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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
(503) 986-0900
www.wrd.state.or.us

Ownership Update
For Certificated Rights
Only

NO FEES ARE REQUIRED TO SUBMIT THIS FORM

NOTICE: A certificate of water right typically stays with the land. In order to track water right ownership, the Department requests that this form be submitted to the Department. To update multiple rights, a separate form is required for each right.

If you have any questions about this form, please contact your local watermaster, or call the Water Resources Department at (503) 986-0900.

This form is not for Applications, Permits, Transfers, Groundwater Registrations, or Limited Licenses. To notify the Department of changes in ownership to these types of authorizations, an Assignment is required.

Current Landowner Information

Name: Roy M. Agar and Debra D. Agar, Trustees of Roy M. Agar and Debra D. Agar Trust u/t/d
Mailing Address: 384 Outlook Drive 3/7/12
City: Ontario State: OR Zip: 97914
Phone (Home): 541-889-9635 Work: Other:

Property Description

County: Malheur Township: 15S Range: 45E Section: see deed
Taxlot Number(s): 300, 303, 304, 305
Street Address of water right property: See deed attached
Water Right Information: Application: S-15051 Permit: - 10961 Certificate #: 80752

Are all the lands associated with this water right owned by the requester? Yes X No If No, include a map showing the portion of the right involved.

Name of individual completing this form: Roy M. Agar and Debra D. Agar Phone: 541-889-9635

Signature of requestor: [Handwritten signatures] Date:

The Department does not change names on certificates. This form will be placed in the file for future reference only. The Department does not provide acknowledgement that this form has been received.

original cert 10748

HEITMAN

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STATE OF OREGON
COUNTY OF MALHEUR
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO
ESTHER LAWTON
HUNTINGTON, OREGON 97907

confirms the right to use the waters of the SNAKE RIVER, a tributary of the COLUMBIA RIVER, for IRRIGATION OF 188.0 ACRES.

This right was perfected under Permit 10961. The date of priority is JULY 26, 1933. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 2.38 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NW¼ NE¼, SECTION 9, T 15 S, R 45 E.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

SW¼ NW¼	25.0 ACRES	LOT 2
NW¼ SW¼	36.0 ACRES	LOT 3
SE¼ SW¼	5.0 ACRES	LOT 4
SW¼ SW¼	39.0 ACRES	
SECTION 4		

SW¼ NE¼	2.0 ACRES
SE¼ NE¼	30.0 ACRES
NE¼ SE¼	30.0 ACRES
SE¼ SE¼	4.0 ACRES
SECTION 5	

TOWNSHIP 15 SOUTH, RANGE 45 EAST, W.M.

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NE¼ NW¼ 12.0 ACRES LOT 1

NW¼ NW¼ 5.0 ACRES

SECTION 9


TOWNSHIP 15 SOUTH, RANGE 45 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 10768, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered MAY 21 2004, approving Transfer Application 9617 for an additional point of diversion.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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 use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed May 21, 2004.


