



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): _____
First Last

Mailing Address: _____

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City State Zip

JAN 04 2016

Phone: _____
Home Work Other

SALEM, OR

PROPERTY BUYER INFORMATION

Applicant(s): Ditchen Land LLC _____
First Last

Mailing Address: 7385 Howell Prairie Rd NE _____

Silverton _____ OR _____ 97381 _____
City State Zip

Phone: _____
Home Work Other

503-873-4541

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Polk Township: 9 Range: 4 Section: 28, 27

Tax Lot Number(s): 213693

Street address of water right property: 12050 Corvallis Rd. Independence

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

Application #: 43378 Permit #: 32436 Certificate or Page #: 35888

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

Name of individual completing this form: David Ditchen Phone: 503 873-4541

Signature: David Ditchen Date: 12-15-15

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

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WARNER AND LINN**

of **Route 1, Box 135, Independence**, 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 **Luckiamute River**

a tributary of **Willamette River** for the purpose of **irrigation of 49.8 acres**

under **Permit No. 32436** 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 16, 1967**

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 **0.62 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 **NE $\frac{1}{4}$ NE $\frac{1}{4}$** , as projected within **Butler DLC 68, Section 33, T. 9 S., R. 4 W., W. M.** Diversion point located **5470 feet South and 750 feet East from NW Corner, Butler DLC 68.**

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-eightieth** 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 **2 $\frac{1}{2}$ 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:

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19.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
6.6 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
both as projected within **Butler DLC 68**
Section 27

23.4 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within **Butler DLC 68**
Section 28
T. 9 S., R. 4 W., W. M.

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. March 31, 1969

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 27, page 35888

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Permit No. 32436

*APPLICATION FOR PERMIT

CERTIFICATE NO. 35888

To appropriate the Public Waters of the State of Oregon

I, Warner & Linn (a partnership) of Route 1, Box 135, Independence, Oregon, do hereby make application for a permit to appropriate the following described public waters of the State of Oregon, SUBJECT TO EXISTING RIGHTS:

If the applicant is a corporation, give date and place of incorporation

1. The source of the proposed appropriation is Luckiamute, a tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is 0.62 cubic feet per second.

**3. The use to which the water is to be applied is Irrigation

4. The point of diversion is located 5470 ft. S. and 750 ft. E. from the N. W. corner of Butler DLG 68

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being within the NE 1/4 NE 1/4 of Sec. 33, Tp. 9 S., R. 14 W., W. M., in the county of Polk

5. The ... to be ... in length, terminating in the ... of Sec. ... Tp. ... R. ... W. M., the proposed location being shown throughout on the accompanying map.

DESCRIPTION OF WORKS

Diversion Works—

6. (a) Height of dam ... feet, length on top ... feet, length at bottom ... feet; material to be used and character of construction

(b) Description of headgate

(c) If water is to be pumped give general description 50 hp Elect. Cent.-Booster, 20 hp Elect. Cent.

*A different form of application is provided where storage works are contemplated.

**Application for permits to appropriate water for the generation of electricity, with the exception of municipalities, must be made to the Hydroelectric Commission. Either of the above forms may be secured, without cost, together with instructions by addressing the State Engineer, Salem, Oregon.

10. (a) To supply the city of

(Name of)

County, having a present population of

and an estimated population of in 19.....

(b) If for domestic use state number of families to be supplied

(Answer questions 11, 12, 13, and 14 in all cases)

11. Estimated cost of proposed works, \$..... Completed.....

12. Construction work will begin on or before Completed.....

13. Construction work will be completed on or before Completed.....

14. The water will be completely applied to the proposed use on or before 10/1/70.....

Warren S. Quinn - By R.C. Ward
(Signature of applicant)

Remarks: Same Diversion point as Permit number 27763, Legal Description in

File No. 37265

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STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before, 19.....

WITNESS my hand this day of, 19.....

STATE ENGINEER

By

ASSISTANT

PERMIT

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

The right herein granted is limited to the amount of water which can be applied to beneficial use and shall not exceed 0.62 cubic feet per second measured at the point of diversion from the stream, or its equivalent in case of rotation with other water users, from Luckiamute River

The use to which this water is to be applied is irrigation

If for irrigation, this appropriation shall be limited to 1/80th 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 2 1/2 acre feet per acre for each acre irrigated during the irrigation season of each year,

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and shall be subject to such reasonable rotation system as may be ordered by the proper state officer.

The priority date of this permit is March 16, 1967

Actual construction work shall begin on or before November 21, 1968 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1969.

