

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION
OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)

) ss

County of Baker)

I/We (or authorized agent), Jason & Cassi LeTourneau / Salmon Creek Builders, Inc., residing at 44919 Pine View Road Baker City, OR 97814, telephone number 541-519-2926, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number 1900, within the SW SE / SE SE 1/4, Section 20, Township 08 S (N/S), Range 39 E (E/W), of the Willamette Meridian, in Baker City, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.
2. I/We wish to cancel the following portion(s) of the water right certificate number 34317 issued to A.F. Moser with a date of priority of 11-02-1964.

☒ A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) _____

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled 8.7
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.
- In the amount of .07 cubic foot per second
- From the water source (s) Moser Well

AND/OR (less common)

☐ One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____
- From the water source (s) _____
- Located within the _____ 1/4, Section _____, Township _____ (N/S), Range _____ (E/W)
- Location Description (if given on the certificate) _____

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

Signature of district manager Printed Name Date

6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.

[Signature] 11/5/21
Signature of legal owner as listed on deed, or authorized agent Date

Signature of legal co-owner as listed on deed Date
(If applicable)

Subscribed and Sworn to Before Me this 5th day of November, 2021.



[Signature]
Notary Public for Oregon

My Commission Expires Dec. 23, 2022

PLEASE ATTACH A LEGIBLE COPY OF:

- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

OWRD RECEIVED
Ann Reece, 11/5/2021, 10:04:55 AM

STATE OF OREGON
COUNTY OF BAKER
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **A. F. MOSER**

of R.F.D., Baker, 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 Moser Well

a tributary of Pine Creek (Powder River) (Snake River) for the purpose of supplemental irrigation of 51.2 acres **51.2 - 8.7 = 42.5 ac RR**

under Permit No. G-2768 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 November 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 0.40 cubic foot per second

0.4/51.2 x 42.5 = 0.33 cfs RR; 0.4-.33 = CN 0.07 cfs

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 $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29, T. 8 S., R. 39 E., W. M. Well located 720 feet North and 200 feet West from the SE Corner, NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 29.

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 3 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:

1.5 acres SW $\frac{1}{4}$ SE $\frac{1}{4}$ **CN 1.5 ac**
7.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$ **CN 7.2 ac**
Section 20

37.6 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$ **37.6 RR ac**
4.9 acres NW $\frac{1}{4}$ NE $\frac{1}{4}$ **4.9 RR ac**
Section 29
T. 8 S., R. 39 E., 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

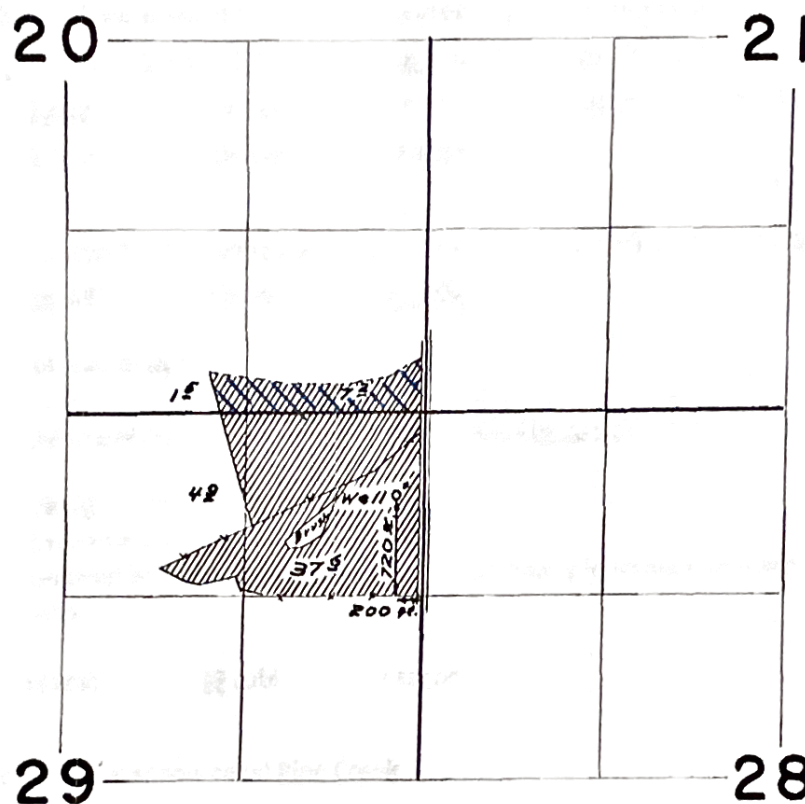
this date, October 24, 1967

CHRIS L. HUBBARD State Engineer

OWRD RECEIVED

Ann Reece, 11/5/2021, 10:04:55 AM

T. 8S. R. 39E. W.M.



Certificate 34317

51.2 Acres

FINAL PROOF SURVEY

UNDER

(8.7 Ac to be cancelled in TL 1900)

Application No. G-2985 Permit No. G-2768
IN NAME OF

A.F. Moser

Surveyed Aug. 9, 1956, by W.D. Ruppert

RECEIVED

OCT 08 2021

OWRD

Tax Statements To:
Salmon Creek Builders, Inc.
44919 Pine View Road
Baker City, OR 97814
 After Recording Return To:
 Elkhorn Title Company
 1725 Main Street
 Baker City OR 97814

Grantee(s) address:
Salmon Creek Builders, Inc.
44919 Pine View Road
Baker City, OR 97814

B21290156

WARRANTY DEED

SLC, LLC, an Oregon limited liability company, Grantor, conveys and warrants to Salmon Creek Builders, Inc., an Oregon Corporation, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO FOR DETAILED LEGAL DESCRIPTION

This property is free from liens and encumbrances, EXCEPT:

Those of record

"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, AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010."

The true consideration for this conveyance is \$720,000.00, a portion of which is pursuant to an IRC 1031 tax deferred exchange on behalf of the grantor (Here to comply with requirements of ORS 93.030)

Dated this 20 day of July, 2021.

SLC, LLC

Gregory A. Sackos, Manager

STATE OF OREGON)
) ss.
 COUNTY OF BAKER)

Signed or attested before me on this 20 day of July, 2021 by Gregory A. Sackos, Manager of SLC, LLC, an Oregon limited liability company.



Heidi LouAnn Jones

Heidi LouAnn Jones
 Notary Public for the State of: Oregon
 My commission expires: December 3, 2024

RECEIVED

OCT 08 2021

OWRD

EXHIBIT "A"

The Southwest quarter of the Southeast quarter, and the South half of the Southeast quarter of the Southeast quarter of Section 20, Township 8 South, Range 39 East of the Willamette Meridian, in the County of Baker and State of Oregon.

This legal description was created prior to January 1, 2008.

(532 0853920 1900; Ref. No. 8605)

STATE OF OREGON

County of Baker

} ss

I certify that this instrument was
received and recorded in the book of
records of said county.

Stefanie Kirby
Baker County Clerk

by: *Karen Phillips* Deputy.

DOCH: B21290156

91.00

7/21/2021 9:53 AM

REFUND:

.00

RECEIVED**OCT 08 2021****OWRD**