



State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900

Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

Pursuant to ORS 537.348(2) and OAR 690-077

Optional Identification by Lessor/Lessee: _____
 Lease Application Number (assigned by WRD): IL-1250

The water right to be leased is located in Wheeler County.

This Lease is between:

Lessor #1:

Name Dayspring Partners LLC
 Mailing address 15350 SW Sequoia Parkway, Ste 250
 City, State, Zip Code Portland, OR 97224
 Telephone number (503) 603-2500
 E-mail address** jim@csimllc.com

Lessor #2, 3, etc. (provide same information as identified above)

NA

Lessee (if different than Oregon Water Resources Department):

Name _____
 Mailing address _____
 City, State, Zip Code _____
 Telephone number _____
 E-mail address** _____

**BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.

Trustee:

Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, OR 97301-1266
 (503) 986-0900

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WATER RESOURCES DEPT
 SALEM, OREGON

~I~ Water Right Holder and Water Right Information

- 1.1** Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 12 S, Range 24 E, Section 35 and Tax Lot number 2300. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.1 (cont.) Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township 13 S, Range 24 E, Section 2 and Tax Lot number 100. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

1.2 Lessor #2 is the (Check one):

☒ Not applicable

☐ Official representative of _____, the irrigation district which conveys water to the subject water rights.

☐ Another party with an interest in the subject water rights representing _____.

1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No(s). 25516, 87507 (supplemental to 25516) and 24865

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. ☐ Yes ☒ No or other Federal program: NA

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 25516

(If you need to enter another leased right, please use the additional water right form.)

Legal Season of Use: April 1 to September 30

Is the entire water right certificate being leased? ☐ Yes ☒ No

If no, list below the acres of the subject water right by legal description of township, range, section, and ¼ ¼ which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	*Page #	*Priority Date	*Previous Lease #	
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	12 S	24 E	35	NE SW	2300	6.4	Irrigation	--	1899	IL---
2.	12 S	24 E	35	NW SE	2300	0.5	Irrigation	--	1899	IL-
3.										IL-
4.										IL-
5.										IL-

[Attached maps must identify the water right holder, township, range, section, ¼ ¼, tax lot number, map orientation, and scale.]

Total number of acres being leased, if for irrigation (or other acre equivalent uses): 6.9

Acre-feet of storage, if applicable: --

Maximum rate associated with the right to be leased (cfs): 0.173 to June 1; then 0.086

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 27.6

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: None

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SALEM, OREGON**

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1.6 Validity of rights to be leased as described in Section 1.5 of this form and on any Additional Water Right Form. Lessor(s) attests (mark one) that:

- ☒ the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or
- ☐ the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to forfeiture under ORS 540.610(2)(____)(include necessary supporting documentation as Attachment 3).

~II~ Instream Water Right Information

2.1 Public use. This lease will increase streamflows that will benefit:

- ☒ Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- ☐ Pollution abatement
- ☒ Recreation and scenic attraction

2.2 Instream use created by lease of the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Rock Creek River
Tributary to John Day River in the John Day Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 27.6
Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.173 to June 1; then 0.086

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- ☒ Instream use protected at the point of diversion (POD).
- ☐ Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD and generally ends at the mouth of the source creek/river). If possible list the reach by river mile): NA

☐ Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified or the above box is not checked, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: POD A, POD B and POD C in Sections 14, 21 & 22, T13S, R24E, WM as shown on the attached Figure 1 map.

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):

- ☒ None
- ☐ The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.
- ☐ Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or erosion.)

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If you need to enter more instream uses, please use the additional water rights form.

2.3 Term of lease. This lease shall terminate on End of 2016 irrigation season.

2.4 Flow protection. The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

~III~ Other Information

3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

3.2 Lease. Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.

3.3 Precedent. If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.

3.4 Suspension of original use. During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.

3.5 Termination provision.

☒ For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:

- Written notice to the Department;
- Consent by all parties to the lease; and/or
- Written notice to the Watermaster's office.

☐ For multiyear leases, the lessor shall not have the option of terminating the lease without consent by all parties to the lease.

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3.6 Modification to prevent injury. Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to

use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.

3.7 Fees. Pursuant to ORS 536.050, the following fee is included:

- ☐ \$400 for an application with four or more landowners or four or more water rights.
☒ \$250 for all other applications.

