



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): Horatio W. Burns  
First Last  
Mailing Address: P.O. Box 1510  
City State Zip  
Big Timber MT 59011  
City State Zip  
Phone: 406-932-4150  
Home Work Other

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## PROPERTY BUYER INFORMATION

Applicant(s): Cunningham Sheep Company, an Oregon corporation MAY 29 2015  
First Last  
Mailing Address: P.O. Box 1186 SALEM, OR  
City State Zip  
Pendleton OR 97801  
City State Zip  
Phone: \_\_\_\_\_  
Home Work Other

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

County: Morrow Township: 2S Range: 24 Section: 11,13,14,23,24  
Tax Lot Number(s): 1500, 1700, 2401

Street address of water right property: 63131 & 63173 Rhea Creek Rd., Heppner, OR 97836

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

Application #: S-15292 Permit #: \_\_\_\_\_ Certificate or Page #: 13688

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

Name of individual completing this form: Robert L. Levy, President Cunningham Sheep Co. Phone: \_\_\_\_\_

Signature: [Signature] Date: 4-29-15

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

MCTC 9300

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

Cunningham Sheep Company  
P.O. Box 1186  
Pendleton, OR 97801

After Recording Please Return to:

MID-COLUMBIA TITLE COMPANY  
P.O. BOX 290  
BOARDMAN, OR 97818

MORROW COUNTY, OREGON 2015-35903

D-WD

Cnt=1 Stn=23 TC

04/29/2015 02:35:32 PM

\$30.00 \$11.00 \$20.00 \$10.00

\$71.00



00025813201500359030060065

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, HORATIO W. BURNS, Grantor herein, does hereby grant, bargain, sell, convey and warrant unto CUNNINGHAM SHEEP COMPANY, AN OREGON CORPORATION, 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: For encumbrances see Exhibit "B" attached hereto.*

**THE TRUE AND ACTUAL CONSIDERATION IS \$1,385,000.00.**

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.

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SALEM, OR

Dated this 28 day of April, 2015.

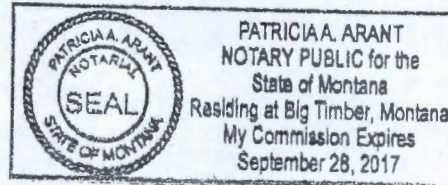
Horatio W. Burns  
HORATIO W. BURNS

STATE OF MONTANA  
COUNTY OF Sweet Grass

This instrument was acknowledged before me this 28 day of April, 2015 by HORATIO W. BURNS.

[Signature]

Notary Public for the State of MONTANA  
My Commission Expires: Sept. 28, 2017



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**EXHIBIT "A"**  
(Legal Description)

**Parcel 1:**

**A parcel of land located in Township 2 South, Range 24, East of the Willamette Meridian, in the County of Morrow and State of Oregon, further described as follows:**

- Section 13: The South Half of the Southwest Quarter; that part of the South Half of the Southeast Quarter of Section 13, of said Township and Range, lying North and West of the County Road known as County Road No. 27 "C".
- Section 14: The South Half of the Southeast Quarter; that portion of the Northwest Quarter of the Southeast Quarter lying South and East of Keck Canyon County Road.
- Section 24: That part of the Northwest Quarter of the Northeast Quarter lying North and West of said County Road No. 27 "C". ALSO all that portion of the North Half of the Northwest Quarter lying North of the County Road which intersects with the Rhea Creek County Road in the Northwest Quarter of the Northwest Quarter of said Section 24, and running thence in a Northeasterly direction therefrom and all that portion of said North Half of the Northwest Quarter of said Section 24 lying West of the Rhea Creek County Road.

**ALSO**

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All that portion of Section 13, 14 and 11, Township 2 South, Range 24, East of the Willamette Meridian, in the County of Morrow and State of Oregon, further described as Follows:

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Beginning at the Southwest corner of the Southeast Quarter of the Northeast Quarter of Section 14, said point being the true point of beginning of this description; thence North 76°30' East a distance of 230.00 feet to the intersection of the Keck Canyon Road and the Rhea Creek Market Road; thence North 10° East a distance of 313.00 feet along said Rhea Creek Road; thence North a distance of 870.00 feet along said Rhea Creek Road; thence North 43°15' East 195.00 feet along said road to a point on the North side of Rhea Creek; thence North 34° West a distance of 178.00 feet to a point on the North bank of Rhea Creek; thence Northwesterly following the meander of the North bank of Rhea Creek to a point lying North 70°30' West a distance of 925.00 feet from the last described point; thence South 56°30' West a distance of 155.00 feet across Rhea Creek; thence North 42° West a distance of 550.00 feet; thence North 27°15' West a distance of 1,620.00 feet; thence North 4°15' East a distance of 120.00 feet; thence North 5° West a distance of 785.00 feet; thence North 36° West a distance of 733.00 feet to a point on the East West center line of Section 11; thence East along said centerline a distance of 908.00 feet to a point on the center line of Rhea Creek Road; thence East along said center line a distance of 2,340.00 feet, more or less, to the East Quarter corner of said Section 11; thence South along the Section line a distance of 5,280.00 feet, more or less, to the West Quarter corner of Section 13; thence East a distance of 5,280.00 feet, more or less, to the East Quarter corner of Section 13; thence South along the Section line a distance of 1,320.00 feet; thence West a distance of 6,600.00 feet, more or less, to the Southwest corner of the Northeast Quarter of the Southeast Quarter; thence North a distance of 1,320.00 feet to the point of beginning.

