



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): N/A Sand Lake LLC  
First Last  
 Mailing Address: c/o Ecotrust, 721 NW Ninth Ave, Ste 200  
Portland OR 97209  
City State Zip  
 Phone:  (503) 227-6225   
Home Work Other

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## PROPERTY BUYER INFORMATION

Applicant(s): N/A State of Oregon, Oregon Parks and Recreation Dept  
First Last  
 Mailing Address: 725 Summer St NE, Ste C  
Salem OR 97301-1266  
City State Zip  
 Phone: N/A 503-986-0761 503-986-0980  
Home Work Other

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

County: Tillamook Township: 3S Range: 10W Section: 31  
 Tax Lot Number(s): 400

Street address of water right property: 26805 Sandlake Road, Cloverdale, OR 97112

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

Application #: S 27719 Permit #: S 21816 Certificate or Page #: 21822

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

Name of individual completing this form: Alice Beals Phone: 503-986-0761

Signature: Alice M. Beals Date: 11-6-2015

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

TICOR 360414014771

Tillamook County, Oregon 2014-004572  
09/12/2014 02:02:48 PM  
DEED-DWARR  
\$30.00 \$11.00 \$21.00 \$10.00 - Total = \$72.00



I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

Tassi O'Neil, Tillamook County

After recording, return to Grantee:

\* Oregon Parks and Recreation Department  
725 Summer Street NE Ste C  
Salem, Oregon 97301  
Attn: Stewardship Division

Grantor:

Sand Lake LLC  
c/o Ecotrust  
721 NW Ninth Avenue, Suite 200  
Portland, OR 97209

Until a change is requested, all tax statements \*  
shall be sent to Grantee at address stated.

**SPECIAL WARRANTY DEED**  
(ORS 93.855)

Sand Lake LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to the State of Oregon acting through the Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department, Grantee, the real property in Tillamook County, Oregon, together with all improvements thereupon, which real property is described on Exhibit A attached hereto and incorporated herein by this reference, free of encumbrances created or suffered by Grantor, except as specifically set forth on Exhibit B attached hereto and incorporated herein by this reference.

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.

The true consideration for this conveyance is \$1,800,000.00

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Dated this 10 day of September, 2014.

**GRANTOR**

SAND LAKE LLC

By: Ecotrust, Manager of Sand Lake LLC

By: Adam Lane

Name: Adam Lane

Title: Authorized Representative

STATE OF OREGON )  
 ) ss.  
COUNTY OF Multnomah

The foregoing instrument was acknowledged before me this 10<sup>th</sup> day of September, 2014 by Adam Lane, as Auth. Rep. of Ecotrust, Manager of Sand Lake LLC, on behalf of said company.



Valerie A. Marcon Wilson

Notary Public for Oregon

My commission expires: June 25, 2016

**EXHIBIT A**  
**To Special Warranty Deed**

**Legal Description**

Lot 1, Section 1, Township 4 South, Range 11 West, Willamette Meridian, Tillamook County, State of Oregon.

Lots 1, 2, 3, 4, 9 and the Southwest quarter of the Southeast quarter, Section 31, Township 3 South, Range 10 West, Willamette Meridian, Tillamook County, State of Oregon.

Lots 2, 3 and 4, Section 6, Township 4 South, Range 10 West, Willamette Meridian, Tillamook County, State of Oregon.

Tract No. 615 consisting of tide lands described to-wit:

Beginning at the Northeast corner of Lot 2, Section 31, Township 3 South, Range 10 West, Willamette Meridian, and being 40 chains north and 20 chains East of the Southwest corner of said Section 31 and running thence South 15° West 13.50 chains;  
thence South 23° East 14 chains;  
thence South 38° West 11 chains;  
thence South 57° East 5.30 chains;  
thence North 44 ½° East 15 chains;  
thence North 41° East 9 chain;  
thence West 8.50 chains;  
thence South 5° West 8 chains;  
thence 35° West 4.35 chains;  
thence South 68° West 5.70 chains;  
thence South 41° West 3.23 chains;  
thence North 57° West 1 chains;  
thence North 53° East 11.80 chains;  
thence North 3° East 4.50 chains;  
thence North 19° East 7 chains;  
thence North 27° East 7 chains;  
thence North 61° East 5.50 chains;  
thence North 17° East 9.60 chains;  
thence West 20 chains to the place of beginning.

