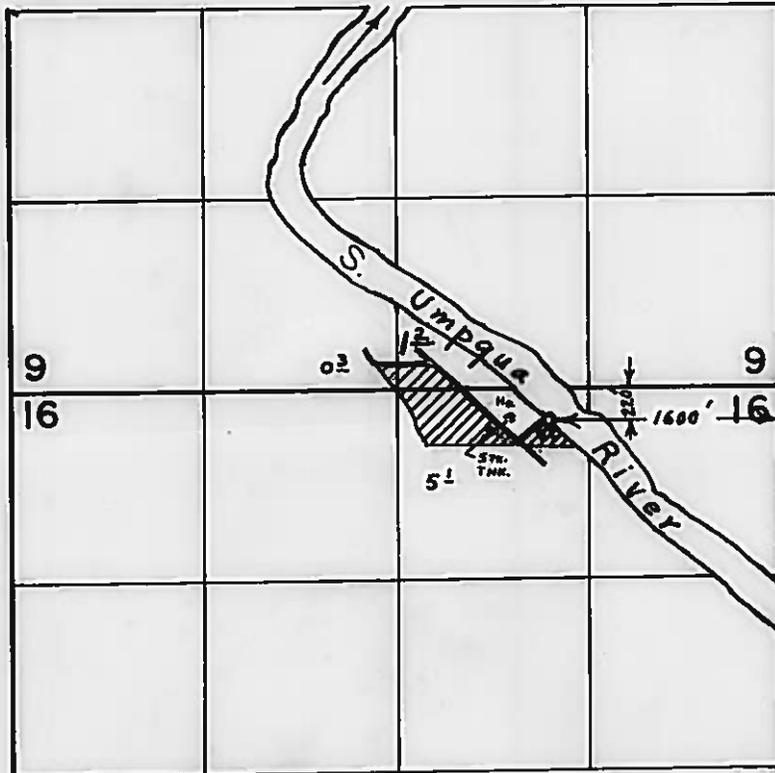


T.28S. R.6W. W.M.



FINAL PROOF SURVEY
UNDER

Application No. 56142 50349 Permit No. 42557 38009
IN NAME OF

ARNOLD MORTON

Surveyed July 27, 1976, by L. E. Gould
Aug. 3, 1978, D. W. Sparks

396 749

First American Title Insurance Company
Commercial Title Division



P.O. Box 1325
Portland, OR 97208

For recording return to:

Anita Colyn
28393 Santiam Hwy
Sweet Home OR
97386

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

Anita Colyn
28393 Santiam Hwy
Sweet Home OR
97386

File No.: 7391-396749 (jt)
Date: June 08, 2004

DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2004-014392



\$31.00

06/10/2004 10:29:15 AM

DEED-WD Cnt=1 Str=18 RECORDINGDESK
\$15.00 \$11.00 \$5.00

STATUTORY WARRANTY DEED

Fernando L. Facanha, Grantor, conveys and warrants to Anita Colyn, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

This property is free from liens and encumbrances, EXCEPT:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

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 \$235,000.00. (Here comply with requirements of ORS 93.030)

Dated this 10 day of June, 2004.

RECEIVED

AUG 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A**LEGAL DESCRIPTION:**

BEGINNING at a ¾" iron pipe set on the North line of property recorded in Volume 125, Page 430, Deed Records of Douglas County, Oregon, said beginning point being East 2983.5 feet and 282 feet South of the corner of Sections 8, 9, 16 and 17, Township 28 South, Range 6 West, W.M., Douglas County, Oregon, said beginning point being also East 324.36 feet and South 283.23 feet of the quarter corner between Sections 9 and 16, Township 28 South, Range 6 West, W.M.; thence running along the North line of said recorded property South 89° 53' 42" East 364.87 feet to a point in a 16 foot roadway easement from which a 5/8" x 30" iron rod bears North 89° 53' 42" West 30 feet; thence leaving said North line and running along the center line of a 16 foot roadway easement South 48° 30' East 116.78 feet to a point from which a 5/8" x 30" iron rod bears North 59° 21' 30" East 9.0 feet; thence running North 59° 21' 30" East 151.04 feet to a 5/8" x 30" iron rod set at the point of intersection with the North line of said recorded property in Volume 125, Page 430, Deed Records of Douglas County, Oregon; thence continuing North 59° 21' 30" East 40 feet to a 5/8" x 48" iron rod set on the left high bank of the South Umpqua River; thence continuing North 59° 21' 30" East 178.48 feet to a point in the center of the South Umpqua River; thence running along the center of said river South 42° 50' East 335.12 feet to a point on the South line of said recorded property in Volume 125, Page 430, Deed Records of Douglas County, Oregon, and the North line of property belonging to Fred Albutus in Volume 180, Recorder's No. 107321, deed records of Douglas County, Oregon; thence running West 212.48 feet to a 1-1/2" iron pipe set on the left high bank of said South Umpqua River; thence continuing West 268.3 feet to a point in the center of a 16 foot roadway easement; thence continuing West 517.1 feet to a 3" iron roller set at the Northwest corner of said Fred Albutus property recorded in Volume 122, Page 606, Deed Records of Douglas County, Oregon, also being the same point mentioned in property recorded in Volume 125, Page 430, deed records of Douglas County, Oregon; thence running North 48° 30' West 205.07 feet to a 5/8" x 30" iron rod; thence running South 89° 51' East 153.46 feet to the point of beginning, and being situated in Section 16, Township 28 South, Range 6 West, W.M., Douglas County, Oregon.