Lessor #1: James A. Reine Date: 6-19-12
Dayspring Partners LLC

For additional Lessors, type in space for signature and date
NA

Lessee: _____ Date: _____

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

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Additional Water Right Form Standard Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The next right to be leased is further described as follows:

Certificate No.: 24865

(If you need to enter another leased right, please use another additional water rights form.)

Priority date: 1899 Type of use: Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

Is the entire water right certificate being leased? ☐ Yes ☒ No

If no, list below the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

T	R	Sect	1/4	Tax Lot	Acres	Type of Use	Page #	Priority Date	Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)									
1.	13 S	24 E	2	SE NW	100	2.0	Irrigation	--	1899
2.									IL-
3.									IL-
4.									IL-
5.									IL-
6.									IL-
7.									IL-
8.									IL-
9.									IL-
10.									IL-

[Attached maps must identify the water right holder, township, range, section, $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation, and scale.]

Number of acres, if for irrigation (or other acre equivalent use): 2.0

Acre-feet of storage, if applicable: --

Maximum Rate associated with leased rights (cfs): 0.05 to June 1; then 0.025

(Use additional lines if there is more than one rate associated with the water right.)

Maximum Duty associated with leased rights (AF): 8.0

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NA

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~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease of the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Rock Creek River

Tributary to John Day River in the John Day Basin.

Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 8.0

Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.05 to June 1; then 0.025

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

- ☒ Instream use at the point of diversion (POD).
☐ Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): _____

- ☐ Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: POD D in NWNE of Sec 11, T13S, R24E, WM as shown on the attached Figure 1 map.

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):

- ☒ None
☐ The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.
☐ Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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725 Summer Street NE, Suite A
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Additional Water Right Form Standard Application for Instream Lease

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

~I~ Water Right Holder and Water Right Information

Section 1.5 continued from Standard Application for Instream Lease.

Subject Water Rights. Lessor proposes to lease the water rights listed in 1.3.

The next right to be leased is further described as follows:

Certificate No.: 87507

(If you need to enter another leased right, please use another additional water rights form.)

Priority date: 4/30/1954 Type of use: Supplemental Irrigation

Legal Season of Use (if not listed on the certificate): April 1 to September 30

Is the entire water right certificate being leased? ☐ Yes ☒ No

If no, list below the acres to be leased by legal description of township, range, section, and $\frac{1}{4}$ $\frac{1}{4}$, which will be dried up as part of this lease. Include a map (Attachment 3) showing the lands that will not receive water.

	T	R	Sec	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot	Acres	Type of Use	Page #	Priority Date	Previous Lease #
*(Identify pertinent page numbers of certificate, if certificate is greater than 10 pages; identify priority date, if there is more than one on the certificate. If any portion of the right proposed to be leased was leased previously, the previous lease number may be identified. Identification of a previous lease is optional.)										
1.	12 S	24 E	35	NE SW	2300	6.4	Supplemental Irrigation	--	4/30/1954	IL---
2.	12 S	24 E	35	NW SE	2300	0.5	Supplemental Irrigation	--	4/30/1954	IL-
3.										IL-
4.										IL-
5.										IL-
6.										IL-
7.										IL-
8.										IL-
9.										IL-
10.										IL-

[Attached maps must identify the water right holder, township, range, section, $\frac{1}{4}$ $\frac{1}{4}$, tax lot number, map orientation, and scale.]

Number of acres, if for irrigation (or other acre equivalent use): 6.9

Acre-feet of storage, if applicable: --

Maximum Rate associated with leased rights (cfs): 0.173

(Use additional lines if there is more than one rate associated with the water right.)

Maximum Duty associated with leased rights (AF): 27.6

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: NA

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SALEM, OREGON

~II~ Instream Water Right Information

Section 2.2 continued from Standard Application for Short-Term Instream Lease.

Instream use created by lease of the water right described in Section 1.5.

The instream use to be created is described as follows:

In the Rock Creek River

Tributary to John Day River in the John Day Basin.

Maximum instream volume in acre-feet (may be same as duty identified in Sec 1.5): 27.6 acre-feet including primary right under Certificate 25516

Maximum instream rate in cfs (may be same as rate identified in Sec 1.5): 0.173 cfs including primary right under Certificate 25516

(If not certain of the instream rate or volume, please contact the Department for more information on how to fill out this section of the application).