for Paul R. Cleary, Director

Recorded in State Record of Water Right Certificates numbered 80752

T-9617.CJ

Page 2 of 2

15S45E

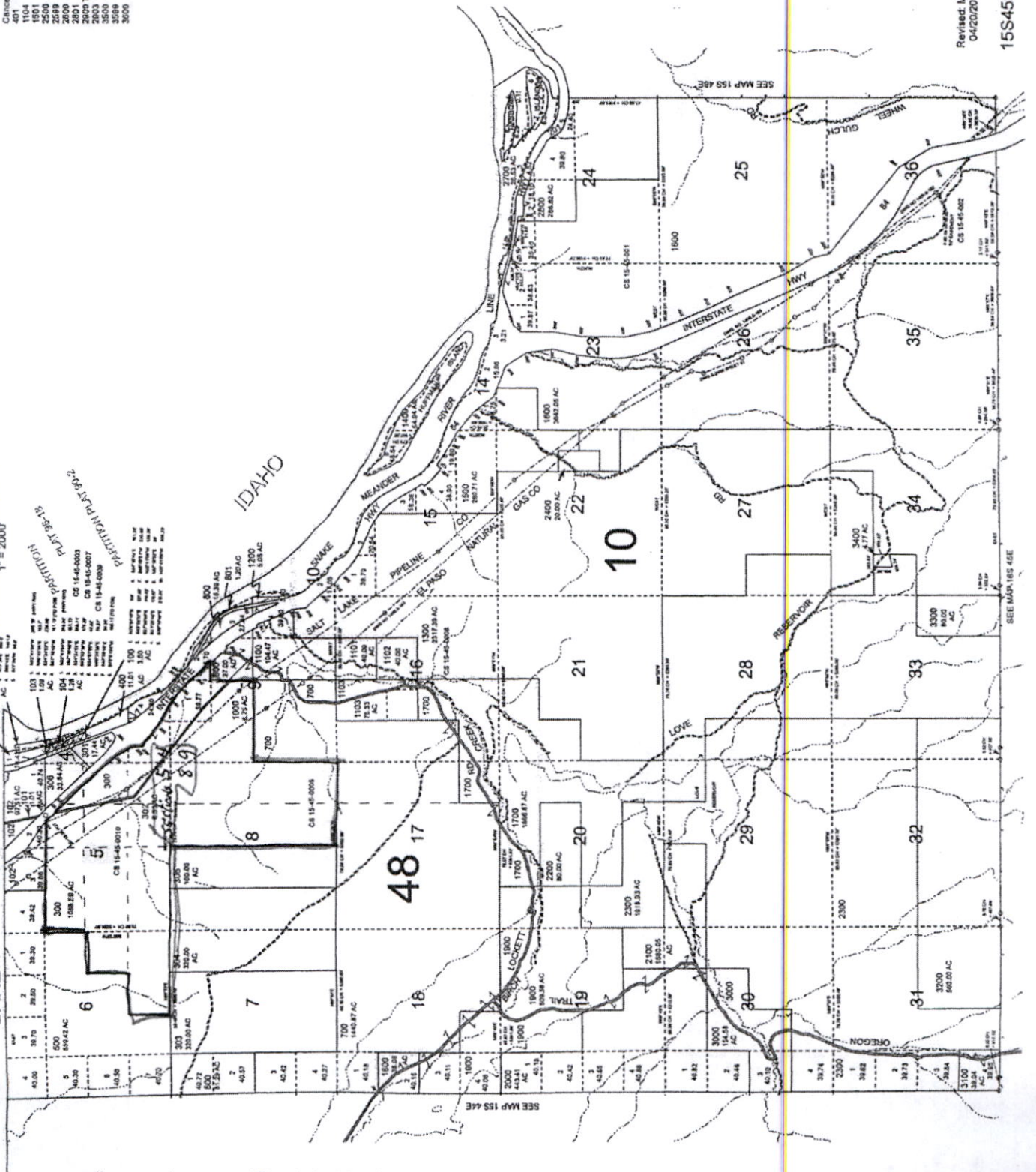
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- 2900

