



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): RECEIVED BY OWRD
First Last

Mailing Address: JAN 04 2016

SALEM, OR
City State Zip

Phone: _____
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): Ditchen Land LLC
First Last

Mailing Address: 7385 Howell Prairie Rd NE
Silverton OR 97381
City State Zip

Phone: 503-873-4541
Home Work Other

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 # 8-10948 Permit #: 7648 Certificate or Page #: 9480

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 DANE J. PURVINE

of 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 under Permit No. 7648 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 July 28, 1926;

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 0.82 cubic foot per second.

The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 35, Township 8 S, Range 4 W, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation or any other purpose), is as follows: 8 acres in the NW $\frac{1}{4}$ SW $\frac{1}{4}$, 18 acres in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 27, 12 acres in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, 27 acres in the SE $\frac{1}{4}$ SE $\frac{1}{4}$, Section 28, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon.

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The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 5728, Oregon Laws.

WITNESS the signature of the State Engineer,

affixed this 28th day
of January 2, 1932

CHAS. E. STRICKLIH

State Engineer.

Recorded in State Record of Water Right Certificates, Volume 9, page 9480.

*Permit No. 7.6.4.8

APPLICATION FOR A PERMIT **CERTIFICATE NO. 9480****To appropriate the Public Waters of the State of Oregon**

I, Ray J. Purvine (Name of applicant)
of Albany (Postoffice), County of Benton,
State of 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 Tuckiamute (Name of stream)
tributary of Willamette River

2. The amount of water which the applicant intends to apply to beneficial use is One
and 50/100 cubic feet per second.

3. The use to which the water is to be applied is Irrigation
(Irrigation, power, mining, manufacturing, domestic supplies, etc.)

4. The point of diversion is located _____
(Give distance and bearing to section corner)
(1) 120 feet south and 570 feet west of the NE corner of section 33
(2) 75 feet south and 900 feet west of the center of section 34.

being within the (1) NE NE & NE SW of Sec. 33 & 34, Tp. 9 S.
(Give smallest legal subdivision) (No. N. or S.)
R. 4 W., W. M., in the county of Polk
(No. E. or W.)

5. The Pipe Line (6") to be 3/4
(Main ditch, canal or pipe line)
miles in length, terminating in the SW 1/4 of Sec. 27, Tp. 9 S.
(Smallest legal subdivision) (No. N. or S.)

R. 4 W., W. M., the proposed location being shown throughout on the accompanying map.
(No. E. or W.)

6. The name of the ditch, canal or other works is Purvine Pipe Line

DESCRIPTION OF WORKS**DIVERSION WORKS—**

7. (a) Height of dam No dam feet, length on top _____ feet, length at bottom _____
feet; material to be used and character of construction _____
(Loose rock, concrete, masonry)
Water will be delivered to land by Gas Engine driven pumping plant
rock and brush, timber crib, etc., wasteway over or around dam)

(b) Description of headgate None
(Timber, concrete, etc., number and size of openings)

* A different form of application is provided where storage works are contemplated. These forms can be secured without charge,
together with instructions, by addressing the State Engineer, Salem, Oregon.

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CANAL SYSTEM—

8. (a) Give dimensions at each point of canal where materially changed in size, stating miles from headgate. At headgate: Width on top (at water line) 6" pipe line feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

(b) At miles from headgate: Width on top (at water line) feet; width on bottom feet; depth of water feet; grade feet fall per one thousand feet.

FILL IN THE FOLLOWING INFORMATION WHERE THE WATER IS USED FOR IRRIGATION— 97. acres

9. The land to be irrigated has a total area of 97. acres acres, located in each smallest legal subdivision, as follows: (Give area of land in each smallest legal subdivision which you intend to irrigate)

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6 acres NW SW Section--27
18 acres SW SW
12 acres NE SE
27 acres SE SE Section--28
6 acres NE NW Section--33
4 acres NW NW
8 acres NW NW
6 acres SW NW
6 acres SE NW Section--34
All in T. 9 S. R. 4 W. M.

(If more space required, attach separate sheet)

POWER, MINING, MANUFACTURING, OR TRANSPORTATION PURPOSES—

10. (a) Total amount of power to be developed theoretical horsepower.

(b) Total fall to be utilized feet. (Head)

(c) The nature of the works by means of which the power is to be developed

(d) Such works to be located in of Sec. (Legal subdivision)

Tp. (No. N. or S.), R. (No. E. or W.), W. M.

