



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

# Application for Instream Lease Pooled Lease Form

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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: Farmers Irrigation District  
Lease Application Number (assigned by WRD): FL-1264

The water right to be leased is located in Hood River County.

This Lease is between:

**Lessor #2: Irrigation District or Other Water Purveyor**

Name Farmers Irrigation District attn: Rick Brock  
Mailing address 1985 Country Club Road  
City, State, Zip Code Hood River OR 97031  
Telephone number 541-387-5263  
E-mail address\*\* rick@fidhr.org

**Lessee (if different than Oregon Water Resources Department):**

Name Farmers Irrigation District attn: Rick Brock  
Mailing address 1985 Country Club Road  
City, State, Zip Code Hood River OR 97031  
Telephone number 541-387-5263  
E-mail address\*\* rick@fidhr.org

**\*\*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

### ~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of Farmers Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing \_\_\_\_\_.
- Not applicable.

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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). 74306

1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No or other Federal Program: \_\_\_\_\_

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.: 74306

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

Priority date: 05/07/1906 Type of use: IRR

Legal Season of Use: April 15 to Sept 30.

If an irrigation right, total number of acres to be leased: 73.4

Total acre-feet of storage to be leased, if applicable: NA

Maximum rate associated with subject water rights (cfs) being leased: .92

If there is more than one rate associated with a water right, describe below:

Season 1 (cfs) NA Time period: \_\_\_\_\_

Season 2 (cfs) NA Time period: \_\_\_\_\_

Season 3 (cfs) NA Time period: \_\_\_\_\_

Maximum duty associated with subject water rights (ac-ft): 220.2

Conditions or other limitations, if any: None

**~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 for the water right described in Section 1.5.**

In the Hood River  
Tributary to Columbia River in the Hood Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 220.2

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): .92

(If more than one rate, describe the rate associated with each time period or instream reach.)

Rate in CFS: NA

Rate in CFS: NA

(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.

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TACS

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): POD at river mile 11.25 downstream to the mouth at the Columbia River.

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 16129, Hood River Mile 11.25, 2N-10E-NW/SW, 2250 feet North & 470 feet East from SW corner Section 31.

**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 April 15, 2013 through September 30, 2013.

Other (describe): \_\_\_\_\_

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

**2.3 Term of lease.** This lease shall terminate on September 30, 2013.

**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).

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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.

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### **~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 short term 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.

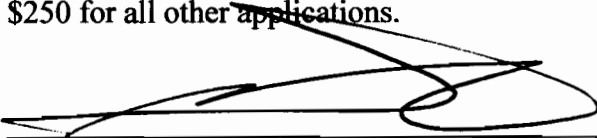
**3.5 Termination provision.**

- 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.

**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 #2:  Date: 2/22/13  
Jer Camarata, Manager, Farmers Irrigation District

Lessee:  Date: 2-25-13  
Rick Brock, Water Rights Specialist, Farmers Irrigation District

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
- Attachment 5: Pooled Lease Water Right Holder Form

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1/30/2013

**Beneficial Use**

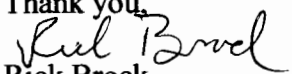
The following properties in the proposed 2013 in-stream lease were also leased in-stream in 2008 (IL-896).

<u>Legal</u>	<u>Acres</u>
3N-10E-34-NE/SW-0501	0.10
3N-10E-34-SW/SW-0100	0.20
3N-10E-34-SW/SW-0501	0.20
3N-10E-34-SE/SW-0501	2.90
3N-10E-35-SW/NW-0900	4.00
3N-10E-35-SW/SW-2400	0.80
3N-10E-35-SW/SE-1000	1.55
3N-10E-36-NE/SW-0200	26.4
3N-10E-36-SE/SW-0200	11.4
3N-10E-36-NW/SE-0500	2.60
3N-10E-36-NW/SE-0600	3.10
3N-10E-36-NW/SE-0700	1.20
3N-10E-36-SW/SE-0600	4.70
3N-10E-36-SW/SE-0700	0.60
Total	59.75

These additional properties will be included in the 2013 in-stream lease.

<u>Legal</u>	<u>Acres</u>
2N-10E-02-SE/SW-1200	4.00
3N-10E-34-NE/NE-0500	7.50
3N-10E-34-NW/NE-0800	2.15
Total	13.65

Total acreage for 2013 in-stream is 73.40 acres. The additional properties saw beneficial use in the early or late part of the 2008 irrigation season.

Thank you,  
  
Rick Brock  
Farmers Irrigation District

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Proposed Water Rights for Instream Lease in 2013

WATER RIGHT		AUTHORIZED PLACE OF USE										LEGAL DESCRIPTION		FARMERS IRRIGATION DISTRICT	
Certificate	PRIORITY	DATE	USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	ACRES	CHANGE	NEW ACRES	SEE MAP	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	34	NE/SW	501	Randy Olmstead	6.8	0.1	6.7	4	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	34	SW/SW	100	Randy Olmstead	0.9	0.2	0.7	4B	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	34	SW/SW	501	Randy Olmstead	7.3	0.2	7.1	4	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	34	SE/SW	501	Randy Olmstead	9.7	2.9	6.8	4	
Olmstead signed off 3.4 Water Right Acres To Farmers Irrigation District on 4-4-2005 Leased in-stream in 2007 & 2008											Total for instream Lease		3.4	acres	

WATER RIGHT		AUTHORIZED PLACE OF USE										LEGAL DESCRIPTION		FARMERS IRRIGATION DISTRICT	
Certificate	PRIORITY	DATE	USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	ACRES	CHANGE	NEW ACRES	SEE MAP	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	35	SW/NW	900	Farmers Irrigation District	4	4	0	5	
Syncline signed off all water rights To Farmers Irrigation District on 8-10-2006 Leased in-stream in 2007 & 2008											Total for instream Lease		4	acres	

WATER RIGHT		AUTHORIZED PLACE OF USE										LEGAL DESCRIPTION		FARMERS IRRIGATION DISTRICT	
Certificate	PRIORITY	DATE	USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	ACRES	CHANGE	NEW ACRES	SEE MAP	
74306	Certificate	5/7/1906	IRR	16129	3N	10E	35	SW/SW	2400	Smith Brothers Properties	5	1.8	3.2	6	
Smith signed off 1.80 Water Right Acres To Farmers Irrigation District on 6-15-2006 Leased in-stream in 2007 & 2008, 1.0 acre is now involved with the FID POU transfer in 2013, leaving .8 acre in lease.											Total for instream Lease		0.8	acres	

Proposed Water Rights for Instream Lease in 2013

WATER RIGHT		AUTHORIZED PLACE OF USE										Farmers Irrigation District			
Certificate	PRIORITY	LEGAL DESCRIPTION	USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	Acres	Change	New	See	
74306	74306		IRR	16129	3N	10E	35	SW/SE	1000	Donald H. Lariza	3	1.55	1.45	7	
		Lariza signed off 1.55 Water Right Acres										Total for instream Lease		1.55	acres
		To Farmers Irrigation District on 3-1-2005													
		Leased in-stream in 2007 & 2008													

WATER RIGHT		AUTHORIZED PLACE OF USE										Farmers Irrigation District			
Certificate	PRIORITY	LEGAL DESCRIPTION	USE	POD#	TWP	RNG	SEC	QQ	TAXLOT	USER NAME	Acres	Change	New	See	
74306	74306		IRR	16129	3N	10E	36	NE/SW	200	Farmers Irrigation District	26.4	26.4	0	8	
		Sieverkropp Orchards signed off all water rights										Total for Instream lease		50	acres
		To Farmers Irrigation District in 2004 & 2007.													
		Leased in-stream in 2007 & 2008													
		Lariza signed off 1.55 Water Right Acres										Total for instream lease		1.55	acres
		To Farmers Irrigation District on 3-1-2005													
		Leased in-stream in 2007 & 2008													

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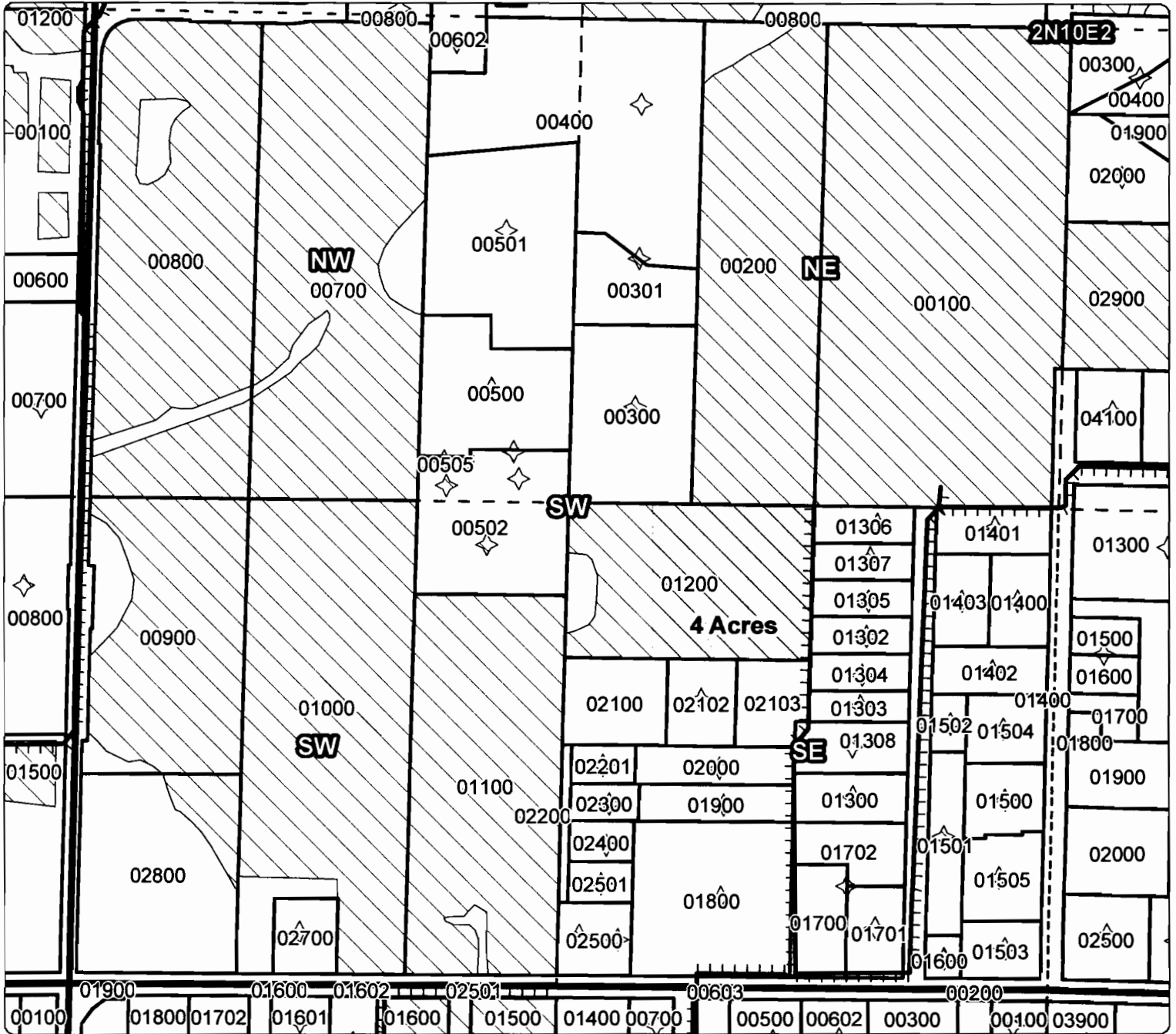
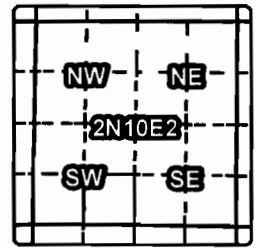
# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

For: Michael C. Marques

#1



### LEASE MAP

Taxlot 1200, 2N10E2SESW: 4 Acres OFF, 2 Acres Remaining

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SALEM, OREGON

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs

1 inch = 400 feet  
January 2013







20031311 (1)

THIS SPACE

AMERITITLE # 20031311

After recording return to:  
MICHAEL C. MARQUES  
1361 MARTIN ROAD  
HOOD RIVER, OR 97031

Until a change is requested all  
tax statements shall be sent to  
the following address:  
MICHAEL C. MARQUES  
1361 MARTIN ROAD  
HOOD RIVER, OR 97031

Escrow No. HF28829  
Title No. \_\_\_\_\_

STATE OF OREGON } SS  
COUNTY OF HOOD RIVER }

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

Sandra E. Berry, Director of records and  
Assessment and Taxation

by: [Signature] Deputy # 1

BOOK: 20031311  
PAGE: 26023 26.00  
3/11/2003 3:18 PM

### WARRANTY DEED

DON L. LOWRY and MARGUERITE LOWRY, as tenants by the entirety,  
Grantor's, hereby grant, bargain, sell, warrant and convey to:  
MICHAEL C. MARQUES and LORI E. MARQUES, as tenants by the entirety  
Grantee's, and grantee's heirs, successors and assigns the following described  
real property, free of encumbrances except as specifically set forth herein in  
the County of HOOD RIVER and State of Oregon, to wit:

THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER  
OF SECTION 2, TOWNSHIP 2 NORTH, RANGE 10 EAST OF THE WILLAMETTE MERIDIAN,  
IN THE COUNTY OF HOOD RIVER AND STATE OF OREGON. EXCEPT THE SOUTH 234  
FEET THEREOF.