T. 15S. R. 45E. W.M.
MALHEUR COUNTY
1" = 2000'

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

BAKER COUNTY

1000 2000 3000 4000 Feet



SEE MAP 15S 45E

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Oregon Water Rights Map

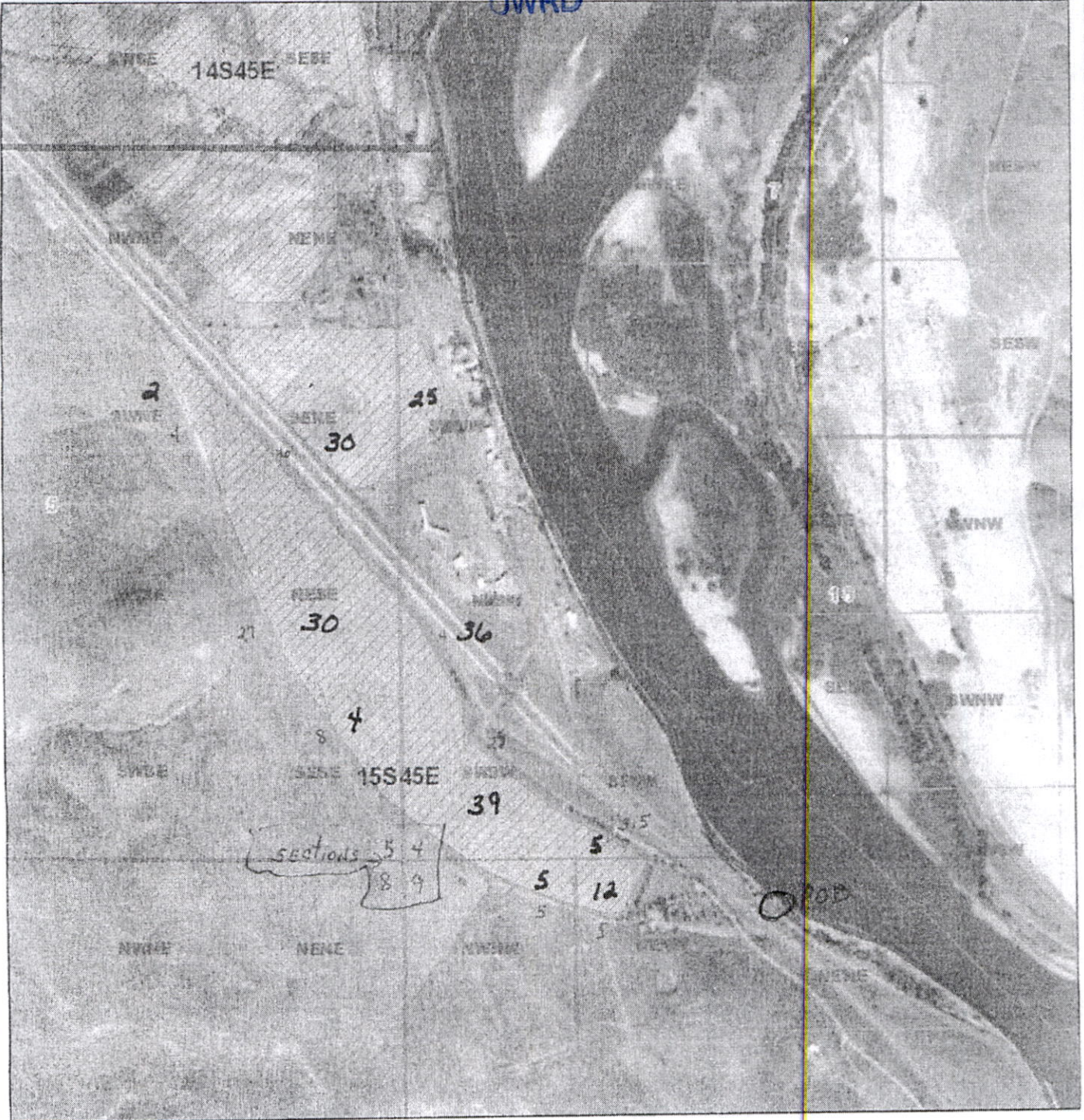
FEB 16 2021

Oregon Water Resources Department
725 Summer St NE, Suite A, Salem, OR 97301
(503)986-0900



Printed: December 7, 2015

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Water Rights by Type

- Points of Diversion:
 - Storage Water
 - ▲ Surface Water
 - ▼ In-stream

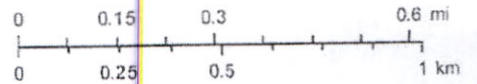
By Primary/Supplemental

- Primary
- Supplemental

Water Rights by Use

- Recreation
- Fish
- Wildlife
- Wildlife
- Misc
- Agriculture
- Domestic
- Irrigation
- Mead
- Flood
- Commercial
- Driftless

1:18,056



This Certificate
is superseded
by Cert 80752
SEE T-9617

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STATE OF OREGON
COUNTY OF MALHEUR

CERTIFICATE OF WATER RIGHT

This Is to Certify, That ESTHER LAWTON

of Huntington, 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 Snake River

a tributary of Irrigation and livestock for the purpose of under Permit No. 10961 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 July 26, 1933;

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 5.2 cubic feet per second measured at the point of diversion from the stream.

