



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.

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

Optional Identification by Lessor/Lessee: _____

Lease Application Number (assigned by WRD): IL-1297

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

This Lease is between:

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Lessor #2: Irrigation District or Other Water Purveyor

Name Talent Irrigation District

Mailing address P.O. Box 467

City, State, Zip Code Talent, OR 97540

Telephone number 541-535-1529

E-mail address** tid@talentid.org (see attachment for additional lessor)

AND USA acting through the Bureau of Reclamation

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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~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of Talent Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing . USA acting through the Bureau of Reclamation
- Not applicable.

- 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). Primary 79212 Supplemental 83727

- 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.: 79212

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

Priority date: May 23, 1915 Type of use: Primary and Sup

Legal Season of Use: April 1 to October 31

If an irrigation right, total number of acres to be leased: 18.59

Total acre-feet of storage to be leased, if applicable: N/A

Maximum rate associated with subject water rights (cfs) being leased: 0.24

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

Season 1 (cfs) _____ Time period: _____

Season 2 (cfs) _____ Time period: _____

Season 3 (cfs) _____ Time period: _____

Maximum duty associated with subject water rights (ac-ft): 83.66

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Conditions or other limitations, if any: (SEE ATTACHED)

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~II~ Instream Water Right Information

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- 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 Bear Creek and Emigrant Creek River

Tributary to Rogue River in the Rogue Basin.

Instream volume in acre-feet (may be up to the same as the duty identified in Sec 1.5): 49.27

Instream rate in cfs (may be up to the same as the rate identified in Sec 1.5): 0.24

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

Rate in CFS: _____

Rate in CFS: _____

(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): (see attached)

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:

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

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- None
- The instream flow will be allocated on a daily average basis up to the described rate from May 1 through 10/15/2013.
- Other (describe): (see Attached)

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

2.3 Term of lease. This lease shall terminate on October 15, 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). 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 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.

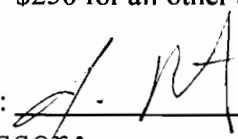
3.5 Termination provision.

- 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: 4-10-2013
AND Lessor: _____ Date: _____
Bureau of Reclamation

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

Attachment 5: Pooled Lease Water Right Holder Form

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**ATTACHMENT TO
APPLICATION FOR INSTREAM LEASE
POOLED LEASE FORM
TALENT IRRIGATION DISTRICT
2013**

1.5 Type of Use

Primary and Supplemental Irrigation and for Domestic use for the City of Ashland

Conditions or other limitations, if any

The amount of water used for irrigation together with the amount secured under any other prior right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) for each acre irrigated during the irrigation season of each year. The right is limited to not more than the amount specified for each source, and not to exceed * & CFS at one time, and further, the diversions from Bear Creek, including Ashland Creek and Neil Creek shall not exceed 55 CFS at one time.

2.2 Instream use created by lease. (Describe the point of diversion (POD))

The point of diversion for the primary right is the toe of Emigrant Dam being within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 20, Township 39 South, Range 2 East, Willamette Meridian. The instream right will be protected in Emigrant Creek from the toe of Emigrant Dam downstream approximately 3.5 miles to the point where Walker Creek and Emigrant Creek join to form Bear Creek. The instream right will then be protected in Bear Creek from stream mile 27 to the mouth of Bear Creek at the Rogue River. Total protected stream reach is approximately 30.5 miles. At such time that the District is supplying water for irrigation from supplemental sources under Certificate 83727, the instream right will also be supplied by supplemental sources. Use of the primary water right to satisfy the instream right will be at an instream rate of 1/100th cfs per acre through the entire instream reach. The District will protect the instream water to the Oak Street Diversion. From that point it will be the responsibility of the local watermaster to protect the instream water.

Conditions to prevent injury, if any: (Other)

The instream right protected under this lease shall be satisfied based on the same percentage diversion and delivery rate that Talent Irrigation District is providing to irrigation rights within the District. The instream rate proposed is estimated based upon a 1/100th cfs per acre rate. In case of shortage of supply where the general allotment on the District has been reduced, the District may deliver less than 2.65 acre feet per acre in accordance with District policy governing temporary instream leases. In the event the District stops delivery of irrigation water prior to October 15th, the delivery for instream use shall also stop. Reporting to the watermaster shall be consistent with any required reporting of other District operations.

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TALENT IRRIGATION DISTRICT'S 2013 INSTREAM LEASE

2013 INSTREAM LEASES							P=Primary 79212	S=Supp. 83727
Name & Address	Township	Range	Section	Tax Lot	1/4 1/4	Acres	Certificate	Certificate
Naumes, Inc. PO Box 996 Medford OR 97501	38	1E	19	200 NE SW		1.82	yes P	yes S
Naumes, Inc. PO Box 996 Medford OR 97501	38	1E	19	200 NW SW		10.75	yes P	yes S
Naumes, Inc. PO Box 996 Medford OR 97501	38	1W	24	100 NW NE		2.82	yes P	yes S
Talent Irrigation District PO Box 467 Talent OR 97540	38	1W	22	1700 SW NW		2.00	yes P	yes S
Talent Irrigation District PO Box 467 Talent OR 97540	38	1W	23	401 NW SW		1.20	yes P	yes S
TOTAL ACRES FOR PRIMARY CERTIFICATE 79212 AND SUPPLEMENTAL CERTIFICATE 83727						18.59		

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TALENT IRRIGATION DISTRICT 2013 INSTREAM LEASE IN OWRD SPREADSHEET FORMAT

Twp	Rng	Mer	Sec	Q-Q	Tax Lot	Acres	Land Owner
38S	1E	WM	19	NE SW	200	1.82	Naumes Inc
38S	1E	WM	19	NW SW	200	10.75	Naumes Inc
38S	1W	WM	24	NW NE	100	2.82	Naumes Inc
38S	1W	WM	22	SW NW	1700	2.00	Talent Irrigation Dist.
38S	1W	WM	23	NW SW	401	1.20	Talent Irrigation Dist.

18.59

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TALENT IRRIGATION DISTRICT

P.O. Box 467

104 W. Valley View Rd.

Talent OR 97540-0467

Website:

www.talentid.org

Phone: 541-535-1529

Fax: 541-535-4108

Email: tid@talentid.org

April 10, 2013

Wanda Derry
Talent Irrigation District
PO Box 467
Talent, OR 97540

RE: Instream Lease for 2013 38-1W-22B Tax Lot 1700 for 2.00 irrigated acres

Dear Wanda,

This letter is to confirm that Talent Irrigation District chooses to lease the above referenced water rights instream for the 2013 irrigation season.

