



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): Kenneth / Nancy D. J. Pietrok First Last  
 Mailing Address: by the entirety, Grantor  
 \_\_\_\_\_  
City State Zip  
 Phone: \_\_\_\_\_  
Home Work Other

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SALEM, OR

### PROPERTY BUYER INFORMATION

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

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

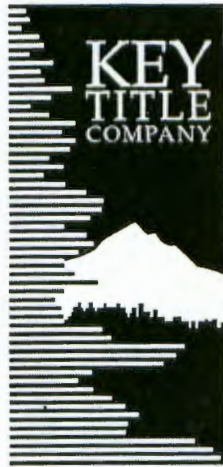
County: Polk Township: 06W Range: 38 Section: 08  
 Tax Lot Number(s): 276199, 276201, 276214  
 Street address of water right property: 9295 Hopewell Road Hopewell, OR  
 Water Right Information (attach copy of water right permit or certificate & final proof map):  
 Application # 5-55916 Permit #: 42189 Certificate or Page #: 56651

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.**

After Recording Return To:  
Key Title Company  
1319 Monmouth St.  
P.O. Box 397  
Independence OR 973510397



Title Order No. 16-20506  
Escrow No. 16-20506

Send Tax Statements To:  
Brian And Duane, LLC  
7385 Howell Prairie Road NE  
Silverton OR 97381

Tax Account No. 275952:  
0630500-00200  
, 275978: 0630700-00101  
, 276199: 0630800-00400  
, 276201: 0630800-00402  
, 276214: 0630800-00403  
, 292878; 0630500-00200

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WARRANTY DEED  
(ORS 93.850)

Kenneth J. Pietrok and Nancy D. Pietrok, as tenants by the entirety, Grantor conveys and warrants to Brian And Duane, LLC, a Limited Liability Company, 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.

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]

Dated this 2nd day of March, 2001.

Kenneth J. Pietrok  
Kenneth J. Pietrok

Nancy D. Pietrok  
Nancy D. Pietrok

State of OR, County of Polk )ss.

This instrument was acknowledged before me on March 2, 2001  
by Kenneth J. Pietrok and Nancy D. Pietrok.

[Signature]  
Notary Public

My commission expires: 2/3/2002

RECORDED IN POLK COUNTY  
LINDA DAWSON, COUNTY CLERK

2001-002431

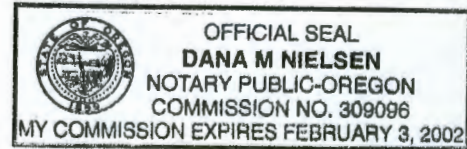


\$41.00

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03/06/2001 10:20:53 AM

REC-WD Cnt=1 Stn=1 CAPTAIA  
\$20.00 \$10.00 \$11.00



Key Title 16-20506

## EXHIBIT 'A'

JAN 04 2016

Legal Description:

SALEM, OR

## PARCEL 1

That portion of the following described land lying within Polk County, Oregon:

Beginning at a point which is 14.81 chains South of the Northwest corner of the Donation Land Claim of Geo K. Gay, Claim No. 58, Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence running East a distance of 1.00 chains; thence South a distance of 4.46 chains; thence East a distance of 19.98 chains to the West line of that certain tract of land conveyed to H. W. Torbet, et ux by Deed recorded December 13, 1951, in Volume 146, Page 328, Deed Records for Polk County, Oregon; thence South along the West line of said Torbet tract of distance of 18.85 chains; thence West a distance of 20.98, more or less, chains to the West line of said Donation Land Claim No. 58; thence North along said Donation Land Claim West line, 23.31 chains, more or less, to the point of beginning.

SAVE AND EXCEPT that portion of the above described tract of land lying with the boundaries of public roads and highways.

## PARCEL 2

Beginning at a point 38.12 chains South and 32 chains East of the Northwest corner of the Donation Land Claim of George K. Gay and wife, Notification No. 370, Claim No. 58, in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence East 20.49 chains; thence South 12.33 chains; thence East 24.01 chains to the East boundary line of said Claim No. 58; thence South 1 rod; thence West 44.50 chains, more or less, to the land decreed to belong to H. Simpkins by the Supreme Court of the State of Oregon, in the Suit of Simpkins vs. Windsor; thence North on said line 12.58 chains to the place of beginning.

EXCEPT that portion of land conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded April 20, 1935, in Book 97, Page 629, Deed Records for Polk County, Oregon.