The point of diversion is located in the NW 1/4 of Section 9, Township 15S, Range 45E, W. M. The use hereunder for irrigation shall conform to such reasonable rotation system as may be ordered by the proper state officer.

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 in case of rotation.

A description of the lands irrigated under the right hereby confirmed, and to which such right is appurtenant (if for irrigation, or any other purpose), is as follows:

2 acres in the SE 1/4 SE 1/4,
15 acres in the NE 1/4 SE 1/4,
20 acres in the SW 1/4 SE 1/4,
30 acres in the SE 1/4 SE 1/4,
Section 32,
Township 14 South, Range 45 East, W. M.

2 acres in the SW 1/4 NE 1/4,
30 acres in the SE 1/4 NE 1/4,
30 acres in the NE 1/4 SE 1/4,
4 acres in the SE 1/4 SE 1/4,
Section 5,
Township 15 South, Range 45 East, W. M.

25 acres in Lot 2 (SW 1/4 NW 1/4),
38 acres in Lot 3 (NW 1/4 SW 1/4),
5 acres in Lot 4 (SE 1/4 SW 1/4),
39 acres in the SW 1/4 SW 1/4,
Section 4,
Township 14 South, Range 45 East, W. M.
12 acres in Lot 1 (NE 1/4 NW 1/4),
5 acres in the NW 1/4 NW 1/4,
Section 9,
Township 15 South, Range 45 East, W. M.

The right to the use of the water for any purpose is restricted to the lands or place of use herein described.

After the expiration of fifty years from the date of this certificate or on the expiration of any federal power license issued in connection with this right, and after not less than two years notice in writing to the holder hereof, the State of Oregon, or any municipality thereof, shall have the right to take over the dams, plants and other structures and all appurtenances thereto which have been constructed for the purpose of devoting to beneficial use the water rights specified herein, upon condition that before taking possession the State or municipality shall pay not to exceed the fair value of the property so taken, plus such reasonable damages, if any, to valuable, serviceable and dependable property of the holder of this certificate, not taken over, as may be caused by the severance therefrom of the property taken in accordance with the provisions of section 47-508, Oregon Code 1930.