Complete application of the water to the proposed use shall be made on or before October 1, 1970

WITNESS my hand this 21st day of November, 1967

Chris L. Wheeler
STATE ENGINEER

PC

Application No. 43378
Permit No. 32436

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

This instrument was first received in the office of the State Engineer at Salem, Oregon, on the 16th day of March, 1967, at 8:00 o'clock A. M.

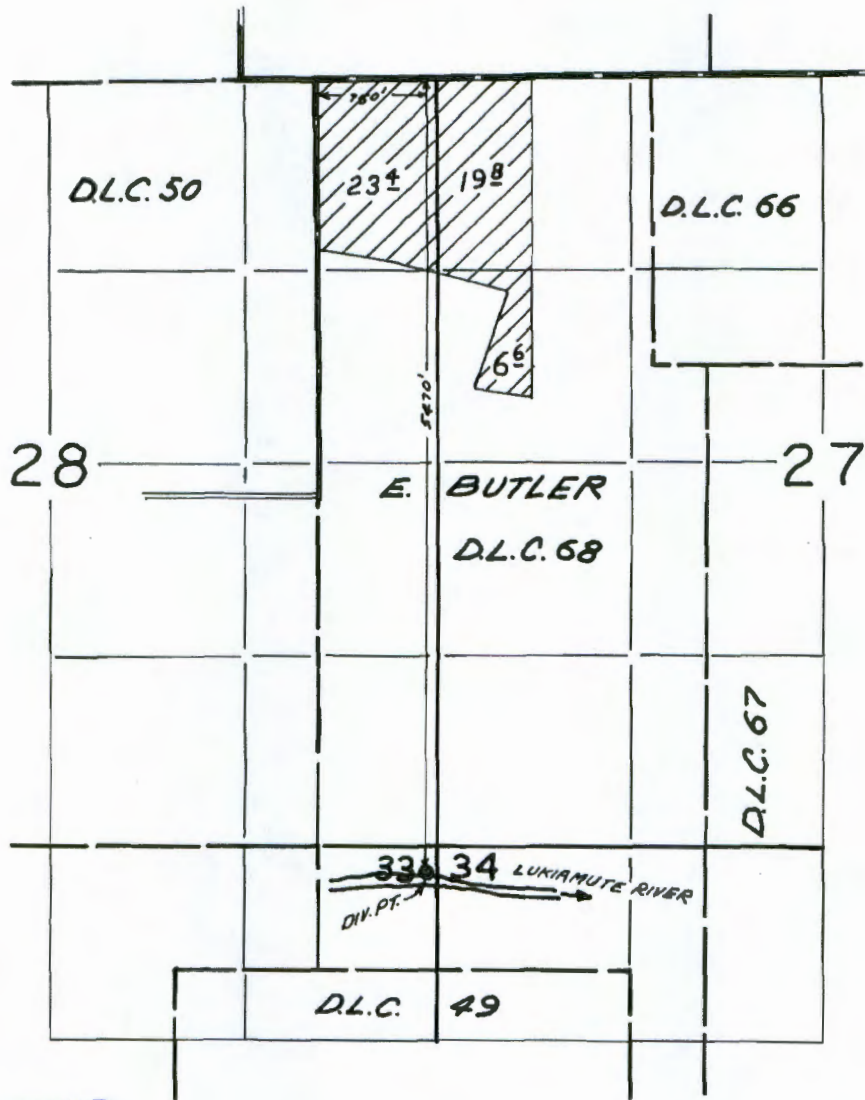
Returned to applicant:

Approved: November 21, 1967 of 32436
Recorded in book No. 32436
Permits on page

CHRIS L. WHEELER
STATE ENGINEER

Drainage Basin No. 2 page 157
Fees 123.00

T. 9 S. R. 4 W. W.M.



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SALEM, OR

43378
32436

APPLICATION MAP

WARNER & LINN

B354P202

98 MAY 15 PM 2:01

After recording return to:

TITLE ORDER NO: 16-14360

DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP ESCROW NO: 02-53801

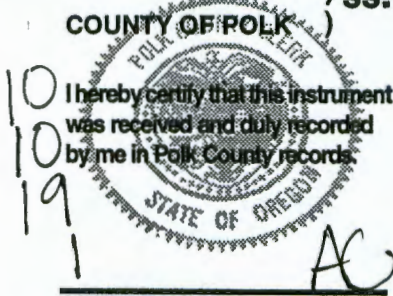
STATE OF OREGON)

7385 HOWELL PARIRIE ROAD

SILVERTON, OR 97381

Until a change is requested tax statements shall be sent to the following address: SAME AS ABOVE

446320



WARRANTY DEED -- STATUTORY FORM (INDIVIDUAL or CORPORATION)

