



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): ANDREW RUSTAN ET AL.
Mailing Address: 793 ^{First} SOUTH TRACY BLVD. ^{Last} #285
TRACY CA. 95376
City State Zip
Phone: 209-831-7943 209-814-6099 (cell)
Home Work Other

SALEM, OR

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PROPERTY BUYER INFORMATION

Applicant(s): FROSTY ACRES M. INC. (MARK ALBAUGH PRES.)
Mailing Address: P.O. BOX 35
NEW PINE CREEK OR. 97635
City State Zip
Phone: 541-947-5803 530-227-1863 (cell)
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: LAKE. Township: 40S/41E Range: 20E. Section: 35, 36, 1, 2
Tax Lot Number(s): _____

Street address of water right property: _____

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

Application #: _____ Permit #: _____ Certificate or Page #: 83/88

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

Name of individual completing this form: RANDY UTLEY BROKER Phone: 541-947-2161

Signature: Randy Utley Date: 10/29/15

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

STATE OF OREGON
COUNTY OF LAKE
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ANDREW H RUSTAN
12971 HWY 395
LAKEVIEW OR 97630

confirms the right to use the waters of A WELL in the Goose & Summer Lake Basin for SUPPLEMENTAL IRRIGATION of 220.4 ACRES.

This right was perfected under Permit G-10286. The date of priority is OCTOBER 25, 1983. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 2.76 CUBIC FEET PER SECOND or its equivalent in case of rotation, measured at the well.

The well is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Survey Coordinates
41 S	20 E	WM	1	NE NW	3	75 FEET SOUTH & 1900 FEET EAST FROM NW CORNER, SECTION 1

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

A description of the place of use to which this right is appurtenant is as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Acres
40 S	20 E	WM	35	SE SE	5	32.40
40 S	20 E	WM	36	SW SW	1	38.10
40 S	20 E	WM	36	SE SW	2	37.70
40 S	20 E	WM	36	SW SE	3	6.50
41 S	20 E	WM	1	NW NE	2	7.20
41 S	20 E	WM	1	NE NW	3	37.50
41 S	20 E	WM	1	NW NW	4	39.50
41 S	20 E	WM	2	NE NE	1	21.50

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

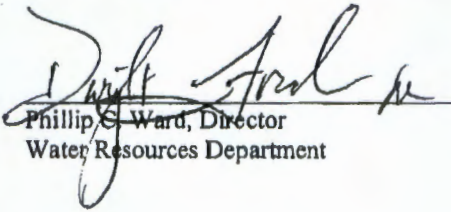
The water user shall install and maintain a weir, meter, or other suitable measuring device and keep a complete record of the amount of ground water withdrawn.

The works shall include an airline and pressure gauge or an access port for a measuring line, adequate to determine the water level elevation in the well at all times.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

WITNESS the signature of the Water Resources Director, affixed MAR 16 2007

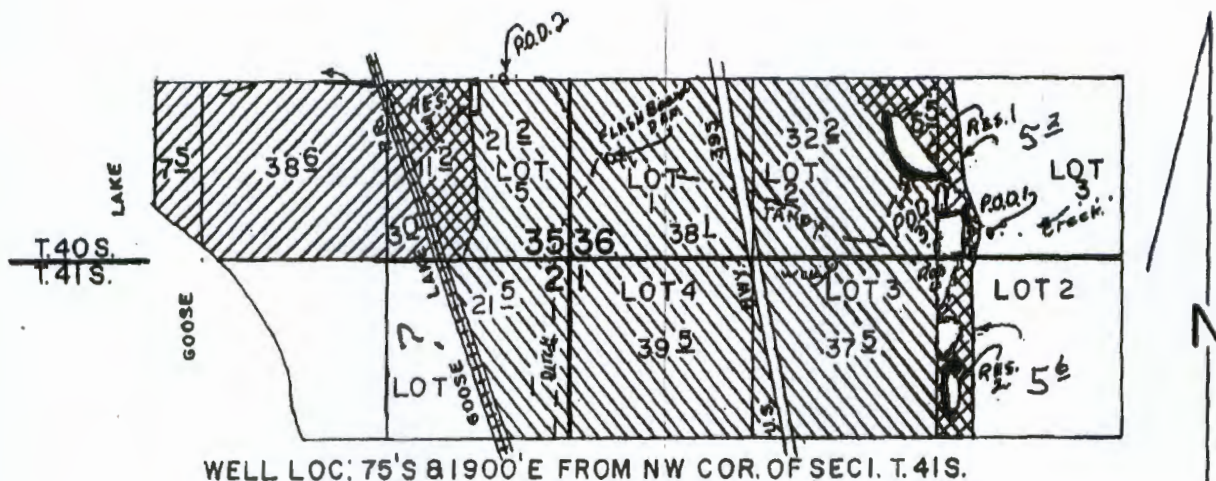

Phillip C. Ward, Director
Water Resources Department

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T. 40 & 41 S., R. 20 E., W.M.