## PARCEL 3

Beginning at the East line of the George K. Gay Donation Land Claim No. 58, in Township 6 South, Range 3 West of the Willamette Meridian, in Polk County, Oregon, at the Southeast corner of the North one-half (N. 1/2) of said Donation Land Claim said point being also the Southeast corner of a tract of land conveyed by Thomas Collinson to Israel Booth and Thomas Collinson, Jr., by deed recorded in Volume 14, Page 503, on June 6, 1883, Deed Records for Polk County, Oregon; thence West along the South line of said tract 27.1 chains; thence South 12.55 chains to a stake 1 rod North of the North line of that tract of land conveyed to L. C. Forrest by deed recorded November 14, 1881, in Volume 15, Page 187, Deed Records for Polk County, Oregon; thence East parallel with and 1 rod North of the North line of said Forrest tract 24.1 chains to the East line of said Gay Donation Land Claim; thence Northeasterly along the Easterly line of said Donation Land Claim to the place of beginning.

EXCEPT that portion of land conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded in Volume 97, Page 639, Deed Records for Polk County, Oregon.

## PARCEL 4

Beginning at the Southwest corner of the Donation Land Claim of George K. Gay and wife, Notification No. 370, Claim No. 58, in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North 30.68 chains; thence East 76.54 chains to the East line of said Donation Land Claim; thence South 14° 40' West along the East line of said Donation Land Claim 31.73 chains to the Southeast corner of said Donation Land Claim; thence West along the South line of said Donation Land Claim 68 chains to the place of beginning.

EXCEPT that portion conveyed to John Simkins by deed recorded in Volume 51, Page 199, Deed Records for Polk County, Oregon.

ALSO EXCEPT that portion conveyed to Polk County, by deed recorded in Volume 83, Page 412, Deed Records for Polk County, Oregon.

ALSO EXCEPT that portion conveyed to State of Oregon, by deed recorded in Volume 98, Page 77, Deed Records for Polk County, Oregon.

ALSO EXCEPT that portion conveyed to Floyd M. Thomas, et ux, by deed recorded in Volume 119, Page 72, Deed Records for Polk County, Oregon.

ALSO EXCEPT that portion conveyed to Western Mennonite School Board by deed recorded in Volume 136, Page 257, Deed Records for Polk County, Oregon.

ALSO EXCEPT that portion conveyed to Vera Schrock by deed recorded in Volume 180, Page 162, Deed Records for Polk County, Oregon.

SAVE AND EXCEPT: Beginning at the Northwest corner of the Samuel King Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence East along the North line of said claim 1735.07 feet to the center of a county road; thence North  $10^{\circ} 35'$  West along the center of said county road 254.33 feet; thence West, parallel with the South line of said claim, 1688.36 feet to a point which is North from the place of beginning; thence South 250 feet to the place of beginning.

SAVE AND EXCEPT: Beginning at the Southwest corner of the George Gay Donation Land Claim No. 58, in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence East, along the South line of said claim 524.97 feet to a point along the West line of County Road No. 632; thence North  $10^{\circ} 35'$  West, along said West line 85.70 feet; thence West, parallel with the South line of said claim, 509.23 feet to a point on the West line of said claim; thence South 84.24 feet to the place of beginning.

ALSO SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT: Beginning on the Westerly line of State Highway No. 221, at a point which is 2229.33 feet North  $14^{\circ} 48'$  East and 88.21 feet North  $89^{\circ} 49' 30''$  West from the Southeast corner of the George Gay Donation Land Claim No. 58, in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North  $89^{\circ} 49' 30''$  West 600 feet; thence South  $4^{\circ} 58' 34''$  West 460.77 feet to a point on the South line of a tract of land as described in Sale Agreement to Anton Pietrok in Volume 221, Page 170, Deed Records of said County and State; thence South  $89^{\circ} 49' 30''$  East, along said South line, 500 feet to a point on the Westerly line of said highway; thence Northeasterly, along the Westerly line of said highway to the place of beginning.

ALSO SAVE AND EXCEPT that portion contained within property conveyed to The Dundee Wine Company, an Oregon general partnership, recorded November 1, 1996 in Book 325, Page 1948, Book of Records of Polk County, Oregon.