WITNESS the signature of the State Engineer,

Cancelled due to
T-9617; Sp. Cr.
Vol. 60 p. 91

Superseded
Certs. 80757 and 90791

affixed this 8th day
of May, 1934

C. CLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 10, page 10768.

1 7

Map.
 Accompanying application for permit
 to appropriate water

May 30 - 1933

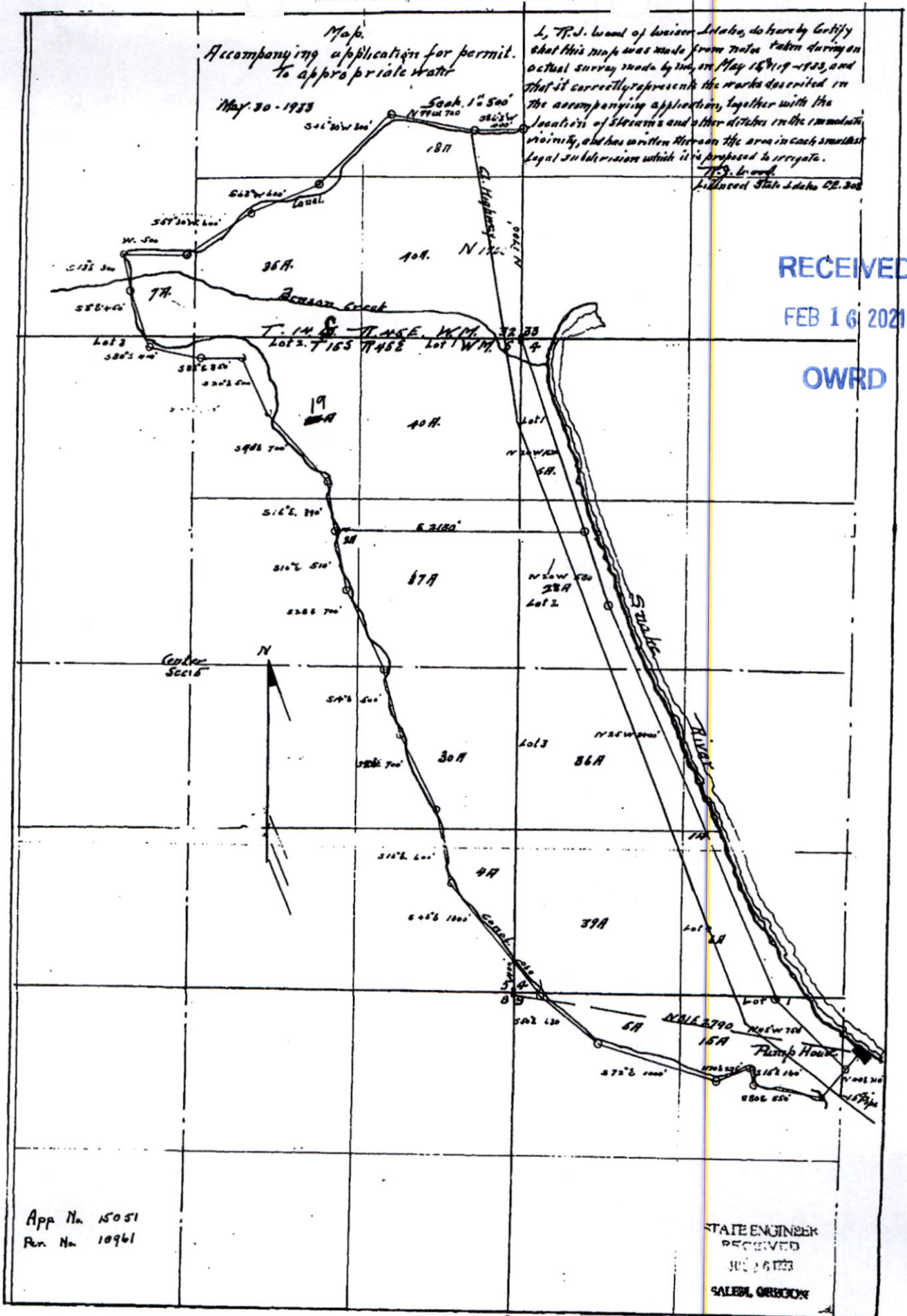
I, T. J. Wood of Wasco Idaho, do hereby certify
 that this map was made from notes taken during an
 actual survey made by me, on May 16, 1919-1923, and
 that it correctly represents the marks described in
 the accompanying application, together with the
 locations of streams and other ditches in the immediate
 vicinity, and has written thereon the area in each smaller
 legal subdivision which it is proposed to irrigate.

T. J. Wood
 Registered State Idaho C.E. 308

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App No 15051
 Per. No 10961

STATE ENGINEER
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 JUL 2 1933
 SALEM, OREGON

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MALHEUR COUNTY, OR D-ST WD	2021-0561
	02/09/2021 12:01:03 PM
Cnt=1 Pgs=5	\$112.00
<small>I, Gayle V. Trotter, County Clerk for Malheur County, Oregon certify that the instrument identified herein was recorded in the Clerk records.</small> Gayle V. Trotter - County Clerk	

RECORDING INFORMATION:

Prepared by:
BUTLER & LOONEY, P.C.
PO BOX 430 VALE OR 97918

After recording return to:
MCTC # 257518

**ELECTRONICALLY RECORDED
DO NOT REMOVE THE COUNTY
STAMPED FIRST PAGE AS IT IS
NOW INCORPORATED AS PART
OF THE ORIGINAL DOCUMENT.**

Until a change is requested, all tax statements shall be sent to:

The true consideration for this conveyance is: \$800,000.00, which is the whole consideration.

STATUTORY WARRANTY DEED

RUSSELL HERRIMAN and ROBIN HERRIMAN, husband and wife, Grantor, conveys and warrants to ROY M. AGAR & DEBRA D. AGAR LIVING TRUST, DATED MARCH 7, 2012, ROY M. AGAR & DEBRA D. AGAR, TRUSTEES, Grantee, land in Malheur County, Oregon, described in the attached Exhibit "A", free of encumbrances except as specifically set forth herein.

