

OREGON WATER RESOURCES DEPARTMENT
WATER RIGHT OWNERSHIP UPDATE FORM

NOTICE TO SELLERS & BUYERS:

By law all water belongs to the public IORS 537.1101. In almost every instance, a permit ("water right") from the Water Resources Department is needed before using, diverting, or storing any water IORS 537.1301. However, most domestic wells do not require water rights. A water right stays with the land. In order to keep track of water right ownership, ORS 537.330 requires persons selling property that has a water right to: 1) provide evidence of the water right to the buyer and 2) notify the Water Resources Department of the water right involved with the real estate transaction. Sellers are exempted from this requirement if the water uses are served by a water district or a city.

- 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)378-8455.

... Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.

PROPERTY SELLER INFORMATION:

Name: ROBERT W. STRAUB
Street Address: 2087 ORCHARD HTS. RD. NW
City: SALEM State: OR Zip: 97304
Phone: N/A

PROPERTY BUYER INFORMATION:

Name: MCKENZIE WILLAMETTE PROPERTIES, LLC
Street Address: Same as above / Mail to: PO Box 3
City: SPRINGFIELD State: OR Zip: 97477
Phone: 541-746-8096

PROPERTY DESCRIPTION (attach additional pages if necessary):

County: WHEELER Township: 8S Range: 25E Section: 4
Tax Lot numbers: _____
Meets & bounds description (or attach copy of property deed & tax lot map with the parcels highlighted):

WATER RIGHT INFORMATION (attach copy of water right certificate or permit & final proof map if available):

Application #: _____ Permit # 25370 Certificate # _____
Will all lands associated with the water right be owned by the buyer? Yes No

Name of individual completing this form: Margaret R. Thomas Phone: 541-746-8096
Signature: Margaret R. Thomas Date: 9/27/02

COPY INTO FILE
RELATED
T-5180

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SALEM, OREGON

Mail to  Water Resources Dept
Commerce Building
158 12th Street NE

NEW CERT 56303

STATE OF OREGON

COUNTY OF WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That: BEN TREMORGER

of Poesell, State of Oregon, has a right to the use of the waters of Kahler Creek, tributary of John Day River for the purpose of Irrigation

and that said right has been confirmed by decree of the Circuit Court of the State of Oregon for Grant County, and the said decree entered of record at Salem, in the Order Record of the STATE ENGINEER, in Volume 15, at page 461; that the priority of the right thereby confirmed dates from 1881

that the amount of water to which such right is entitled, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 1/40 cubic foot per second per acre irrigated to June 1 and 1/80 cubic foot per second per acre thereafter; further limited to one acre-foot per calendar month to June 1 and four acre-feet per acre during season April 1 to Sept. 30, measured at point of diversion.

A description of the lands irrigated under such right, and to which the water is appurtenant (or, if for other purposes, the place where such water is put to beneficial use), is as follows:

14.4 acres in NW1/4 Section 4, T. 8 S., R. 25 E., W. 4 N.

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And said right shall be subject to all other conditions and limitations contained in said decree. 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 1st day of May, 19 99.

LEWIS A. STANLEY

State Engineer

Recorded in State Record of Water Right Certificates, Volume 17, page 25370

Sprey

STATUTORY WARRANTY DEED

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:**

Michael W. Straub
33956 Seavey Loop Road
Eugene, OR 97405

**AFTER RECORDING,
RETURN TO:**

Con P. Lynch
PO Box 741
Salem, OR 97308-0741

ROBERT W. STRAUB, PATRICIA S. STRAUB, and MICHAEL W. STRAUB, Trustees of the Robert W. Straub Trust, executed the 30 day of July, 1992, an undivided one-half (1/2) interest as a tenant in common, and an undivided one-half (1/2) interest as a tenant in common to PATRICIA S. STRAUB, ROBERT W. STRAUB, and MICHAEL W. STRAUB, Trustees of the Patricia S. Straub Trust, executed the 30 day of July, 1992, Grantors, convey and warrant to the MCKENZIE WILLAMETTE PROPERTIES, LLC, Grantee, the real properties described on the attached Exhibits A (Ralph Jackson Parcel) and B, and located in Wheeler County, Oregon.

SUBJECT TO: All liens and encumbrances of record or apparent on the property by inspection.

The true and actual consideration for this conveyance consists of or includes other property or value given as provided which is the whole consideration.

The liability and obligations of Grantors to Grantees and Grantees heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantors under any policy of title insurance issued to Grantee at the time Grantors acquired such property. The limitations contained herein expressly do not relieve Grantors of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

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

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APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED: March 16, 2000

Robert W. Straub, Trustee
ROBERT W. STRAUB, Trustee

DATED: March 16, 2000

Patricia S. Straub, Trustee
PATRICIA S. STRAUB, Trustee

DATED: March 16, 2000

Michael W. Straub, Trustee
MICHAEL W. STRAUB, Trustee

STATE OF OREGON)
) ss.
County of Marion)

On March 16, 2000, personally appeared the above-named ROBERT W. STRAUB, PATRICIA S. STRAUB, and MICHAEL W. STRAUB, and acknowledged the foregoing instrument to be their voluntary act. Before me:

Delia C. Stephenson
Notary Public for Oregon
My Commission Expires: 10-23-02



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EXHIBIT A

THE FOLLOWING DESCRIBED PROPERTY SITUATED IN WHEELER COUNTY, OREGON:

TRACT I: SE 1/4 Sec. 33 (Sec. 33) Twp. 7 S.R. 25 E.W.M. N 1/4 NE 1/4, SE 1/4 NE 1/4 Sec. 4 Twp. 8 S.R. 25 E.W.M.; save and except two acres in the NE 1/4 NE 1/4 Sec. 4 Twp. 8 S.R. 25 E.W.M. which is deeded to R.J. Carsner and save and except one acre in the NW 1/4 SE 1/4 of Sec. 33 in Twp. 7 S.R. 25 E.W.M.