If you have any questions or need additional information please contact me.

Sincerely,



Jim Pendleton
Manager

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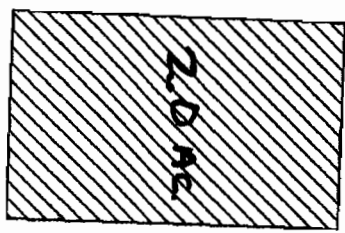
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38-1W-22B 1700
2.00 AC.
Talent I.D.

COLVER RD

SENE
21

1 inch equals 200 feet
N



SNWV

MARKLEY RD

22

NWVW

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WATER RESOURCES DEPT
SALEM, OREGON

Map # 381W22B1700
Acres: 2.0
Name: Talent
Irrigation District

Legend

-  Water Right
-  Sections
-  Quarter-Quarter taxlots

SENV

01 13701

1:23

15.
10.
11.

SPECIAL WARRANTY DEED

KNOW MEN BY THESE PRESENTS, THAT GERALD S. STEPEHENS, hereinafter called the "Grantor", for the consideration hereinafter stated, to Grantor paid by TALENT IRRIGATION DISTRICT, a political subdivision of the State of Oregon, hereinafter called "Grantee", does hereby grant, bargain, sell, convey and specially warrant unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Jackson, State of Oregon, described as follows, to-wit:

See Exhibit "A", a copy of which is attached hereto and by this reference incorporated herein.

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

And the grantor hereby covenants to and with the said grantee and grantee's heirs, successors and assigns that said real property is free from all encumbrances including but not limited to monetary encumbrances created or suffered thereon by grantor on the real property and that grantor will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$128,000.00.

AFTER RECORDING RETURN TO:

SEND TAX STATEMENTS TO:

James L. Grantland, Jr.
204 West Ninth Street
Medford, Oregon 97501

-1- SPECIAL WARRANTY DEED

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JUN 15 2009

Law Offices Of
GRANTLAND, GRENSKY & BLODGETT
204 West 9th St.
Medford, OR 97501
(503) 773-8712

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WATER RESOURCES DEPT
SALEM, OREGON

SALEM, OR

01 13701

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.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. 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 EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

In construing this Deed and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the Grantor executed this instrument this 18th day of ~~March~~, 1996.
April

Gerald S. Stephens
GERALD S. STEPHENS

STATE OF OREGON)
 : ss.
County of Jackson)

Personally appeared before me this _____ day of November, 1995, the above named GERALD S. STEPHENS and acknowledged the foregoing instrument to be his voluntary act and deed.



Juliann L. Hofmann
Notary Public for Oregon

-2- SPECIAL WARRANTY DEED

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SALEM, OREGON

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01 13701

Exhibit 'A'

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

APR 04 2001

1:23 PM

John D. ...
COUNTY CLERK

TRACT A:

Lot No. 7, MIDWAY TRACT, in Sections 21 and 22, Township 38 South, Range 1 West of the Willamette Meridian, in Jackson County, Oregon.

TRACT B:

Beginning at a point on the North boundary line of Donation Land Claim No. 57, in Township 38 South, Range 1 West of the Willamette Meridian, said point being 264 feet East of the Northwest corner of said Claim; thence South 35° East 305.2 feet to a point in the County Road; thence East 855 feet, more or less, to an iron pipe for corner; thence North 250 feet, more or less, to an iron pipe set in the North boundary line of said Claim No. 57 for corner; thence West, along said boundary line, 1030 feet to the point of beginning.

SAVE AND EXCEPT from the above Tracts A and B that portion conveyed to Jackson County, Oregon, for roadway, as described in Document No. 93-11357, dated April 8, 1993 and recorded April 12, 1993 and re-recorded December 2, 1993 as Document No. 93-41174, Official Records of Jackson County, Oregon.

SUBJECT TO THE FOLLOWING EXCEPTIONS

1. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of the Talent Irrigation District. (An inquiry has been directed to the District concerning the status of such liens and report will follow if such liens are found.)
3. Regulations, including levies, liens, assessments, rights of way and easements of the Bear Creek Valley Sanitary Authority. (An inquiry has been directed to the District concerning the status of such liens and report will follow if such liens are found.)
4. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
5. No liability is assumed if a financing statement is filed in the office of the County Clerk or Secretary of State covering growing crops or fixtures wherein the lands are described other than by metes and bounds, the rectangular survey system or by recorded lot and block.

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JUN 15 2009

3

WATER RESOURCES DEPT
SALEM, OREGON

SALEM, OR



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**TALENT
IRRIGATION DISTRICT**

February 26, 2013

Talent Irrigation District
Mr. Jim Pendleton, Manager
P.O. Box 467
Talent, OR 97540

Reference: Temporary In-Stream Lease

Dear Mr. Pendleton

This letter is to request temporary In-Stream Lease for 15.39 acres of irrigation water rights for the Sun Crest Orchard SC-4 tract 2.82 acres and the Sun Crest Orchard SC-2 tract 12.57 acres. The lease is to be for the 2013 irrigation season.

Please find attached maps of the in-stream lease area, proof of ownership deeds and our check for the administrative fees.

Please contact me if you have any questions or require additional information.

