



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): American AgCredit, FLCA (Floyd Ridenhour,CSO)
First Last

Mailing Address: P O Box 1120

Santa Rosa CA 95402-1120
City State Zip

Phone: 707-521-6109
Home Work Other

PROPERTY BUYER INFORMATION

Applicant(s): James and Sue Kelly
First Last

Mailing Address: 35393 Hwy. 19

Kimberly Oregon 97848
City State Zip

Phone: 541-934-2425 503-929-4462 97
Home Work Other

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Grant Township: 12 Range: 26 Section: 26,27,35

Tax Lot Number(s): 1902

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Street address of water right property: _____ FEB 08 2016

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

Application #: S-37743 Permit #: _____ Certificate or Page #: 64322 & 32296 SALEM, OR

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

Name of individual completing this form: Curt Blackburn Phone: 541-573-7206

Signature: _____ Date: _____

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

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WALLACE JOHNSON

of Dayville, 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 John Day River

a tributary of Columbia River for the purpose of irrigation of 19.6 acres

under Permit No. 28131 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 June 19, 1962

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 0.55 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 $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 35, T. 12 S., R. 26 E., 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-fortieth 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 5 acre feet per acre for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than 30 c.f.s. at USGS Gage No. 14-0465 and more than 20 c.f.s. at USGS Gage No. 14-0480,

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:

4.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
4.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
5.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35
T. 12 S., R. 26 E., W. M.

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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

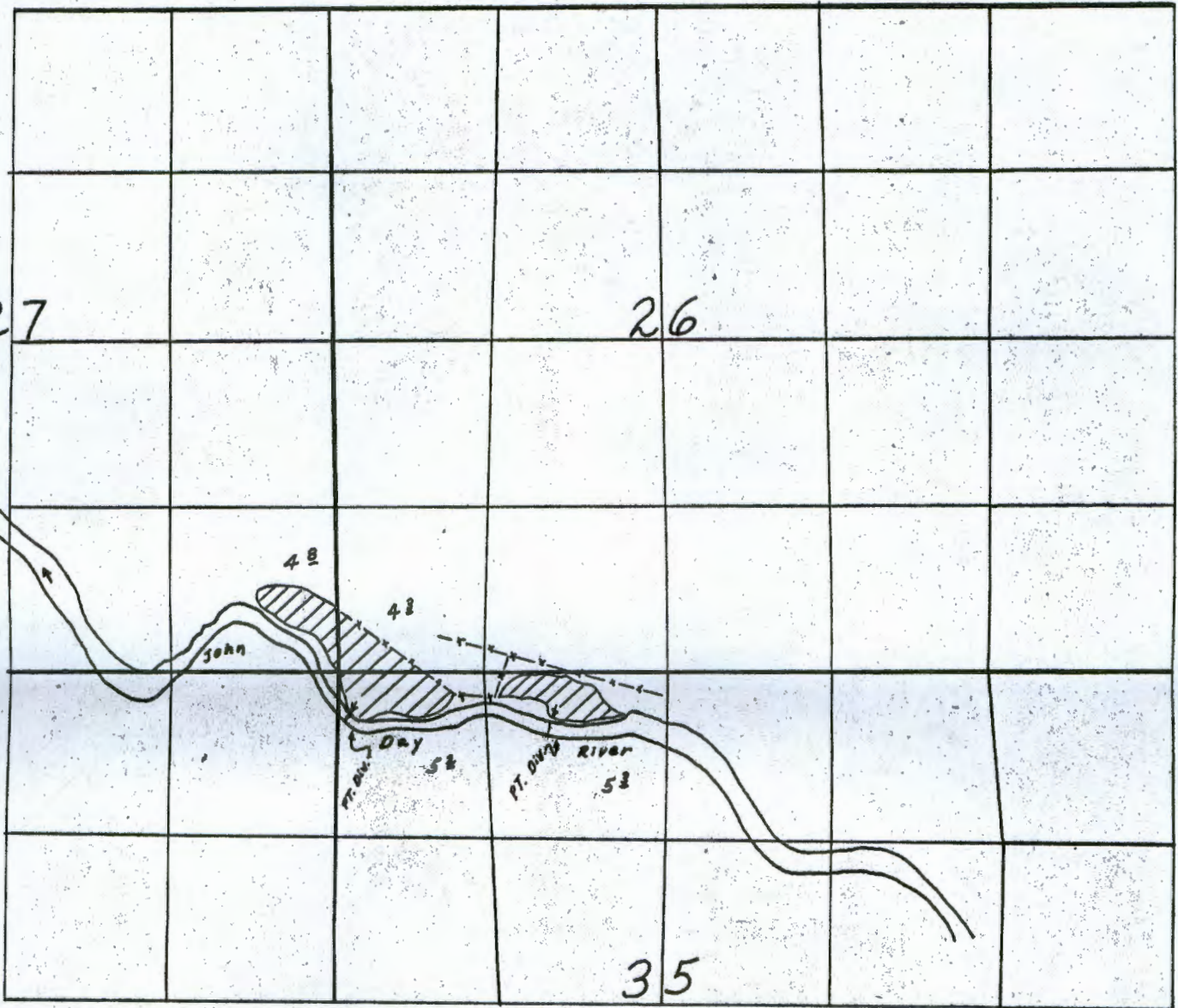
this date. August 9, 1965

CIRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 24, page 32296

T.12S. R.26E. W.M.