☒ Instream use at the point of diversion (POD).

☐ Or within a proposed reach.

Describe the proposed reach (an instream reach generally begins at the POD. If possible, list the reach by river mile): _____

☐ Please check this box if you are not sure of the proposed reach and want water to be protected within a reach below the POD, if possible.

(If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD.)

If the POD is not described on the Certificate or if there is more than one POD listed on the certificate, then the specific POD must be described: POD C in SW NW, Sec 14, T13S, R24E, WM as shown on the attached Figure 1 map.

Conditions to prevent injury, if any (use this section to indicate a more restrictive period of use than allowed by the water right):

☒ None

☐ The instream flow will be allocated on a daily average basis up to the described rate from _____ through _____.

☐ Other (describe): _____

(Note: The Department may identify additional conditions to prevent injury and/or enlargement.)

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Business Registry Business Name Search

New Search

Business Entity Data

05-03-2010
17:01

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
516463-97	DLLC	ACT	OREGON	04-28-2008	04-28-2011	
Entity Name	DAYSPRING PARTNERS, LLC					
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	15350 SW SEQUOIA PARKWAY STE 250					
Addr 2						
CSZ	PORTLAND	OR	97224		Country	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	06-04-2009	Resign Date	
Name	THOMAS	P	HARBOLT				
Addr 1	15350 SW SEQUOIA PARKWAY STE 250						
Addr 2							
CSZ	PORTLAND	OR	97224	Country	UNITED STATES OF AMERICA		

Type	MGR	MANAGER				Resign Date	
Name	THOMAS	P	HARBOLT				
Addr 1	15350 SW SEQUOIA PARKWAY STE 250						
Addr 2							
CSZ	PORTLAND	OR	97224	Country	UNITED STATES OF AMERICA		

New Search

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
DAYSPRING PARTNERS, LLC	EN	CUR	08-13-2009	
ANTONE ACQUISITION, LLC	EN	PRE	04-28-2008	08-13-2009

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Please read before ordering Copies.

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MAY 19 2010

New Search

Summary History

Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissoled By
03-29-2010	ANNUAL REPORT PAYMENT	03-29-2010		SYS		

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SALEM, OREGON

08-13-2009	ARTICLES OF AMENDMENT	08-13-2009		FI	Name	
06-04-2009	AMENDED ANNUAL REPORT	06-04-2009		FI	Agent	
05-01-2009	NOTICE LATE ANNUAL	05-01-2009		SYS		
04-28-2008	ARTICLES OF ORGANIZATION	04-28-2008		FI	Agent	

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MAY 19 2010

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STATE OF OREGON

County of Wheeler

SS

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

AFTER RECORDING RETURN TO:

Barbara A. Jacobson
Kirkpatrick & Lockhart Preston Gates Ellis LLP
222 SW Columbia Street, Suite 1400
Portland, OR 97201

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

Antone Acquisition, LLC
Attn: Thomas P. Harbok
15350 SW Sequoia Parkway, Suite 250
Portland, OR 97224

Escrow No.: BT-106104TA

Barbara S. Sittou
Wheeler County Clerk

DEED

by: J. Grunfield Deputy.

DOC#: 20080151 PAGES: 16

RCPT: 531 101.00

5/05/2008 10:33 AM

REFUND: .00

STATUTORY WARRANTY DEED

David C. Harris, Kathleen H. Wolcott, and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87; David C. Harris, individually; Kathleen H. Wolcott and Roger S.C. Wolcott, Jr., as Trustees of the Kathleen H. Wolcott Revocable Trust U/T/A dated 9/22/04; and Michael H. Greene and Marylou H. Greene, as Trustees of the Greene Family Trust U/T/A dated 12/1/86, collectively the Grantors owning 100% interest in the Property described herein, hereby convey and warrant to Antone Acquisition, LLC, an Oregon limited liability company, the Grantee, the real property legally described on Exhibit A ("Property"), attached hereto and incorporated by reference herein, together with all water rights, air rights, mineral rights and mining rights held by them in connection therewith and all improvements located thereon, free and clear of all liens and encumbrances, except those Permitted Encumbrances of record as specifically set forth on Exhibit B, attached hereto and by reference incorporated herein.