Together with the following appurtenant easement:

Permanent, non-exclusive right of way and easment for roadway purposes, as reserved in document recorded in Book 501, Recorder's No. 72-12126, and corrected in Book 580, Page 346, Recorder's No. 75-12442.

END OF DOCUMENT**RECEIVED**

AUG 09 2004

WATER RESOURCES DEPT
SALEM, OREGON

Filed to file - 1/13

Permit A-3M-1-11

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ARNOLD MORTON

of Star Route, Box 345, Winston, State of Oregon, 97496, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of irrigation of 5.6 acres

under Permit No. 38009 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 April 25, 1973 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 0.08 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 NW 1/4 NE 1/4, Section 16, T. 28 S., R. 6 W., W. M., 220 feet South and 1600 feet West from the NE corner of Section 16.

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 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:

- 0.3 acre SE 1/4 SW 1/4
- 1.2 acres SW 1/4 SE 1/4
- Section 9
- 5.1 acres NW 1/4 NE 1/4
- Section 16
- T. 28 S., R. 6 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, and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed this date. June 22, 1978

James E. Seaman
Water Resources Director

Added to file - JEB

STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ARNOLD MORTON

of Star Route, Box 282, Winston, State of Oregon 97496, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of South Umpqua River

a tributary of Umpqua River for the purpose of domestic use for one family and stock

under Permit No. 42557 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 29, 1977

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 0.01 cubic foot per second, being 0.005 c.f.s. for each use

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NW 1/4 NE 1/4, Section 16, T. 28 S., R. 6 W., W.M.; 220 feet South and 1600 feet West from NE Corner, Section 16

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 ----- of one cubic foot per second per acre,

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:

NW 1/4 NE 1/4
Section 16
T. 28 S., R. 6 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 and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed this date. January 19, 1981

James E. Larson
Water Resources Director



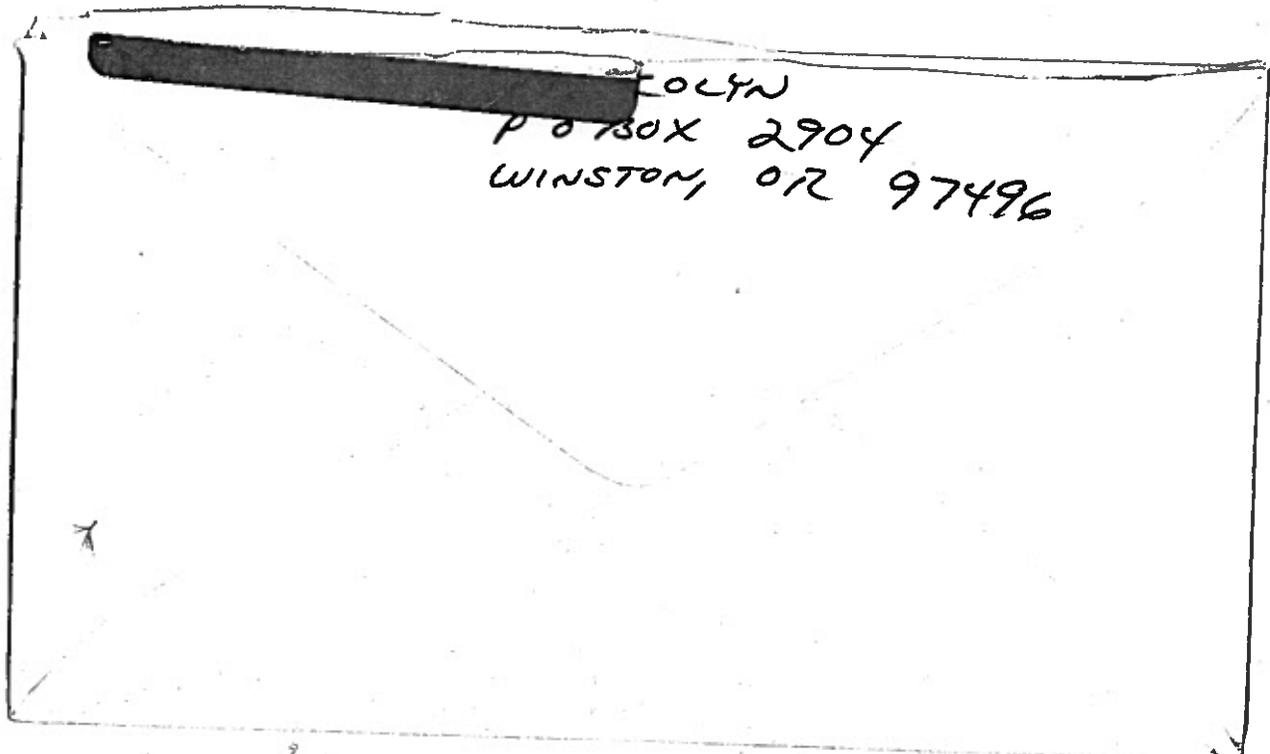
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U.S. POSTAGE
PAID
WINSTON, OR
97496
AUG 06, 04
AMOUNT