(e) Is water to be returned to any stream? (Yes or No)

(f) If so, name stream and locate point of return

Sec. (No. N. or S.), Tp. (No. N. or S.), R. (No. E. or W.), W. M.

(g) The use to which power is to be applied is

(h) The nature of the mines to be served

MUNICIPAL SUPPLY—

11. To supply the city of _____

(Name of) County, having a present population of _____
and an estimated population of _____ in 192.....

(Answer questions 12, 13, 14, and 15 in all cases)

- 12. Estimated cost of proposed works, \$ 5,000.00
- 13. Construction work will begin on or before June 1927
- 14. Construction work will be completed on or before June 1931
- 15. The water will be completely applied to the proposed use on or before 1935

Duplicate maps of the proposed ditch or other works, prepared in accordance with the rules of the State Engineer, accompany this application.

Dava J. Purvina
(Name of applicant)

Signed in the presence of us as witnesses:

- (1) Harold F. Hall, 951 N. Winter, Salem, Oregon
(Name) (Address of witness)
- (2) _____, _____
(Name) (Address of witness)

Remarks: _____

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

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for correction or completion, as follows: _____

In order to retain its priority, this application must be returned to the State Engineer, with corrections, on or before _____, 192.....

WITNESS my hand this _____ day of _____, 192.....

STATE ENGINEER.

2 Application No. 10948
Permit No. 7648

PERMIT
TO APPROPRIATE THE PUBLIC
WATERS OF THE STATE
OF OREGON

District No.

This instrument was first received in the
office of the State Engineer at Salem, Oregon,
on the 28 day of July
1926, at 4:10 o'clock P.M.

Returned to applicant for correction:

Corrected application received:

Approved:

February 14, 1927.

Recorded in Book No. 26 of
Permits, on page 7648

R. H. E. A. L. U. P. E. R.
STATE ENGINEER.

1 map ACFP \$17.55

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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 the following limitations and conditions: If for irrigation, this appropriation shall be limited
to one-eightieth of one cubic foot per second, or its equivalent, for each acre irrigated, and shall be subject
to such reasonable rotation system as may be ordered by the proper state officer.

The right herein granted is limited to the appropriation of water from Luckia-
mate River for irrigation purposes.

The amount of water appropriated shall be limited to the amount which can be applied to bene-
ficial use and not to exceed 1.21 cubic feet per second, or its equivalent in case of
rotation. The priority date of this permit is July 28, 1926.

Actual construction work shall begin on or before February 14, 1928 and shall
thereafter be prosecuted with reasonable diligence and be completed on or before