WELL LOC: 75'S & 1900'E FROM NW COR. OF SEC. 1. T. 41 S.
 P.O.D. 1 LOC: 180' N & 2260' W FROM SE COR. OF SEC 36. T. 40 S.
 P.O.D. 2 LOC: 1320' N & 450' W FROM SE COR. OF SEC 35. T. 40 S.
 P.O.D. 3 LOC: 550' N & 2860' W FROM SE COR. OF SEC 36. T. 40 S.
 P.O.D. 4 LOC: 100' N & 2650' W FROM SE COR. OF SEC 36. T. 40 S.
 ALL IN RANGE 20, W.M.

POND 1 LOC: 770' N & 2850' W FROM SE COR OF SEC 36

POND 3 LOC: 1150' N & 600' W FROM SE COR OF SEC 35

T 40 S, R 20 E, W.M.

SCALE: 1" = 1320'

FINAL PROOF SURVEY

Application No. 63548 UNDER 63548
G-11198 Permit No. 46923
R-63191 G-10286
 IN NAME OF R-8477



PRIMARY

SUPPLEMENTAL

GEORGE AND MARGARET BENZ

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Surveyed NOV 14, 1990, by B.W.BISHOP

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12/04/06 JWG

After recording return to:

Frosty Acres M, Inc., a Nevada Corporation,

PO Box 1491

Cottonwood, CA 96022

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

Frosty Acres M. Inc., a Nevada corporation

PO Box 1491

Cottonwood, CA 96022

File No. 52230AM



00011744201500012510040040

I, Stacie Geaney, County Clerk for Lake County, Oregon
certify that the instrument identified herein was
recorded in the Clerk records.

Stacie Geaney - County Clerk

STATUTORY WARRANTY DEED

Andrew H. Rustan, as to an undivided 1/2 interest and Andrew H. Rustan and Andrew M. Rustan as trustees
of the Intervivos Trust established under the will of Meredith H. Rustan, as to an undivided 1/2 interest as to
Parcel 1 Andrew H. Rustan, as to Parcel 2,

Grantor(s), hereby convey and warrant to

Frosty Acres M, Inc., a Nevada Corporation,

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

See Exhibit "A" Attached

The true and actual consideration for this conveyance \$625,000.00

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:

2015-2016 Real Property Taxes, a lien not yet due and payable.

40 20 00 - 042
04341 20 00 - 001
002

41 21 00 - 003

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SALEM, OR

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 24th day of July, 2015

Andrew H. Rustan

Andrew H. Rustan, Individually

Andrew H. Rustan and Andrew M. Rustan, Trustees
of the Intervivos Trust established under the will
of Meredith H. Rustan (Exchangor for Parcel 1)

By: Andrew H. Rustan, Trustee

Andrew H. Rustan, Trustee

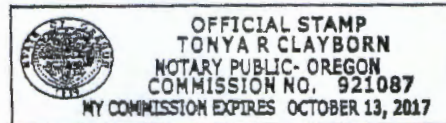
By: Andrew M. Rustan, Trustee

Andrew M. Rustan, Trustee

State of Oregon } ss
County of Lake }

On this 24 day of July, 2015, before me, Tonya R. Clayborn,
Notary Public in and for said state, personally appeared Andrew H. Rustan, individually and Andrew H. Rustan and Andrew M. Rustan, Trustees of the Intervivos Trust established under the will of Meredith H. Rustan, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within Instrument and acknowledged to me that he/she/they executed same.
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Tonya R. Clayborn
Notary Public for the State of Oregon
Residing at: Lake County
Commission Expires: 10-13-17



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SALEM, OR

2015001251

State of Oregon } ss
County of Lake }

On this 28 day of July, 2015, before me,

Tonya R. Clayborn a Notary Public in and for said
state, personally appeared Andrew M. Rustan, known or identified to me to be the person(s)
whose name(s) is/are subscribed to the within Instrument and acknowledged to me that
he/she/they executed same.

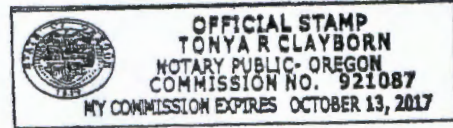
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and
year in this certificate first above written.

Tonya R. Clayborn

Notary Public for the State of Oregon

Residing at: Lake County

Commission Expires: 10-13-17



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2015001251

In the County of Lake, State of Oregon, as follows:

Parcel 1

Township 40 South, Range 20 East of the Willamette Meridian,
Section 35: Government Lot 5
Section 36: Government Lots 1, 2, 3, and 4 and the N $\frac{1}{4}$ of the SE $\frac{1}{4}$

Township 41 South, Range 20 East of the Willamette Meridian,
Section 1: The N $\frac{1}{4}$ of the NE $\frac{1}{4}$ and the N $\frac{1}{4}$ of the NW $\frac{1}{4}$
Section 2: Government Lot 1

Township 41 South, Range 21 East of the Willamette Meridian,
Section 6: Government Lot 1

Parcel 2:

All lands lying above the State's ownership of Goose Lake at elevation 4,702-feet mean sea level of Goose Lake and abutting Tax Lot 200, Section 2, Township 41 South, Range 20 East of the Willamette Meridian and also abutting Tax Lot 4200, in Section 35 and 36 in Township 40 South, Range 20 East of the Willamette Meridian, as conveyed by the State of Oregon to Andrew H. Rustan on February 19, 2010, Book 274 at Page 520, Lake County Deed Records, Oregon.
EXCEPTING THEREFROM any portion lying within the right of way of US

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