Sincerely,

Laura E. Naumes, Naumes, Inc. – Vice-President

Enclosure: Maps and Deeds

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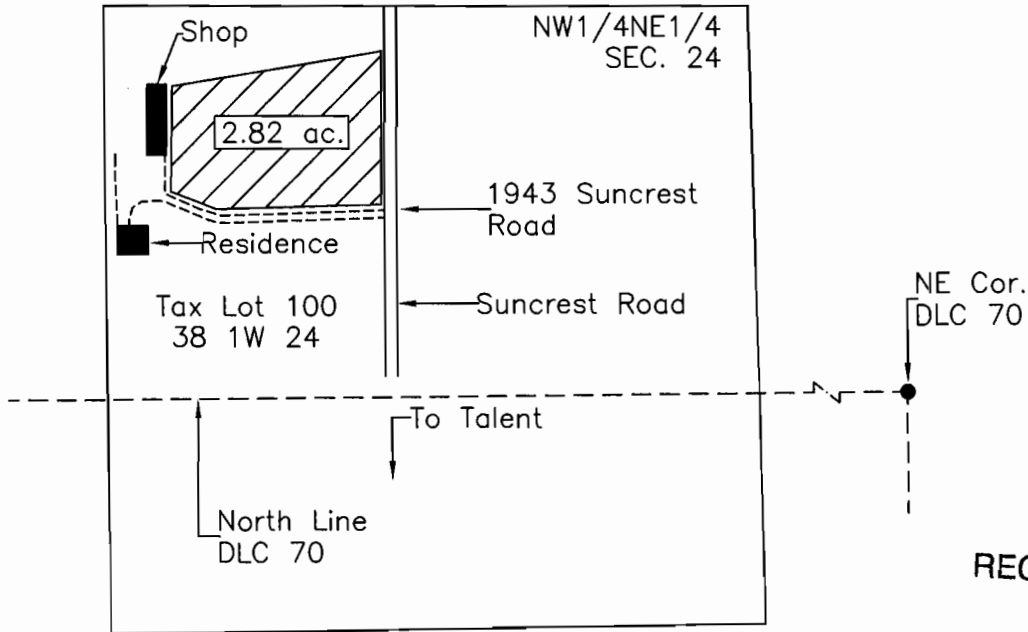
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NAUMES, INC.

POST OFFICE BOX 996 MEDFORD, OREGON 97501
HOME OFFICE: PHONE (541) 772-6268 FAX (541) 772-2135
SALES OFFICE: PHONE (541) 779-9951 FAX (541) 772-3650

MAP OF WATER RIGHT
 IN-STREAM LEASE
 TALENT IRRIGATION DISTRICT
 NW1/4NE1/4, SECTION 24, T.38S., R.1W., W.M., TAX LOT 100
 JACKSON COUNTY, OREGON
 FOR NAUMES, INC
 P.O. BOX 996
 2 BARNETT ROAD
 MEDFORD, OR 97501



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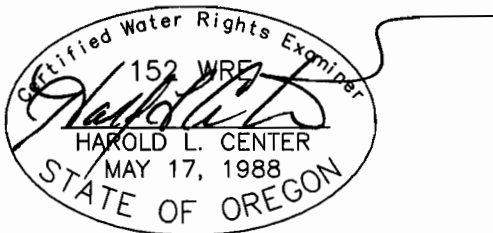
This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership.



Scale: 1"=400'
 Date: January 29, 2013

LEGEND

- Found Survey Monument
- Denotes Driveway
- Denotes Structure
- ▨ Denotes Area From Tax Lot 100, 381W24 To In-Stream Lease, Cert. 79212 Primary, Cert. 83727 Supplemental



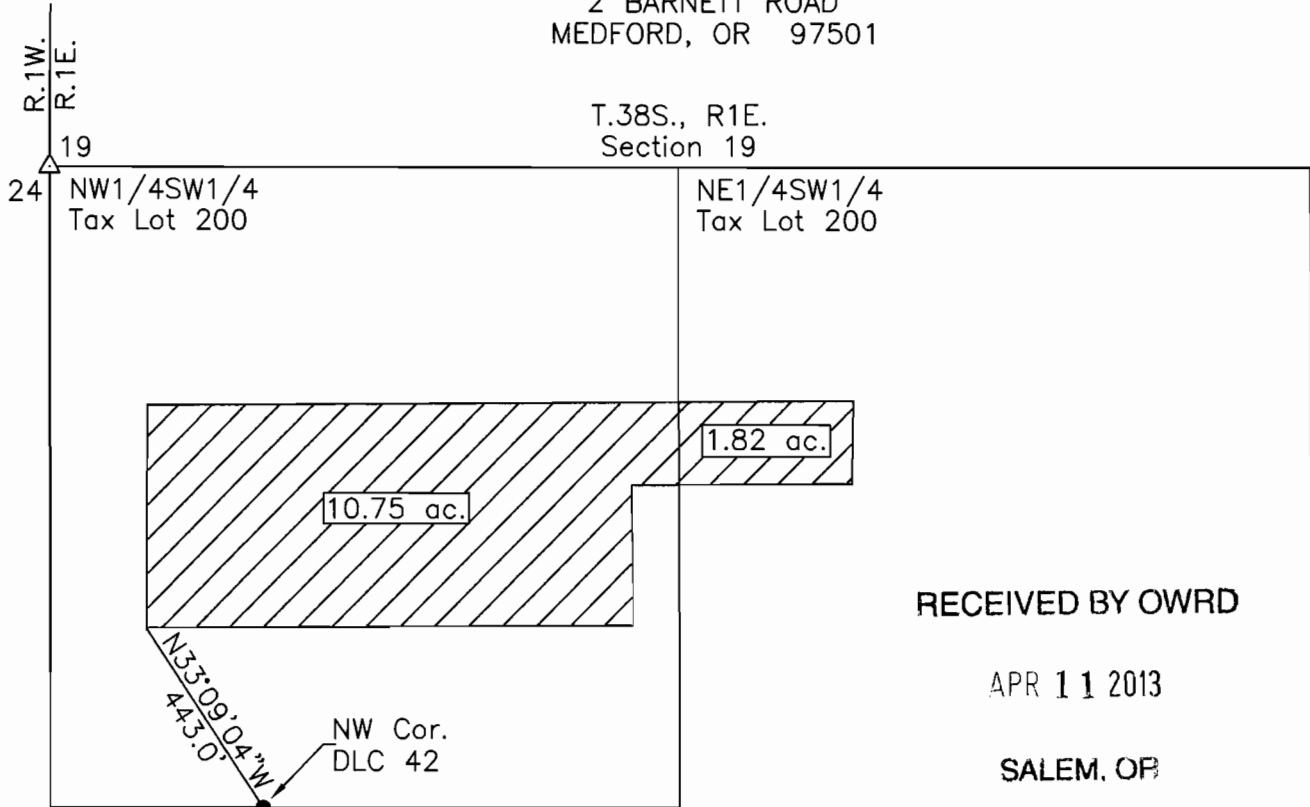
HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2013
 Project: 13-03 Naumes/SCW/ISL (NAUSCW.DWG)

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FEB 27 2013

TALENT
 IRRIGATION DISTRICT

MAP OF WATER RIGHT
 IN-STREAM LEASE
 TALENT IRRIGATION DISTRICT
 NE1/4SW1/4, SECTION 19, T.38S., R.1E., W.M. TAX LOT 200
 JACKSON COUNTY, OREGON
 FOR
 NAUMES, INC
 P.O. BOX 996
 2 BARNETT ROAD
 MEDFORD, OR 97501



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Scale: 1"=400'

Date: January 28, 2013

LEGEND

- Found Survey Monument
-  Denotes Area From Tax Lot 200 To In-Stream Lease, Certificate 79212 Primary, 83727 Supplemental Note-Total acres to In-Stream Lease 12.57 acres

HAROLD L. CENTER
 2604 David Lane
 Medford, OR. 97504
 Phone 541-535-6108
 Oregon Certificate No. 152
 Certificate Renewal Date: 12/31/2013

This map was prepared for the purpose of identifying the location of a water right only and is not intended to provide legal dimensions or location of property ownership.