EXCEPTING THEREFROM all of that tract of land described in Book 234, Page 824, Tillamook County Deed Records, lying Westerly of Sandlake County Road, Easterly of the Pacific Ocean and Southerly of the following described line:

Beginning at a railroad spike in the centerline of Sandlake County Road as traveled, said railroad spike being North 1365.38 feet and East 1149.50 feet from the Quarter corner on the West line Section 6, township 4 South, Range 10 West, of the Willamette Meridian, said Quarter corner also being the Initial Point of Tierra Del Mar Beach Subdivision and is marked by a brass cap;  
thence West 565.70 feet to an iron rod;  
thence continuing West 823.80 feet to an iron rod;  
thence continuing West to the Pacific Ocean.

SUBJECT TO a Boundary Line Agreement recorded December 28, 1992, in Book 347, Page 374, in the Records of Tillamook County, State of Oregon.

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**Exhibit B  
To Special Warranty Deed**

**Permitted Encumbrances**

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2014-2015.
2. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
3. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
4. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in acts authorizing the issuance thereof; water rights, claims or title to water.
5. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, facts, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
6. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
7. The rights of tenants holding under unrecorded leases or tenancies.
8. The land has been classified as Farm Use, as disclosed by the tax roll. If the land becomes disqualified, said land may be subject to additional taxes and/or penalties.
9. The land has been classified as Forest Land, as disclosed by the tax roll. If the land becomes disqualified, said land may be subject to additional taxes and/or penalties.
10. Regulations, levies, liens, assessments, rights of way and easements of Nestucca Valley Fire Protection District.
11. Rights of the public to any portion of the land lying within the area commonly known as streets, roads and highways.
12. Rights of the public and the State of Oregon in the ocean shore and dry sand area as declared acquired under the provisions of ORS 390.605-.770 or west of the seaward edge of vegetation as defined in Thornton v. Hay, Oregon Supreme Court.

13. 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 Pacific Ocean.
14. The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the land herein described, lying below the high water line of the Pacific Ocean and Sand Lake.
15. The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Pacific Ocean and Sand Lake.
16. Any adverse claim based upon the assertion that:
  - a. Some portion of said land is tide or submerged land, or 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 Pacific Ocean and Sand Lake or has been formed by accretion to any such portion.

17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Tillamook Peoples' Utility District  
Purpose: Electric transmission and distribution lines  
Recording Date: October 27, 1947  
Recording No: Book: 109, Page 223

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Owners of adjoining property  
Purpose: Water pipeline  
Recording Date: July 13, 1959  
Recording No: Book: 167, Page 161

Said easement rights were assigned to Guyer Water Company, an Oregon corporation, by instrument

Recording Date: March 25, 1983  
Recording No.: Book 286, Page 231

19. Boundary Line Agreement, including the terms and provisions thereof,

Recording Date: December 28, 1992  
Recording No.: Book: 347, Page 374

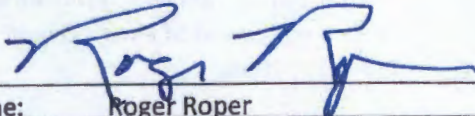
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**CERTIFICATE OF APPROVAL OF CONVEYANCE  
(ORS 93.808)**

THE STATE OF OREGON, acting through the Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department, hereby approves and accepts, pursuant to ORS 93.808, the conveyance by special warranty deed from Sand Lake LLC, to the State of Oregon of the real property described in the deed to which this Certificate is attached.

DATED this 9 day of September, 2014.

State of Oregon, acting by and through the Oregon Parks and Recreation Commission on behalf of the Oregon Parks and Recreation Department

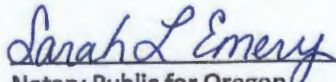
By:   
Name: Roger Roper  
Title: Acting Director, Oregon Parks and Recreation Department

ACKNOWLEDGEMENT

STATE OF OREGON            )  
  ) ss.  
County of Marion            )

This instrument was acknowledged before me on this 9 day of September, 2014, by Roger Roper as the Acting Director of the Oregon Parks and Recreation Department and authorized representative of the Oregon Parks and Recreation Commission, acting under authority granted to him by the Commission.