The true consideration for this conveyance is TWENTY-FIVE MILLION DOLLARS (\$25,000,000).

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. 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 WATER RESOURCES DEPT 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.

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MAY 19 2010

Statutory Warranty Deed

Page 1 of 1 WATER RESOURCES DEPT
SALEM, OREGON

20080151 pg. 1 of 16

30 April
DATED this 5th day of May, 2008.

HARRIS FAMILY TRUST, U/T/A dated 6/9/87

David C. Harris, Trustee

Kathleen H. Wolcott, Trustee
Kathleen H. Wolcott, Trustee

Marylou H. Greene, Trustee

STATE OF Oregon,
County of Deschutes ss.

The foregoing instrument was acknowledged before me this 30 day of April, 2008, by David C. Harris, Kathleen H. Wolcott and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87.



[Signature]

Notary Public for
My commission expires: 6.19.08

[Remainder of page intentionally left blank; signatures continued on following page]

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MAY 19 2010

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DATED this 5th day of May, 2008.

HARRIS FAMILY TRUST, U/T/A dated 6/9/87

(X) David C. Harris, Trustee
David C. Harris, Trustee

Kathleen H. Wolcott, Trustee

(X) Marylou H. Greene, Trustee
Marylou H. Greene, Trustee

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by David C. Harris, Kathleen H. Wolcott and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87.

Notary Public for
My commission expires:

BDH
see attached

[Remainder of page intentionally left blank; signatures continued on following page]

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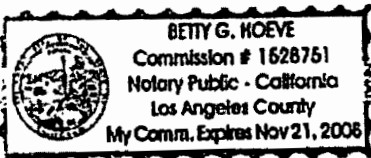
CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOEVE, Notary Public
Here Insert Name and Title of the Officer

personally appeared DAVID C. HARRIS AND MARYLON H. GREENE
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 Betty G. Hoeve
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed
Document Date: 5-5-08 Number of Pages: 12
Signer(s) Other Than Named Above: Robert C. Harris BOB

Capacity(ies) Claimed by Signer(s)

Signer's Name: David C. Harris
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Harris Family Trust

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: Marylou H. Greene
☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Harris Family Trust

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

David C. Harris
David C. Harris, individually

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by David C. Harris, individually.

Notary Public for
My commission expires:

*BN
see attached*

[Remainder of page intentionally left blank; signatures continued on following page]

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

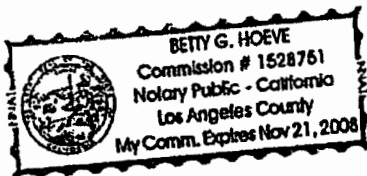
State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOEVE, Notary Public

personally appeared DAVID C. HARRIS

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 Betty G. Hoeve
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: 5-5-08 Number of Pages: 12

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: David C. Harris

☒ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Individual

☐ Corporate Officer — Title(s): _____

☐ Partner — ☐ Limited ☐ General

☐ Attorney in Fact

☐ Trustee

☐ Guardian or Conservator

☐ Other: _____

Signer Is Representing: _____

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OREGON

KATHLEEN H. WOLCOTT REVOCABLE
TRUST, U/T/A dated 9/22/04

Kathleen H. Wolcott, the
Kathleen H. Wolcott, Trustee

Roger S.C. Wolcott, Jr., the
Roger S.C. Wolcott, Jr., Trustee

STATE OF Oregon)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 30 day of April, 2008, by Kathleen H. Wolcott and Roger S.C. Wolcott, Jr., as Trustees of the Kathleen H. Wolcott Revocable Trust U/T/A dated 9/22/04.



[Signature]
Notary Public for
My commission expires: 6.19.08

[Remainder of page intentionally left blank; signatures continued on following pages]

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GREENE FAMILY TRUST, U/T/A dated 12/1/86

Marylou H. Greene, Trustee
Marylou H. Greene, Trustee

Michael H. Greene, Trustee
Michael H. Greene, Trustee

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Marylou H. Greene and Michael H. Greene, as Trustees of the Greene Family Trust U/T/A dated 12/1/86.