Project: 13-03 Naumes/Suncrest SC4-2/SC4-4 (NAUSC42.DWG)

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FEB 27 2013

**TALENT
 IRRIGATION DISTRICT**

91-17187

3:05

20.00
20.00

AGREEMENT

THIS AGREEMENT entered into this 21st day of July, 1991, between the John A. Duke Trust, John A. Duke, Trustee, hereinafter referred to as "Duke" and MaryMac Orchards, Inc., an Oregon corporation, hereinafter referred to as "MaryMac".

RECITALS:

A. Prior to August 26, 1952, Duke's predecessors in title, Everett L. Beeson and Marion Beeson, were the owners of the Southwest Quarter of Section 18, Township 38 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon.

B. Prior to August 26, 1952, MaryMac's predecessors in title, Harvey S. Mudd and Mildred E. Mudd, were the owners of the Northwest Quarter of Section 19, Township 38 South, Range 1 East, of the Willamette Meridian in Jackson County, Oregon.

C. On August 26, 1952, Everett L. Beeson and Marion Beeson and Harvey S. Mudd and Mildred E. Mudd, entered into an agreement, which agreement was recorded on January 5, 1956, in Volume 420, page 256, of the Deed Records of Jackson County, Oregon, wherein they established the actual boundary line between their above-described ownerships, to be evidenced by an existing barbed-wire fence.

1 - Agreement

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TALENT
IRRIGATION DISTRICT

91-17187

D. The parties desire to reaffirm said agreement of August 26, 1952 and agree to a Metes and Bounds description of said fence line.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

1. The boundary line between the ownerships of real property of the parties in the Southwest Quarter of Section 18 and the Northwest Quarter of Section 19, Township 38 South, Range 1 East, of the Willamette Meridian, Jackson County, Oregon, shall be described and recorded as follows: Commencing at the Southwest corner of Section 18, Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence along the South boundary of said Section, North 89° 04' 10" East, 967.4 feet to POINT "A" on an existing barbed wire fence for the TRUE POINT OF BEGINNING; thence along the mean average of said existing fence as follows:

North 61° 06' 52" West, 338.40 feet;

thence North 62° 20' 25" West, 163.12 feet;

thence North 66° 30' 47" West, 183.44 feet;

thence South 86° 28' 21" West, 138.80 feet;

thence South 81° 17' 52" West, 61.98 feet;

thence South 78° 06' 59" West, 138.50 feet;

thence North 83° 00' West, a more or less distance of 23 feet, to the West boundary of said Section 18 and the terminus of the Westerly end of aforesaid boundary.

2 - Agreement

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Thence beginning at POINT "A" as hereinbefore described;
thence along the mean average of said existing fence as follows:

South 60° 52' 19" East, 226.26 feet;
thence South 47° 16' 08" East, 247.40 feet;
thence South 46° 53' 24" East, 188.83 feet;
thence South 47° 54' 56" East, 130.02 feet;
thence South 47° 41' 03" East, 76.63 feet;
thence South 57° 17' 06" East, 76.32 feet;
thence South 62° 02' 34" East, 215.26 feet;
thence South 62° 56' 07" East, 114.49 feet;
thence South 81° 05' 56" East, 172.86 feet;
thence South 81° 40' 32" East, 267.81 feet;
thence South 80° 39' 46" East, 225.21 feet;

thence South 81° 01' 07" East along said existing fence and
the Easterly projection thereof, a more-or-less distance of 90 feet
to intersect the North-South centerline of Section 19 of said
township and range and the terminus of the Easterly end of
aforesaid boundary.

2. It is understood and agreed that the John A. Duke
Trust Property is that property to the North of the above described
line and the property of MaryMac Orchard is that property to the
South of the above described line.

3 - Agreement

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SALEM, OR

91-17187

EXECUTED the day and year first hereinabove set forth.

JOHN A. DUKE TRUST

Jackson County, Oregon
Recorded
OFFICIAL RECORDS

John A. Duke
John A. Duke, Trustee

3:05 JUL 24 1991 P M.

KATHLEEN S. BECKETT
CLERK and RECORDER
Glenda Bartlett Deputy.

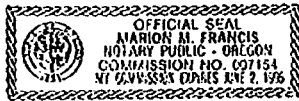
MARYMAC ORCHARDS, INC.

Michael D. Naumes
Michael D. Naumes, President

STATE OF OREGON)
) ss.
County of Jackson)

On this 24th of July, 1991, personally appeared the above named John A. Duke, and acknowledged the foregoing instrument to be his voluntary act and deed.

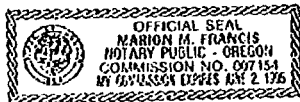
Before me:



Marion M. Francis
Notary Public for Oregon
My commission expires: 06/02/95

STATE OF OREGON)
) ss.
County of Jackson)

On this 24th of July, 1991, personally appeared Michael D. Naumes, president of the above named corporation, and acknowledged the foregoing instrument to be his voluntary act and deed on behalf of its board of directors.



