2151  
Home Work Other

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

County: Lincoln Township: 6 S Range: 11 W Section: 35

Tax Lot Number(s): 5(E1/2, NE1/4, NW1/4)

Street address of water right property: \_\_\_\_\_

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

Application #: 34944 Permit #: 27408 Certificate or Page #: 33305

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

Name of individual completing this form: Lani Hankins Phone: 541-996-1282

Signature: Lani Hankins Date: 11-19-2014

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

STATE OF OREGON  
COUNTY OF LINCOLN  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WILBUR H. DAY and AGNES H. DAY  
dba Roads End Water System

of P. O. Box 450, Wecoma Beach, 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  
Logan Creek

a tributary of Supplemental group domestic for the purpose of

under Permit No. 27408 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 May 22, 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  
0.09 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 Lot 5 (E $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$ ), Section 35, T. 6 S., R. 11 W.,  
W. M. Diversion point located South 65° 11' East 2634.8 feet from the NW corner  
Section 35.

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 - - - - - of one cubic foot per second  
per acre,

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:

SW $\frac{1}{4}$  NW $\frac{1}{4}$   
W $\frac{1}{2}$  SW $\frac{1}{4}$   
Section 26  
E $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 27  
E $\frac{1}{2}$  NE $\frac{1}{4}$   
E $\frac{1}{2}$  SE $\frac{1}{4}$   
Section 34  
W $\frac{1}{2}$  NW $\frac{1}{4}$   
NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Section 35  
T. 6 S., R. 11 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. August 31, 1966

CHRIS L. WHEELER

State Engineer

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After recording return to:  
City of Lincoln City, Oregon  
City Hall, 801 SW Hwy 101, P.O. Box  
50  
Lincoln City, OR 97367

Until a change is requested all tax  
statements shall be sent to the  
following address:  
City of Lincoln City, Oregon  
City Hall, 801 SW Hwy 101, P.O. Box  
50  
Lincoln City, OR 97367

File No.: 7111-2097281 (bw)  
Date: May 28, 2013

THIS SPACE RESERVED FOR RECORDER'S USE

**READ AND APPROVED**  
DATE 5-28-13  
BY [Signature]

**STATUTORY SPECIAL WARRANTY DEED**

**ANB Venture, LLC, a Delaware limited liability company, Grantor, conveys and specially warrants to City of Lincoln City, Oregon, an Oregon Municipal Corporation, Grantee, the following described real property free of liens and encumbrances created or suffered by the Grantor, except as specifically set forth herein:**

**This property is free from liens and encumbrances, EXCEPT:**

- 1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true consideration for this conveyance is **\$2,500,000.00**. (Here comply with requirements of ORS 93.030)

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APN:

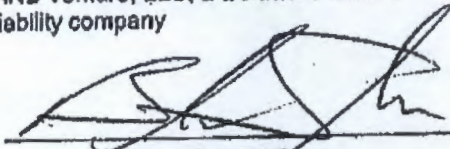
Statutory Special Warranty Deed  
continued

File No.: 7111-2097281 (bw)  
Date: 05/28/2013

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 28<sup>th</sup> day of May, 2013.

ANB Venture, LLC, a Delaware limited liability company



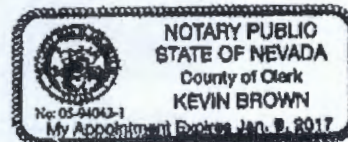
By: Brandon Snyder, COO

STATE OF Nevada )  
 )ss.  
County of Clark )

This instrument was acknowledged before me on this 28<sup>th</sup> day of May, 2013 by Brandon Snyder as COO of ANB Venture, LLC, on behalf of the limited liability company.



Notary Public for Nevada  
My commission expires:



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CITY ACCEPTANCE OF DEED  
(ORS 93.808)

Pursuant to ORS 93.808 and Lincoln City Municipal Code Section 4.04, the City of Lincoln City, by and through the City Manager, Accepts the forgoing Special Statutory Warranty Deed between ANB Venture, LLC and the City of Lincoln City.

CITY OF LINCOLN CITY, Grantee

By: [Signature]  
City Manager  
City of Lincoln City, Oregon

STATE OF OREGON )  
Lincoln County ) ss. May 29, 2013

The foregoing instrument was acknowledged before me this 29 day of May 2013,  
by David A. Hawker as City Manager for the City of Lincoln City.