**PARCEL 5**

A tract of land lying in Section 7, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon being a portion of that tract conveyed to Kenneth and Nancy Pietrok and referred to as Parcel I in Volume 253, Page 1625, Polk County Book of Records, and being more specifically described as follows: Beginning at the Southwest corner of that tract conveyed to Leland and Carol Schweitzer per Book 245, Page 655, Polk County Deed Records, said corner being on the West line of the George Gay DLC No. 58, and lying North  $0^{\circ} 03' 46''$  East 1709.88 feet from the Southwest corner thereof; thence on a projection of the South line of said Schweitzer tract North  $89^{\circ} 56' 14''$  West 50.00 feet to a  $5/8''$  iron rod; thence parallel to said Claim line South  $0^{\circ} 03' 46''$  West 1028.83 feet to a  $5/8''$  iron rod; thence parallel to the South line of said Claim, South  $89^{\circ} 58' 08''$  East 50.00 feet to the West line of said Claim; thence North  $0^{\circ} 03' 46''$  East 1028.75 feet to the point of beginning.

Subject to:

The assessment and tax rolls disclose that the premises herein described have been specifically 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 thereof a penalty may be levied if notice of disqualification is not timely given.

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SALEM OF

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: R.J. Chance et al  
For: underground irrigation pipeline  
Dated: September 6, 1968  
Recorded: November 7, 1968  
Book: 214 Page: 330  
in Polk County, Oregon.

Title No. 16-20506

Escrow No. 16-20506

An Easement created by instrument, including the terms and provisions thereof,  
In favor of: Anton Pietrok et ux  
For: water line  
Dated: January 22, 1969  
Recorded: April 24, 1969  
Book: 216 Page: 694  
in Polk County, Oregon.

Domestic Water Supply Easement Agreement by and between Edwin J. Gingerich and Janice M. Gingerich, husband and wife, and Anton P. Pietrok and Theresa Ann Pietrok, husband and wife, including the terms and provisions thereof, dated July 27, 1972 and recorded November 6, 1972 in Book 36, Page 457, Book of Records, Polk County, Oregon.

An Easement created by instrument, including the terms and provisions thereof,  
In favor of: United States of America, acting by and through the Secretary of the Interior on behalf of the United States Fish and Wildlife Service  
For: protection of wetlands and management of floodplains  
Dated: July 2, 1990  
Recorded: December 24, 1990  
Book: 237 Page: 1955  
in Polk County, Oregon.

Water Use Agreement, Irrigation Easement and Maintenance Agreement, by and between Kenneth J. Pietrok and Nancy Pietrok and The Dundee Wine Company, an Oregon general partnership, including the terms and provisions thereof, dated October 29, 1996 and recorded November 1, 1996 in Book 325, Page 1942, Book of Records, Polk County, Oregon.

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SALEM, OR

STATE OF OREGON  
COUNTY OF POLK  
CERTIFICATE OF WATER RIGHT

THIS IS TO CERTIFY, that

ANTON P. PIETROK  
of 9295 HOPEWELL RD NW SALEM OR 97304  
has a right to the use of the waters of  
WILLAMETTE BASIN PROJECT RESERVOIRS CONSTRUCTED UNDER PERMITS  
R-1625 AND R-5363

for the purpose of SUPPLEMENTAL IRRIGATION

The right to the use of these waters has been perfected  
under Permit 42189. The date of priority is  
MAY 17, 1977

The right is limited to not more than  
382.7 ACRE-FEET STORED WATER ONLY  
or its equivalent in case of rotation, measured at the point of  
diversion from the source. The point of diversion is located in  
the

LOT 4, SW 1/4 SW 1/4, Section 4, T 06 S, R 03 W, WM;  
850 FEET NORTH & 60 FEET EAST FROM SW CORNER, SECTION 4

The right 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, and to  
which such right is appurtenant, is as follows:

	1/4	1/4	DLC/LOT	SECTION	TOWNSHIP	RANGE,	WM
supplemental	2.90	SE	SW	58	5	06 S	03 W
supplemental	6.10	SW	SE	58	5	06 S	03 W
supplemental	4.70	SE	SE	58	5	06 S	03 W
supplemental	10.90	NE	NE	58	8	06 S	03 W
supplemental	18.50	NW	NE	58	8	06 S	03 W
supplemental	4.40	SW	NE	58	8	06 S	03 W
supplemental	30.00	NE	NW	58	8	06 S	03 W
supplemental	18.50	NW	NW	58	8	06 S	03 W
supplemental	30.00	SW	NW	58	8	06 S	03 W
supplemental	38.60	SE	NW	58	8	06 S	03 W

Total: 164.60 supplemental acres.

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This right is limited to a diversion of 2.5 acre-feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and is subject to the terms and conditions of contract No. 7-07-10-W0038, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

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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 right is subject to minimum flows established by the Water Resources Commission with an effective date prior to this right.

WITNESS the signature of the Water Resources Director,  
affixed this date, JANUARY 26, 1988.

