



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): Jean Marie Kent, Successor Trustee, of the Marion A Gruber
First Last
Renovable Living Trust
 Mailing Address: _____
Field Name Gruber/Nusom
City State Zip
 Phone: _____
Home Work Other

Wilmer P and

PROPERTY BUYER INFORMATION

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Applicant(s): Brian E Duane, LLC
First Last
 Mailing Address: 7385 Howell Prairie Rd NE
Silrenton OR 97381
City State Zip
 Phone: X 503-873-4541 X
Home Work Other

JAN 04 2016

SALEM, OR

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Marion Township: 6S Range: 1W Section: 16
 Tax Lot Number(s): R16369 R16282
 Street address of water right property: 1153 Nusom Rd NE, Silrenton
 Water Right Information (attach copy of water right permit or certificate & final proof map):
 Application #: 40248 Permit #: 30009 Certificate or Page #: 35883

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: 12-11-15

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

TICOR TITLE



After Recording Return To:
Ticor Title
222 High Street SE
Salem OR 97301

Send Tax Statements To:
Duane Ditchen
Darrin Ditchen
11583 Nusom Road NE
Silverton OR 97381

Title Order No. 200615218
Escrow No. 200615218
Tax Account No. R16282 6-1W-
17 TL 1200, R16369 6-1W-16 TL
1000

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WARRANTY DEED
(ORS 93.850)

Jean Marie Kent, Successor Trustee(s) of the The Wilmer P. and Marian A. Gruber Revocable Living Trust dated August 7, 2001, Grantor, conveys and warrants to Duane Ditchen and Darrin Ditchen, as tenants in common, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference 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 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is [REDACTED]

Dated this 18 day of January, 2007.

THE WILMER P. AND MARIAN A. GRUBER REVOCABLE LIVING TRUST

Jean Marie Kent the
By: Jean Marie Kent, Successor Trustee

State of OR, County of Marion)ss.

This instrument was acknowledged before me on 1-18-2007, 2007 by Jean Marie Kent, as Successor Trustee, of The Wilmer P. and Marian A. Gruber Revocable Living Trust.

Notary Public

My commission expires: 6-15-2010



EXHIBIT 'A'Legal Description:

Parcel 1:

Beginning at a point which us North 89° 29' East, 20.00 chains and north 0° 14' East 15.088 chains from the Southwest corner of the John J. Tucker Donation Land Claim No. 59 in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 75° 49' East 18.635 chains to a point in the center-line of a 24° curve to the right in the County Road as relocated March 1952; thence along the center-line of said curve (the chord of which bears South 76° 33' East 1.176 chains) a distance of 1.182 chains; thence South 67° 12' East along the center line of said County Road, 164.26 feet to the point of beginning of a 8° curve to the left; thence along the center-line of said curve a distance of 342.50 feet (the long chord of said curve bears South 80° 54' East 339.55 feet) thence North 85° 24' East along the center-line of said County Road 50.91 feet to the point of beginning of a 14° curve to the right; thence along the center-line of said curve a distance of 58.33 feet (the long chord of which bears North 89° 29' East 58.29 feet) to the West line of a certain tract of land described in a deed to Annie M. Larson and husband, recorded October 8, 1929, in Volume 204, Page 294, Marion County, Deed Records; thence North 0° 11' West 2060.34 feet along the West line of said Larson tract to an iron rod on the North line of the John J. Tucker Donation Land Claim; thence South 89° 26' West 1850.65 feet along the North line of said Donation Land Claim to an iron pipe; thence South 0° 14' West 1606.16 feet to an iron pipe at the place of beginning, lying in and being a part of the John J. Tucker Donation Land Claim.

Parcel 2:

Beginning at a point on the East line of Section 17, in Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, where the Northerly line of the J. J. Tucker Donation Land Claim No. 59 intersects said East line; thence North along the East line of Section 17, a distance of 369.99 feet to the center of the Pudding River; thence South 64° West along the center of the Pudding river, a distance of 166.89 feet; thence South 269.83 feet to a point on the North line of the J. J. Tucker Donation Land Claim No. 59; thence Easterly along the North line of said Donation Land Claim, a distance of 150.0 feet to the place of beginning.

Subject to:

The assessment and tax rolls 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. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.

The following matters are excluded from the coverage of the policy based on the proximity of the property to Pudding Creek.