This conveyance is subject to the exceptions listed on the attached Exhibit "B".

"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 26th day of ~~March~~^{April}, 2018.

Russell Herriman
Russell Herriman

Robin Herriman
Robin Herriman

STATE OF OREGON
County of Malheur

The foregoing instrument was acknowledged before me this 26th day of April, 2018, by Russell Herriman and Robin Herriman, husband and wife.

(Signature)

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RECORDING INFORMATION:

Prepared by:
BUTLER & LOONEY, P.C.
PO BOX 430 VALE OR 97918

After recording return to:
MCTC # 257518

Until a change is requested, all tax statements shall be sent to:

The true consideration for this conveyance is: \$800,000.00, which is the whole consideration.

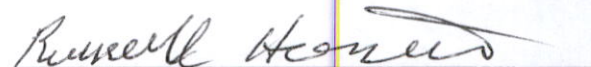
STATUTORY WARRANTY DEED

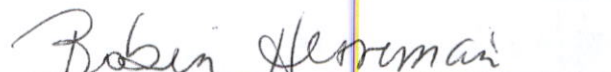
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This conveyance is subject to the exceptions listed on the attached Exhibit "B".

"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 26th day of ^{April}~~March~~, 2018.


Russell Herriman


Robin Herriman

STATE OF OREGON
County of Malheur

The foregoing instrument was acknowledged before me this 26th day of April, 2018, by Russell Herriman and Robin Herriman, husband and wife.

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EXHIBIT "A"

TITLE I:

Land in Malheur County, Oregon, as follows:

In Twp. 15 S., R. 45 E., W.M.:

Sec. 4: Government Lot 4 and that portion of the W1/2SW1/4 lying Southwesterly of Interstate No. 84 right of way.

EXCEPTING from said Government Lot 4 the Interstate No. 84 right of way.

Sec. 5: S1/2NW1/4, SW1/4 and that portion of the S1/2NE1/4 and SE1/4 lying Southwesterly of Interstate No. 84 right of way.

Sec. 6: E1/2SE1/4 and SW1/4SE1/4.

Sec. 8: East ½.

Sec. 9: Government Lots 1 and 2, NW1/4NW1/4 and S1/2NW1/4.

EXCEPTING from said Government Lots 1 and 2 the Interstate No. 84 right of way.

AND EXCEPTING any portion as conveyed to Idaho Power Co. by Deed recorded Aug. 31, 1928, Book 30, Page 177 Deeds for a 50 foot strip across Secs 4, 5 and 9.

FURTHER EXCEPTING those portions as conveyed to State of Oregon Highway Division by Deeds recorded in Book 109, Pages 284, 286 and 351; Book 129, Page 530 and Instrument No. 23326 Deeds.

ALSO EXCEPTING that portion as conveyed to Malheur Co. by Deed recorded in Book 21, Page 267 Deeds.

ALSO EXCEPTING that portion as conveyed to the State of Oregon, by and through its Department of Transportation by Warranty Deed recorded April 13, 2015, Instrument No. 2015-1276, official records, Malheur County, Oregon.

TITLE II:

Land in Malheur County, Oregon, as follows:

In Twp. 15 S., R. 45 E., W.M.:

Sec. 8: E1/2W1/2.

TITLE III:

Land in Malheur County, Oregon, as follows:

In Twp. 15 S., R. 45 E., W.M.:

Sec. 7: E1/2W1/2 and East ½.

Sec. 8: W1/2W1/2.

Map 1545 Tax Lots 300, 303, 304 & 305 Code 48 References 14780, 14782, 14783 & 15220

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EXHIBIT "B"

This conveyance is subject to the following exceptions:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records, and that the Seller also has no knowledge of.
2. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easements, not shown by the public records; reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose.
5. Any lien, or right to a lien, for services, labor, or material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.
6. Additional taxes or penalties and interest, if any, by reason of the disqualification of said lands for farm use purposes.
7. Grantee is purchasing the property "as is", and assumes the risk of any environmentally hazardous condition.
8. The rights of the public in and to that portion of the premises herein lying within streets, roads and highways. INFO: We find no apparent means of ingress or egress of record to or from the above property to a legally dedicated right of way nor access easement. It appears that the existing road to the subject site(s) unclear as to the access point.
9. Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Snake River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
10. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Snake River.
11. Ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of the Snake River as it now exists or at any time has existed.
12. Easements for power lines created by instrument, including the terms and provisions thereof;
Recorded: Book 12, Page 71-72, L&A records
Book 74, Page 268, Deed records.
Book 109 Page 348 Deed records