REF. NO. 7097 2N-10-2C-1200

SUBJECT TO: all those items of record and those apparent upon the land, if  
any, as of the date of this deed and those shown below, if any;  
and the grantor will warrant and forever defend the said premises and every  
part and parcel thereof against the lawful claims and demands of all persons  
whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is \$ 255,000.00.  
\* also known as Margaret H. Lowry

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 CRS 30.930.

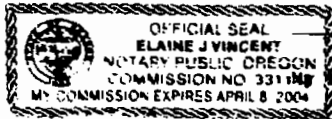
Dated this 6th day of MARCH, 2003.

Don L. Lowry  
DON L. LOWRY

Marguerite Lowry  
MARGUERITE LOWRY

State of Oregon  
County of HOOD RIVER

This instrument was acknowledged before me on MARCH 6, 2003 by DON  
L. LOWRY AND MARGUERITE LOWRY.



Elaine J Vincent  
Notary Public for Oregon  
Commission expires 4.8.04

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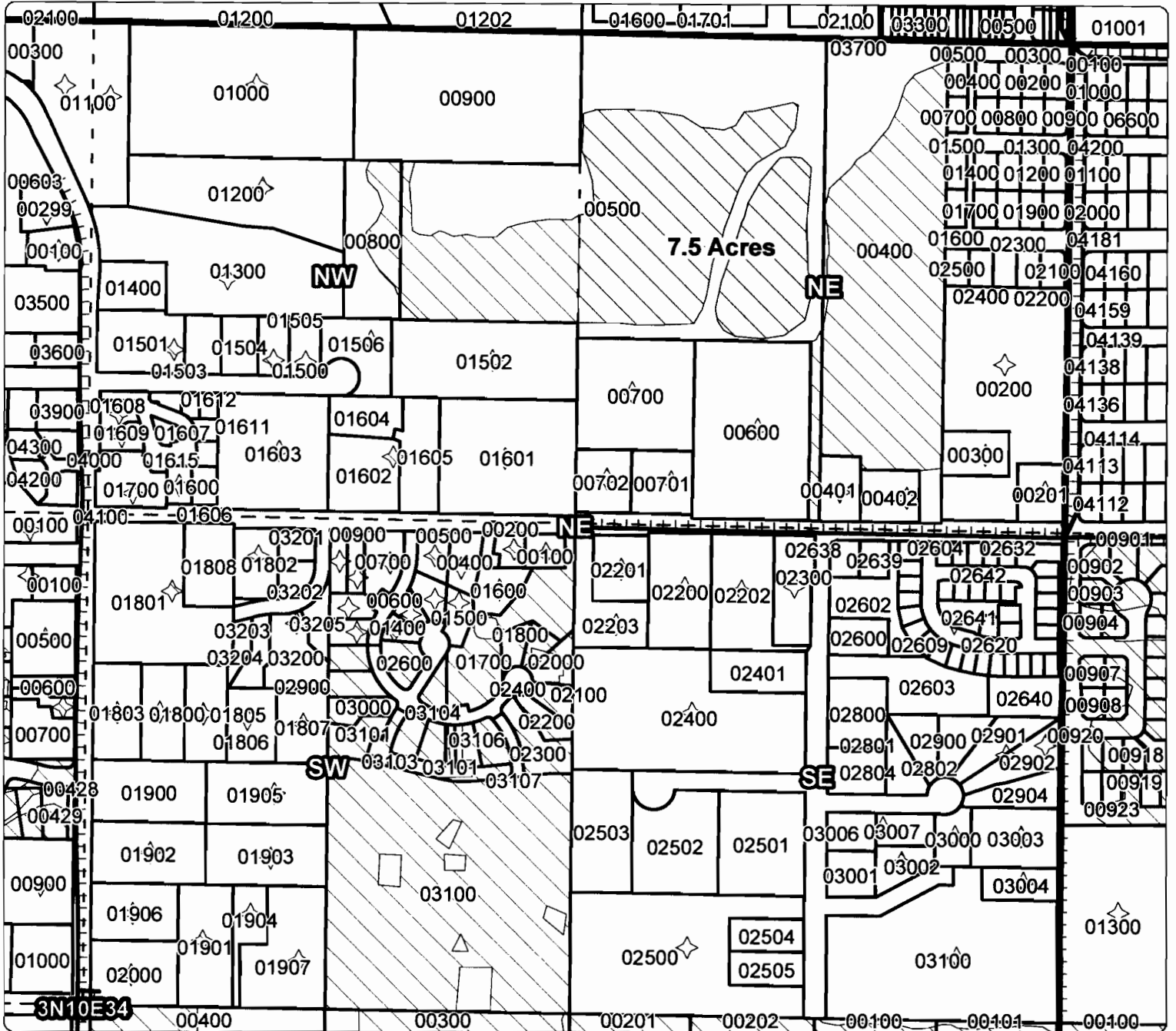
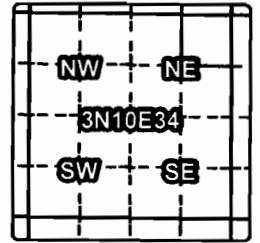
# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

For: Farmers Irrigation District

# 2



### LEASE MAP

Taxlot 500, 3N10E34NENE: 7.5 Acres OFF, 0 Acres Remaining

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- ( Point of Diversion
- ▬ Canals
- ▭ Taxlots
- ▭ Lease
- ▭ Cert 74306
- ▭ All Other Certs

1 inch = 400 feet  
January 2013

ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

# 2

WHEREAS, the undersigned **R. Scott Smith, Representing Heritage Homes Investment Corporation** is the Owner of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no. 3N-10E-34-NE/NE #0500, consisting of 7.50 irrigable acres.

Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

Primary  
Certificate number: 74306  
Priority Date: 05/07/1906  
Source: Hood River  
Purpose: Irrigation  
Transferred Amount: 7.50 Water Right Acres

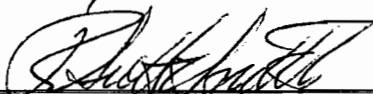
Which water right is in the name of the Farmers Irrigation District is delivered by the District, and,

WHEREAS, **Smith** desires to transfer 7.50 acres of the water rights from tax lot 3N-10E-34-NE/NE #0500 and receive and be billed for 0.00 water right acres.

**Smith**, hereby grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

**Smith**, hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

IN WITNESS WHEREOF, the undersigned has executed this instrument the 15 day of July, 2008.

  
R. Scott Smith, Owner / Representative

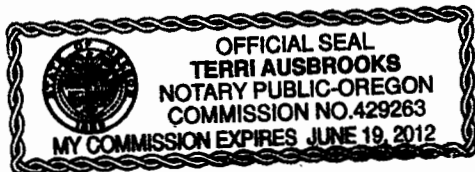
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SALEM, OREGON

STATE OF OREGON )  
County of Deschutes } ss.

R. Scott Smith, acknowledged this instrument before me on July 15, 2008.



  
Notary Public for Oregon  
My commission expires: 6-19-12

9165

HE1200

Famers

20052434 (4)



THIS SPACE RES STATE OF OREGON } SS  
COUNTY OF HOOD RIVER }

After recording return to:  
Heritage Homes Investment Corporation  
6475 NW Cornelius Pass Rd  
Hillsboro, OR 97124

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

Sandra E. Berry, Director of records and Assessment and Ex-Officio Recorder.

by: S. Berry Deputy.

DOC#: 20052434  
RCPT: 41.00 41.00  
5/13/2005 3:40 PM

#2

5'

AMERITITLE 33655

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

Heritage Homes Investment Corporation  
6475 NW Cornelius Pass Rd  
Hillsboro, OR 97124

Escrow No. HR32869

3N 10 34 A - 00500

STATUTORY WARRANTY DEED

Frances M. Cody and Charles Samuel Cody and Glen Matthew Cody and Martin Lee Cody, Grantor(s) hereby convey and warrant to Heritage Homes Investment Corporation, Grantee(s) the following described real property in the County of HOOD RIVER and State of Oregon, free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

REF #4486 3N-10-34A-500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$ 1,400,000.00 PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR (Charles Samuel Cody).

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.

Dated this 7 day of MAY, 2005

Frances M. Cody  
Frances M. Cody

Glen Matthew Cody  
Glen Matthew Cody

Martin Lee Cody 10, May, 2005  
Martin Lee Cody

Charles Samuel Cody  
Charles Samuel Cody

State of Oregon  
County of HOOD RIVER

This instrument was acknowledged before me on May 11, 2005 by Frances M. Cody

Beverly Nanez  
(Notary Public for Oregon)



My commission expires 12/9/06

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Heritage Homes Investment Corporation

3N 10 34 A 500 # 4486

# Farmers Irrigation District

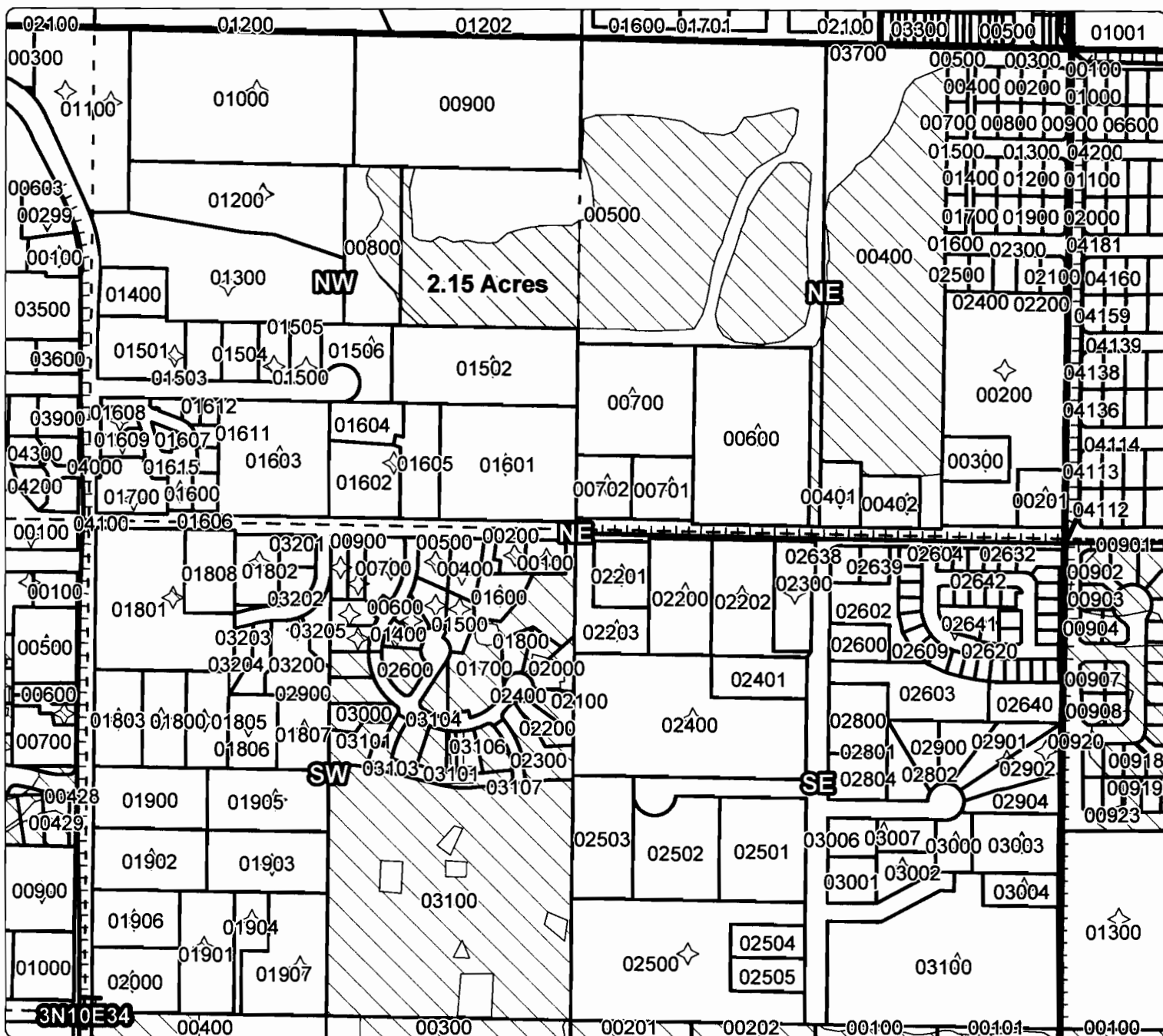
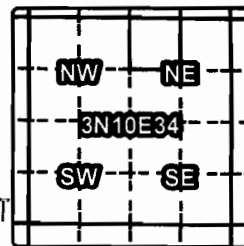
## Application for Instream Lease

Cert #: 74306  
 For: Wilbur Krutz

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# 3 FEB 26 2013

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 SALEM, OREGON



### LEASE MAP

3111 Taxlot 800, 3N10E34NWNE: 2.15 Acres OFF, 1.35 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

# 3

WHEREAS, the undersigned **Wilbur O. Krutz** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no. 3N 10 34 NW/NE # 0800, consisting of 3.50 irrigable acres.

Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

Certificate number: C74306 (07)  
Priority Date: 05/07/1906  
Source: Hood River  
Purpose: Irrigation  
Transferred Amount: 2.15

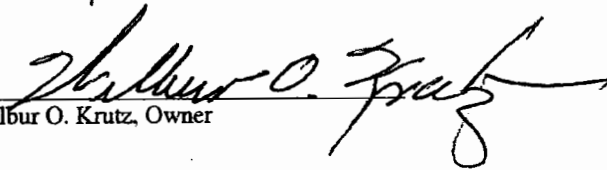
Which water right is in the name of the Farmers Irrigation District is delivered by the District, and,

WHEREAS, **Krutz** desire to transfer 2.15 acres of the water rights from tax lot 3N-10-34 NW/NE #0800 and continue to receive and be billed 1.35 water right acres.

**Krutz** hereby grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

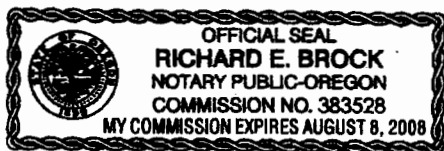
**Krutz** hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

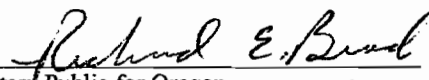
IN WITNESS WHEREOF, the undersigned has executed this instrument the 7 day of July, 2008.

  
Wilbur O. Krutz, Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Hood River    )

Wilbur O. Krutz acknowledged this instrument before me on 7/7/, 2008.



  
Notary Public for Oregon  
My commission expires: 8/8/08

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON



20054429<sup>(2)</sup>



# 3

THIS SPACE RESERVED FOR RECORDER'S USE

AMERITITLE 33224

After recording return to:  
Heritage Homes Investment Corporation  
6475 NW Cornelius Pass Rd.  
Hillsboro, OR 97124

Until a change is requested all  
tax statements shall be sent to  
The following address.

Heritage Homes Investment Corporation  
6475 NW Cornelius Pass Rd.  
Hillsboro, OR 97124

Escrow No. HR33224  
Title No 0033224

STATE OF OREGON } SS  
COUNTY OF HOOD RIVER }

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

Sandra E. Berry, Director of records and  
Assessment and Ex-Officio Recorder.

by: S. Berry Deputy.

DOC#: 20054429  
RCPT: 43881 31.00  
8/23/2005 3:26 PM

STATUTORY WARRANTY DEED

Wilbur O. Krutz, Grantor(s) hereby convey and warrant to Heritage Homes Investment Corporation,  
Grantee(s) the following described real property in the County of HOOD RIVER and State of Oregon free of  
encumbrances except as specifically set forth herein:

AS SET FORTH ON AMENDED EXHIBIT "A" ATTACHED

Portion Ref. No. 4076

3N-10-34A-800

Sold a portion  
of 0800.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and  
those shown below, if any:

The true and actual consideration for this conveyance is \$520,630.00.

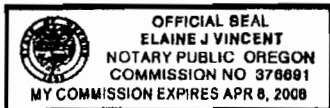
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN  
VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING  
THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE  
APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO  
DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS  
30.930.

Dated this 17 day of August, 2005.

Wilbur O. Krutz  
Wilbur O. Krutz

State of Oregon  
County of HOOD RIVER

This instrument was acknowledged before me on August 17, 2005 by Wilbur O. Krutz.



Elaine Vincent  
(Notary Public for Oregon)  
My commission expires 04-08-2008

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

AMENDED EXHIBIT "A"

#3

A portion of that certain tract of land being described by Warranty Deed recorded in Book 42, page 356 on file in Hood River County, Oregon, located in the Northeast quarter of Section 34, Township 3 North, Range 10 East, Willamette Meridian, more particularly described as follows:

Beginning at the Southeast corner of that tract of land conveyed to Mrs. L.E. Eddy by Warranty Deed recorded in Book J, page 597, on file in Hood River County, Oregon, said Southeast corner being a point on the East line of the Northwest quarter of the Northeast quarter of said Section 34; thence South  $00^{\circ} 39' 44''$  West along said East line 425.33 feet to the Northeast corner of Parcel 2 of Partition Plat No. 9212 on file in Hood River County, Oregon, said Northeast corner also being on the North line of that certain tract described in Warranty Deed recorded in Book J, page 597 on file in Hood River County, Oregon; thence North  $88^{\circ} 54' 23''$  West along the North line of said Parcel 2, 482.00 feet; thence North  $00^{\circ} 39' 44''$  East, 425.74 feet to a point on the South line of said tract conveyed to Mrs. L. E. Eddy; thence South  $88^{\circ} 51' 25''$  East along the South line of last said tract 482.00 feet to the point of beginning.

20054429

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

42/354

WARRANTY DEED

Filed for record April 14, 1950 at 4:00 P.M.

77598

KNOW ALL MEN BY THESE PRESENTS, that we, LINDA M. HALL, wife of and the said [redacted] and was formerly and who took title to the real property hereinafter described as LINDA M. KRITZ, and [redacted] HALL, her husband, of Vancouver, Washington, for and in consideration of THE CILARS (\$10.00) and other good and valuable consideration to us in hand paid by WILBUR O. KRITZ and FLORA D. KRITZ, husband and wife, of Hood River, Oregon, have bargained and sold, and by these presents do grant, bargain, sell and convey unto the said WILBUR O. KRITZ and FLORA D. KRITZ, husband and wife, as an estate by the entirety and to his, her or their heirs and assigns, all our right, title and interest in and to the following bounded and described real property with the tenements, hereditaments and appurtenances thereto in the County of Hood River, State of Oregon, to-wit:

Beginning at a point on the East line of the Northwest quarter of the Northeast quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian, which point is 356.75 feet South of the Northeast corner of said legal subdivision, and which point of beginning is the Southeast corner of that tract of land conveyed to Mrs. L.E. Eddy by deed recorded April 1, 1904, in Book 37 at page 393, Deed Records Wasco County (Book J at page 597, Deed Records Hood River County); thence West along the South line of said Eddy tract of land 540 feet, more or less, to the Northeast corner of the first tract of land described in that certain deed to Harold Miller et ux., recorded April 15, 1947, in Book 34 at page 253, Deed Records Hood River County, thence South along the East line of said Miller tract of land 275 feet, more or less, to the Southeast corner thereof, being also the Northeast corner of that tract of land conveyed to E.L. Payne et ux., by deed recorded October 2, 1946, in Book 33 at page 518, Deed Records Hood River County; thence continuing South along the East line of said Payne tract of land 167 feet, more or less, to the Southeast corner thereof, being at a point on the North line of that tract of land conveyed to Vincent I. Harris et ux., recorded February 7, 1946, in Book 32 at page 515, Deed Records Hood River County; thence East along the North line of said Harris tract of land 620 feet, more or less, to the East line of the Northwest quarter of the Northeast quarter of said Section 34; thence North along the East line of the Northwest quarter of the Northeast quarter of said Section 34 a distance of 435 feet, more or less, to the place of beginning.

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT 1  
SALEM, OREGON

SUBJECT TO AND SAVING AND EXCEPTING THEREFROM:  
1. Right of way and appurtenant easements for electric transmission lines, underground or overhead, granted Pacific Power & Light Company by deed recorded May 27, 1942, in Book 25 at page 379, Deed Records Hood River County.

2. Reservations contained in Patent from United States Government, State of Oregon, or Railroad Companies.

together with that sixteen (16') foot right of way easement reserved by John W. Kreig, et ux., in that certain deed from them to E.L. Payne and Ida B. Payne, husband and wife, dated September 25, 1946, and recorded October 2, 1946, in Volume 33 of Deed Records of Hood River County, Oregon, at page 519.

TO HAVE AND TO HOLD the above described and granted premises unto the said WILBUR C. KRUTZ and FLORA D. KRUTZ, husband and wife, as tenants by the entirety and not as tenants in common and to his, her or their heirs and assigns forever.

And we, the grantors above named, do covenant to and with the above named grantees, their heirs and assigns, that we are lawfully seised in fee simple of the above granted premises; that the above granted premises are free from any encumbrances save and except as to taxes coming due and payable after June 30, 1950, and that we will warrant and defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons, save and except as to said taxes.

IN WITNESS WHEREOF, we, the grantors above named, have hereunto set our hands and seals on this 14<sup>th</sup> day of April, 1950.

RECEIVED

FEB. 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

Linda M. Hall (SEAL)

Dale Hall (SEAL)

STATE OF OREGON )  
County of Hood River )

ss.

14 April, 1950.

Personally appeared the within named LINDA M. HALL and DALE HALL, her husband, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Walter Parker  
Notary Public for Oregon  
My commission expires: August 7, 1954



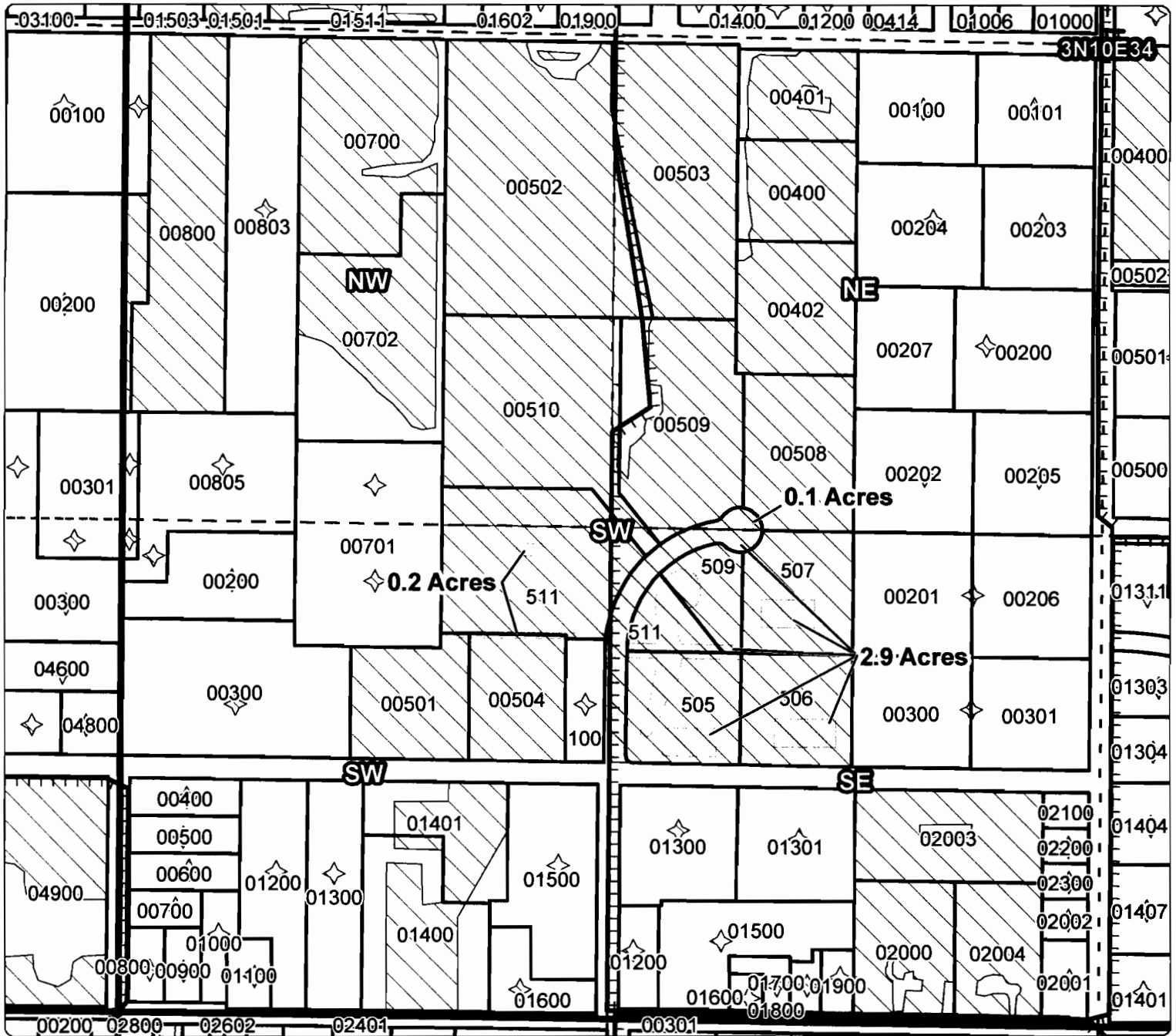
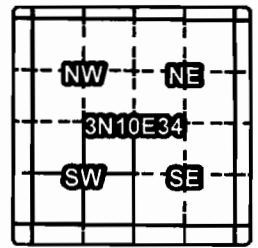
# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

For: Randy Olmstead

#4



### LEASE MAP

3111 Taxlot 501, 3N10E34NESW: 0.1 Acres OFF, 6.7 Acres Remaining  
 3111 Taxlot 501, 3N10E34SESW: 2.9 Acres OFF, 6.8 Acres Remaining  
 3111 Taxlot 501, 3N10E34SWSW: 0.2 Acres OFF, 7.1 Acres Remaining