**EXCEPTING THEREFROM** the following described land:

Section 14: Beginning at a point lying North 49°05' East a distance of 648.40 feet from the Southwest corner of the Northeast Quarter of the Northeast Quarter, said point being the true point of beginning of this description; thence North 11°32' West a distance of 208.70 feet; thence North 78°28' East a distance of 208.70 feet; thence South 11°32' East a distance of 208.70 feet; thence South 78°28' West a distance of 208.70 feet to the point of beginning.

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

**PARCEL 2:**

Parcel 1 of PARTITION PLAT 2000-4, in the County of Morrow and State of Oregon.

**PARCEL 3:**

The East Half of the Northeast Quarter of the Northeast Quarter of Section 23, Township 2 South, Range 24 East of the Willamette Meridian, in the County of Morrow, and State of Oregon.

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## EXHIBIT "B"

### (Permitted Exceptions)

1. Reservations and conditions, contained in Patents or Deeds, including the terms and provisions thereof, including, but not limited to, any vested and accrued water rights for mining, agriculture, manufacturing or other purposes, rights to ditches, canals and reservoirs used in connection with such water rights, established or constructed by the authority of the United States or said mineral reservations that may have been reserved in Deeds from Northern Pacific Railroad Company, and rights of the proprietor of a vein or load, to extract and remove his ore therefore should the same be found to penetrate or intersect the premises hereby granted, as provided by law.
2. 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.
3. The rights of the public in roads and highways.
4. Any question that may arise due to the shifting or change in the course of Rhea Creek.
5. Rights of the Public in and to that portion of said premises lying below the ordinary high water line of Rhea Creek.
6. Mineral Reservations, including the terms and provisions thereof, as contained in Deed from R.S. Thompson and Gwendolyn Thompson, recorded April 27, 1955, in Book 59, Page 192, Morrow County Deed Records. (Parcel 2)
7. Right of Way, including the terms and thereof, in favor of Central Rhea Creek Telephone Company, recorded May 11, 1955, in Book 59, Page 230, Morrow County Deed Records. (Parcel 1)
8. Mineral Reservations, including the terms and provisions thereof, as contained in Deed from Paul Webb Jr. and Kathryn Webb, recorded March 9, 1962, in Book 67, Page 391, Morrow County Deed Records. (Parcel 2)
9. Easement, including the terms and provisions thereof, as contained in Deed recorded May 18, 1964, in Book 70, Page 622, Morrow County Deed Records. (Parcel 3)
10. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative, Inc., recorded February 11, 1975, as Microfilm No. M-7703, Morrow County Microfilm Records. (Parcel 1)
11. Easement for underground communication lines, including the terms and provisions thereof, in favor of Pacific Northwest Bell Telephone Company, recorded March 10, 1989, as Microfilm No. M-32673, Morrow County Microfilm Records. (Parcel 1)
12. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative Association, recorded January 10, 1991, as Microfilm No. M-36111, Morrow County microfilm Records. (Parcel 2)

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13. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative Association, recorded December 19, 1996, as Microfilm No. M-49720, Morrow County Microfilm Records. (Parcel 2)
14. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative, Inc., recorded December 19, 1996, as Microfilm No. M-49748, Morrow County Microfilm Records. (Parcel 1)
15. Right of Way for Electric Transmission and Distributing Lines, including the terms and provisions thereof, in favor of Columbia Basin Electric Cooperative, Inc., recorded December 19, 1996, as Microfilm No. M-49749, Morrow County Microfilm Records. (Parcel 1)
16. Easement for telephone and communications in favor of Centurytel of Eastern Oregon, Inc. dba Centurytel, its successors and/or assigns, including the terms and provisions thereof, recorded June 21, 1999, as Microfilm No. M-58298, Morrow County Microfilm Records. (Parcel 1)
17. Agreements and Agreement for Easement, including the terms and provisions thereof, recorded March 23, 2000, as Microfilm No. M-2000-665, Morrow County Microfilm Records. (Parcel 2)
18. Statement of Water Rights as disclosed on the recorded Plat. (Parcel 2)
19. Disclaimer Statement, including the terms and provision thereof, recorded April 1, 2008, as Microfilm No. M-2008-21546, Morrow County Microfilm Records. (Parcel 2)
20. Any Mobile Home situated on said premises, is subject to registration as provided for by Oregon Law. (Parcel 2)
21. The property described herein consists of portions that are contiguous. Access to such parcels may be through adjoining tracts. Rights of access to property are limited to those county roads which abut or pass through the property described herein and no representation is made that all parcels, or parts thereof, have independent rights of access. (Parcel 3)
22. Existing Conservation Reserve Program (CRP) Government Contract, including the terms and provisions thereof, affecting the portion of said premises for the purposes stated therein.
23. Existing USDA Forest Service Grazing Permit, including the terms and provisions thereof, affecting the portion of said premises for the purposes stated therein.