Marion M. Francis
Notary Public for Oregon
My commission expires: 06/02/95

4 - Agreement

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SALEM, OR

Sales Info for Instrument Number 1996-00000			
Journal Voucher #		1996-04378D	
Journal Voucher Date		04/05/1996	
Prior Account		Revised Account	
Fee Owner	MARY MAC ORCHARD INC	Fee Owner	NAUMES INC
		Address	P O BOX 996
			MEDFORD OR 97501
Map Info	381E19 200	Map Info	381E19 200
Code	5-11	Code	5-11
Journal Voucher Info			
JV Type	1	NO 044348-17 ARTICLES OF MERGER - ADD PER OUR RECORDS	
Instrument #	1996-00000		
Sale Date	10/20/1993		
Instrument Date	04/05/1996		
Instrument Type	Articles of Incorporation		
Consideration	\$0.00		
Reject Code	6		
JV Prepared By			

Close Window

Print Window

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SALEM, OR

L24455

WARRANTY DEED

1602 (1)
300
JEN

85-13027

KNOW ALL MEN BY THESE PRESENTS that the FIRST NATIONAL BANK OF OREGON, a national banking association (now known as the FIRST INTERSTATE BANK OF OREGON, N.A.) as Trustee u/a/w United California Bank, as Grantor to an undivided 2/4 interest in the following described property, and NORMAN F. SPRAGUE, JR. as Trustee of the Marital Trust established under that certain document entitled, "Declaration of Trust of the Caryll Mudd Sprague Trust" dated April 3, 1976, as Grantor to an undivided 1/4 interest in the following described property, and NORMAN F. SPRAGUE, JR., as Trustee of the Norman F. Sprague, Jr., Trust established under "Declaration of Trust" dated May 13, 1976, as Grantor to an undivided 1/4 interest in the following described property, each convey and warrant to MARY MAC ORCHARD, INC., an Oregon corporation, Grantee, their above described ownership interests in the following described real property free of encumbrances, except as specifically set forth herein:

TRACT G - (SUNCREST PROPERTY)

Lots Five (5) and Six (6), the Southeast Quarter of the Northwest Quarter, and the West Half of the Northeast Quarter of Section 24 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon.

ALSO, Beginning at a point on the Willamette Meridian 58.00 chains South of the northeast corner of Section 24 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence East 2.57 chains; thence North 22.07 chains, more or less, to the center of Rhinehart Gulch; thence Westerly, following the meanders of the center of said Gulch, to the west line of the Southeast Quarter of the Northeast Quarter of said Section 24; thence South 17.62 chains, more or less, to the north line of tract described in Volume 22 page 116 of the Deed Records of Jackson County, Oregon; thence East 2.78 chains, more or less, to the northeast corner of said tract; thence South, 7.38 chains to the south line of the Northeast Quarter of the Southeast Quarter of said Section 24; thence East 17.22 chains, more or less, to a point South of the point of beginning; thence North to the point of beginning.

ALSO, Beginning at the southeast corner of Donation Land Claim No. 80 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence West 52.8 feet to the most westerly line of Lot 1 in Section 24, said Township and Range; thence South 8.20 chains to the southwest corner of said Lot 1; thence East, on the south line of said Lot, 19.20 chains to the southeast corner thereof; thence North, on east line of said Lot, 8.20 chains, to a point East of the point of beginning; thence West 19.20 chains to the point of beginning.

ALSO, Beginning at the northeast corner of Section 24 in Township 38 South, Range 1 West of the Willamette Meridian in Jackson County, Oregon; thence West 1331.0 feet, more or less, to the west line of the Northeast Quarter of the Northeast Quarter of said Section 24; thence South 2390.0 feet, more or less, to the center of Rhinehart Gulch; thence in an Easterly direction, following the meanders of the center of said Gulch, to the North and South center line of Section 19 in Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence North to the northeast

Warranty Deed -1-

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SALEM, OR

85-13027

corner of the Northwest Quarter of said Section 19; thence West to the point of beginning.

ALSO, Beginning at a point 2.57 chains, more or less, East of the point where the Willamette Meridian intersects the center line of Rhineharts Gulch, being also the northeast corner of tract described in Volume 47 page 78 of the Deed Records of Jackson County, Oregon; thence South 1475.0 feet, more or less, to the north line of Lot 8 in Section 19 Township 38 South, Range 1 East of the Willamette Meridian in Jackson County, Oregon; thence East, along the north line of said Lot, and the north line of the N.W. Fisk Donation Land Claim No. 42, said Township and Range, a distance of 2485.0 feet; thence North 4°09' East to the intersection with the center line of Rhineharts Gulch; thence Westerly, following the meanders of the center of said Gulch, to the point of beginning.

(Code 4-8, Account #1-3334-4, Map #381W24, Tax Lot #100)
(Code 5-8, Account #1-12374-9, Map #381W24, Tax Lot #100)
(Code 5-13, Account #1-12283-3, Map #381W24, Tax Lot #100)
(Code 5-13, Account #1-12310-6, Map #381E19, Tax Lot #200)
(Code 5-8, Account #1-12402-1, Map #381E19, Tax Lot #200)

SUBJECT TO the following:

1. The premises herein described have been zoned or qualified for "Farm Use" tax assessment. At such time as said land is disqualified for such "Farm Use", the property will be subject to additional taxes and interest, and possible statutory penalty.
2. The effects of said property, or any part thereof, lying within the Talent Irrigation District, and subject to all water and irrigation rights, easements for ditches and canals, and all regulations of said District.
3. Easement for public road over that portion lying within County Roads.
4. Right of way for road, 20 feet in width along the east line, set out in instruments recorded in Volume 97 page 409, and in Volume 213 page 64 of the Deed Records of Jackson County, Oregon. (Affects Tract G)
5. Perpetual easement, and rights in connection therewith, granted to the Talent Irrigation District, by instrument recorded in Volume 143 page 587 and referred to in instrument recorded in Volume 495 page 375 of the Deed Records of Jackson County, Oregon. (Affects land in 19-38-1E, of Tract G)
6. Right of way for the transmission and distribution of electricity, and for other purposes, granted to The California Oregon Power Company, a California corporation, by instrument recorded in Volume 394 page 5 of the Deed Records of Jackson County Oregon. (Affects land in 19-38-1E, of Tract G)
7. Agreement, subject to the terms and provisions thereof, dated August 26, 1952, and recorded January 5, 1956 in Volume 420 page

Warranty Deed -2-

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SALEM, OR

85-13027

256 of the Deed Records of Jackson County, Oregon, by and between Everett L. Beeson and Marion Beeson, husband and wife, First Parties, and Harvey S. Mudd and Mildred E. Mudd, husband and wife, Second Parties. (Affects north line of NW of 19-30-1E of Tract G)

8. Existing leasehold interests.

The true and actual consideration for this conveyance is the sum of \$ 1,271,212.00.

Until a change is requested, send all tax statements to the following:

Mary Mac Orchards, Inc.
P O Box 996
Medford, OR 97501

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY PARTICULAR USE MAY BE MADE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

Dated: August 7, 1985.

FIRST INTERSTATE BANK OF OREGON, N.A.
Trustee, for the Trust established between the United California Bank as Trustor and the First National Bank of Oregon as Trustee dated February 17, 1977.