June 1, 1929 '0/1/3e Extended to Oct. 1, 1931

Complete application of the water to the proposed use shall be made on or before

October 1, 1930 Extended to Oct. 1, 1931

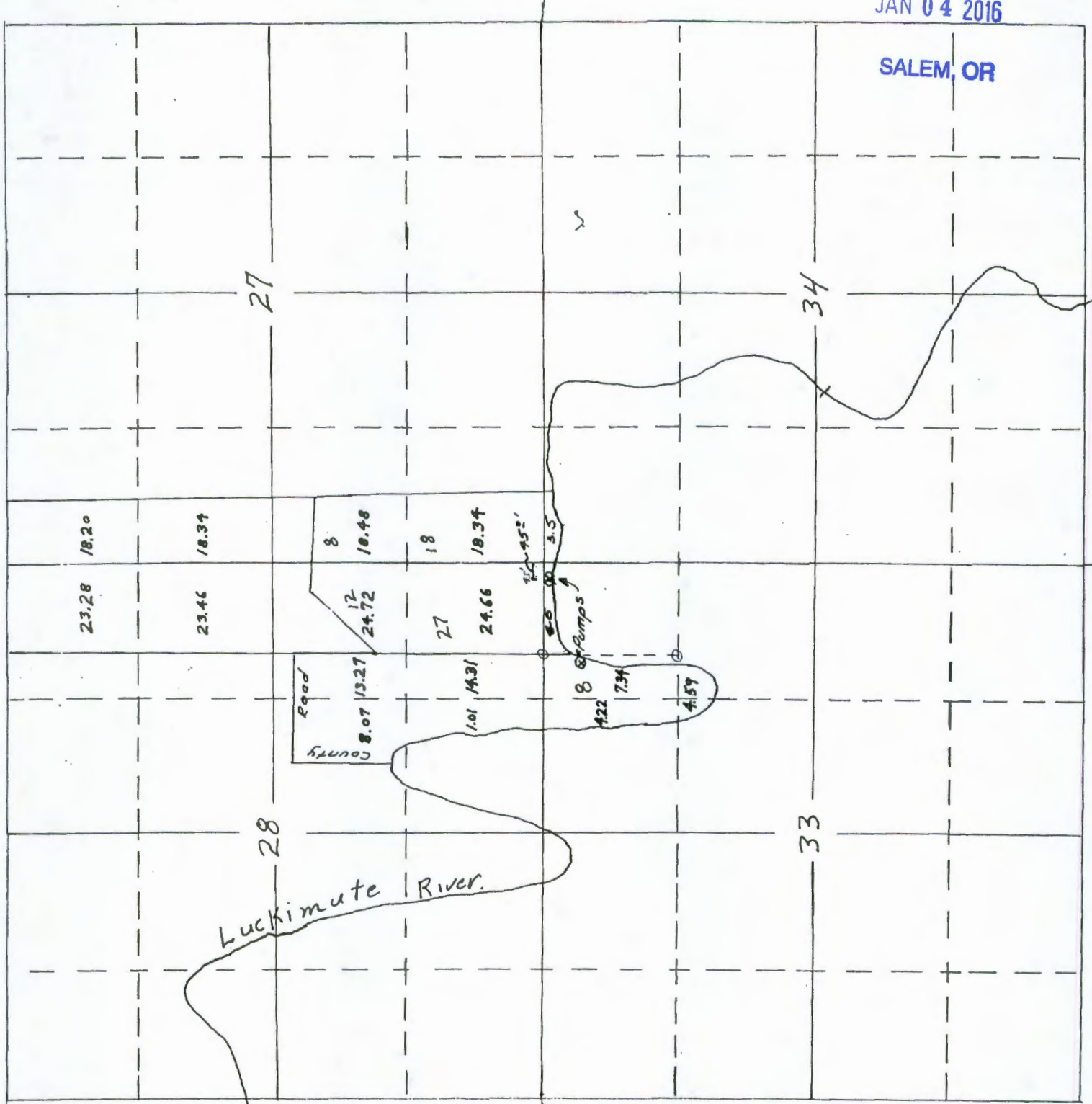
WITNESS my hand this 14th day of February, 1927.

R. H. E. A. L. U. P. E. R.
STATE ENGINEER.

Permits for power development are subject to the limitation of franchise as provided in Section 5728, Oregon Laws, and the
payment of annual fees as provided in Section 5801, Oregon Laws.
This form approved by the State Water Board, March 11, 1909.