**RECEIVED**

FEB 26 2013

WATER RESOURCES DEPT  
 SALEM, OREGON

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs

1 inch = 400 feet  
 January 2013



# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

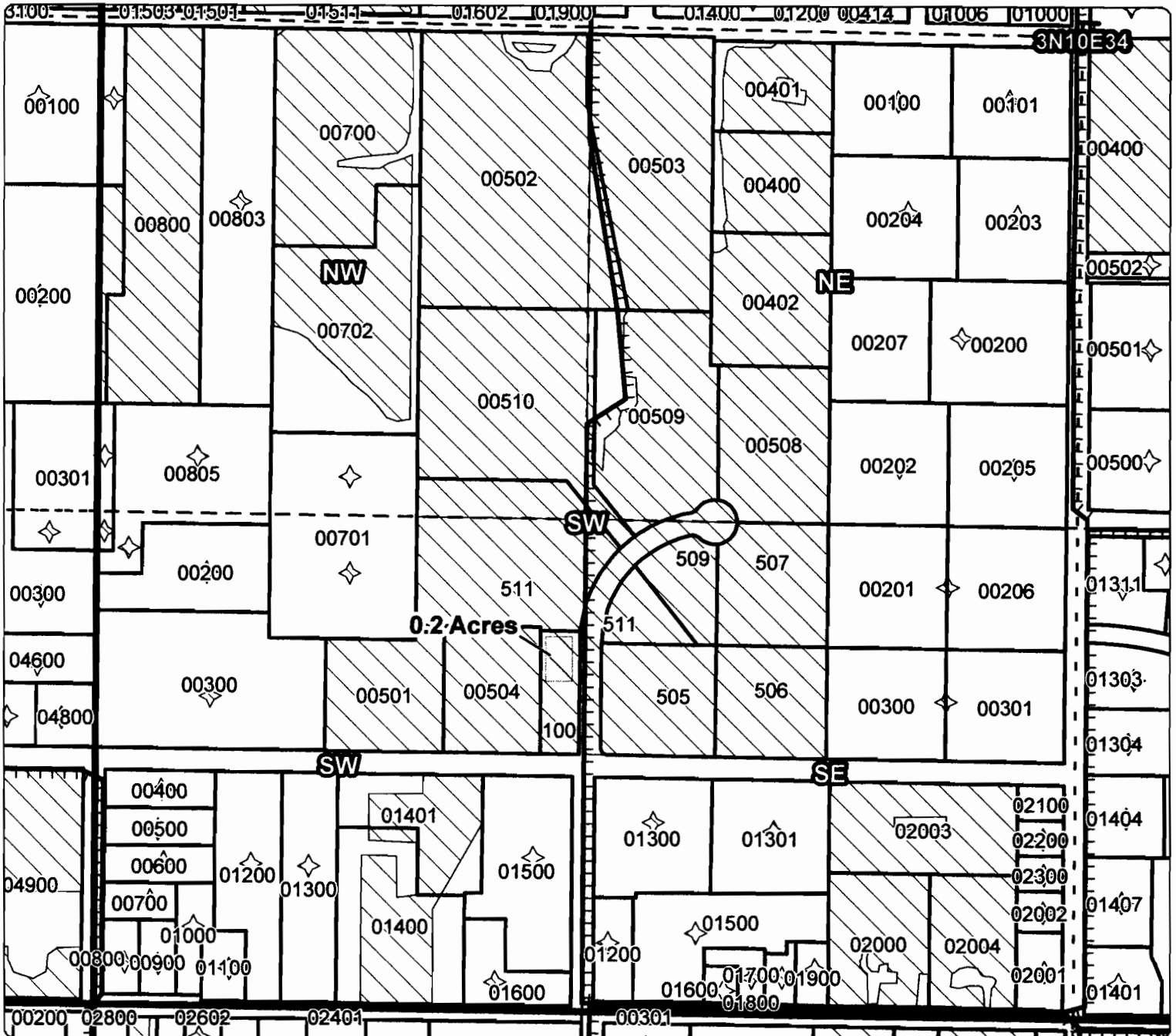
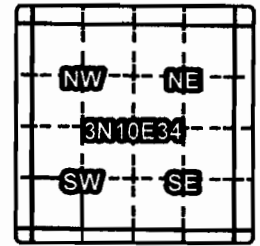
For: Randy Olmstead

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

#4 B



### LEASE MAP

Taxlot 100, 3N10E34SWSW: 0.2 Acres OFF, 0.7 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs

1 inch = 400 feet  
January 2013



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

WHEREAS, the undersigned **Olmstead Randy (Olmstead(s) (Mt View Ranch HR, LLC)** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no.

- 3N 10 34 NE/SW # 0501, consisting of 6.80 irrigable acres
- 3N 10 34 NW/SW #0501, consisting of 5.60 irrigable acres
- 3N 10 34 SE/SW #0501, consisting of 9.70 irrigable acres
- 3N 10 34 SW/SW #0501, consisting of 7.30 irrigable acres
- 3N 10 34 SW/SW #0100, consisting of .90 irrigable acres

#4

Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

**Certificate number:** C74306 & (07)  
**Priority Date:** 05/07/1906  
**Source:** Hood River  
**Purpose:** Irrigation  
**Transferred Amount:** 3.4

Which water right is in the name of the Farmers Irrigation District is delivered by the District, and, WHEREAS, Olmstead(s) desire to transfer

- 2.90 acres of the water rights from tax lot 3N-10E-34 SE/SW # 0501
- .20 acres of the water rights from tax lot 3N-10E-34-SW/SW #0100
- .10 acres of the water rights from tax lot 3N-10E-34-NE/SW-0501
- .20 acres of the water rights from tax lot 3N-10E-34-SW/SW-0501

and continue to receive and be billed 6.70 water right acres for tax lot 3N 10 34 NE/SW #0501  
 and continue to receive and be billed 5.60 water right acres for tax lot 3N 10 34 NW/SW #0501  
 and continue to receive and be billed 6.8 water right acres for tax lot 3N 10 34 SE/SW #0501  
 and continue to receive and be billed 7.10 water right acres for tax lot 3N 10 34 SW/SW #0501  
 and continue to receive and be billed .70 water right acres for tax lot 3N 10 34 SW/SW #0100

Olmstead hereby makes grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

Olmstead hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

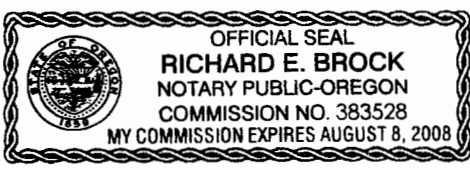
IN WITNESS WHEREOF, the undersigned has executed this instrument the 4 day of April, 2005

*Randy Olmstead*  
 Randy Olmstead, Owner

**RECEIVED**  
 FEB 26 2013  
 WATER RESOURCES DEPT  
 SALEM, OREGON

STATE OF OREGON )  
County of Hood River ) ss.

Randy Olmstead acknowledged this instrument before me on 4-4, 2005.



*Richard E. Brock*  
 Notary Public for Oregon  
 My commission expires: 8/08/2008



20045463

(2)

THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:  
MT. VIEW RANCH HR, LLC  
P.O. BOX 224  
HOOD RIVER, OR 97031

Until a change is requested all  
tax statements shall be sent to  
the following address:  
MT VIEW RANCH HR, LLC  
P.O. BOX 224  
HOOD RIVER, OR 97031

Escrow No. HR32024  
Title No. \_\_\_\_\_

AMERITITLE 32024

STATE OF OREGON }  
COUNTY OF HOOD RIVER } SS

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

Sandra E. Berry, Director of records and  
Assessment and Ex-Officio Recorder.

by: \_\_\_\_\_ Deputy.

ROC#: 20045463  
RCPT: 38533 31.00  
11/24/2004 3:45 PM

# 4

WARRANTY DEED

L. BOYD CARDON and DONNA B. CARDON, as tenants by the entirety,  
Grantor(s) hereby conveys and warrants to:  
MT. VIEW RANCH HR, LLC, AN OREGON LIMITED LIABILITY COMPANY  
Grantee(s) the following described real property, in the County of HOOD  
RIVER and State of Oregon, free of encumbrances except as specifically set  
forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE  
REF. #983 3N-10-34CC-100  
REF. #5311 3N-10-34C-501

The above-described property is free of encumbrances except all those items of  
record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$ 1,050,000.00.

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.

Dated this 18<sup>TH</sup> day of NOVEMBER 2004.

L. Boyd Cardon  
BOYD CARDON  
Donna B. Cardon  
DONNA B. CARDON

State of Oregon  
County of HOOD RIVER

This instrument was acknowledged before me on NOVEMBER 18<sup>TH</sup> 2004 by L.  
BOYD CARDON AND DONNA B. CARDON.

Elaine J Vincent  
(Notary Public for Oregon)  
My commission expires 04.08.2008



RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON



EXHIBIT "A"

#4

A parcel of land lying in the Southwest quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian, and in the Plat of the Town of Belmont, County of Hood River, State of Oregon, described as follows:

Commencing at the Southeast corner of the Southwest quarter of the Southwest quarter of Section 34, Township 3 North, Range 10 East of the Willamette Meridian, said point also being the intersection of the right of way centerlines of Frank Street and Belmont Road; thence North  $0^{\circ} 03' 53''$  East following the center line of Frank Street 690.24 feet to the Southwest corner of Lot G being also the Southeast corner of Lot H, all of the Town of Belmont, a duly recorded plat of Hood River County, and the true point of beginning; thence South  $89^{\circ} 33' 12''$  East following the South line of Lots G and F a distance of 630.13 feet to the Westerly line of vacated Hall Avenue; thence continuing South  $89^{\circ} 33' 12''$  East 20.00 feet to the East line of the West 20 feet of said vacated Hall Avenue; Thence North  $0^{\circ} 03' 58''$  East parallel with the Easterly line of Lots F and E a distance of 630.03 feet; thence continuing North  $0^{\circ} 03' 58''$  East parallel with the Easterly line of Lots D and C a distance of 419.41 feet to the South line of that tract of land conveyed to Walter Maurer et ux., by deed recorded March 31, 1965, in Book 80, page 642, Deed Records Hood River County, Oregon; thence North  $89^{\circ} 31' 01''$  West along the South line of said Maurer tract of land and parallel with the North line of Lot D a distance of 20.00 feet to the East line of Lot C; thence continuing North  $89^{\circ} 31' 01''$  West along the South line of said Maurer tract of land a distance of 300.08 feet to the West line of Lot C; thence North  $0^{\circ} 03' 58''$  East following the West line of Lot C a distance of 143.51 feet, more or less, to a point therein that is South  $0^{\circ} 03' 58''$  West 757.88 feet from the Northwest corner of Lot A, Town of Belmont, which corner is in the North line of the Southwest quarter of said Section 34; thence North  $89^{\circ} 32' 37''$  West a distance of 330.06 feet to the West line of the Northeast quarter of the Southwest quarter of said Section 34; thence North  $89^{\circ} 33' 00''$  West a distance of 461.68 feet to the West line of Parcel 1 of those tracts of land conveyed to J. Robert Nunamaker by deed recorded July 31, 1959, in Book 65, page 172, Deed Records Hood River County, Oregon; thence South  $0^{\circ} 04' 10''$  West along the West line of said Nunamaker tract of land, being parallel with the North-South center line of said Section 34 a distance of 893.09 feet to the North line of Lot I; thence North  $89^{\circ} 33' 01''$  West following the North line of Lot I a distance of 202.34 feet to its Northwest corner; thence South  $0^{\circ} 12' 33''$  West following the West line of Lot I a distance of 300.30 feet to its Southwest corner; thence South  $89^{\circ} 33' 58''$  East following the South line of Lots I and H a distance of 664.81 feet, more or less, to the true point of beginning.

20045463

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

20055846 (1)

\*\* PREPARER must fill out the below information:

After Recording Return Original To:  
Mt. View Ranch HR LLC  
PO Box 224  
Hood River OR 97031

#4

STATE OF OREGON }  
COUNTY OF HOOD RIVER } SS

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

Sandra E. Berry, Director of records and Assessment and Ex-Officio Recorder.

by: S. Berry Deputy.

DEC#: 20055846  
RCPT: 45455 26.00  
11/09/2005 1:32 PM

SUBDIVISION PLAT CONSENT AFFIDAVIT

I, (We) L. Boyd Cardon, Donna B. Cardon, beneficiary(ies) of that Trust Deed (lor) owner(s) of that property as recorded in Document No. 20045464, Hood River County Deed Records, hereby consent to the dedication and platting of Plat of Mt. View Ranch, as recorded in Document No. 20055847 Hood River County Plat Records.