FINAL PROOF SURVEY UNDER

Application No. 37743 Permit No. 28131
IN NAME OF

WALLACE JOHNSON

Surveyed June 24 1964, by G. Ward

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SALEM, OR

4-1964-A

STATE OF OREGON
COUNTY OF GRANT
CERTIFICATE OF WATER RIGHT

This Is to Certify, That WALLACE JOHNSON

of **Dayville**, 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 **John Day River**

a tributary of **Columbia River** for the purpose of
irrigation of **19.6 acres**

under Permit No. **28131** 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 **June 19, 1962**

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 **0.55 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 $\frac{1}{4}$ NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$** of Section 35, T. 12 S., R. 26 E., 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-fortieth** 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 **5 acre feet per acre** for each acre irrigated during the irrigation season of each year; provided further that the right to use of water is limited to the period when the flow of the John Day River is more than **30 c.f.s.** at USGS Gage No. **14-0465** and more than **20 c.f.s.** at USGS Gage No. **14-0480**,

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:

4.3 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 26
4.8 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 27
5.3 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
5.2 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 35
T. 12 S., R. 26 E., W. M.

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SALEM, OR

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. August 9, 1965

CHRIS L. WHEELER

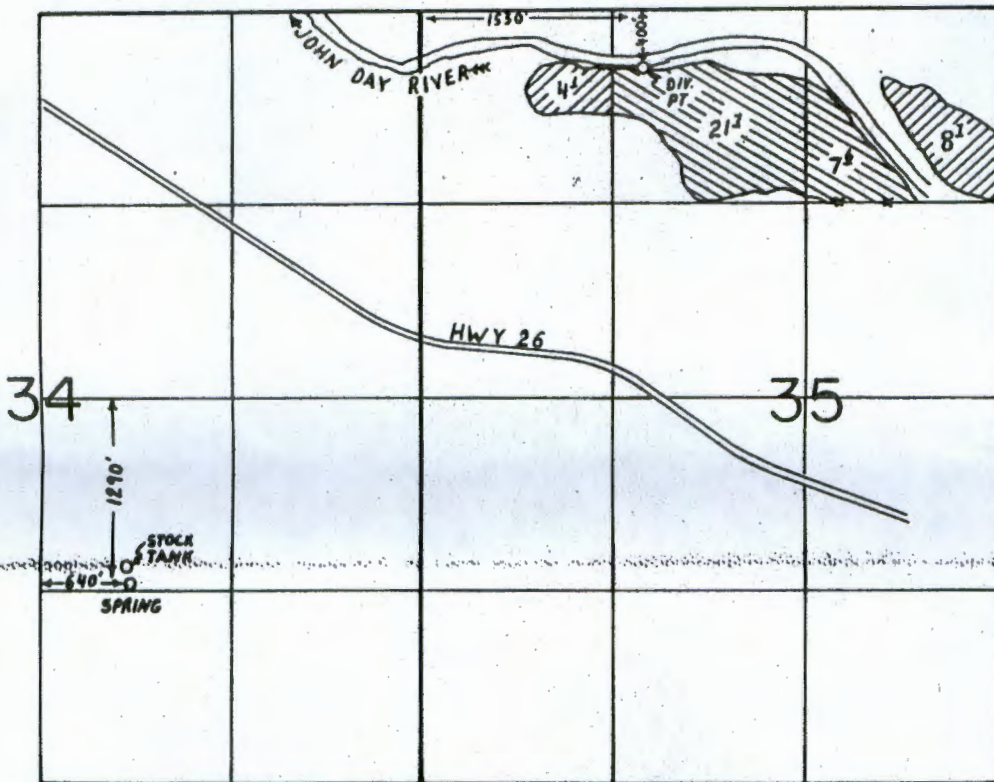
State Engineer

Recorded in State Record of Water Right Certificates, Volume **24**, page **32296**

C-64322 P-46889

C-64365 P-46890

T12S, R26E, WM



FINAL PROOF SURVEY UNDER

Application No. 62375 Permit No. 46889
IN NAME OF

COTTONWOOD LAND & CATTLE CO., INC.