LINDA DAWSON, COUNTY CLERK

RAYMOND C. WARNER AND NADENE H. WARNER, CO-TRUSTEES OF THE WARNER FAMILY REVOCABLE TRUST, AS TO UNDIVIDED ONE-HALF AND ELMER D. LINN, TRUSTEE ELMER D. LINN REVOCABLE TRUST AS TO AN UNDIVIDED ONE HALF INTEREST. Grantor,

conveys and warrants to:

DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, Grantee,

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the following described real property free of encumbrances except as specifically set forth herein: JAN 04 2016

SALEM, OR

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

Tax Account No: 13-05 09433-0 Map No: Tax Account No: 13-05 09428-0 Map No:

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is [redacted]. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

Dated this 4-16th day of April, 1998.

GRANTOR(S):

Raymond C. Warner - RAYMOND C. WARNER, TRUSTEE

Nadene H. Warner - By Raymond C. Warner attorney in fact NADENE H. WARNER, TRUSTEE

Elmer D. Linn Trustee ELMER D. LINN, TRUSTEE

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on April 16, 1998, by RAYMOND C. WARNER, TRUSTEE, NADENE H. WARNER, TRUSTEE and ELMER D. LINN, TRUSTEE

[Signature of Notary Public]

My commission expires: 6-15-98



Key Title

Beginning at the Southeast corner of the C. T. Davidson Donation Land claim, Notification Number 1554, Claim Number 50; running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River; thence Southerly and Easterly following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification Number 1567, Claim Number 68; thence Northerly along the West line to place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO the following described property: The West half of the Donation Land Claim of Elijah D. Butler and Sarah E. Butler, his wife, and marked and designated on the official plats and surveys of the United States as Notification No. 1567, Claim no. 68, being parts of Sections, 27, 28, 33 and 34, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the West line of the Elijah D. Butler Donation Land Claim No. 68, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which is 2920.64 feet South of the Northeast corner of the C. I. Davidson Donation Land Claim, No. 50, in said Township and Range; thence along said Donation Land Claim line South 152.47 feet; thence South 87° East 242.00 feet; thence North 180.00 feet; thence North 87° West 242.00 feet to a point on said Donation Land Claim line; thence South 27.53 feet to the point of beginning.

SAVE AND EXCEPT: Any portion of the above described tract lying within the right of way limites of public roads and highways.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.

2. The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River.

- 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Luckiamute River as it now exists or has existed.
- 2) Any adverse claim based on the assertion that:
 - a) some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - b) some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Luckiamute River or has been formed by accretion to such portion.
 - c) any adverse claim based upon the assertion that the Luckiamute River has changed in location.

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3. An easement created by instrument, including the terms and provisions thereof,

Dated: June 24, 1974
 Recorded: June 25, 1974 in Book 59, Page 665,
 Book of Records, Polk County, Oregon
 In favor of: R. C. Warner and Nadene Warner (TL 101)
 For: maintaining water line and pump
 Affects: as set forth in document

4. An easement created by instrument, including the terms and provisions thereof,

Dated: September 1, 1992
 Recorded: September 10, 1992 in Book 258, Page 400
 Book of Records, Polk County, Oregon
 In favor of: adjacent property owner (TL 101)
 For: septic drainfield

#446320

This instrument was acknowledged before me on April 16, 1998, by RAYMOND C. WARNER, TRUSTEE, NADENE H. WARNER, TRUSTEE and ELMER D. LINN, TRUSTEE