Notary Public for
My commission expires:

[Final signature page]

B.H.H.

see attached

K:\B565442000114023_SAA\120080151-Statutory Warranty Deed 4-24-08.doc

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Statutory Warranty Deed

Page 5 of 12

20080151 pg. 8 of 16

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOEVE NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared MARYLOU H. GREENE AND MICHAEL H. GREENE
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 is true and correct.

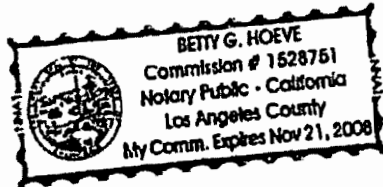
WITNESS my hand and official seal.

Signature Betty G. Hoeve
Signature of Notary Public

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Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: 5-5-08 Number of Pages: 12

Signer(s) Other Than Named Above: DAVID BPA.

Capacity(ies) Claimed by Signer(s)

Signer's Name: Marylou H. Greene

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Greene Family Trust

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: Michael H. Greene

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Greene Family Trust

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EXHIBIT A

Legal Description

Located in WHEELER COUNTY, OREGON:

In Township 12 South, Range 24 East of the Willamette Meridian:

Section 13: All.

14: All.

18: $S\frac{1}{4}$; $S\frac{1}{2}NW\frac{1}{4}$, SAVE AND EXCEPT a parcel South of State Highway No. 26 and East of Antone County Road in the $N\frac{1}{2}SW\frac{1}{4}$ of the said Section further described as follows: Beginning at a point which is the intersection of the Easterly right of way line of Antone County Road and the Southerly right of way line of Highway No. 26, said Section, Township and Range; thence South $41^{\circ}32'$ East along the said Easterly right of way line 587.7 feet, more or less to the South line of $NE\frac{1}{4}SW\frac{1}{4}$ of the said Section 18; thence East along the said South line 200 feet; thence North 306.17 feet, more or less; thence East 614.97 feet, more or less; thence North 729.39 feet to a point on the Southerly right of way line of Highway No. 26; thence Westerly along the said Southerly right of way line to the point of Beginning.

AND EXCEPTING THEREFROM a parcel of land lying in the $S\frac{1}{4}$ of Section 18, Township 12 South, Range 24 East of the Willamette Meridian, Wheeler County, Oregon and being a portion of that property described in that deed to Clinton O. Harris, trustee, recorded as No. M38-32, Wheeler County Deed Records; the said parcel being described as follows: Beginning on the Southerly line of the existing Ochoco Highway at a point opposite and 12.192 meters Southerly of Engineer's Station 25+603 on the center line of the relocated Ochoco Highway; thence South 430 meters; thence West 230 meters; thence North 21° West 253.556 meters more or less, to a point on the Southerly line of that property described in that deed to the State of Oregon, recorded January 30, 1931 in Book 19, Page 422 of Wheeler County Record of Deeds, said point being 150.400 meters Westerly of the Southeast corner of that property designated as Part #2 and described in that deed to the State of Oregon, by and through its State Highway Commission, recorded May 21, 1951 in Book 27, Page 247 of Wheeler County Record of Deeds; thence Easterly 150.400 meters along said Southerly line of Said State of Oregon properties to said Southeast corner; thence Northerly along the Easterly line of said Part#2 to the Southerly line of said Highway at a point opposite and 12.192 meters Southerly of Engineer's Station 25+430.190 on said center line; thence Easterly along said Southerly line of said Highway to the point of beginning.

EXHIBIT "A" Continued on next page

Exhibit A to Statutory Warranty Deed

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Page 6 of 10
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SALEM, OREGON

20080151 pg. 10 of 16

18. A parcel of land lying in the SW1/4 being that property designated as Part #1 and described in that deed to the State of Oregon, by and through it's State Highway Commission, recorded May 21, 1951 in Book 27 Page 247 of Wheeler County Records of Deeds. ALSO that portion of that property described in that deed to the State of Oregon, recorded January 30, 1931 in Book 19, Page 422 of Wheeler County Record of Deeds lying Westerly of the center line of Fort Creek.

19: All.
20: All.
21: S½S½.
22: All.
23: All.
24: All.
25: All.
26: All.
27: All.
28: All.
29: All.
30: All.
31: All.
32: All.
33: All.
34: All.
35: All.
36: All.