[Signature]  
Notary Public for Oregon  
My commission expires: March 7, 2015



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APN:

Statutory Special Warranty Deed  
- continuedFile No.: 7111-2097281 (bw)  
Date: 03/28/2013**EXHIBIT A****LEGAL DESCRIPTION:** Real property in the County of Lincoln, State of Oregon, described as follows:**PARCEL I:****Those portions of Sections 34 and 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows:****Beginning at the Southwest corner of Lot 75, FIRST ADDITION TO ROADS END; thence East, 944 feet to the East line of U.S. Lot 24 in Section 35; thence South on said East line, 250 feet, more or less, to a point that is 3016.16 feet South and 660 feet East of the corner common to Sections 26, 27, 34 and 35; thence South 83°19'-1/2' West, 840 feet, more or less, to the East right of way line of Logan Road; thence Northwesterly, along said road, 310 feet, more or less, to the point of beginning;****EXCEPT therefrom road right of way excepted in Deed from Cora Samuels et vir to I.E. Stevens, et ux, recorded July 20, 1937 in Book 76, Page 69, Deed Records.****EXCEPT right of way described in Deed to Lincoln County, Oregon, recorded October 30, 1964 in Book 249, Page 329 and 331, Deed Records;****AND EXCEPT tract conveyed to Charles A. Parks et ux by deed recorded October 8, 1976 in Volume 69, Page 44, Film Records.****PARCEL II:****U.S. Lots 26, 27, 28, 29, and 30, Section 26 and U.S. Lots 4, 5, 6 and the North 1/2 of Lots 11 and 12, Section 35, all in Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.****EXCEPT any portion of U.S. Lot 26 falling in tract conveyed to State of Oregon by Deed recorded March 26, 1932 in Book 64, Page 290, Deed Records.****AND EXCEPTING any portion falling in plat of SAL-LA-SEA.****FURTHER EXCEPTING any portion falling in the plat of Rock Creek Village****PARCEL III:****U.S. Government Lots 7, 10, 11, 12 and 13 in Section 35, Township 6 South, Range 11 West, Willamette Meridian, Lincoln County, Oregon;****EXCEPTING THEREFROM the North 1/2 of U.S. Government Lots 11 and 12 in said Section 35;**

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**FURTHER EXCEPTING THEREFROM** all that portion of said government Lots which have been previously platted within the boundary of SAL-LA-SEA Subdivision as Recorded in Book 9, Page 58, Town Plats for Lincoln County, Oregon;

**AND FURTHER EXCEPTING THEREFROM** the following, to-wit: Beginning at a point which bears South 664.80 feet and East, 679.63 feet from the Northwest corner of Section 35, Township 6 South, Range 11 West, Willamette Meridian; thence North 0°01'30" West 131.79 feet; thence North 89°59'30" East, 115.49 feet; thence South 0°01'30" East, 60 feet; thence South 58°06'39" West, 135.98 feet to the point of beginning, all in Lincoln County, Oregon;

**AND FURTHER EXCEPTING THEREFROM** that portion lying within the boundaries of the following described tract of land, to-wit: Beginning at a point which is 248.27 feet South and 675.95 feet East of the Northwest corner of Section 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; running thence North 88°41' East, 396 feet; thence North 1°19' West, 330 feet; thence South 88°41' West, 396 feet; thence South 1°19' East, 330 feet to the point of beginning;

**ALSO EXCEPTING** therefrom roads and rights of way.

**ALSO EXCEPTING** therefrom any portion falling within the plat of Rock Creek Village.

**PARCEL IV:**

**U.S. Government Lots 1 and 2, in Section 35 and U.S. Government Lots 7 and 8 in Section 36, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon together with a strip of land described as follows:**

**Beginning at the Southeast corner of the Northwest 1/4 of the Northwest 1/4 of said Section 36; running thence West, 33 feet; thence South 16.5 feet; thence East at a distance of 16.5 feet from and parallel to the South line of the North 1/2 of the Northwest 1/4 of said Section 36 to the West line of Highway 101; thence North along the West line of said highway to the South line of the North 1/2 of the Northwest 1/4 of said Section 36; thence West of the point of beginning.**

**TOGETHER WITH** and subject to an Easement for driveway, to be used jointly with others over the following described tract of land, said Easement to be a 30 foot driveway, 15 feet on each side of the following described centerline, to-wit:

**Beginning at a point 15 feet East of the Northwest corner of Lot 9, Section 36, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence South, parallel with and 15 feet distance from the West line of said Lot 9, a distance of 735 feet; thence East 127 feet; thence South 64°14' East, 84 feet; thence North 59°24' East, 175 feet; thence North 74°56' East, 100 feet; thence South 64°44' East, 125 feet; thence North 49°01' East, 500 feet; thence North 84°00' East, 170.5 feet; thence North 62°0' East, 101 feet; thence North 88°00' East, 51 feet; thence South 72°00' East, 101 feet; thence South 47°00' East, 101 feet; thence South 9°00' East, 101 feet; thence South 1° West, 101 feet; thence**



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South 16°30' West, 64 feet; thence North 89°00' East 483.7 feet; thence North 71°00' East, 208.7 feet to the West Boundary of the Oregon Coast Highway.

**EXCEPTING** from said U.S. Government Lot 1, the following described Parcel: Beginning at the Southeast corner of U.S. Government Lot 1 and running thence Northerly along the East line of said Lot 1 a distance of 104 feet; thence Westerly and parallel to the South line of said Lot 1, a distance of 104 feet; thence in a Southerly direction and parallel to the East line of said Lot, a distance of 104 feet, more or less, to the South line of said Lot 1; thence East 104 feet along the South line of said Lot 1 to the point of beginning.