By Robert Diller
Robert Diller, Trust Officer

By Keith Hassler
Keith Hassler, Trust Officer

Norman F. Sprague, Jr.
NORMAN FREDERICK SPRAGUE, JR., a/k/a NORMAN F. SPRAGUE, JR., Trustee under the Marital Trust established under that certain document entitled, "Declaration of Trust of Caryll Mudd Sprague Trust" dated April 3, 1976 and the Norman F. Sprague, Jr. Trust established under "Declaration of Trust" dated May 13, 1976.

"Grantors"

STATE OF OREGON)
)ss:
COUNTY OF JACKSON]

On this 7th day of August, 1985 personally appeared Robert Diller and Keith Hassler, Trust Officers of the First Interstate Bank of Oregon, N.A. and acknowledged this instrument to be executed on behalf of said bank as Trustee of the above described

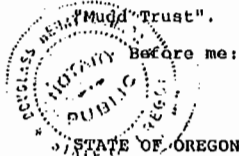
Warranty Deed -3-

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SALEM, OR

85-13027



Before me:
STATE OF OREGON)
COUNTY OF JACKSON)

Douglas Henry Schindler
NOTARY PUBLIC FOR OREGON
My Commission Expires 10/20/88

On this 7th day of August, 1985, personally appeared the above named Norman F. Sprague, Jr. Trustee of the above named trusts and acknowledged this instrument to be executed on behalf of the above described "Sprague Trusts".

Before me:



Douglas Henry Schindler
NOTARY PUBLIC FOR OREGON
My Commission Expires 10/20/88

Jackson County, Oregon
Recorded
OFFICIAL RECORDS
3:48 AUG 7 1985 P.M.
KATHLEEN S. BECKETT
CLERK and RECORDER
Ruby A. Schindler Deputy

Warranty Deed -4-

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APR 11 2013

SALEM, OR

Sales Info for Instrument Number 1996-00000			
Journal Voucher #		1996-043771	
Journal Voucher Date		04/05/1996	
Prior Account		Revised Account	
Fee Owner	MARY MAC ORCHARD INC	Fee Owner	NAUMES INC
		Address	P O BOX 996
			MEDFORD OR 97501
Map info	381W24 100	Map Info	381W24 100
Code	4-08	Code	4-08
Journal Voucher Info			
JV Type	1	NO 044348-17 ARTICLES OF MERGER - ADD PER OUR RECORDS	
Instrument #	1996-00000		
Sale Date	10/20/1993		
Instrument Date	04/05/1996		
Instrument Type	Articles of Incorporation		
Consideration	\$0.00		
Reject Code	6		
JV Prepared By			

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APR 11 2013

SALEM, OR



First American

First American Title Company of Oregon
1225 Crater Lake Ave, Ste 101
Medford, OR 97504
Phn - (541)779-7250
Fax - (866)400-2250

PAR REPORT

Harold L. Center
2604 David Lane
Medford, OR 97504

December 27, 2012
File Number: 7169-2014916

Attn:

Re: 381W24 100 and 381E19 200

Fee \$85.00

According to a search of our tract indices for the following described property, First American Title Company of Oregon (hereinafter referred to as "The Company" certifies as follows):

Legal Description of the property:

The land referred to in this report is described in Exhibit A attached hereto.

and as of December 19, 2012 at 8:00 a.m.

We find that the last deed of record runs to:

Naumes, Inc., an Oregon Corporation, (successor by merger to Mary Mac Orchard Inc., an Oregon Corporation)

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

-NONE-

Recorded voluntary liens and tax information:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

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SALEM, OR

First American Title

RECEIVED

FEB 27 2013

TALENT
IRRIGATION DISTRICT

- 2. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$8,000,000.00

Grantor: Naumes, Inc., an Oregon Corporation, successor by merger to Mary Mac Orchard Inc., an Oregon Corporation
Beneficiary: South Valley Bank and Trust
Trustee: Lawyers Title Insurance Corporation
Dated: March 30, 2009
Recorded: March 31, 2009
Recording Information: 2009-011434
(Covers Additional Property)

Modification and/or amendment by instrument:
Recording Information: June 22, 2010 as Document No. 2010-19363

Modification and/or amendment by instrument:
Recording Information: June 24, 2011 as Document No. 2011-18742

- 3. Financing Statement, indicating a Security Agreement

Debtor: Naumes, Inc.
Secured Party: South Valley Bank and Trust
Recorded: June 24, 2010
Recording Information: 2010-019720
(Covers Additional Property)

- 4. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness of up to \$2,500,000.00.

Grantor: Naumes, Inc.
Beneficiary: South Valley Bank and Trust
Trustee: AmeriTitle
Dated: May 27, 2011
Recorded: June 08, 2011
Recording Information: 2011-017074
(Covers Additional Property)

NOTE: Taxes for the year 2012-2013 PAID IN FULL

Tax Amount: \$826.79
Map No.: 381E19 200
Property ID: 1-012310-6
Tax Code No.: 5-11

NOTE: Taxes for the year 2012-2013 PAID IN FULL

Tax Amount: \$549.57
Map No.: 381E19 200
Property ID: 1-099515-6
Tax Code No.: 5-08

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NOTE: Taxes for the year 2012-2013 PAID IN FULL

APR 11 2013

Tax Amount: \$8,048.70
Map No.: 381W24 100
Property ID: 1-003334-4
Tax Code No.: 4-08

NOTE: Taxes for the year 2012-2013 PAID IN FULL

Tax Amount: \$1,348.10
Map No.: 381W24 100
Property ID: 1-099505-3
Tax Code No.: 5-08

NOTE: The address of the property described herein is:

Suncrest Road , Talent, OR 97540

NOTE: The 2012-2013 tax assessed value for the herein described property is as follows:

Land: \$ 3,741,850.00
Improvements: \$ 318,410.00
Parcel No.: 1-012310-6, 1-
099515-6, 1-
003334-4, 1-
099505-3

THIS IS NOT a title report since no examination has been made of the title to the above described property. This report does not purport to show all encumbrances and no representation is made as to the sufficiency of the title of the above parties. Liability of the Company for this lien search is limited to the charge made thereof.

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SALEM, OR

Exhibit "A"

Real property in the County of Jackson, State of Oregon, described as follows:

LOTS 5 AND 6, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER AND THE WEST HALF OF THE NORTHEAST QUARTER OF SECTION 24 IN TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON.