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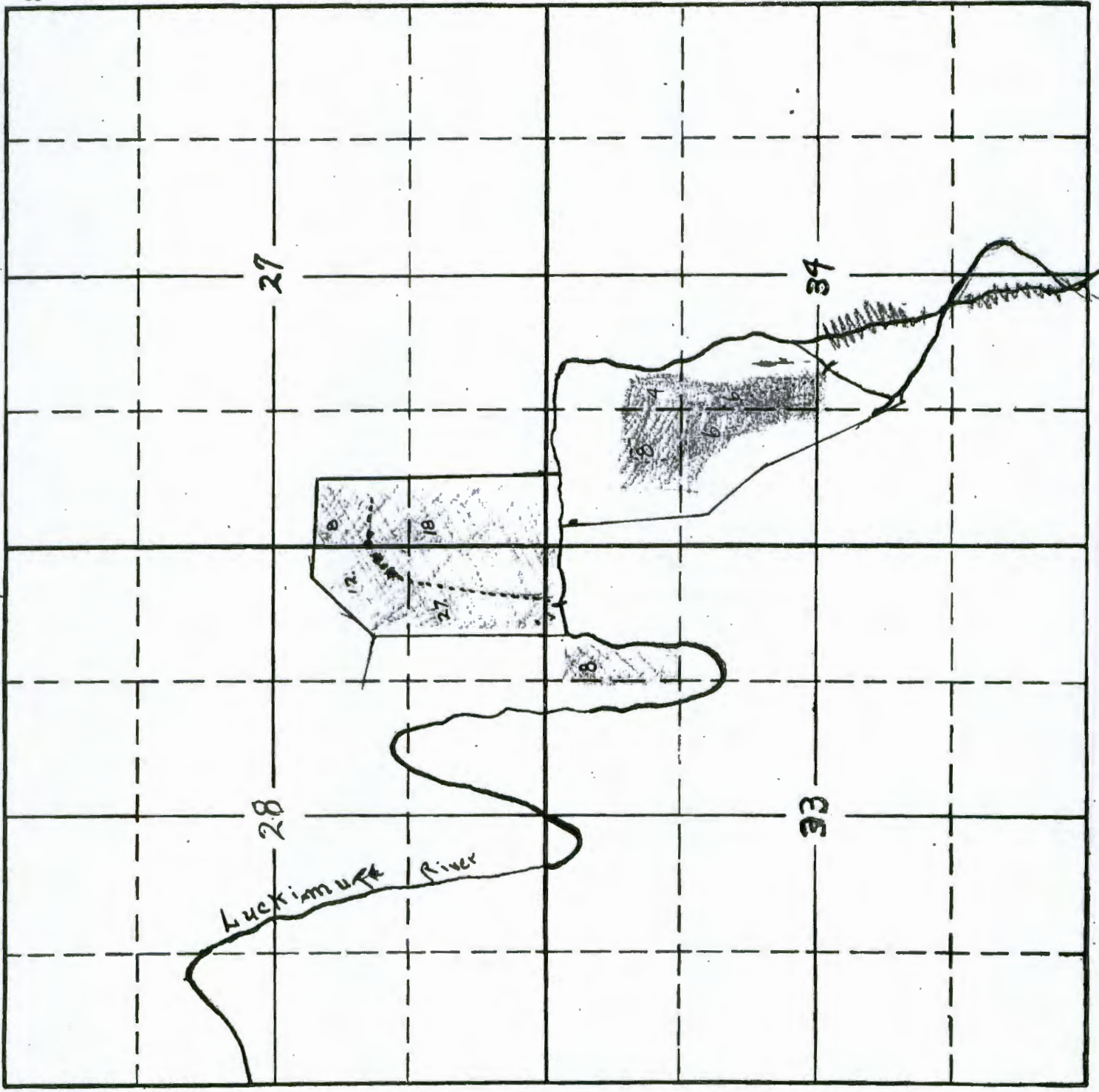
T9S.R.4W.



4" = 1 mile

Sec. 27
28
33
34
Tp. 9S
R. 4W

N



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App. No. 10948
Per. No. 7648

B354P2032

98 MAY 15 PM 2:01

After recording return to:

TITLE ORDER NO: 16-14360

DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIREY ESCROW NO:

02-53801

7385 HOWELL PARIRIE ROAD

SILVERTON, OR 97381

STATE OF OREGON)
) SS.
COUNTY OF POLK)

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

446320

SAME AS ABOVE

I hereby certify that this instrument was received and duly recorded by me in Polk County records.

LINDA DAWSON,
COUNTY CLERK

WARRANTY DEED -- STATUTORY FORM
(INDIVIDUAL or CORPORATION)

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 TO AN UNDIVIDED ONE HALF INTEREST. Grantor,

conveys and warrants to:

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DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, Grantee,

JAN 04 2016

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

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]
Notary Public for Oregon

My commission expires: 6-15-98



Key - 1 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.

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.