Township 12 South, Range 25 East of the Willamette Meridian:

Section 19: All
20: All
21: All
22: S½; S½N½.
28: All
29: All
30: All
31: All
32: All
33: All

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EXHIBIT "A" Continued on next page

Exhibit A to Statutory Warranty Deed

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SALEM, OREGON
Page 7 of 12

20080151 pg. 11 of 16

Township 13 South, Range 24 East of the Willamette Meridian:

Section 1: All

Section 2: All, EXCEPT the grave site of Mary E. Waterman, being reserved in that certain Deed recorded April 19, 1913 in Wheeler County Deed Book 13, page 116, and further described as a parcel in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of the said Section 2 "five rods wide and 16 rods deep off the West side of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2".

Section 3: All

Section 4: All

Section 5: All

Section 6: All

Section 7: N $\frac{1}{2}$; E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 8: All

Section 9: All

Section 10: All

Section 11: All

Section 12: N $\frac{1}{2}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 13: W $\frac{1}{2}$; SE $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 14: All.

Section 15: All.

Section 16: All.

Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 18: SE $\frac{1}{4}$ NB $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 20: All.

Section 21: All.

Section 22: All.

Section 23: All.

Section 24: All.

Township 13 South, Range 25 East of the Willamette Meridian:

Section 4: All

Section 5: All

Section 6: All

Section 7: E $\frac{1}{2}$; B $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; Lots 1, 2, 3 and 4.

Section 8: All.

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 17: N $\frac{1}{2}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 18: NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ (sometimes referred to as Lot 7); E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 3 and 4.

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EXHIBIT B
PERMITTED ENCUMBRANCES

1. Existing rights of way for roads, highways, irrigation ditches, canals, and pole lines.
2. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
4. Special rules and regulations pertaining to the assessment and taxation of fire patrol lands.
5. Any improvement located upon the insured property which constitutes a mobile/manufactured home as defined by Chapter 481, Oregon Revised Statutes, is subject to registration and taxation as therein provided and as provided by Chapter 308, Oregon Revised Statutes.
6. Mineral Reservations contained in Deeds from the Eastern Oregon Land Company, successor in interest to The Dalles Military Road Company:
 - A. Grantor: Eastern Oregon Land Company
Grantee: E. R. Langhlin
Recorded: September 25, 1907
Book/Page No.: Book 8 Page 360 (Records of Wheeler County, Oregon)
Affects: Section 24 in Township 12 South Range 24 East
 - B. Grantor: Eastern Oregon Land Company
Grantee: Peter C. Truchot
Recorded: November 24, 1922
Book/Page No.: Book 16 Page 449 (Records of Wheeler County, Oregon)
Affects: Section 29 in Township 12 South Range 24 East
 - C. Grantor: Eastern Oregon Land Company
Grantee: George Trosper
Recorded: June 3, 1924
Book/Page No.: Book 17 Page 93 (Records of Wheeler County, Oregon)
Affects: Section 11 in Township 13 South Range 24 East
 - D. Grantor: Eastern Oregon Land Company
Grantee: E. E. Krupke and Lola Krupke, husband and wife
Recorded: February 15, 1943
Book/Page No.: Book 23 Page 513 (Records of Wheeler County, Oregon)
Affects: Section 23 and 27 in Township 12 South Range 24 East

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E. Grantor: Eastern Oregon Land Company
Grantee: George F. Vehrs
Recorded: June 14, 1948
Book/Page No.: Book 26 Page 205 (Records of Wheeler County, Oregon)
Affects: Sections 19, 21, 29, 31, 33 in Township 12 South Range 25 East
Sections 1, and 9 in Township 13 South Range 24 East Sections 5, 7, and
8 in Township 13 South Range 25 East

F. Grantor: Eastern Oregon Land Company
Grantee: Helen J. Laughlin
Recorded: November 8, 1948
Book/Page No.: Book 26 Page 311
Affects: Section 31 in Township 12 South Range 24 East Section 5 in Township 13
South Range 24 East

