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SALEM, OR



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): David S. Gillespie and Wanda A. Gillespie
Mailing Address: 757 Foothill Drive
Ontario Oregon 97914
Phone: 541-889-5858

PROPERTY BUYER INFORMATION

Applicant(s): Malheur Butte, LLC
Mailing Address: P.O. Box 386
Herald California 95638
Phone: 209-748-5020

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Malheur Township: 18 S. Range: 46 E. Section: 2
Tax Lot Number(s): 1700

Street address of water right property:

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

Application #: Permit #: 30271 Certificate or Page #:

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

Name of individual completing this form: Malheur County Title Debbie Jerman, Escrow Office Phone: 541-889-7625

Signature: Date: 6-16-15

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

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1846
102

18462
1700

RECORDING INFORMATION:

After recording return to:

Malheur Butte, LLC *MUTE #31114*
P.O. Box 386
Herald, CA 95638

Until a change is requested, all tax statements shall be sent to:

Malheur Butte, LLC
P.O. Box 386
Herald, CA 95638

MALHEUR COUNTY, OR 2015-2080
DB&S DEED 06/05/2015 03:41 PM
Cnt=1 Pgs=7 Total:\$82.00



00030342201500020800070078

I, Deborah R. DeLong, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.
Deborah R. DeLong - County Clerk

[Handwritten signature]

BARGAIN AND SALE DEED
(Property Line Adjustment)

DAVID S. GILLESPIE and WANDA A. GILLESPIE, husband and wife, GRANTOR, hereby grants, bargains, sells and conveys to **MALHEUR BUTTE, LLC, GRANTEE**, the following described real property:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

"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."

This deed is granted to effect a property line adjustment as defined by ORS 92.010. No new parcels are created by this deed.

The true consideration for this conveyance is: a property line adjustment, for which a record of survey was filed at the office of the Malheur County Surveyor at survey number 18-46-0165, and by this reference incorporated fully herein.

The original real property owned by Grantor (Tax Lot 1700, Map 18S4602) is described in Instrument No. 24773, Malheur County Deed Records.

The original real property owned by Grantee (Tax Lot 102, Map 18s46) is described in Instrument No. 2014-2612, Malheur County Deed Records.

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Descriptions of the adjusted parcels are as follows:

1. The description of Grantor's parcel, as adjusted after this property line adjustment deed, is described in Exhibit "B" attached hereto.
2. The description of Grantee's parcel, as adjusted after this property line adjustment deed, is described in Exhibit "C" attached hereto.

Dated this 29 day of May, 2015.

GRANTOR

BY: David S. Gillespie
DAVID S. GILLESPIE

BY: Wanda A. Gillespie
WANDA A. GILLESPIE

Dated this ___ day of _____, 2015.

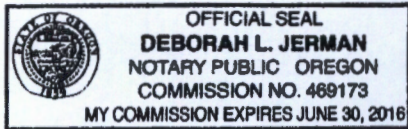
GRANTEE, MALHEUR BUTTE, LLC *Signed in Counterpart*

BY: _____
JIM H. CAPTEIN, member

BY: _____
JACQUELINE C. CAPTEIN, member

STATE OF OREGON)
County of Malheur)ss

The foregoing instrument was acknowledged before me this 29th day of May, ~~2014~~ 2015, by DAVID S. GILLESPIE and WANDA A. GILLESPIE, husband and wife.



Deborah L. Jerman
Notary Public for Oregon
My commission expires: 6-30-16

STATE OF)
County of)ss

The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by JIM H. CAPTEIN and JACQUELINE C. CAPTEIN, members of MALHEUR BUTTE, LLC., an Oregon Limited Liability Company, on behalf of the limited liability company.

Notarized in counterpart

Notary Public for
My commission expires: _____

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Descriptions of the adjusted parcels are as follows:

1. The description of Grantor's parcel, as adjusted after this property line adjustment deed, is described in Exhibit "B" attached hereto.
2. The description of Grantee's parcel, as adjusted after this property line adjustment deed, is described in Exhibit "C" attached hereto.

Dated this 4th day of June, 2015.

GRANTOR

BY: *Signed in counterpart* BY: _____
 DAVID S. GILLESPIE WANDA A. GILLESPIE

Dated this 4th day of June, 2015.