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An Assignment and Assumption of Right of Way interests recorded June 25, 2013, Instrument No. 2013-3002, official records, Malheur County, Oregon
Assignee/Grantee: Tesoro Logistics Northwest Pipeline LLC, a Delaware limited liability company.

14. Reservations and Restrictions as contained in Deed to Oregon State Highway Commission, recorded in Book 109, Pages 284, 286 and 351 Deed records; Action No. 10, 1991 filed May 20, 1966; Book 134, Page 132, Inst. 76256 Deeds and Instrument No. 27116, Deeds.

15. Easement in favor of Ebba Gay, recorded Feb. 4, 1965, Book 129, Page 100 Deeds.

16. Right of way in favor of Pacific Northwest Pipeline Corp. Book 102, Page 268-70 and recorded May 8, 1986, Instrument No. 86-3387, Deeds.

17. Easement in favor of Idaho Power Company for Brownlee Hydroelectric Development recorded Apr. 21, 1958, Deed records.

18. Right of way and Easement in favor of Northwest Pipeline Corp. recorded Sept. 28, 1981, Instrument No. 81-95986, Deed records.

19. Easement in favor of American Telephone and Telegraph Company, recorded June 9, 1989, Instrument No. 89-33764, Deed records.

20. Option & Easement Agreement between Richard D. Herriman, etal and Level 3 Communications, LLC recorded Aug. 5, 1999, Inst. 99-6061, Deeds.

21. Easement Deed in favor of Union Pacific Railroad Co. recorded Nov. 2, 2006, Inst. 2006-8098, Deeds.

Note: Any fence line matters that may affect the subject property by reason of Survey dated 3-23-06, Job VO-06003 Edwards & Cummings, LLC.

22. Oil and Gas Leases, including the terms and provisions thereof,
Dated: July 20, 2006

Recorded: December 28, 2006, as Instrument No. 2006-9331 official records of Malheur County, Oregon

Lessor: Russell Herriman and Robin Herriman, husband and wife

Lessee: Trident USA Corp.

Assignment of Overriding Royalty Interest for 4.5% of the above lease, to Energy Investments, Inc., recorded November 2, 2007, Instrument No. 2007-8142, records of Malheur County, Oregon.

Assignment of Overriding Royalty Interest of the above lease, to Stephen P. Chamberlain Trust, Rick Carroll & Allen & Kirmse, Ltd., as to 2.1375%, 2.1375% and 0.2250%, respectively, recorded November 17, 2008, Instrument No. 2008-7924, records of Malheur County, Oregon.

Assignment of Freehold Leases dated January 15, 2015, recorded February 23, 2015, Instrument No. 2015-562, official records, Malheur County, Oregon
Assignee: AM Idaho LLC, a limited liability company

23. Oil and Gas Leases, including the terms and provisions thereof,
Dated: July 20, 2006

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Malheur County, Oregon.

Assignment of Overriding Royalty Interest of the above lease, to Stephen P. Chamberlain Trust, Rick Carroll & Allen & Kirmse, Ltd., as to 2.1375%, 2.1375% and 0.2250%, respectively, recorded November 17, 2008, Instrument No. 2008-7924, records of Malheur County, Oregon.

Assignment of Freehold Leases dated January 15, 2015, recorded February 23, 2015, Instrument No. 2015-562, official records, Malheur County, Oregon
Assignee: AM Idaho LLC, a limited liability company.

24. An easement for power lines created by instrument, including the terms and provisions thereof;
Dated: July 23, 2008
Recorded: December 16, 2008, as Instrument No. 2008-8461, official records of Malheur County, Oregon
Favor of: Idaho Power Company, a corporation

Affects a portion of Tax Lot 300, Title I