Surveyed JUNE 18, 1988, by T. M. WARREN.

 PRIMARY IRR.

 SUPPLEMENTAL IRR

RECEIVED BY OWNER

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SALEM, OR

RVK

STATE OF OREGON

COUNTY OF GRANT

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

COTTONWOOD LAND AND CATTLE COMPANY, INC.
P.O. BOX 334
DAYVILLE, OREGON 97825

confirms the right to use the waters of the JOHN DAY RIVER, a tributary of the COLUMBIA RIVER, for the purpose of the PRIMARY IRRIGATION OF 8.7 ACRES AND THE SUPPLEMENTAL IRRIGATION OF 29.3 ACRES.

The right has been perfected under Permit 46889. The date of priority is JULY 14, 1982. The right is limited to not more than 0.59 CUBIC FOOT PER SECOND, BEING 0.22 CFS FOR PRIMARY IRRIGATION AND 0.37 CFS FOR SUPPLEMENTAL IRRIGATION or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE 1/4 NW 1/4, SECTION 35, T 12 S, R 26 E, W.M.; 400 FEET SOUTH AND 1530 FEET EAST FROM THE NW CORNER OF SECTION 35.

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-FORTIETH 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 5.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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:;

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>	
NW 1/4 NE 1/4	8.7 ACRES	7.6 ACRES	RECEIVED BY OWRD
NE 1/4 NW 1/4		21.7 ACRES	
SECTION 35			

TOWNSHIP 12 SOUTH, RANGE 26 EAST, W.M.

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This certificate is issued to correctly describe the water right perfected under Permit 46889 and supercedes certificate 63656, State Record of Water Right Certificates.

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



GRANT COUNTY, OREGON

I, the County Clerk for Grant County, Oregon
certify that the instrument identified herein
T was recorded in the Clerk records.

After recording return to:

James O. Kelly and Sue Porter Kelly

35393 Highway 19

Kimberly, OR 97848

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

James O. Kelly and Sue Porter Kelly

35393 Highway 19

Kimberly, OR 97848

File No. 79207AM

BRENDA PERCY

Grant County Clerk

by

Julie Ellison

Deputy

DOC#: 20160192 PG 5

\$63.50

2/01/2016
1:36 PM



STATUTORY WARRANTY DEED

American AgCredit, FLCA, a federally chartered federal land credit association,

Grantor(s), hereby convey and warrant to

James O. Kelly and Sue Porter Kelly, as Tenants by the Entirety,

Grantee(s), the following described real property in the County of Grant and State of Oregon free of encumbrances except as specifically set forth herein:

See attached exhibit "A" attached hereto and made a part hereof

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

- 9205;5857;5858
- 5859;5860;8650
- 5861;5862
- 8538;8678

The true and actual consideration for this conveyance is **\$1,990,000.00.**

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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20160192

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.

Dated this 22nd day of January, 2016

American AgCredit, FLCA, a federally chartered federal land credit association

by: [Signature]
Floyd Ridenhour, SVP

State of CA }ss.
County of Sonoma }

On this _____ day of January, 2016, before me, _____ a Notary Public in and for said state, personally appeared Floyd Ridenhour known to me to be the Senior Vice President of the Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, he/she executed the foregoing in said Corporation name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for the State of _____
Residing at: _____
Commission Expires: _____

See attached certificate



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20160192

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Sonoma)
On January 22, 2016 before me, Jena Marie Cramer
Date Here Insert Name and Title of the Officer
personally appeared Floyd Kidenhour
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____ Signer's Name: _____

Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____

Partner — Limited General Partner — Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

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EXHIBIT "A"
LEGAL DESCRIPTION

20160192

TRACT I:

Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 32: E1/2E1/2.

Section 33: NW1/4NE1/4; S1/2NE1/4; N1/2S1/2; SW1/4SE1/4; SW1/4SW1/4; NW1/4.

Section 34: NE1/4NE1/4; S1/2N1/2; N1/2S1/2.

Section 35: NW1/4; W1/2NE1/4; SE1/4NE1/4; NW1/4SW1/4.

(Tax Acct. 16 11-26 TL4900; Ref. 5857)

Township 12 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 3: S1/2NW1/4; S1/2.

Section 4: S1/2NE1/4; SE1/4.

Section 9: N1/2NE1/4; SE1/4NE1/4.

Section 10: All.

(Tax Accts. 16 12-26 TL300 & TL301; Refs. 5862 & 8538)

TRACT II:

Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 35: NE1/4NE1/4.

(Tax Acct. 16 11-26 TL4901; Ref. 5858)

TRACT III:

Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 26: SW1/4NE1/4; S1/2NW1/4; NW1/4SW1/4; N1/2NE1/4SW1/4; N1/2NW1/4SE1/4.