ALSO, BEGINNING AT A POINT ON THE WILLAMETTE MERIDIAN 58.00 CHAINS SOUTH OF THE NORTHEAST CORNER OF SECTION 24 IN TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE EAST 2.57 CHAINS; THENCE NORTH 22.07 CHAINS, MORE OR LESS, TO THE CENTER OF RHINEHART GULCH; THENCE WESTERLY, FOLLOWING THE MEANDERS OF THE CENTER OF SAID GULCH, TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 24; THENCE SOUTH 17.62 CHAINS, MORE OR LESS, TO THE NORTH LINE OF TRACT DESCRIBED IN VOLUME 22 PAGE 116 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE EAST 2.78 CHAINS, MORE OR LESS, TO THE NORTHEAST CORNER OF SAID TRACT; THENCE SOUTH, 7.38 CHAINS TO THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 24; THENCE EAST 17.22 CHAINS, MORE OR LESS, TO A POINT SOUTH OF THE POINT OF BEGINNING; THENCE NORTH TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT THE SOUTHEAST CORNER OF DONATION LAND CLAIM NO. 80 IN TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 52.8 FEET TO THE MOST WESTERLY LINE OF LOT 1 IN SECTION 24, SAID TOWNSHIP AND RANGE; THENCE SOUTH 8.20 CHAINS TO THE SOUTHWEST CORNER OF SAID LOT 1; THENCE EAST, ON THE SOUTH LINE OF SAID LOT, 19.20 CHAINS TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH, ON EAST LINE OF SAID LOT, 8.20 CHAINS, TO A POINT EAST OF THE POINT OF BEGINNING; THENCE WEST 19.20 CHAINS TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT THE NORTHEAST CORNER OF SECTION 24 IN TOWNSHIP 38 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE WEST 1331.0 FEET, MORE OR LESS, TO THE WEST LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OR SAID SECTION 24; THENCE SOUTH 2390.0 FEET, MORE OR LESS, TO THE CENTER OF RHINEHART GULCH; THENCE IN AN EASTERLY DIRECTION, FOLLOWING THE MEANDERS OF THE CENTER OF SAID GULCH, TO THE NORTH AND SOUTH CENTER LINE OF SECTION 19 IN TOWNSHIP 38 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE NORTH TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF SAID SECTION 19; THENCE WEST TO THE POINT OF BEGINNING.

ALSO, BEGINNING AT A POINT 2.57 CHAINS, MORE OR LESS, EAST OF THE POINT WHERE THE WILLAMETTE MERIDIAN INTERSECTS THE CENTER LINE OF RHINEHART GULCH, BEING ALSO THE NORTHEAST CORNER OF TRACT DESCRIBED IN VOLUME 47 PAGE 78 OF THE DEED RECORDS OF JACKSON COUNTY, OREGON; THENCE SOUTH 1475.0 FEET, MORE OR LESS, TO THE NORTH LINE OF LOT 8 IN SECTION 19 TOWNSHIP 38 SOUTH, RANGE 1 EAST OF THE WILLAMETTE MERIDIAN IN JACKSON COUNTY, OREGON; THENCE EAST, ALONG THE NORTH LINE OF SAID LOT, AND THE NORTH LINE OF THE N.W. FISK DONATION LAND CLAIM NO. 42, SAID TOWNSHIP AND RANGE, A DISTANCE OF 2485.0 FEET; THENCE NORTH 4°09' EAST TO THE INTERSECTION WITH THE CENTER LINE OF RHINEHARTS GULCH; THENCE WESTERLY, FOLLOWING THE MEANDERS OF THE CENTER OF SAID GULCH, TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

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Tax Parcel Number: 1-012310-6 and 1-099515-6 and 1-003334-4 and 1-099505-3

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SALEM, OR

1" = 400'

SEE MAP 38 1W 13

13 18

24 19

100
303.67 Ac

LOT 1
38.08

LOT 8
38.34

S.E. COR
DLC 80

19.20 CH. = 1287.20'

19.20 CH. = 1287.20'

19.20 CH. = 1287.20'

5-11

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APR 11 2013

SALEM, OR

P-01-2009
(M 48)