**FURTHER EXCEPTING** from said Lot 1 and said Lot 8, the following described Parcel: A tract of land located in Sections 35 and 36, Township 6 South, Range 11 West, Willamette Meridian in Lincoln County, Oregon, more particularly described as follows: Beginning at the Northwest corner of said Section 36; thence Southerly along the West line of said Section 955.33 feet; thence South 42°30' West 54.46 feet to a 5/8 inch iron rod at the most Westerly corner of the subject parcel and the true point of beginning; thence South 38°30' East 220 feet to a 5/8 inch iron rod at the most Southerly corner of subject parcel; thence North 42°30' East 396 feet to a 5/8 inch iron rod at the most Easterly corner of the subject parcel; thence North 38°30' West 220 feet to a 5/8 inch iron rod at the most Northerly corner of the subject parcel; thence South 42°30' West 396 feet to the true point of beginning.

**PARCEL V:**

U.S. Lot 3 in Section 35, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon.

**EXCEPTING THEREFROM** any portion lying within the plat of Rock Creek Village

**PARCEL VI:**

That portion of Lot 9, in Section 36, Township 6 South Range 11 West, Willamette Meridian, in Lincoln County, Oregon, described as follows: Beginning at the Northwest corner of Lot 9; thence East on the North line of said lot, 30 feet to the Northwest corner of the tract conveyed to Henry J. Lowry, Jr., by Deed recorded February 20, 1951 in Book 143, Page 450, deed Records; thence South on the West line of said Lowry tract, 735 feet; thence West to the West line of Lot 9; thence North on said West line to the point of beginning.

**PARCEL VII:**





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Beginning at a point where the West line of the Oregon Coast Highway 101 crosses the North line of U.S. Lot 11, Section 36, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon; thence West along the North line of U.S. Lot 11 and 10, 11.5 chains to the Northwest corner of the Mann tract, Recorded in Book 49, Page 617, Deed Records and the true point of beginning; thence West 315 feet to the Northeast corner of the tract conveyed to Henry J. Lowry, Jr., by Deed recorded February 20, 1951 in Book 143, Page 450, Deed Records; thence South 369.2 feet to the North line of the easement road; thence following the North line of the existing easement road Easterly to the East line of U.S. Lot 10; thence South on said East line of U.S. Lot 10, to the Southerly right of way of said easement road; thence Easterly, along the said Southerly right of way line, to a point that is in the extended West line of the tract conveyed to Robert C. Shinkle by Deed Recorded October 10, 1945 in Book 107, Page 13, Deed Records, when said West line is extended Northerly; thence South on said extended line to the Northwest corner of said Shinkle tract, which point is 400 feet North of the South line of U.S. Lot 11; thence East, 616 feet, along the North line of the Shinkle Tract, to the West line of Oregon Coast Highway No. 101; thence Northwesterly along the West boundary line of the Oregon Coast Highway No. 101 to the Southeast corner of the Oscar A. Williams tract, Recorded in Book 129, Page 212, Deed Records; thence South 71°19' West 208.07 feet; thence North 17°40' West, 241.7 feet along the West line of the Williams tract; thence North 193 feet along the West line of the William L. Quincy tract, as recorded in Book 116, Page 217, Deed Records; thence continuing North 2.60 chains, along the West line of the Mann tract, as recorded in Book 49, Page 617, Deed Records; thence West 9.34 chains to the most Westerly Southwest corner of the Mann tract; thence North .25 chains to the North line of U.S. Lot 10, and the true point of beginning.

**PARCEL VIII:**

A non-exclusive easement over those portions of the easement described in instrument recorded March 5, 1965 in Book 252, Page 495, Deed Records, lying within U.S. Lots 9 and 10, in Section 36, Township 6 South, Range 11 West, Willamette Meridian, in Lincoln County, Oregon, and as described as Crossing Parcel 1 of Deed to Robert C. Abernathy, et ux, recorded May 10, 1971 in Volume 25, Page 740, Film Records and as reserved in Contract to Robert C. Abernathy, et ux, Recorded January 30, 1970 in Volume 17, Page 11, Film Records.

**PARCEL IX:**

**PLAT OF ROCK CREEK VILLAGE, in Lincoln County, Oregon.**

**EXCEPTING THEREFROM Lots 1, 5, 6, 7, 8 and 9.**

**FURTHER EXCEPTING THEREFROM Tracts 1 and 2 (Deed out to Northwest Ventures, LLC 05/04/12 #2012-04261)**

**FURTHER EXCEPTING THEREFROM that portion lying within MAPLEWOOD, a replat of Lot 2, Rock Creek Village.**

**FURTHER EXCEPTING THEREFROM that portion lying within FERNWOOD, a Replat of Lots 3 and 4, Rock Creek Village.**



APN:

Statutory Special Warranty Deed  
- continued

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**PARCEL X:**

**Intentionally deleted – Deed out to Northwest Ventures, LLC 05/04/12 #2012-04261**

**PARCEL XI:**

**PLAT OF FERNWOOD, a Replat of Lots 3 and 4, Rock Creek Village, in Lincoln County,  
Oregon.**

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A handwritten signature in black ink, appearing to be a stylized name, located in the bottom right corner of the page.