SAVE & EXCEPT that portion conveyed to Grant County, Oregon, by Right of Way Deed recorded January 9, 1992 in the records of Grant County, Oregon, as Instrument No. 920051.

Section 27: SW1/4NW1/4; NW1/4SW1/4; S1/2NE1/4SW1/4; NW1/4NE1/4SW1/4; S1/2S1/2;

S1/2N1/2SE1/4; and all that portion of the NE1/4NE1/4SW1/4 lying Southwesterly of the Dick

Creek Road. SAVE & EXCEPT that portion conveyed to Grant County, Oregon, by Right of Way

Deed recorded January 9, 1992 in the records of Grant County, Oregon, as Instrument No. 920051.

Section 28: W1/2SE1/4; N1/2SW1/4; SE1/4NE1/4; E1/2SE1/4. SAVE & EXCEPT that portion conveyed to Grant County, Oregon, by Right of Way Deed recorded January 9, 1992 in the records of Grant County, Oregon, as Instrument No. 920051.

Section 33: NE1/4NE1/4.

Section 34: N1/2NW1/4; NW1/4NE1/4.

(Tax Acct. 16 11-26 TL3709; Ref. 9205)

TRACT IV:

Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 36: SW1/4.

(Tax Acct. 16 11-26 TL5500; Ref. 5859)

Township 11 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 36: SE1/4.

(Tax Acct. 16 11-26 TL5600; Ref. 5860)

TRACT V:

Township 12 South, Range 26 East, Willamette Meridian, Grant County, Oregon:

Section 1: Lots 1, 2, 3 and 4; S1/2N1/2; S1/2.

Section 2: Lots 1, 2 and 3; S1/2NE1/4; SE1/4NW1/4; E1/2SW1/4; SE1/4.

Section 11: N1/2NE1/4; SW1/4NE1/4; NW1/4; N1/2SW1/4; NW1/4SE1/4.

Section 12: N1/2N1/2.

Section 26: SW1/4SW1/4.

Section 27: A tract of land in the E1/2SE1/4 described as follows:

Beginning at the Southeast corner of said Sec. 27;

thence N. 01°09' E., along the East section line of said Sec. 27, 2640.0 feet to the East quarter corner of said Sec. 27;

thence N. 89°11' W., along the North line of the E1/2SE1/4 of said Sec. 27, 726.0 feet;

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thence S. 02°12' E. 2174.9 feet to the rim rock on the North bank of the John Day River,
thence S. 57°57' W. 862.4 feet to the Southwest corner of the SE1/4SE1/4 of said Sec. 27;
thence S. 89°11' E., along the South section line of said Sec. 27, 1320.0 feet to the place of
beginning.

Section 34: E1/2NE1/4, SAVE & EXCEPT the following:

(a) Beginning at the East quarter corner of said Sec. 34;

thence N. 89°22' W., along the South line of the SE1/4NE1/4 of said Sec. 34, 839.0 feet to the TRUE
POINT OF BEGINNING;

thence N. 29°25' E. 712.9 feet to the Southerly right of way line of the John Day Highway;

thence along said Southerly right of way line, as follows:

On a spiral curve right (the long chord of which spiral curve bears N. 67°59' W. 204.9 feet),
205.1 feet;

N. 55°56' W. 790.9 feet to the West line of said SE1/4NE1/4;

thence S. 01°54' W., along the said West line, 1167.5 feet to the Southwest corner of said
SE1/4NE1/4;

thence S. 89°22' E., along the South line of said SE1/4NE1/4, 517.4 feet to the TRUE POINT OF
BEGINNING.

(b) That portion conveyed to Grant County, Oregon, by deed dated April 11, 1922, recorded Feb. 2,
1925 in Book 35 of Deeds, page 580, for right of way.

(c) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by
deed dated Sept. 13, 1935, recorded Oct. 1, 1935 in Book 40 of Deeds, page 580, for right of way.

Section 35: NW1/4NE1/4; N1/2NW1/4; SW1/4NW1/4; SAVE & EXCEPT the following:

(a) That portion conveyed to Grant County, Oregon, by deed dated April 11, 1922, recorded Feb. 2,
1925 in Book 35 of Deeds, page 580, for right of way.

(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by
deed dated Sept. 13, 1935, recorded Oct. 1, 1935 in Book 40 of Deeds, page 580, for right of way.

SAVE & EXCEPT all that portion of the above described tract in Sections 27, 34 and 35, Twp. 12 S., R. 26 E., W.M., lying
South of the centerline of the John Day River.

(Tax Accts. 16 12-26 TL100, TL101, TL1902; Refs. 5861, 8650, 8678)

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