/S/ WILLIAM H. YOUNG

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Water Resources Director

Recorded in State Record of Water Right Certificates number 56651  
55916

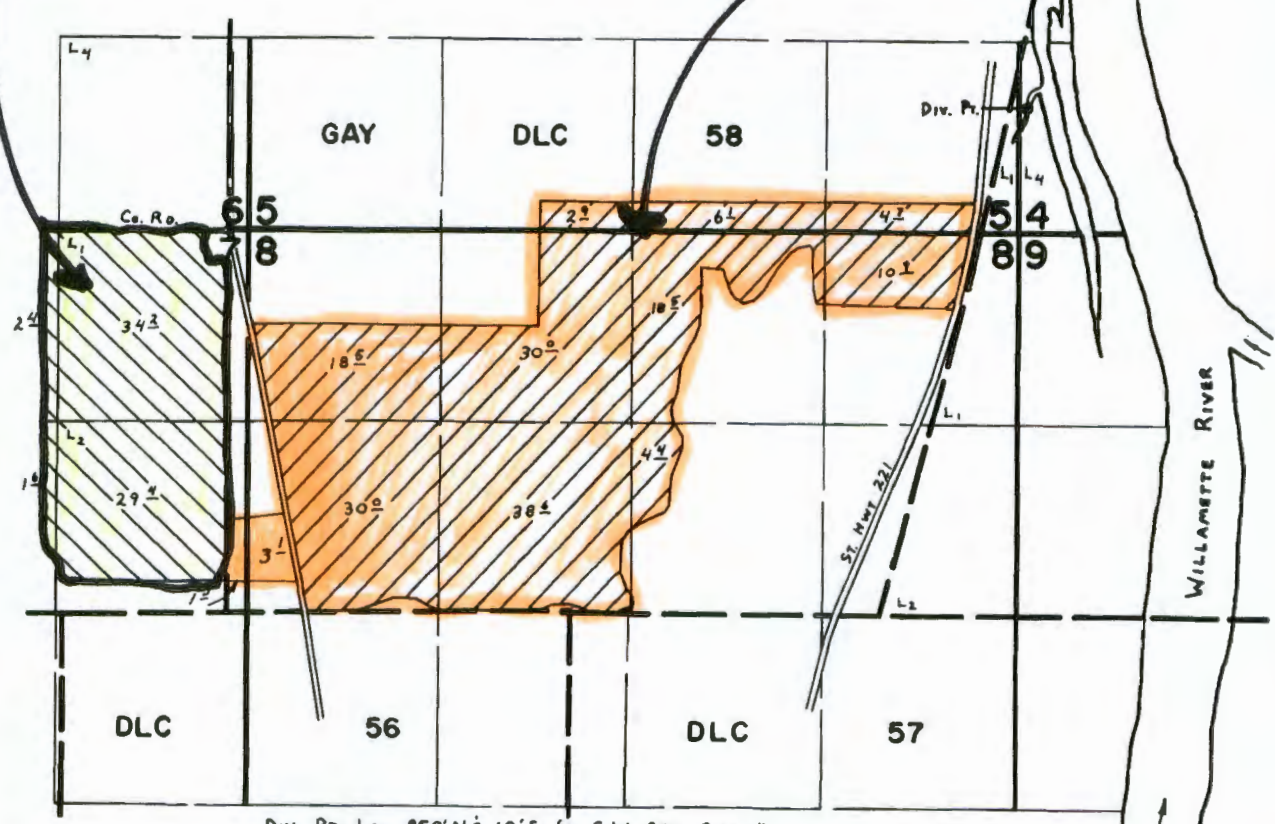
BASIN VOL

DIST 0

NOT  
BID Property

T6S. R3W. WM.

Brian & Duane LLC  
Property



Div. Pt. Loc: 850' N, 60' E. fr. S.W. Cor. Sec. 4.  
 [Diagonal lines symbol] - PRIMARY IRR - APP. 47069; SUPPLEMENTAL IRR - APP. 55916.  
 [Orange shading symbol] - PRIMARY IRR - APP. 47069

### FINAL PROOF SURVEY UNDER

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 SALEM, OR

47069                      35203  
 Application No. 55916... Permit No. 42189.....  
 IN NAME OF

.....ANTON P. PIETROK.....

Surveyed May 15, 1979, by C.L. HUGHES...  
 July 10, 1985                      B.W. BISHOP

41033 178 3D 048  
 DFP - 244-192  
 DFP - 244-235  
 PTS-1979-J