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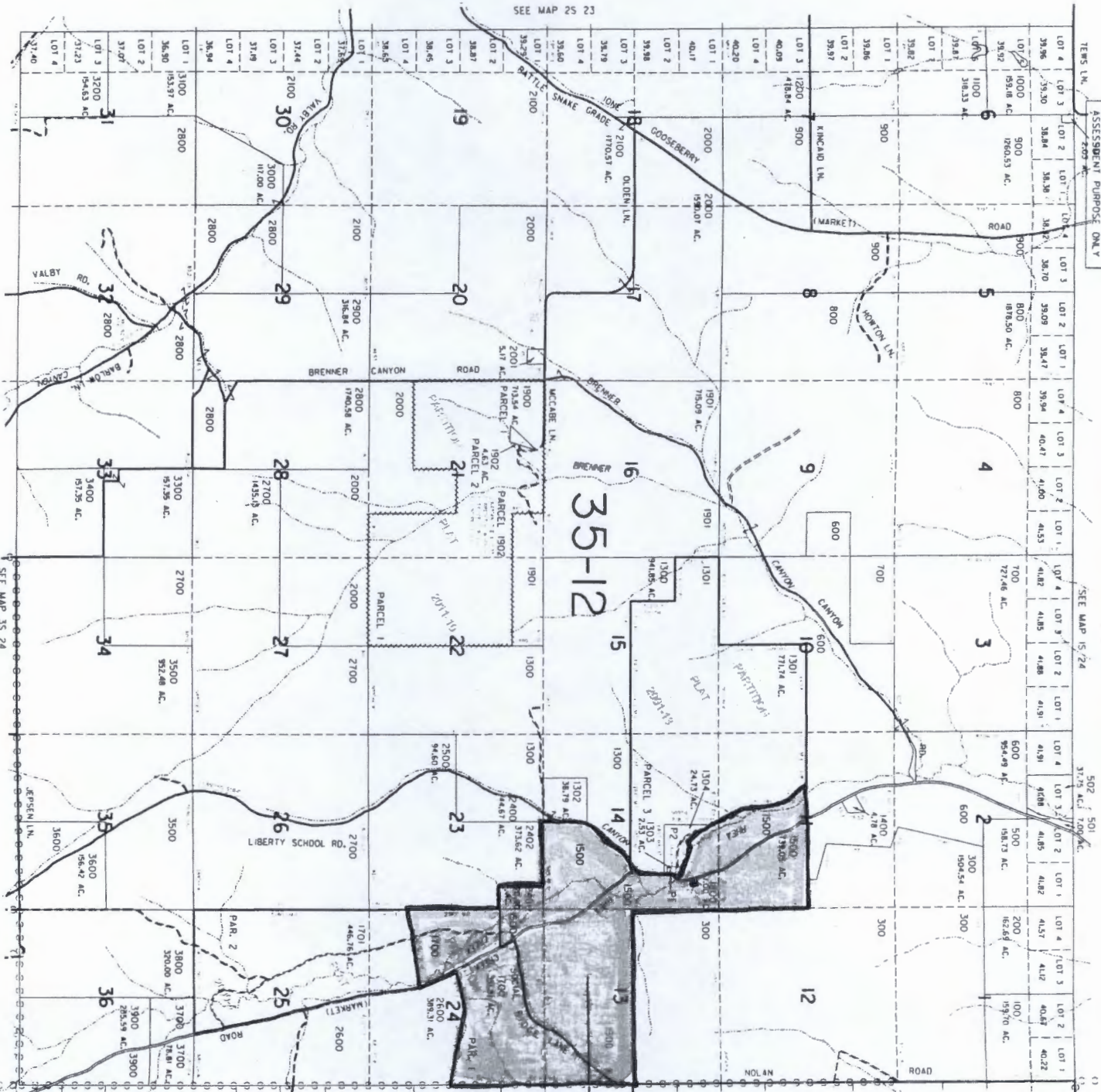
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THIS MAP WAS PREPARED FOR  
ASSESSMENT PURPOSE ONLY

T.2S. R.24E. W.M. MORROW COUNTY

1" = 2000'

25 24



Subject  
Property