[Signature]
Notary Public for Oregon

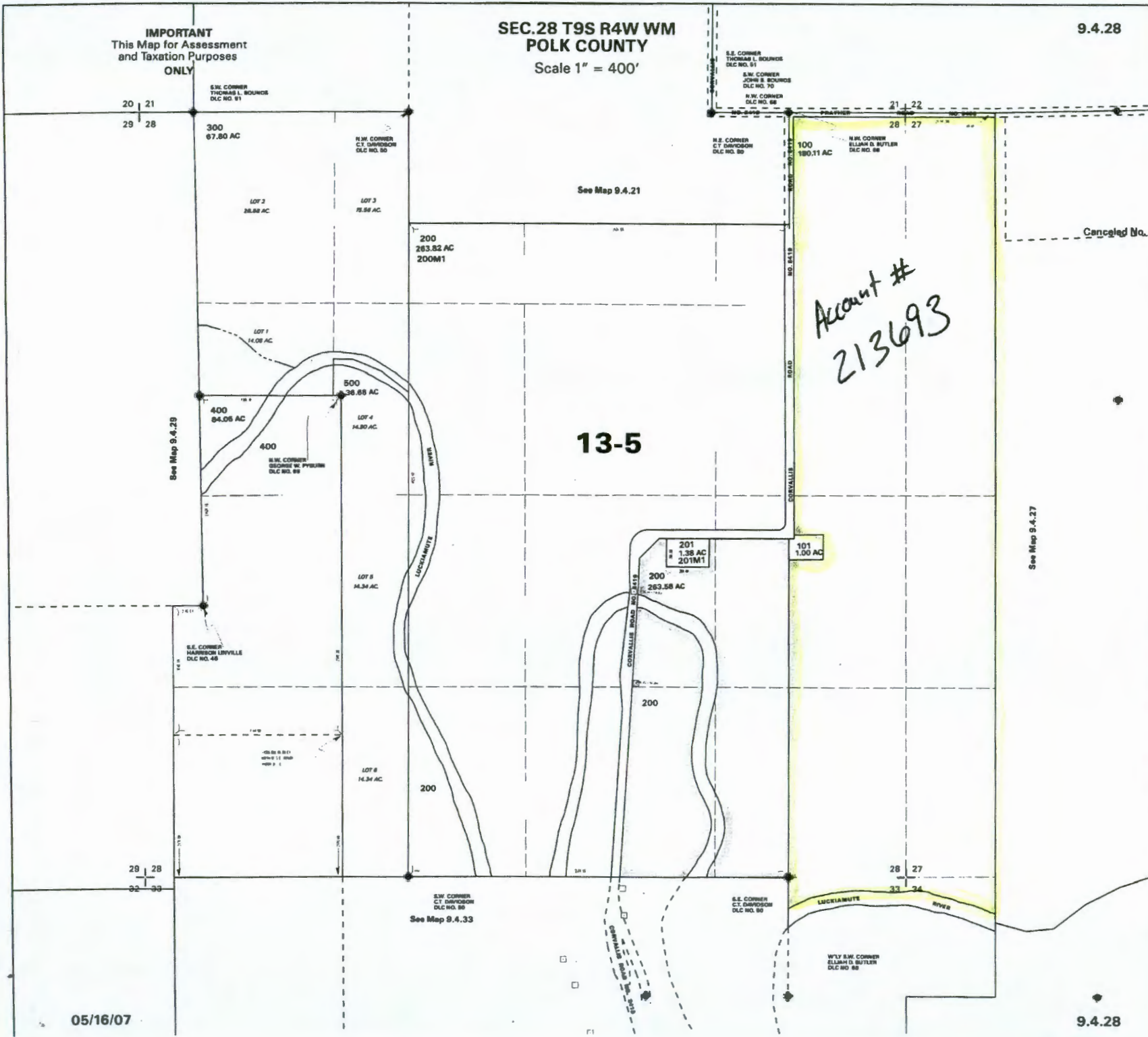
My commission expires: 6-15-98



IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SEC. 28 T9S R4W WM
POLK COUNTY
Scale 1" = 400'

9.4.28



Account #
213693

13-5

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05/16/07

9.4.28

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SEC.33 T9S R4W WM
POLK COUNTY

Scale 1" = 400'

9.4.33

See Map 9.4.28

29 28
32 33

28 27
33 34

400
80.00 AC

300
483.89 AC

300

200

100
20.00 AC

SW CORNER
C.T. SANDERSON
DLC NO. 80

SE CORNER
C.T. SANDERSON
DLC NO. 80

W 1/4 SW CORNER
ELIJAH D. BUTLER
DLC NO. 88

LOT 4
38.48 AC

LOT 6
34.80 AC

214434
Account #

Canceled No.
301

N.E. CORNER
PRESTON W. LOVELADY
DLC NO. 48

N.W. CORNER
PRESTON W. LOVELADY
DLC NO. 48

13-5

S.E. CORNER
GEORGE W. PYLORUM
DLC NO. 85

LOT 3
38.48 AC

LOT 7
26.10 AC

LOT 2
38.14 AC

LOT 8
26.10 AC

300
483.89 AC
P.L. LOT 1
17.18 AC

LOT 9
26.10 AC

N.W. CORNER
ALEXANDER HOUSES
DLC NO. 83

N.E. CORNER
ANDREW PYLORUM
DLC NO. 87

SW CORNER
PRESTON W. LOVELADY
DLC NO. 48

S.E. CORNER
PRESTON W. LOVELADY
DLC NO. 48

32 33

33 34

See Map 9.4.27
S.E. CORNER
ANDREW PYLORUM
DLC NO. 87

SW CORNER
PRESTON W. LOVELADY
DLC NO. 48

S.E. CORNER
PRESTON W. LOVELADY
DLC NO. 48

05/16/07

9.4.33

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