- a. Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of Pudding Creek.
- b. Any adverse claim based on the assertion that:
 - i. Some portion of said land has been created by artificial means, or has accreted to such portion so created.
 - ii. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of Pudding Creek or has been formed by accretion to such portion.

The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

An Easement created by instrument, including the terms and provisions thereof,

In favor of:	Pacific Northwest Pipeline Corporation
For:	Right of way and maintenance
Dated:	October 19, 1959
Recorded:	October 21, 1959
Book:	527 Page: 760

in Marion County, Oregon.

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Title No. 200615218 Escrow No. 200615218

An Easement created by instrument, including the terms and provisions thereof,
In favor of: Portland General Electric
For: Right of way
Dated: September 27, 1962
Recorded: October 22, 1962
Book: 564 Page: 816
in Marion County, Oregon.
Affects: exact location unknown

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STATE OF OREGON
COUNTY OF MARION
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WILMER P. GROBER**

of **RFD 2, Silverton**, 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 **Puttling River**

a tributary of **Molalla River** for the purpose of irrigation of **71.0 acres**

under Permit No. **30009** 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 **September 2, 1964**

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 **0.89 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 $\frac{1}{4}$ SE $\frac{1}{4}$** , Section 17, T. 6 S., R. 1 W., W. M. Diversion point located 50 feet West and 250 feet North from SE Corner, **NE $\frac{1}{4}$ SE $\frac{1}{4}$** , Section 17.

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:

39.7 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
as projected within Tucker DLC 59
Section 16

15.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
as projected within Tucker DLC 59
Section 17

3.9 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
as projected within Tucker DLC 59
Section 20

11.6 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
as projected within Tucker DLC 59
Section 21
T. 6 S., R. 1 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**.....

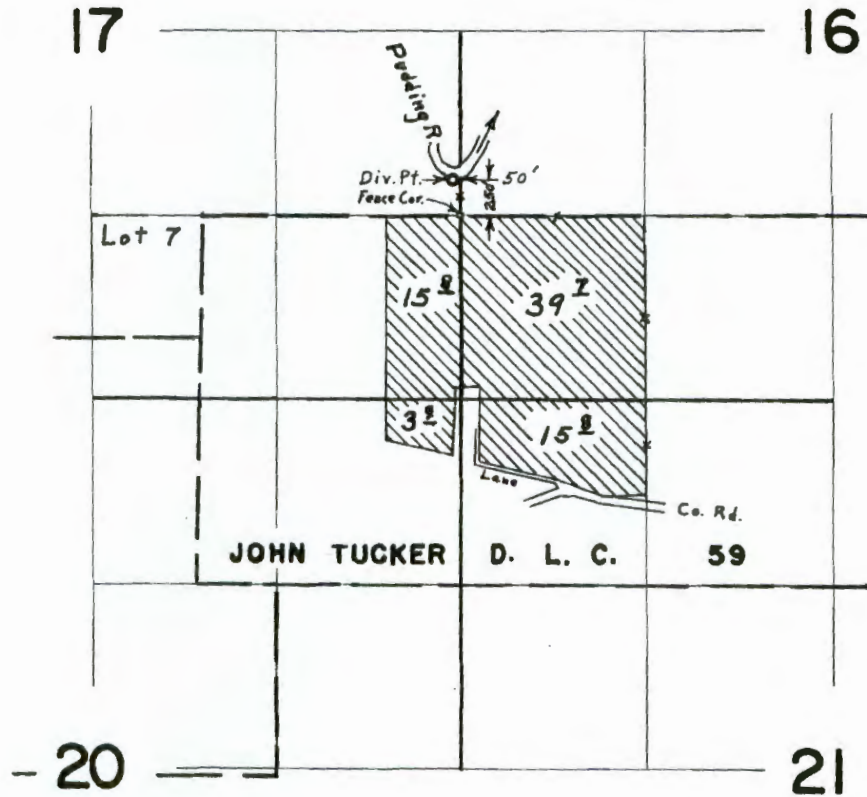
State Engineer

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T. 6 S. R. 1 W. W. M.



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SALEM, OR

FINAL PROOF SURVEY
UNDER

Application No. 40248 Permit No. 30009
IN NAME OF
WILMER P. GRUBER

Surveyed April 24, 1968, by L. E. Gould