7. Reservation of one-half of all minerals and mineral rights as set out in Deed:
In Favor of: Edgar R. Hunt and Willa May Hunt, husband and wife.
Recorded: May 19, 1951
Book/Page No.: Book 27 of Deeds at page 245 (Records of Wheeler County, Oregon)

8. Reservation of Minerals as set out in deed:
To: State of Oregon
Book/Page No.: Book 25 of Deeds at page 537 (Records of Wheeler County, Oregon)

9. Reservation of Minerals as set out in deed:
To: State of Oregon
Book/Page No.: Book 26 of Deeds at page 204 (Records of Wheeler County, Oregon)

10. An Easement created by instrument, subject to the terms and provisions thereof:
Recorded: November 25, 1939
Book/Page No.: Book 22 of Deeds at page 392 (Records of Wheeler County, Oregon)
Grantor: Eric L. Laughlin
In Favor of: State of Oregon
Purpose: Allows the Highway Department to construct a snow fence along the
highway.

11. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: December 3, 1963
Recorded: December 11, 1963
Book/Page No.: Book 30 of Deeds at page 566 (Records of Wheeler County, Oregon)
Grantor: Hudspeth Sawmill Company et al
In Favor of: Hudspeth Pine, Inc.
Purpose: Perpetual Easement and Right of Way

12. A Conveyance of Minerals and a Reservation of Hunting and Fishing Rights as set out in deed:
In Favor of: Gerald W. Vehrs and Georgia Vehrs, husband and wife and the survivor
of Recorded: March 12, 1968
Book/Page No.: Book 32 of Deeds at page 42 (Records of Wheeler County, Oregon)

Exhibit B to Statutory Warranty Deed

Page 10 of 12

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20080151 pg. 14 of 16

13. A Non-exclusive Road Easement created by instrument, subject to the terms and provisions thereof:
 Dated: September 12, 1973
 Recorded: September 21, 1973
 Microfilm No.: M-34-55 (Records of Wheeler County, Oregon)
 Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
 In Favor of: United States of America
14. A Non-exclusive Road Easement created by instrument, subject to the terms and provisions thereof:
 Dated: September 13, 1974
 Recorded: December 9, 1974
 Microfilm No.: M-34-297 (Records of Wheeler County, Oregon)
 Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
 In Favor of: United States of America
15. An Easement created by instrument, subject to the terms and provisions thereof:
 Dated: August 5, 1975
 Recorded: August 14, 1975
 Microfilm No.: M-34-414 (Records of Wheeler County, Oregon)
 Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
 In Favor of: Milton F. Shrum, Wilber K. Shrum, Elmer L. Shrum, Charles V. Shrum, Trudy Shrum Taylor and Irene Shrum Kaser unto their children and grandchildren
16. A Non-exclusive Road Easement, created by instrument, subject to the terms and provisions thereof:
 Dated: November 4, 1977
 Recorded: December 20, 1977
 Microfilm No.: M-35-50 (Records of Wheeler County, Oregon)
 Grantor: Clinton O. Harris and Flora H. Harris
 In Favor of: United States of America
17. An Easement created by instrument, subject to the terms and provisions thereof:
 Dated: April 15, 1985
 Recorded: May 13, 1985
 Microfilm No.: M-37-304 (Records of Wheeler County, Oregon)
 Grantor: Clinton O. Harris and Flora H. Harris; David C. Harris and Marylou Harris Greene
 In Favor of: Telephone Utilities of Eastern Oregon, Inc.
 Purpose: Telephone Line Right of Way
18. An Easement created by instrument, subject to the terms and provisions thereof:
 Dated: April 18, 1985
 Recorded: May 13, 1985
 Microfilm No.: M-37-313 (Records of Wheeler County, Oregon)
 Grantor: Kathleen Harris Wolcott
 In Favor of: Telephone Utilities of Eastern Oregon, Inc.
 Purpose: Telephone Line Right of Way

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19. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: January 10, 1986
Recorded: January 21, 1986
Microfilm No.: M-37-522 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris
In Favor of: United States of America
20. An Easement as set out in deed, subject to the terms and provisions thereof:
Dated: January 10, 2001
Recorded: February 23, 2001
Microfilm No.: 010071 (Records of Wheeler County, Oregon)
21. Implied Way of Necessity, with regard to any parcels owned by third persons or entities which are landlocked within the subject Property.

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