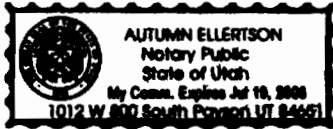
This Plat is prepared by Harper Houf Peterson Righellis, Inc.

x L. Boyd Cardon  
Boyd Cardon

x Donna B. Cardon  
Donna B. Cardon

On November 8, 2005, before me Autumn Ellertson, personally appeared L. Boyd Cardon and Donna B. Cardon, personally known to me (or provided 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 his/her/their signature(s) on the instrument the person(s) or the entity upon the behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



Autumn Ellertson

Notary Public in the state of Utah  
My Commission Expires: 07/19/2008

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

# Farmers Irrigation District Application for Instream Lease

RECEIVED

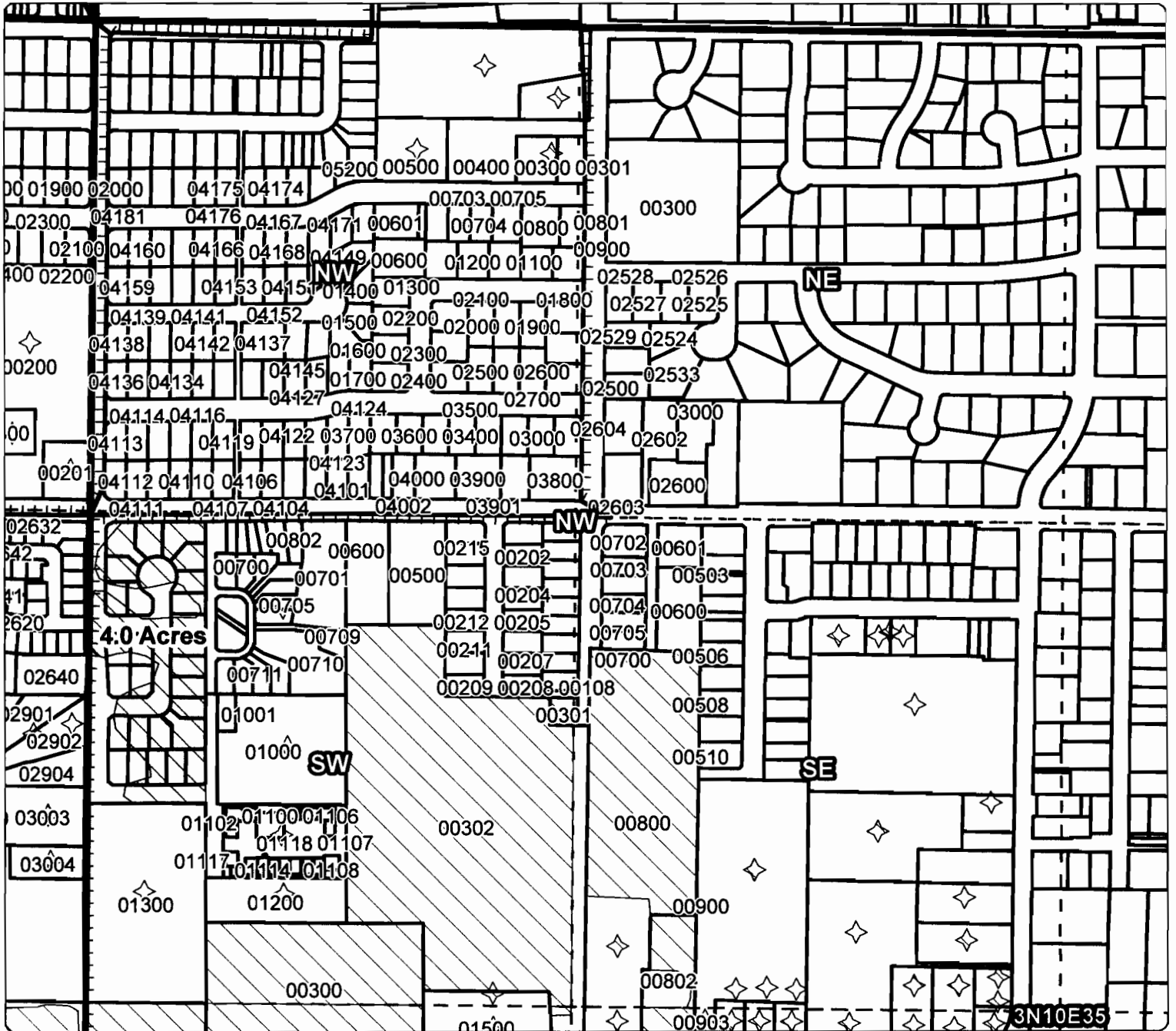
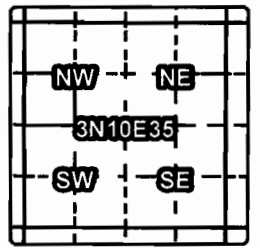
FEB 26 2013

Cert #: 74306

For: Farmers Irrigation District

WATER RESOURCES DEPT  
SALEM, OREGON

#5



## LEASE MAP

3111 Taxlot 900, 3N10E35SWNW: 4.0 Acres OFF, 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

# 5

WHEREAS, the undersigned **Marc Betts (Syncline Enterprises LLC)** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no. 3N-10E-35 SW/NW # 0900, consisting of 4.0 irrigable acres Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

Certificate number: C74306 & (07)  
Priority Date: 05/07/1906  
Source: Hood River  
Purpose: Irrigation  
Transferred Amount: 4.0

Which water right is in the name of the Farmers Irrigation District is delivered by the District, and,

WHEREAS, **Betts** desire to transfer 4.0 water right acres for tax lot 3N-10E-35 SW/NW #0900, relinquishing all water rights.

**Betts** hereby makes grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

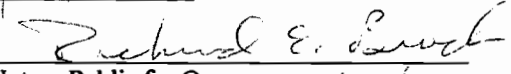
**Betts** hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

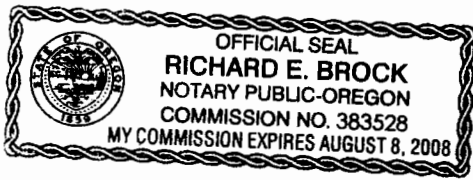
IN WITNESS WHEREOF, the undersigned has executed this instrument the 10 day of AUGUST, 2006

  
\_\_\_\_\_  
Marc Betts, (Syncline Enterprises, LLC)

STATE OF OREGON        )  
County of Hood River    ) ss.

Betts acknowledged this instrument before me on 8/10/, 2006.

  
\_\_\_\_\_  
Notary Public for Oregon  
My commission expires: 8/8/08



RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

20052437 (2)



# 5

STATE OF OREGON

SS

THIS SPACE RE

COUNTY OF HOOD RIVER

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

Sandra E. Berry, Director of records and Assessment and Ex-Officio Recorder.

by: R. Day Deputy.

DCC#: 20052437  
RCPT: 41591 31.00  
5/13/2005 3:40 PM

AMERITITLE 33125

After recording return to:  
Syncline Enterprise, LLC  
PO BOX 419  
Hood River, OR 97031

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

Syncline Enterprise, LLC  
PO BOX 419  
Hood River, OR 97031

Escrow No. HR33125

3N 1035BC-00900

STATUTORY WARRANTY DEED

Donald Tanner and Patricia Tanner and Rita Stevenson, Grantor(s) hereby convey and warrant to Syncline Enterprise, LLC, Grantee(s) the following described real property in the County of HOOD RIVER and State of Oregon, free of encumbrances except as specifically set forth herein:

AS SET FORTH ON EXHIBIT "A" ATTACHED

REF NO. 6370

3N-10-35BC-900

33 copies

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$825,000.00.

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.

Dated this 12<sup>th</sup> day of May 2005

Donald O Tanner  
Donald Tanner

Patricia A. Tanner  
Patricia Tanner

Rita Stevenson  
Rita Stevenson

State of Oregon  
County of HOOD RIVER

This instrument was acknowledged before me on May 12, 2005 by Donald Tanner, and Patricia Tanner



Beverly Nanez  
(Notary Public for Oregon)

My commission expires 12/9/06

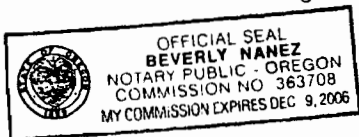
RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

State of Oregon  
County of HOOD RIVER

This Instrument was acknowledge before me on May 13, 2005 by Rita Stevenson.



Beverly Nanez  
(Notary Public for Oregon)

My commission expires 12-09-2006

EXHIBIT "A"

#5

Beginning at a point 533.544 feet North of the West quarter corner of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon; thence North along the West line of said Section to the Northwest corner of Government Lot 6, of said Section 35; thence East along the North line of said Government Lot 6, 322.74 feet; thence in a Southerly direction, a distance of 781.836 feet, to the Southeast corner of that tract conveyed to A. B. Cooper et ux., by deed recorded November 18, 1913, in Book 8, page 545, Deed Records; thence West 330 feet to the point of beginning.

20052437

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

#5

**MF # 20070951**

**SUBDIVISION**

**Name: HAWK MEADOWS**

**Legal 3N-10-35BC**

**SEE PLAT CABINET "C"  
SLIDE 21**

**RECORDED: 2/28/2007 03:44 PM**

HOOD RIVER COUNTY, OR 2007-00951  
PLAT-SUB 02/28/2007 03:44 PM  
Cnt=1 Stn=2 COUNTER  
\$50.00 \$45.00 \$5.00 \$11.00 \$111.00



00002368200700008510020026

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

Sandra E. Berry, Director of Records and Assessment and Ex-Officio Recorder.

**RECEIVED**

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

# Farmers Irrigation District Application for Instream Lease

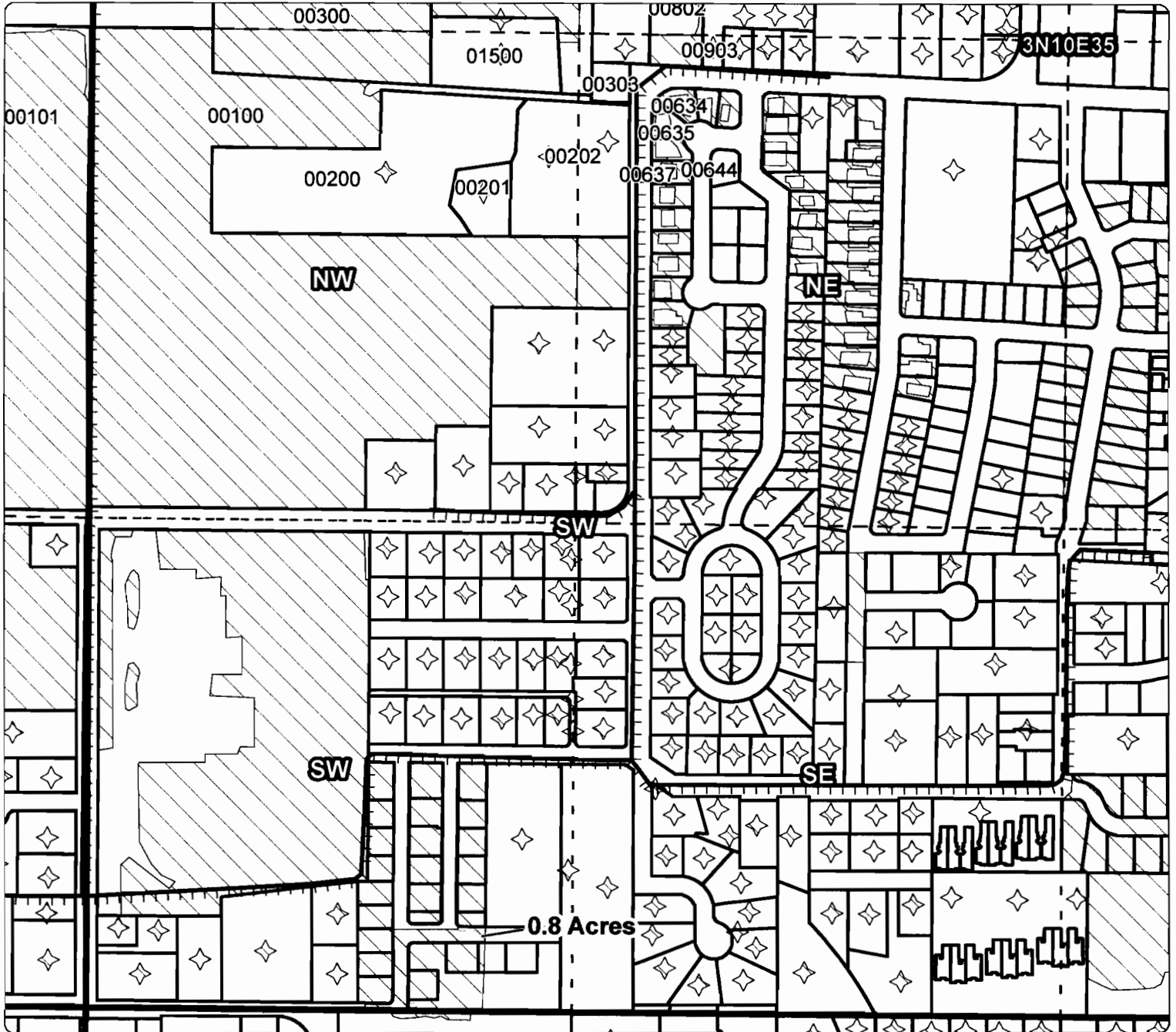
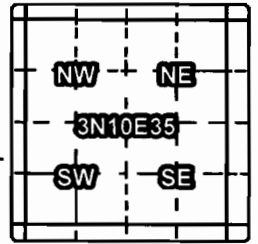
Cert #: 74306

For: Smith Brothers Properties

RECEIVED

FEB 26 2013

#6 WATER RESOURCES DEPT  
SALEM, OREGON



## LEASE MAP

3111 Taxlot 2400, 3N10E35SWSW: 0.8 Acres OFF, 3.2 Acres Remaining

- ( Point of Diversion
- ▬ Canals
- ▭ Taxlots
- ▭ Lease
- ▭ Cert 74306
- ▭ All Other Certs

1 inch = 400 feet  
February 2013



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

# 6

WHEREAS, the undersigned Richard Smith (Smith(s) Smith Brothers Properties, LLC is the owner of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no. 3N-10E-35-SW/SW #2400, consisting of 5.0 irrigable acres.

Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

Certificate number: C74306 (07)  
Priority Date: 05/07/1906  
Source: Hood River  
Purpose: Irrigation  
Transferred Amount: 1.80

Which water right is in the name of the Farmers Irrigation District is delivered by the District, and,

WHEREAS Smith(s), desire to transfer 1.80 acres of the water rights from tax lot 3N-10E-35-SW/SW #2400 and continue to receive and be billed 3.20 water right acres.

Smith(s), hereby grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

Smith(s), hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

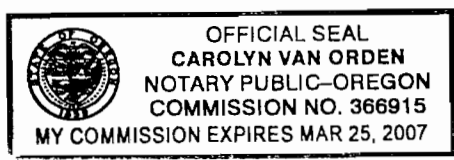
IN WITNESS WHEREOF, the undersigned has executed this instrument the 15 day of June, 2006.

*Richard Smith*  
Richard Smith, Owner

RECEIVED  
FEB 26 2013  
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON     )  
                                  ) ss.  
County of Hood River    )

Smith(s) acknowledged this instrument before me on 6-15, 2006.



*Carolyn Van Orden*  
Notary Public for Oregon  
My commission expires: 3-25-07

20015507 (2)

Farmers

STATE OF OREGON

SS

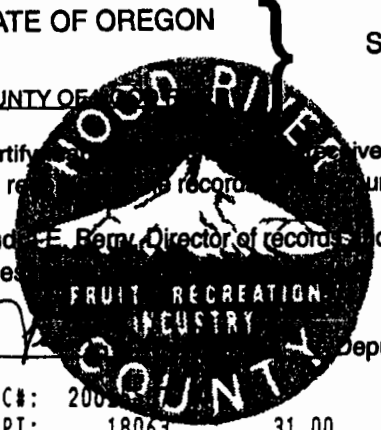
COUNTY OF HOOD RIVER

I certify that this record is received and recorded in the records of Hood River County.

Sandra E. Berry, Director of records and Assessor

by: [Signature] Deputy.

DOC#: 2001  
RCPT: 18063 31.00  
12/28/2001 3:15 PM



#6

After Recording Deliver to:

Annala, Carey, Baker & Thompson, P.C.  
Attorneys at Law, 305 Cascade Street  
P.O. Box 325, Hood River, Oregon 97031

Until A Change Is Requested, All Tax Statements Shall Be Sent to The Following Address:

Smith Brothers Properties, LLC  
307 Oak Street  
Hood River, Oregon 97031

Tax Acct. No. 6559 3N10 35CC 2400

True Actual Consideration Paid Is Distribution of Trust Estate

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

06

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that **RICHARD D. SMITH**, as surviving Co-Trustee of the **LOIS MAY SMITH TRUST** dated September 18, 1998, hereinafter called "grantor," for the consideration hereinafter stated, to grantor paid by **SMITH BROTHERS PROPERTIES, LLC**, an Oregon Limited Liability Company, hereinafter called "grantee," does hereby grant, bargain, sell and convey unto the said grantee, and grantee's successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Hood River and State of Oregon, described as follows, to wit:

Beginning at a point on the South line of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon, 740 feet East of the Southwest corner of said Section; thence North 351.5 feet to a flume; thence East 24.3 feet to a point; thence North 320.6 feet, more or less, to the South line of Lois Drive; thence East on said South line, 321.10 feet, more or less, to the Northwest corner of that tract of land conveyed to Charles R. Duckwall et ux. by Deed recorded in Book 76, page 547, Hood River County Deed Records; thence South 660.0 feet, more or less, to a point on the South line of said Section; thence West on said South line, a distance of 345.4 feet to the place of beginning.

W P 10  
2400

ALSO, beginning at a point on the South line of Section 35, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon, which point is 1073.95 feet, more or less, East of the Southwest corner of said Section 35, said point of beginning being the most Southerly Southeast corner of that tract of land conveyed to Chester A. Smith et ux. by Deed recorded October 1, 1946 in Book 33, page 514, Deed Records Hood River County; thence North along the East line of said Smith tract of land 228 feet; thence East parallel with the South line of said Section 35, a distance of 202 feet; thence South parallel with the East line of said Smith tract of land 228 feet to the South line of said Section 35; thence West along the South line of said Section 35, a distance of 202 feet to the place of beginning.

2110  
2400

ANNALA, CAREY, BAKER & THOMPSON, P.C.  
ATTORNEYS AT LAW  
P.O. BOX 325  
HOOD RIVER, OREGON 97031  
TELEPHONE (541) 386-1811

(No)  
Smith Brothers Properties, LLC

3N10 35CC 2400 #65E

# 6

TOGETHER WITH a road right of way, 20 feet in width, across the Southerly 20 feet of the property located to the West of the tracts described above, as reserved in Deed recorded March 12, 1909 in Book 2, page 277, Hood River County Deed Records.

SUBJECT TO:

1. Flume of the Farmers Irrigating Company, as disclosed by deed from Owen W. Butts and wife to H. H. Tremaine, recorded December 16, 1908, Book 2 at page 33, Deed Records, subject to right of way for such flume, ditch or canal, if any, which may exist in favor of said Irrigating Company.
2. Easement for right of way for electric transmission and distributing line, including the terms and provisions thereof, from Willard E. Jensen and wife to Pacific Power & Light Company, recorded June 4, 1948, Book 37, page 632, Deed Records.
3. Rights of the public in and to so much of these premises lying within the boundaries of any street, road or highway.

TO HAVE AND TO HOLD the same unto the said grantee, and grantee's successors and assigns forever.

The true and actual consideration for this transfer is distribution of the trust estate in accordance with the dispositive directions contained therein.

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.

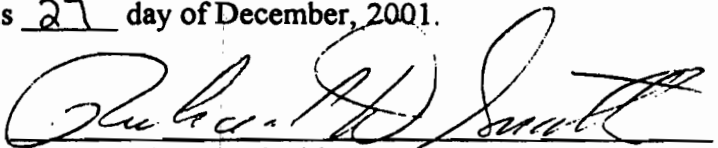
RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

WITNESS grantor's hand this 27 day of December, 2001.

GRANTOR:



Richard D. Smith, Trustee

STATE OF OREGON )

) ss.

December 27, 2001

County of Hood River )

Personally appeared the above named grantor, **RICHARD D. SMITH**, as surviving Co-Trustee of the **LOIS MAY SMITH TRUST** dated September 18, 1998, and acknowledged the foregoing instrument to be grantor's voluntary act and deed. He further declared that Lois M. Smith was the only other original co-trustee and that she died in Portland, Oregon on January 1, 2000.

Before Me:

# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

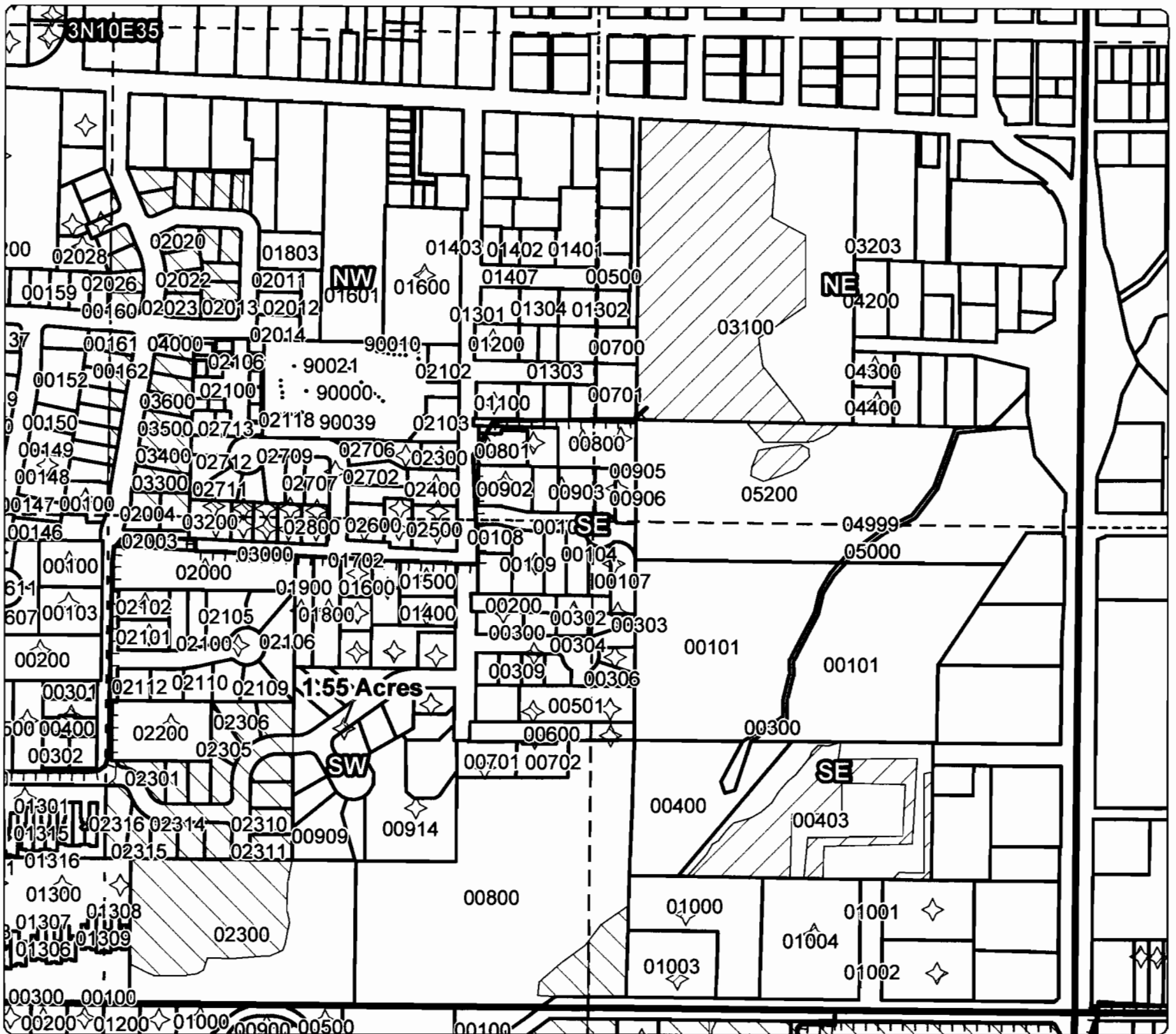
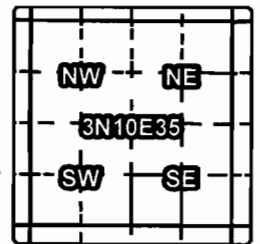
For: Donald H. Lariza

RECEIVED

FEB 26 2013

# 7

WATER RESOURCES DEPT  
SALEM, OREGON



### LEASE MAP

3111 Taxlot 1000, 3N10E35SWSE: 1.55 Acres OFF, 1.45 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

# 7

WHEREAS, the undersigned **Lariza Donald H. (Lariza)** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

Assessor's map and tax lot no. 3N 10 35 SW/SE # 1000, consisting of 3.0 irrigable acres.

Which property is within the boundaries of and subject to the charges and assessments of the Farmers Irrigation District (District), and

WHEREAS, there is appurtenant to the above-described real property the following described water right of record:

**Certificate number:** C74306 (07)  
**Priority Date:** 05/07/1906  
**Source:** Hood River  
**Purpose:** Irrigation  
**Transferred Amount:** 1.55

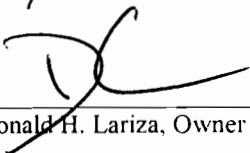
Which water right is in the name of the Farmers Irrigation District is delivered by the District, and,

WHEREAS, Lariza's desire to transfer 1.55 acres of the water rights from tax lot 2N-10-35 SW/SE #1000 and continue to receive and be billed 1.45 water right acres.

Lariza hereby grants, assigns and conveys to the District all of right, title and interest in and to the above-described transferred water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

Lariza hereby makes constitutes and appoints the Chairman of Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described transferred water right on the records of the Oregon Water Resources Department, including, but not limited to, transferring the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

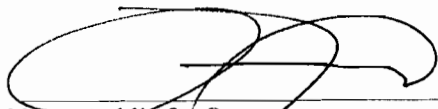
IN WITNESS WHEREOF, the undersigned has executed this instrument the 15<sup>th</sup> day of March, 2005.

  
Donald H. Lariza, Owner

STATE OF OREGON     )  
                                  ) ss.  
County of Hood River    )

Donald H. Lariza acknowledged this instrument before me on March 1, 2005.



  
Notary Public for Oregon  
My commission expires: 03-22-2008

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

LA1648

#7

20043588(2) WARRANTY DEED

PAMELA J. RODGERS AND JOAN L. HANSON, AS TENANTS IN COMMON---, Grantor(s) hereby grant, bargain, sell, warrant and convey to: DONALD H. LARIZA, Grantee(s) the following described real property, in the County of HOOD RIVER and State of Oregon, free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE REF. 87516 IM-10-35DC-1000

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS PURSUANT TO AN IRC 1031 EXCHANGE ON BEHALF OF GRANTOR AND/OR GRANTEE.