Crty
S 24988 →

TRACT II: Lot 3, S 1/2 NW 1/4, N 1/2 SW 1/4, SE 1/4 SW 1/4 and SE 1/4 Sec. 5; and all that part of SW 1/4 NE 1/4 Sec. 5 described as: commencing at the center of said Sec. 5; running thence East on the quarter section line 15.87 chains; thence North 40° West 18 chains; thence North 86° West 5.24 chains; thence South on the quarter section line 14.74 chains to the place of beginning; also the NE 1/4 SE 1/4 Sec. 6, all being in Twp. 8 S.R. 25 E.W.M. Also SE 1/4 NE 1/4 Sec. 27 Twp. 8 S.R. 25 E.W.M.

P. 25814 →

TRACT III: S 1/2 SW 1/4 Sec. 33, Twp. 7 S.R. 25 E.W.M.; and lots 3 & 4, SW 1/4 NW 1/4, W 1/2 SE 1/4 of NW 1/4, SW 1/4, S 1/2 SE 1/4 Sec. 4; Lots 1 & 2 and SE 1/4 NE 1/4 Sec. 5; and all that part of the SW 1/4 NE 1/4 of said Sec. 5 described as commencing at the SE corner of the said SW 1/4 NE 1/4 of said Sec. 5, and running thence 4.34 chains West; thence North 40° West 18 chains; thence North 86° West 5.24 chains; thence North 5.26 chains; thence East 80 rods; thence South 80 rods to the place of beginning; also NW 1/4 NE 1/4 of Sec. 9, all in Twp. 8 S.R. 25 E.W.M.;

P-25734 →

TRACT IV: SW 1/4 NE 1/4, E 1/2 SE 1/4 NW 1/4, N 1/2 SE 1/4 Sec. 4 in Twp. 8 S.R. 25 E.W.M.

P-26370 →

TRACT V: W 1/2 SW 1/4 Sec. 27; NE 1/4 SW 1/4, E 1/2 SE 1/4, NW 1/4 SE 1/4, E 1/2 NW 1/4 and SW 1/4 NW 1/4 of Sec. 28; NE 1/4 NE 1/4 of Sec. 33; W 1/2 W 1/4 Sec. 34; all in Twp. 7 S.R. 25 E.W.M.

P. 26156 →

TRACT VI: SW 1/4 SE 1/4 Sec. 28; NW 1/4 NE 1/4 and S 1/2 NE 1/4 Sec. 33 in Twp. 7 S.R. 25 E.W.M.

TRACT VII: SW 1/4 Sec. 13; SE 1/4 NW 1/4, S 1/4, E 1/2 SW 1/4 NW 1/4 Sec. 14; all that part SE 1/4 SE 1/4 Sec. 15 lying South of the Spray Heppner Highway; E 1/2 NE 1/4 SE 1/4 SW 1/4, N 1/4 SE 1/4, SE 1/4 SE 1/4, and all that part NE 1/4 SW 1/4 lying South of the Spray-Heppner Highway, in Sec. 22; N 1/2 NE 1/4 & W 1/2 Sec. 23; NW 1/4 NW 1/4 Sec. 24; all Sec. 26 except N 1/2 NE 1/4; N 1/2 N 1/4, SW 1/4 NE 1/4, SE 1/4 NW 1/4, NE 1/4 SW 1/4, SE 1/4 Sec. 27; E 1/2 NE 1/4 Sec. 34; N 1/2 N 1/2 SE 1/4 NE 1/4, SW 1/4 NW 1/4, E 1/2 SW 1/4 and SE 1/4 Sec. 35; all being in Twp. 8 S.R. 25 E.W.M.; W 1/2 SW 1/4 of Sec. 1; N 1/2 SW 1/4, SE 1/4, lots 1,2,3,4, of Sec. 2; E 1/2 SW 1/4, W 1/2 SE 1/4, Lots 3 and 2 of Sec. 3; W 1/2 NE 1/4, E 1/2 NW 1/4 Sec. 10; E 1/2 NE 1/4 Sec. 11; SW 1/4 NW 1/4 of Sec. 12; all being in Twp. 9 S.R. 25 E.W.M.

EXCEPTING THEREFROM two acres in the NE 1/4 NE 1/4 Sec. 5, Twp. 8 S.R. 25 E.W.M.; and excepting the SW 1/4 SW 1/4 of Sec. 33, in Twp. 7 S.R. 25 E.W.M.; and excepting 8 acres on the North side of the NW 1/4 NW 1/4 of Sec. 4, Twp. 8 S.R. 25 E.W.M. previously sold to Roy Britt; and excepting NW 1/4 NE 1/4 of Sec. 9, Twp. 8 S.R. 25 E.W.M., and previously sold to Ray Gates.

AND THE FOLLOWING DESCRIBED REAL PROPERTY IN GRANT COUNTY, OREGON, TO WIT:

SW 1/4 NW 1/4, W 1/2 SW 1/4 Sec. 28; S 1/2 SW 1/4, N 1/2 SE 1/4, SW 1/4 SE 1/4 Sec. 29; E 1/2 W 1/2 and W 1/2 E 1/2 Sec. 32, all in Twp. 8 S.R. 26 E.W.M.

It is further understood and it is the intent of this deed to assign all grantors interest in all property which was conveyed to Grantor on the Warranty Deed dated January 29, 1963 and recorded on March 11, 1963 in Book 88 Page 331 in the Grant County Recording Office.

EXHIBIT A PAGE 1 OF 1

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