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

#44320

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



Notary Public for Oregon

My commission expires: 6-15-98

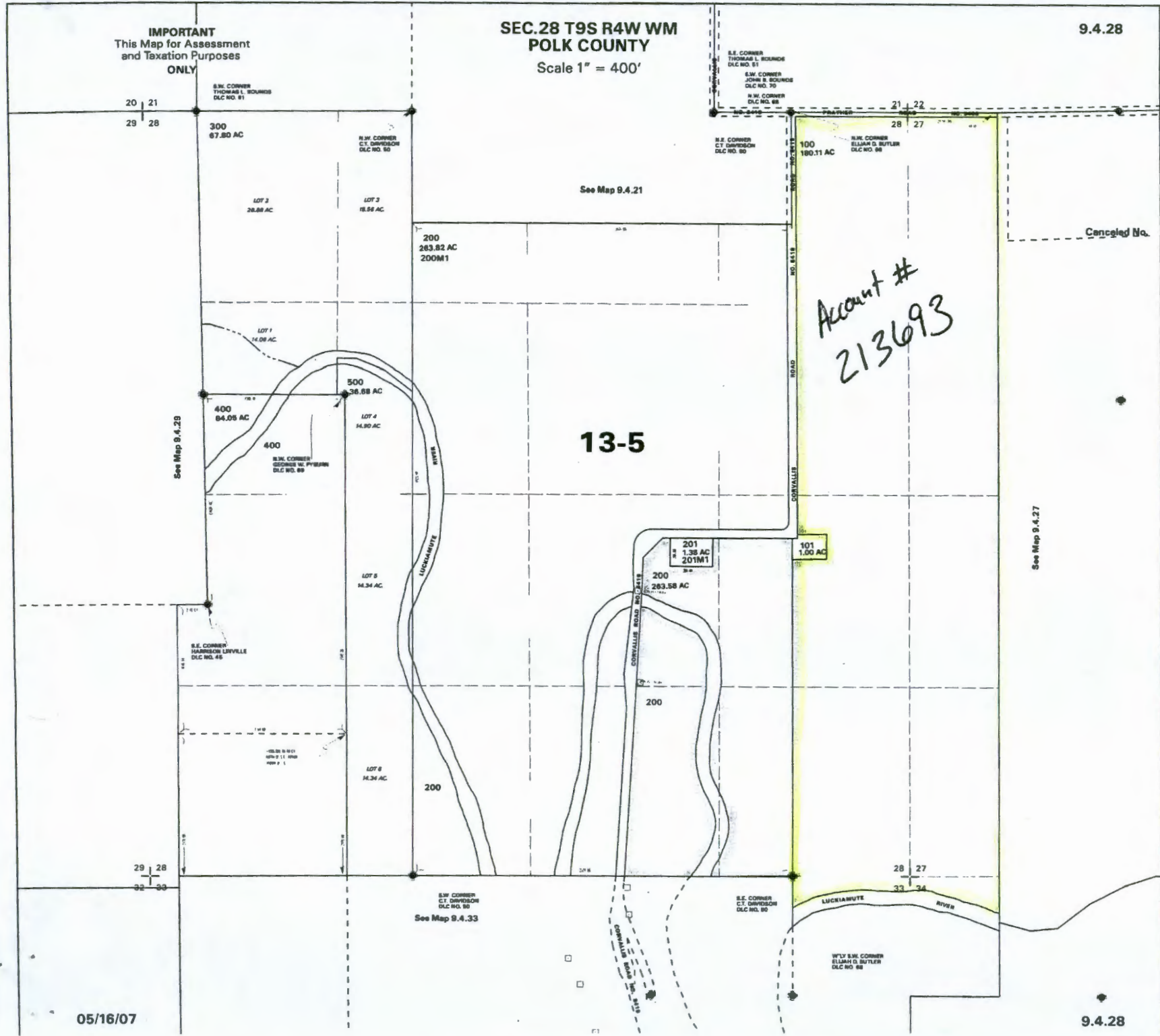


IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

**SEC.28 T9S R4W WM
POLK COUNTY**

Scale 1" = 400'

9.4.28



05/16/07

9.4.28

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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

28 | 27

32 | 33

33 | 34

400
90.00 AC

300
463.69 AC

S.W. CORNER
C.J. GARDNER
DLC NO. 90

300

200
23.00 AC
CAMPBELL
DLC NO. 89

100
20.00 AC

W.P. S.W. CORNER
ELIJAH D. BUTLER
DLC NO. 68

LOT 4
35.48 AC

LOT 6
35.80 AC

Canceled No.
301

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

214434
Account #

13-5

LOT 3
38.49 AC

LOT 7
26.10 AC

See Map 9.4.32

S.E. CORNER
GEORGE W. PYLAWSKI
DLC NO. 89

LOT 2
35.14 AC

LOT 8
25.10 AC

See Map 9.4.34

300
463.69 AC
PL LOT 1
17.18 AC

LOT 9
25.10 AC

N.W. CORNER
ALEXANDER HOOVER
DLC NO. 13

N.E. CORNER
ARON PYLAWSKI
DLC NO. 87

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

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

32 | 33

33 | 34

5 | 4

4 | 3

S.E. CORNER
ARON PYLAWSKI
DLC NO. 87

S.W. 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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