3206-4 AMERITITLE

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 and actual consideration for this conveyance is pursuant to an IRC 1031 exchange on behalf of Grantor and/or Grantee. \$497,000.00

Until a change is requested, all tax statements shall be sent to Grantee at the following address: 2110 AVALON WAY, HOOD RIVER OR 97031

Dated this 28 day of JULY, 2004.

Handwritten signatures of Pamela J. Rodgers and Joan L. Hanson.

STATE OF OREGON ss. July 28, 2004 COUNTY OF HOOD RIVER

Personally appeared the above named PAMELA J. RODGERS and JOAN L. HANSON

and acknowledged the foregoing instrument to be their voluntary act.



Before me: Maria P. Spencer, Notary Public for Oregon, My commission expires 7-11-08

ESCROW NO. HR32066 Return to: DONALD H. LARIZA 2110 AVALON WAY HOOD RIVER, OR 97031

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT SALEM, OREGON

STATE OF OREGON } 89 COUNTY OF HOOD RIVER } I certify that this instrument was received and recorded in the recorder's office. Servida E. Bevy, Director of records and Assessment and Es-Credito Records. by [Signature] Deputy. REC: 20043588 DEPT: 3894 11.00 7/30/2004 3:25 PM

## EXHIBIT "A"

#7

This tract of land is in the County of Hood River and State of Oregon lying in Government Lot 4, Section 35, Township 3 North, Range 10 East of the Willamette Meridian, described as follows:

Beginning at the South quarter corner of said Section 35; thence North along the West line of said Government Lot 4 a distance of 816.42 feet to the Southwest corner of that tract of land conveyed to Max L. Glover et ux, by Deed recorded October 24, 1946, in Book 33 at Page 555, Deed Records Hood River County; thence East along the South line of said Glover tract of land 511.5 feet to the Southeast corner thereof and the true place of beginning of the tract of land herein described; thence North along the East line of said Glover tract of land 94.4 feet, more or less, to the point of intersection thereof with the North line of that tract of land conveyed to J. J. Miller by Deed recorded December 5, 1902, in Book 35 at Page 83, Deed Records Wasco County (Book lettered J at Page 115, Deed Records Hood River County); thence East along the North line of said Miller tract of land 327 feet, more or less, to the West line of that tract of land conveyed to Ernest R. Oldham et ux, by Deed recorded April 16, 1945, in Book 31, at Page 576, Deed Records Hood River County; thence South along the West line of said Oldham tract of land 160 feet, more or less, to the Southwest corner thereof; thence East along the South line of said Oldham tract of land 109.08 feet to the East line of the aforesaid Miller tract of land; thence South along the East line of said Miller tract of land 32 feet to the Southeast corner of said Miller tract of land; thence East 7.92 feet to corner of the James M. Benson Donation Land Claim, No. 39, in said Section 35; thence South along the West line of said Donation Land Claim, 6 feet; thence Westerly at right angles to said West line of said Donation Land Claim 122.92 feet; thence South parallel with the said last mentioned West line of said Donation Land Claim, a distance of 2 feet; thence Westerly at right angles to said last mentioned West line of said Donation Land Claim, a distance of 124.08 feet; thence South parallel with said West line of said Donation Land Claim 318 feet, more or less, to the North line of said Donation Land Claim; thence West along said North line of said Donation Land Claim 197 feet, more or less, to the East line of that tract of land conveyed to Fred Dethman by Deed recorded May 1, 1926, in Book 19 at Page 393, Deed Records Hood River County; thence North along the East line of said Dethman tract of land 422 feet, more or less, to the true place of beginning of the tract of land herein described.

20048588

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

# Farmers Irrigation District

## Application for Instream Lease

RECEIVED

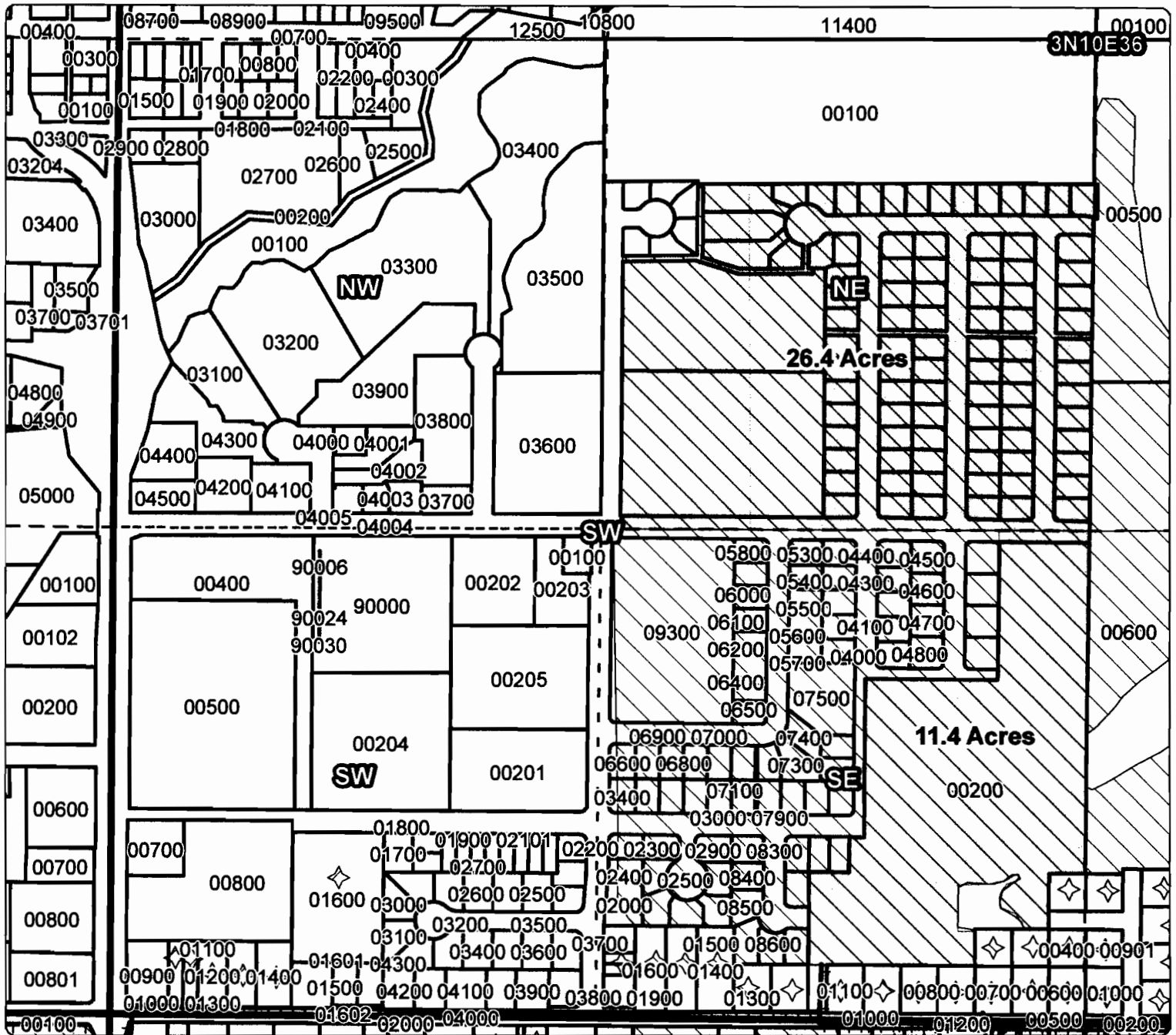
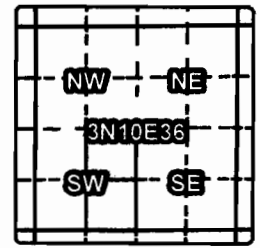
Cert #: 74306

FEB 26 2013

For: Farmers Irrigation District

WATER RESOURCES DEPT  
SALEM, OREGON

# 8



### LEASE MAP

3111 Taxlot 200, 3N10E36NESW: 26.4 Acres OFF, 0 Acres Remaining  
 3111 Taxlot 200, 3N10E36SESW: 11.4 Acres OFF, 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs







# Farmers Irrigation District

## Application for Instream Lease

Cert #: 74306

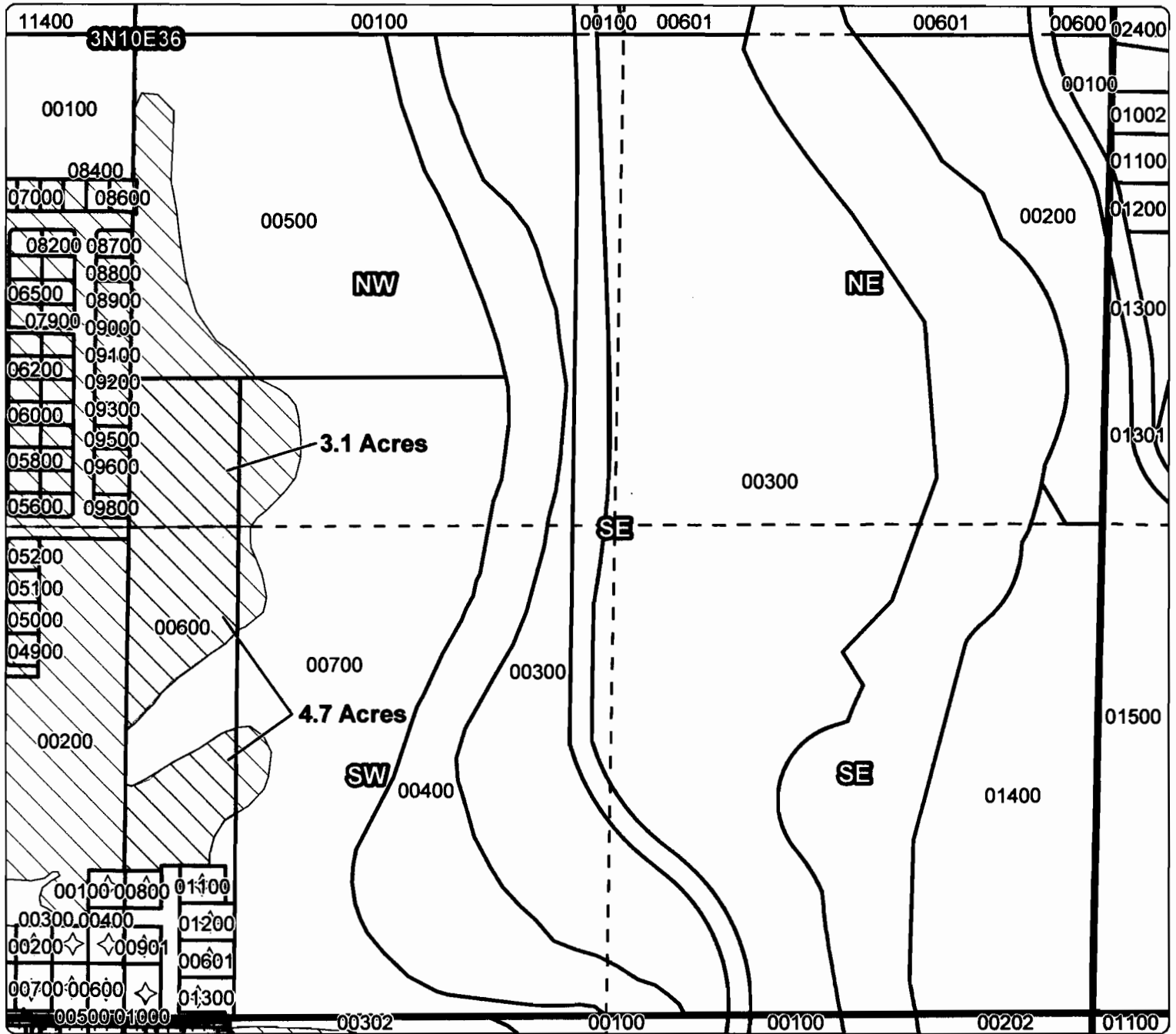
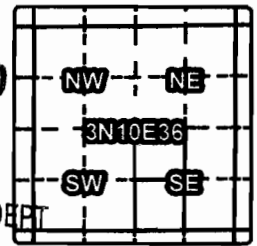
For: Farmers Irrigation District

RECEIVED

FEB 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

# 10



### LEASE MAP

Taxlot 600, 3N10E36NWSE: 3.1 Acres OFF, 0 Acres Remaining  
 Taxlot 600, 3N10E36SWSE: 4.7 Acres OFF, 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs

1 inch = 400 feet  
January 2013



# Farmers Irrigation District

## Application for Instream Lease

RECEIVED

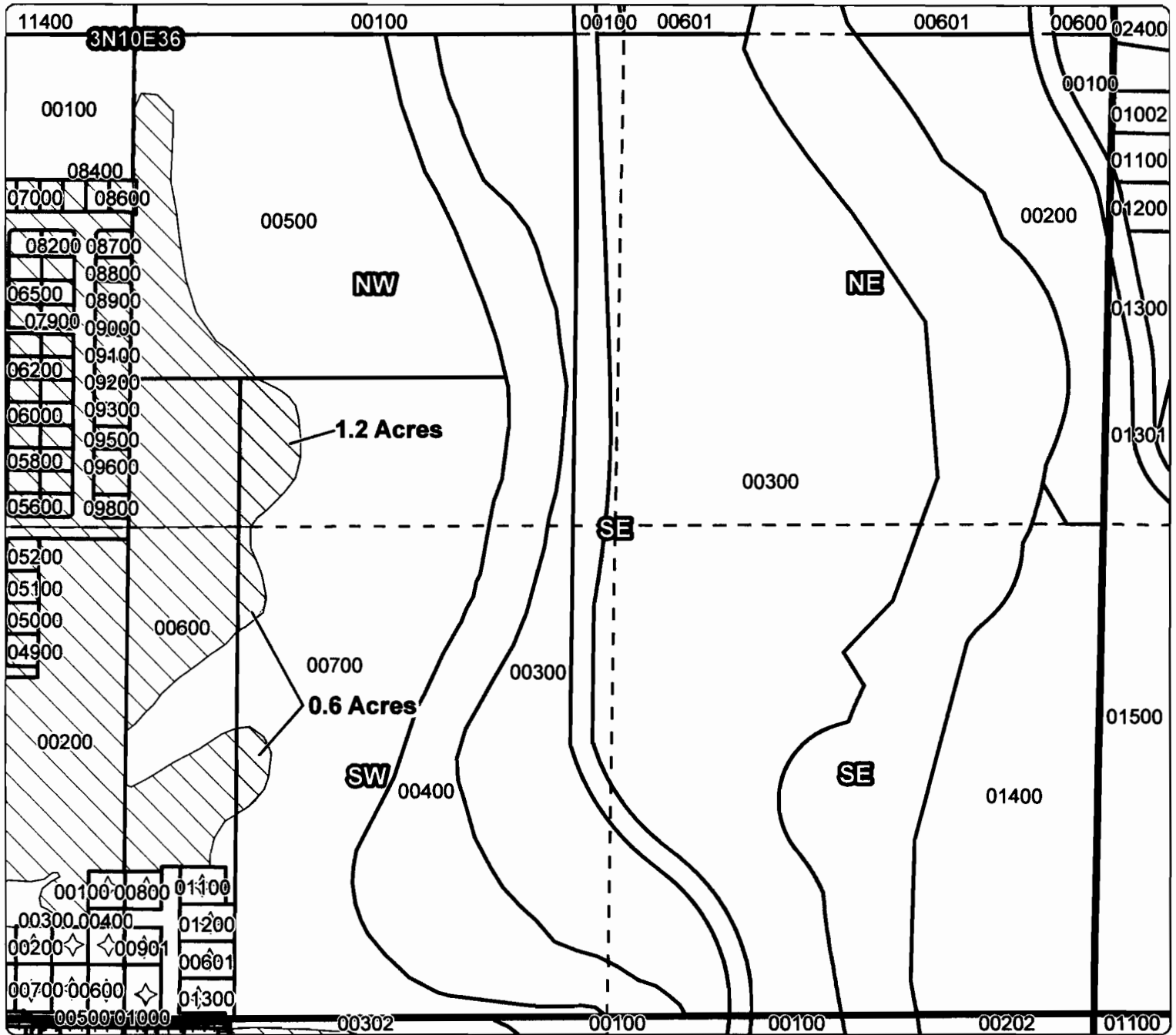
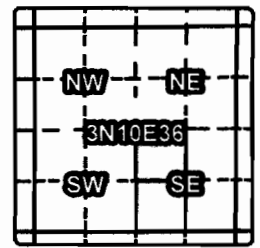
Cert #: 74306

FEB 26 2013

For: Farmers Irrigation District

WATER RESOURCES DEPT  
SALEM, OREGON

# 11



### LEASE MAP

Taxlot 700, 3N10E36NWSE: 1.2 Acres OFF, 0 Acres Remaining  
 Taxlot 700, 3N10E36SWSE: 0.6 Acres OFF, 0 Acres Remaining

- Point of Diversion
- Canals
- Taxlots
- Lease
- Cert 74306
- All Other Certs

1 inch = 400 feet  
January 2013



ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY

#8-11

WHEREAS, the undersigned **SIEVERKROPP ORCHARDS INC.** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

- Assessor's map and tax lot no. 3N-10-36 NE/SW #0200, consisting of 26.40 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0600, consisting of 3.10 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0700, consisting of 1.20 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SE/SW #0200, consisting of 11.40 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0600, consisting of 4.70 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0700, consisting of 0.60 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0500, consisting of 2.60 irrigable acres

Which property is within the boundaries of and subject to the charges and assessments of the FARMERS IRRIGATION DISTRICT (DISTRICT), and

WHEREAS, the water right of record indicated in the chart below is appurtenant to the above-described real property:

Legal Description	Certificate number:	Priority Date:	Source:	Purpose:	Transferred Amount:
3N-10-36 NE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	22.40
3N-10-36 NW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	0.0
3N-10-36 NW/SE #0700	74306 & (07)	1906	Hood River	Irrigation	1.20
3N-10-36 SE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	7.40
3N-10-36 SW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	2.70
3N-10-36 SW/SE #0700	74306 & (07)	1906	Hood River	Irrigation	0.60
3N-10-36 NW/SE #0500	74306 & (07)	1906	Hood River	Irrigation	2.60

74306 only, R.D.

Which water right is in the name of the FARMERS IRRIGATION DISTRICT and is delivered by the DISTRICT, and,

WHEREAS **SIEVERKROPP ORCHARDS, INC.** desire to be excluded from the DISTRICT and to no longer be subject to the charges or assessments of the DISTRICT or to receive water delivered by the DISTRICT,

NOW, THEREFORE, in consideration of being relieved of the charges and assessments of the DISTRICT (except for any exclusion charges) and in having their property formally excluded from the DISTRICT, **SIEVERKROPP ORCHARDS, INC** hereby grant, assign and convey to the DISTRICT all of their right, title and interest in and to the above described water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

**SIEVERKROPP ORCHARDS, INC** hereby makes, constitutes and appoints Katherine Skakel, Natural Resource Planner for Farmers Irrigation District, as their agent and attorney in fact with power and authority to assign, transfer and convey the above described water right on the records of the Oregon Water Resources Department, including, but not limited to, abandon the use, transfer the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

IN WITNESS WHEREOF, the undersigned has executed this instrument the 17th day of July, 2004

Scott E Sieverkropp  
Scott Sieverkropp, Vice- President of **SIEVERKROPP ORCHARDS, INC**

RECEIVED

FEB 26 2013

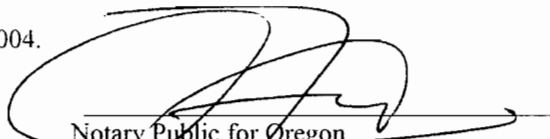
WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON       )  
                                  ) ss.  
County of Hood River    )

#86

Scott Sieverkropp, Vice-President of SIEVERKROPP ORCHARDS, INC acknowledged this instrument

before me on the 7<sup>th</sup> day of July, 2004.

  
Notary Public for Oregon  
My commission expires: 03-22-2008



**RECEIVED**

FEB. 26 2013

WATER RESOURCES DEPT  
SALEM, OREGON

**ASSIGNMENT OF WATER RIGHT  
POWER OF ATTORNEY**

WHEREAS, the undersigned **SIEVERKROPP ORCHARDS INC.** are the owners of the following described real property situated in Hood River County, Oregon, and more particularly described as:

- Assessor's map and tax lot no. 3N-10-36 NE/SW #0200, consisting of 4.0 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 NW/SE #0600, consisting of 3.1 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SE/SW #0200, consisting of 4.0 irrigable acres
- Assessor's map and tax lot no. 3N-10-36 SW/SE #0600, consisting of 2.0 irrigable acres

#8-11

Which property is within the boundaries of and subject to the charges and assessments of the FARMERS IRRIGATION DISTRICT (DISTRICT), and WHEREAS, the water right of record indicated in the chart below is appurtenant to the above-described real property:

Legal Description	Certificate number:	Priority Date:	Source:	Purpose:	Transferred Amount:
3N-10-36 NE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	4.0
3N-10-36 NW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	3.1
3N-10-36 SE/SW #0200	74306 & (07)	1906	Hood River	Irrigation	4.0
3N-10-36 SW/SE #0600	74306 & (07)	1906	Hood River	Irrigation	2.0

74306 ONLY, C.B.

Which water right is in the name of the FARMERS IRRIGATION DISTRICT and is delivered by the DISTRICT, and,

WHEREAS **SIEVERKROPP ORCHARDS, INC.** desire to be excluded from the DISTRICT and to no longer be subject to the charges or assessments of the DISTRICT or to receive water delivered by the DISTRICT,

NOW, THEREFORE, in consideration of being relieved of the charges and assessments of the DISTRICT (except for any exclusion charges) and in having their property formally excluded from the DISTRICT, **SIEVERKROPP ORCHARDS, INC** hereby grant, assign and convey to the DISTRICT all of their right, title and interest in and to the above described water right of record and in and to the use of the water therefrom which is appurtenant to the above described property.

**SIEVERKROPP ORCHARDS, INC** hereby makes, constitutes and appoints the Chairman of Farmers Irrigation District as as their agent and attorney in fact with power and authority to assign, transfer and convey the above described water right on the records of the Oregon Water Resources Department, including, but not limited to, abandon the use, transfer the use, place of use and point of diversion, and to execute and deliver transfer applications and any other documentation necessary or desirable to accomplish the transfer of the water right.

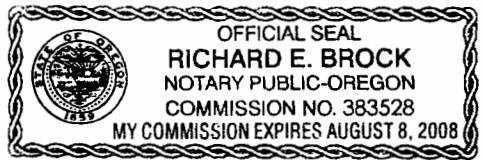
**RECEIVED**

FEB 26 2013

IN WITNESS WHEREOF, the undersigned has executed this instrument the 30<sup>th</sup> day of January, 2007.

WATER RESOURCES DEPT  
SALEM, OREGON

*[Signature]*  
Tom Sieverkropp, of SIEVERKROPP ORCHARDS, INC



STATE OF OREGON        )  
  ) ss.  
County of Hood River    )

**Tom Sieverkropp, of SIEVERKROPP ORCHARDS, INC** acknowledged this instrument

before me on the 30<sup>th</sup> day of January, 2007. Richard E. Brock  
Notary Public for Oregon  
My commission expires: 8-8-08

RECEIVED

FEB 26 2013

17695

WATER RESOURCES DEPT  
SALEM, OREGON

FILED  
HOOD RIVER COUNTY

APR 18 4 50 PM '00

800749

DEED

#8

DEPARTMENT OF  
RECORDS AND ASSESSMENT

DEPUTY

JOHN M. SIEVERKROPP, as grantor, grants and conveys to SIEVERKROPP ORCHARDS, INC., an Oregon corporation, having its office and principal place of business at 3121 Eliot Dr., Hood River OR 97031, the following described real property in the County of Hood River, State of Oregon:

Beginning at the Southwest corner of the East half of the Southwest quarter of Section 36, Township 3 North, Range 10 East of the Willamette Meridian; thence East 20 feet; thence North parallel to the West line of said East half of said Southwest quarter, 250 feet; thence East parallel with the South line of Section 36, a distance of 350 feet; thence South 100 feet; thence East 200 feet; thence South 150 feet to the South line of Section 36; thence East 50 feet; thence North 150 feet; thence East 400 feet; thence North 100 feet; thence East 200 feet; thence North 150 feet; thence East 200 feet; thence North 15 feet; thence East 175 feet; thence South 100 feet; thence East 25 feet; thence South 200 feet; thence West 50 feet; thence South 115 feet to the South line of Section 36; thence East along said South line to a point that is 100 feet Westerly of, measured at right angles to, the West bank of Hood River; thence Northerly parallel with and 100 feet Westerly from said West Bank, to the North line of the Southeast quarter of said Section 36; thence West to the Northwest corner of said Southeast quarter; thence South 389.5 feet; thence West, parallel with the North line of the Southwest quarter of Section 36, a distance of 1,067 feet, more or less, to the Northeast corner of that tract conveyed to Hood River Aerie 2150, Fraternal Order of Eagles, an Oregon corporation, by deed recorded August 14, 1967, as Recorder's Fee No. 671111, Film Records; thence South 200 feet, to the Southeast corner thereof; thence West 200 feet to the Southwest corner thereof; thence North 200 feet to the Northwest corner thereof; thence West 53 feet to the West line of the East half of the Southwest quarter of Section 36; thence South along said West line, to the point of beginning. EXCEPTING THEREFROM that portion conveyed to the City of Hood River, by deed recorded July 3, 1967, as Recorder's Fee No. 670887, Film Records.

The true and actual consideration for this transfer is \$1.00 plus other value given or promised.

This deed is given to more fully describe the lands set forth in the deed between the same grantor and the same grantee dated December 21, 1979, and recorded March 29, 1980, as Instrument

LAW OFFICES  
PARKER, ABRAHAM, BELL,  
BOWE & JAQUES  
HOOD RIVER, OREGON 97031  
PHONE 386-1411

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3N 10 360 and  
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600  
700

M.C. Sieverkropp Orch, Inc.  
3121 Eliot Dr.  
H. R. Or.

Rob File (3), Farmers

inst # 800553