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STATE OF OREGON
WATER RESOURCES DEPT
ATT: WATER RIGHTS
725 SUMMER ST NE, SUITE A
SALEM, OR. 97301-1271

97301+1271 07



COLYN
PO BOX 2904
WINSTON, OR 97496

STATE OF OREGON

COUNTY OF DOUGLAS

Proof of Appropriation of Water

ARNOLD MORTON

RECEIVED

MAY 31 1978

of Star Route, Box 345, Winston
has applied beneficially the waters of
South Umpqua River

, State of Oregon, 97496 WATER RESOURCES DEPT
SALEM, OREGON

a tributary of Umpqua River
irrigation of 6.6 acres

for the purpose of

under Permit No. 38009 and that the use of said waters has been completed under the
terms of said permit; that the priority of the right dates from
April 25, 1973

that the amount of water for the purposes aforesaid, has been actually beneficially used in the
amount of
0.08 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 NW $\frac{1}{4}$, NE $\frac{1}{4}$, Section 16, T. 28 S., R. 6 W., W. M.,
220 feet South and 1600 feet West from the NE corner of Section 16.

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

0.3 acre SE $\frac{1}{4}$ SW $\frac{1}{4}$
1.2 acres SW $\frac{1}{2}$ SE $\frac{1}{2}$
Section 9

5.1 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$
Section 16
T. 28 S., R. 6 W., W. M.

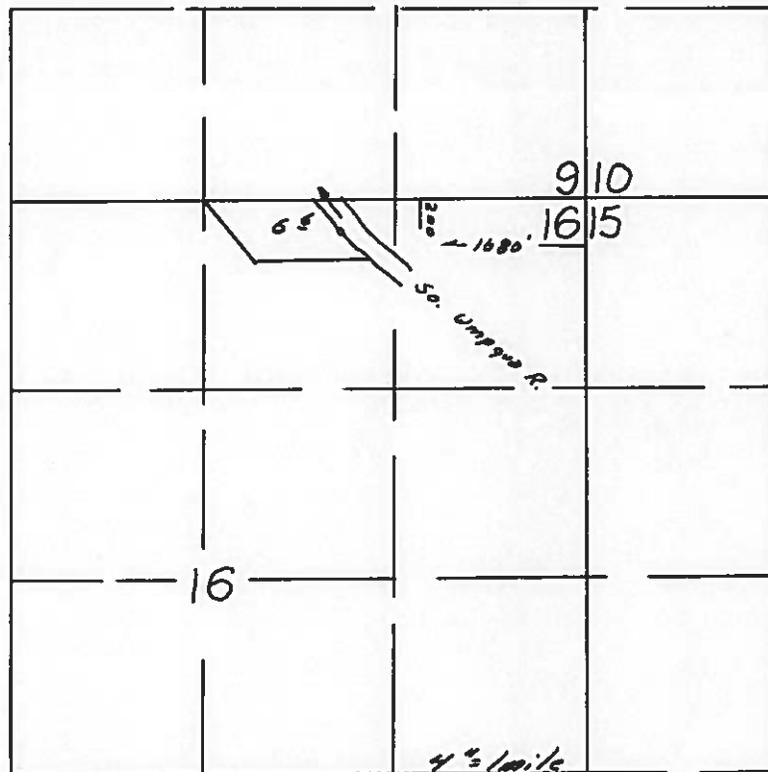
I have read the above and foregoing proof of appropriation of water; I know the contents
thereof, and that the facts therein stated are true.

IN WITNESS WHEREOF, I have hereunto set my hand this 30th day of May

1978

Arnold Morton

RECEIVED
APR 25 1973
STATE ENGINEER
SALEM, OREGON



T 28 S

R 6 W W M.