GRANTEE, MALHEUR BUTTE, LLC

● BY: *Jim H. Captein* = ● BY: *Jacqueline C. Captein*
 JIM H. CAPTEIN, member JACQUELINE C. CAPTEIN, member

STATE OF OREGON)
) ss
 County of Malheur)

The foregoing instrument was acknowledged before me this _____ day of _____, 2014, by DAVID S. GILLESPIE and WANDA A. GILLESPIE, husband and wife.

notarized in counterpart

 Notary Public for Oregon
 My commission expires: _____

STATE OF)
) ss
 County of)

● The foregoing instrument was acknowledged before me this _____ day of _____, 2015, by JIM H. CAPTEIN and JACQUELINE C. CAPTEIN, members of MALHEUR BUTTE, LLC., an Oregon Limited Liability Company, on behalf of the limited liability company.

attached acknowledgment

 Notary Public for
 My commission expires: _____

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SALEM, OR

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sacramento)
On June 4, 2015 before me, T. Farris Notary Public
Date Here Insert Name and Title of the Officer
personally appeared Jim H. Captein and Jacqueline C
Name(s) of Signer(s)
Captein

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature T. Farris
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Document Date:
Number of Pages: Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
Corporate Officer - Title(s):
Partner - Limited General
Individual Attorney in Fact
Trustee Guardian or Conservator
Other:
Signer Is Representing:

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EXHIBIT A

Adjustment Parcel (Tax Lot 1700/Map18S4602 to Tax Lot 102/Map 18S46)

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 46 East, Willamette Meridian:

Section 2: All that portion of the W1/2SW1/4 lying south and east of the following described reference line:

Commencing at the southwest corner of said Section 2, being monumented by a #5 rebar with aluminum cap stamped "ATLAS LAND SURVEYING PLS 65687", herein after called "capped rebar";

thence along the west line of said SW1/4, N. 00° 06' 00" W. 1116.42 feet, to the centerline of Foothill Drive and the **POINT OF BEGINNING** of said reference line, from which point a capped rebar bears S. 00° 06' 00" E. 26.80 feet and the northwest corner of the SW1/4SW1/4 (S1/16 corner) of said Section 2 bears N. 00° 06' 00" W. 208.00 feet;

thence N. 52° 10' 39" E. 980.18 feet, to a capped rebar;

thence N. 18° 04' 16" W. 316.60 feet, to the centerline of said Foothill Drive, from which point a capped rebar bears S. 18° 04' 16" E. 28.95 feet;

thence the following three courses along the centerline of Foothill Drive:

1) N. 41° 31' 08" E. 242.24 feet;

2) northeasterly 349.74 feet along the arc of a 5000.00 foot radius curve, concave northwesterly, through a central angle of 4°00'28", and whose long chord bears N. 39° 30' 54" E. 349.66 feet;

3) northeasterly 61.59 feet along the arc of a 455.00 foot radius reverse curve, concave southeasterly, through a central angle of 7°45'21", and whose long chord bears N. 41° 23' 20" E. 61.54 feet, to a point which bears N. 54° 45' 17" W. 20.90 feet from a capped rebar;

thence S. 54° 45' 17" E. 136.64 feet, to a capped rebar;

thence S. 77° 34' 45" E. 112.87 feet, to a capped rebar on the east line of said W1/2SW1/4, and the **POINT OF TERMINUS** of said reference line.

The basis of bearings used in this description being the Oregon Coordinate Reference System; Ontario Zone, as shown on Malheur County survey inst. #18-46-0165, incorporated fully herein by this reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dean J. Coon 3/18/15

OREGON
JANUARY 8, 2002
DEAN J. COON
65687LS

EXPIRES: 12/31/15

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2015-2080

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MALHEUR COUNTY, OREGON

Exhibit "B"

Grantor's Land after Adjustment (Tax Lot 1700, Map 18S4602)

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 46 East, Willamette Meridian:

Section 2: All that portion of the W1/2SW1/4 lying north and west of the following described reference line:

Commencing at the southwest corner of said Section 2, being monumented by a #5 rebar with aluminum cap stamped "ATLAS LAND SURVEYING PLS 65687", herein after called "capped rebar";

thence along the west line of said SW1/4, N. 00° 06' 00" W. 1116.42 feet, to the centerline of Foothill Drive and the **POINT OF BEGINNING** of said reference line, from which point a capped rebar bears S. 00° 06' 00" E. 26.80 feet and the northwest corner of the SW1/4SW1/4 (S1/16 corner) of said Section 2 bears N. 00° 06' 00" W. 208.00 feet;

thence N. 52° 10' 39" E. 980.18 feet, to a capped rebar;

thence N. 18° 04' 16" W. 316.60 feet, to the centerline of said Foothill Drive, from which point a capped rebar bears S. 18° 04' 16" E. 28.95 feet;

thence the following three courses along the centerline of Foothill Drive:

1) N. 41° 31' 08" E. 242.24 feet;

2) northeasterly 349.74 feet along the arc of a 5000.00 foot radius curve, concave northwesterly, through a central angle of 4°00'28", and whose long chord bears N. 39° 30' 54" E. 349.66 feet;

3) northeasterly 61.59 feet along the arc of a 455.00 foot radius reverse curve, concave southeasterly, through a central angle of 7°45'21", and whose long chord bears N. 41° 23' 20" E. 61.54 feet, to a point which bears N. 54° 45' 17" W. 20.90 feet from a capped rebar;

thence S. 54° 45' 17" E. 136.64 feet, to a capped rebar;

thence S. 77° 34' 45" E. 112.87 feet, to a capped rebar on the east line of said W1/2SW1/4, and the **POINT OF TERMINUS** of said reference line.

The basis of bearings used in this description being the Oregon Coordinate Reference System; Ontario Zone, as shown on Malheur County survey inst. #18-46-0165, incorporated fully herein by this reference.

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Dean J. Coon 3/18/15

OREGON
JANUARY 8, 2002
DEAN J. COON
65887LS

EXPIRES: 12/31/15

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2015-2080

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MALHEUR COUNTY, OREGON

Exhibit "C"

Grantee's Land after Adjustment (Tax Lot 102, Map 18S46)

Land in Malheur County, Oregon, as follows:

In Township 18 South, Range 46 East, Willamette Meridian:

Parcel #1:

In the S1/2SE1/4 of Section 3 and the N1/2NE1/4 of Section 10:

Parcel #3 of Partition Plat #12-10, according to the official plat thereof on file in the record of Malheur County at Inst. #2012-4310.

TOGETHER WITH

Section 2: All that portion of the W1/2SW1/4 lying south and east of the following described reference line:

Commencing at the southwest corner of said Section 2, being monumented by a #5 rebar with aluminum cap stamped "ATLAS LAND SURVEYING PLS 65687", herein after called "capped rebar";

thence along the west line of said SW1/4, N. 00° 06' 00" W. 1116.42 feet, to the centerline of Foothill Drive and the **POINT OF BEGINNING** of said reference line, from which point a capped rebar bears S. 00° 06' 00" E. 26.80 feet and the northwest corner of the SW1/4SW1/4 (S1/16 corner) of said Section 2 bears N. 00° 06' 00" W. 208.00 feet;

thence N. 52° 10' 39" E. 980.18 feet, to a capped rebar;

thence N. 18° 04' 16" W. 316.60 feet, to the centerline of said Foothill Drive, from which point a capped rebar bears S. 18° 04' 16" E. 28.95 feet;

thence the following three courses along the centerline of Foothill Drive:

- 1) N. 41° 31' 08" E. 242.24 feet;
- 2) northeasterly 349.74 feet along the arc of a 5000.00 foot radius curve, concave northwesterly, through a central angle of 4°00'28", and whose long chord bears N. 39° 30' 54" E. 349.66 feet;
- 3) northeasterly 61.59 feet along the arc of a 455.00 foot radius reverse curve, concave southeasterly, through a central angle of 7°45'21", and whose long chord bears N. 41° 23' 20" E. 61.54 feet, to a point which bears N. 54° 45' 17" W. 20.90 feet from a capped rebar;

thence S. 54° 45' 17" E. 136.64 feet, to a capped rebar;

thence S. 77° 34' 45" E. 112.87 feet, to a capped rebar on the east line of said W1/2SW1/4, and the **POINT OF TERMINUS** of said reference line.

The basis of bearings used in this description being the Oregon Coordinate Reference System; Ontario Zone, as shown on Malheur County survey inst. #18-46-0165, incorporated fully herein by this reference.

REGISTERED PROFESSIONAL LAND SURVEYOR

Dean J. Coon 3/10/15

OREGON
JANUARY 8, 2002
DEAN J. COON
65687LS

EXPIRES: 12/31/15

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SALEM, OR