  
Notary Public for Oregon  
My Commission Expires: August 19, 2017

STATE OF OREGON  
COUNTY OF TILLAMOOK  
CERTIFICATE OF WATER RIGHT

**This Is to Certify,** That F. A. HELTZ

of Sandlake, 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 unnamed creek a tributary of Sandlake for the purpose of irrigation, domestic use for 1 family, and stock under Permit No. 21816 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 October 6, 1952

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 0.21 cubic foot per second, being 0.19 cfs for irrigation and 0.02 cfs for domestic and stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 31, Township 3 South, Range 10 West, W. M.

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:

15.0 acres, stock & domestic in the SW $\frac{1}{4}$ SE $\frac{1}{4}$   
Section 31  
Township 3 South, Range 10 West, W. M.

Land on which water is to be used is to be used is part of that described as follows:

That part of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ , Sec. 31, T 3 S., R 10 W., W. M. lying N. of an unnamed stream.

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

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WITNESS the signature of the State Engineer, affixed

this 28th day of November, 1956.

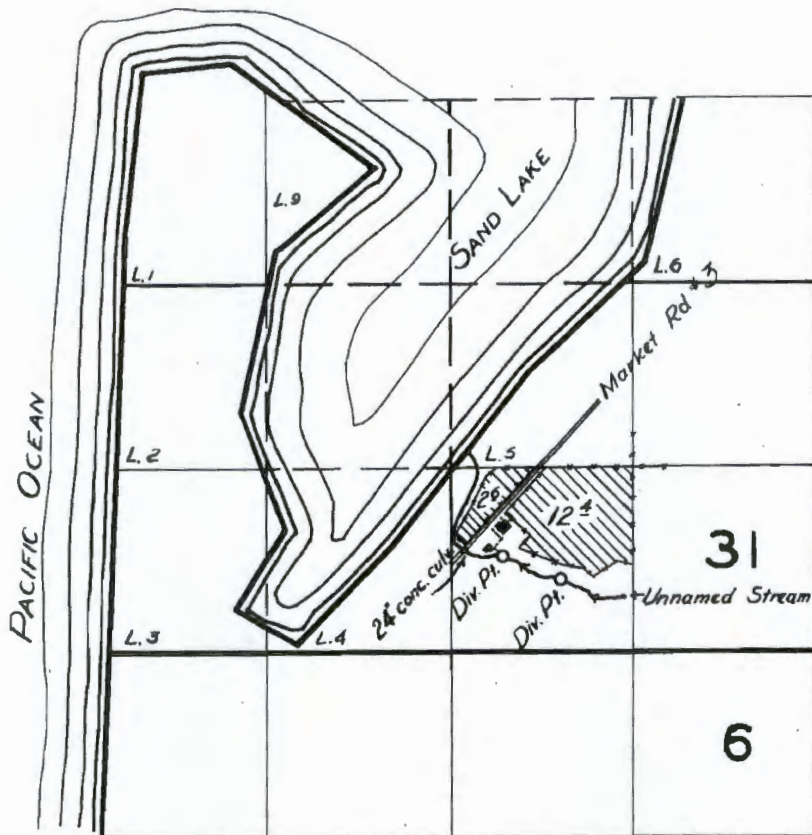
.....LEWIS A. STANLEY.....

State Engineer

Recorded in State Record of Water Right Certificates, Volume 16, page 21822.



T. 3 S. R. 10 W. W. M.



**FINAL PROOF SURVEY**

UNDER

Application No. 27719 Permit No. 21816

IN NAME OF

F. A. BELTZ

Surveyed 11 Aug. 1955, by

*[Signature]*

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1955-E

APPLICATION FOR PERMIT

To appropriate the Public Waters of the State of Oregon

I, F.A. Belts, of Sandlake, Oregon, Tillamook 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 Unnamed creek, a tributary of SandLake

2. The amount of water which the applicant intends to apply to beneficial use is .20 cubic feet per second. Pump location #1 .16 sec ft Pump location #2 .04 secft + 0.02 for domestic & stock

\*\*3. The use to which the water is to be applied is Irrigation, domestic, stock & use in barn.