Application No. 50349
Permit No. 38009

BTK-IHH-114
 July 27, 1976
 P. E. Gould

05
 136

Abstract of Permit No. 38009 ^{Morton}

Application No. 50349 Certificate No.

Name Arnold Morton
 Address Star Route, Box 345
 Winston, OR, 97496

Source of water supply South Umpqua River **TRIB. UMPQUA RIVER**

Use Irrigation of 6.6 Acres

Point of diversion 200' S & 1600' W from NE cor., sec. 16, being within NW & NE 1/4 sec. 16, T. 28 S., R. 6 W., W.M.; Douglas County

Number of acres ~~6.6~~
 Div. Pt. 1/4 Sec. 220' S. & 1600' W. from N.E. Cor. Sec. 16

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4			
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4
28 S	6 W	16																
		9		S. E. 1/4		S. W. 1/4												0.3
				S. W. 1/4		S. E. 1/4												1.2
		16		N. W. 1/4		N. E. 1/4												5.1

6.6

Priority date April 25, 1973

Amount of water 0.08 c.f.s.

Time limit to begin construction ~~8-13-76~~

Time limit to complete construction ~~10-1-77~~ extended to extended to

Time limit to completely apply water ~~10-1-78~~ extended to extended to

Remarks: Limitations: 1/80th c.f.s.; 2 1/2 a.f.

Basin 16, Volume

IHH-114 ORDERED

Abstract of Permit No. 38009

Application No. 50349

Certificate No.

BTR-IHH-114
July 27, 1976
L. E. Gould

Name ARNOLD MORTON

Address STAR RT. BOX 345, WINSTON, ORE 97496

Source of water supply SUMPQUA R., TRIB UMAQUA R.

Use IRRIGATION

Point of diversion DOUG CO.

Number of acres

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE 1/4				NW 1/4				SW 1/4				SE 1/4				
			NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	NE 1/4	NW 1/4	SW 1/4	SE 1/4	
28S	6W	16		6 ⁶															

Priority date 4-25-73

Amount of water 0.08

Time limit to begin construction 8-13-76

Time limit to complete construction 10-1-77 extended to

Time limit to completely apply water 10-1-78, extended to

Remarks

the land on S.W. side of Co. Rd. from Farm 180, 27 parcel on the N. may be in Sec. 2. It appears that a small

Field Engineer
July 27, 1976
L. E. Gould

Not Home

Kirk Morton (son) IN FO: 1 N FO: 1

Div. Pt. Pumps 2 directly from River

Pump: 2HP @ 200' = 0.55
150
30

D. D. Waz Cent. 1 1/2" x 5"

80' 3" Alum. (2 water)

100' 3" 3" Alum. (2 water)

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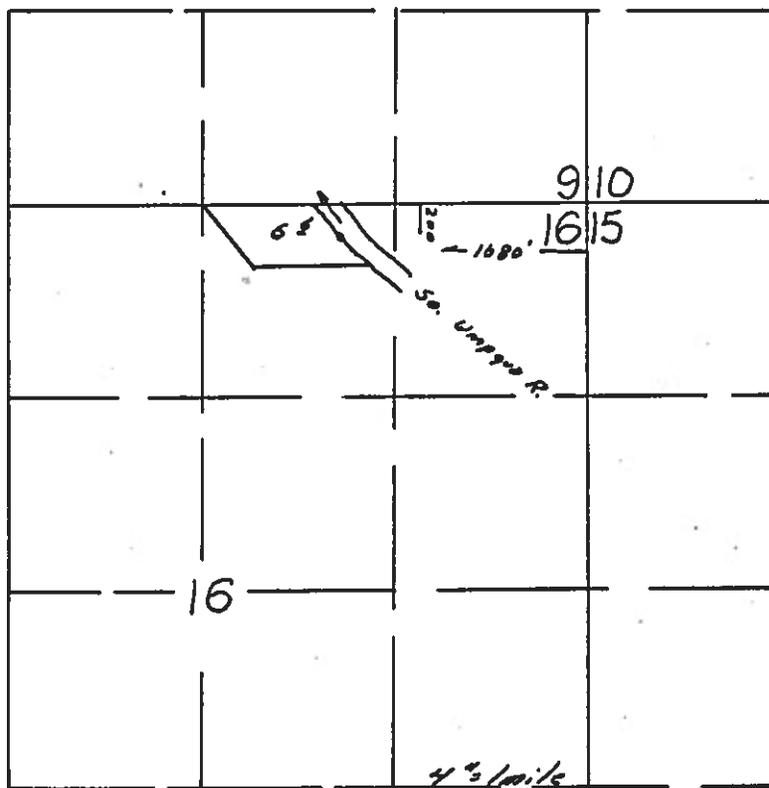
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RECEIVED
APR 25 1973
STATE ENGINEER
SALEM, OREGON



T 28 S

R 6 W W M.

Application No. 50349
Permit No. 38009