4. The point of diversion is located 813.66 ft. S and 507.34 ft. W from the N.W. corner of SW 1/4, SE 1/4, Section 31, Twp. 3 S, R. 10 W, W.M., Tillamook, Oregon.

being within the SW 1/4, SE 1/4 of Sec. 31, Twp. 3 S, R. 10 W, W.M. in the county of Tillamook.

5. The pipe line in length, terminating at the SW 1/4, SE 1/4

R. 10 W, W.M. the proposed location for the proposed appropriation

Table with columns: DESCRIPTION OF CHANNEL, Location, W.M., Proposed location, Description, Material, Size, etc.

If water is to be pumped give general description

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\*\*This permit is for the use of water for the generation of electricity with the exception of municipalities... State Engineer - 66.001

21816

Canal System or Pipe Line—

7. (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) ... 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.

(c) Length of pipe, ... 810 ... ft.; size at intake, ... 4" ... in.; size at ... 810 ... ft. from intake ... 4" ... in.; size at place of use ... 3" ... in.; difference in elevation between intake and place of use, ... 20 ... ft. Is grade uniform? ... yea ... Estimated capacity, ... sec. ft.

8. Location of area to be irrigated, or place of use

Table with 5 columns: Township North of South, Range E. or W. of Meridian, Section, Forty-acre Tract, Number Acres To Be Irrigated. Row 1: 3.S., 10.W., 31, SW 1/4 SE 1/4, 16.1 stock & domestic. Row 2: SW 1/4 SE 1/4 and government lot 4 section 31 Twp 3.S.R.10.W.W.M. Row 3: Government 3 section 6 Twp 4.S.R. 10.W.W.M.

(If more space required, attach separate sheet)

(a) Character of soil ...

(b) Kind of crops raised ...

Power or Mining Purposes—

9. (a) Total amount of power to be developed ...

(b) Quantity of water to be used for power ...

(c) Total fall to be utilized ... feet.

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

(e) Such works to be located in ... of Sec.

Tp ... R ... W. M.

(f) Is water to be returned to any stream? ...

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

... Sec. ... Tp ... R ... W. M.

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

(i) The nature of the mines to be served

Municipal or Domestic Supply

10. (a) To supply the city 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 one + 1/2  
one + livestock

- 11. Estimated cost of proposed works, \$ 2000.
- 12. Construction work will begin on or before September 1952
- 13. Construction work will be completed on or before September 1952
- 14. The water will be completely applied to the proposed use on or before September 1952

*J. C. P. Co. Inc.*  
(Name of applicant)

Remarks: \_\_\_\_\_

STATE OF OREGON  
County of Marion

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This application, together with the foregoing application, together with the accompanying \_\_\_\_\_  
\_\_\_\_\_ and return the same for \_\_\_\_\_

In order to retain its priority, this application must be returned to the State Engineer, with correc-  
tions on or before \_\_\_\_\_, 19\_\_\_\_

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

STATE ENGINEER

PERMIT

STATE OF OREGON,  
County of Marion, }

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 0.220 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 unnamed creek

The use to which this water is to be applied is irrigation, domestic and stock, being 0.21 cfs. for irrigation and 0.019 cfs. for domestic and stock

If for irrigation, this appropriation shall be limited to 1/80 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,

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

The priority date of this permit is October 6, 1952

Construction work shall begin on or before March 31, 1954 and shall

be completed with reasonable diligence and be completed on or before October 1, 1954

and the water to be used for the proposed use shall be made on or before October 1, 1954

March 31, 1954  
Approved: \_\_\_\_\_  
State Engineer

Application No. 27719

Permit No.

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 6th day of October

1952, at 8:00 o'clock A. M.

Returned to applicant

Approved:

March 31, 1954

Returned to applicant

Permit No.

Application No.