4-8

LOT 10
41.66

RHINEHART

GULCH

LOT 5
26.04

LOT 6
26.04

LOT 9
40.00

NE COR
DLC 70

SEE MAP 38 1E 19

SEE MAP

38 1W 24D

NW COR
DLC 42

1200
121.57 Ac

NW COR
DLC 71
CS 10813

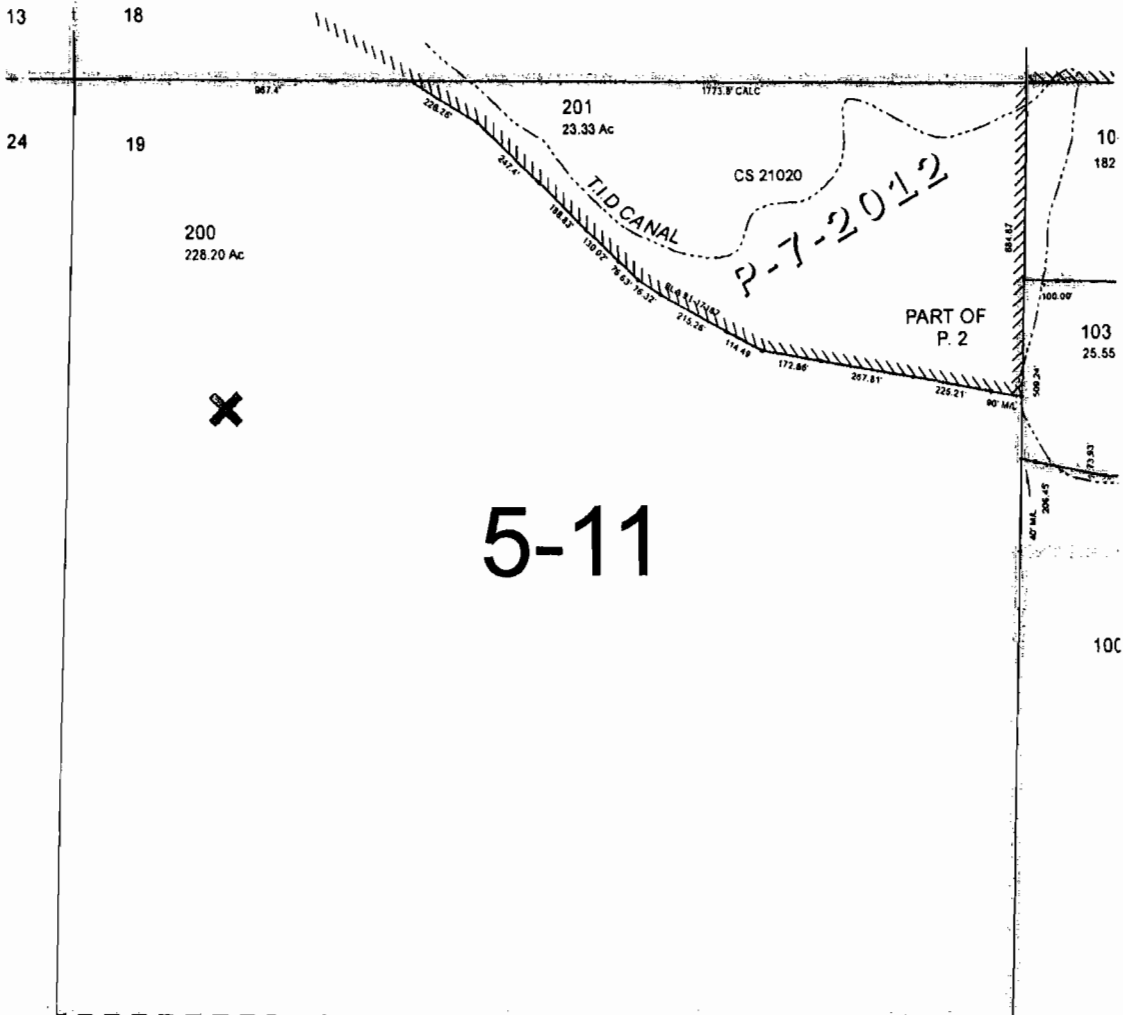
5-8

TOWNSHIP **38** RANGE **1W** SECTION **24**

THIS MAP IS FOR LOCATION PURPOSES ONLY
NO LIABILITY IS ASSUMED FOR VARIATIONS
DISCLOSED BY SURVEY OR COUNTY RECORDS
FIRST AMERICAN TITLE

N ↑

24 19



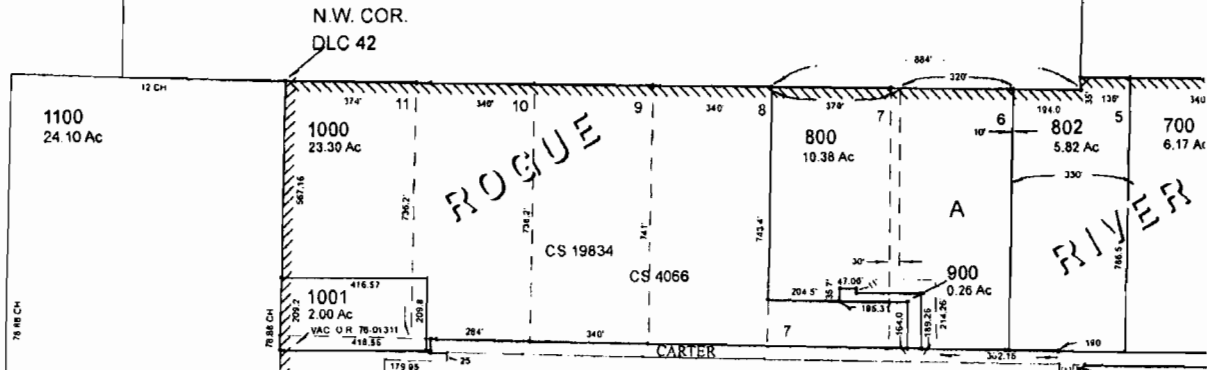
5-11

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APR 11 2013

SALEM, OR

5-8



TOWNSHIP **38** RANGE **1E** SECTION **19**

THIS MAP IS FOR LOCATION PURPOSES ONLY
 NO LIABILITY IS ASSUMED FOR VARIATIONS
 DISCLOSED BY SURVEY OR COUNTY RECORDS
FIRST AMERICAN TITLE

CHARD COMPANY

1300
17.78 Ac
C

Instream Leasing Forms

Standard Lease Form	[DOC 176 KB] [PDF 87 KB]	Feb 2012
Additional Water Rights	[DOC 142 KB] [PDF 54 KB]	Feb 2012
Pooled Landowner Form	[DOC 132 KB] [PDF 58 KB]	Feb 2012
Additional Landowner Water Rights	[DOC 112 KB] [PDF 30 KB]	Feb 2012
Pooled District Form	[DOC 130 KB] [PDF 77 KB]	Feb 2012
Additional District Water Rights	[DOC 92 KB] [PDF 43 KB]	Feb 2012
Renewal Form	[DOC 85 KB] [PDF 42 KB]	Feb 2012
Split Season Use Instream Form	[DOC 96 KB] [PDF 32 KB]	Feb 2012
Split Season Measurement Form	[DOC 85 KB] [PDF 20 KB]	Feb 2012

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SALEM, OR



I, Kathleen S. Beckett, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Kathleen S. Beckett - County Clerk

**QUITCLAIM DEED
 FOR TRANSFER OF WATER RIGHT
 TO TALENT IRRIGATION DISTRICT**

Grantor(s), JAMES GREY HECHT (OWNER) CLOUDBURST ENT. LLC
 are the owners in fee title to the property described below and hereby agree to release and quitclaim to Talent Irrigation District (hereinafter referred to as "District") all rights, title and interest in the water rights appurtenant to the following described property:

Hecht 535-6220
 cda 944-1397

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>Tax Lot</u>	<u>Acres*</u>
38	1W	23CB		
<u>38</u>	<u>1W</u>	<u>23CB</u>	<u>401</u>	<u>1.2</u>

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SALEM, OR

The property(s) is more fully described in the attached copy of the deed to the above described parcel(s). Also attached is a map, drawn to the same scale as the Jackson County plat map, which shows the acreage within the tax lot(s) involved in this Quitclaim Deed.

The water rights will be held by the District in trust for the Grantor(s). By this agreement and signed District Transfer Application (form attached hereto) Grantor(s), release their claim and responsibility for a total of 1.2 acres of District water rights that are appurtenant to the lands listed above. The District water right certificates applicable to these lands are Certificate Number 79212 dated 1912 and Certificate Number 25915 dated 1915. The District may attach this agreement to the Oregon Water Resources Department lease form and file with the District's annual Short Term Water Right Lease Agreement.

Upon signing this agreement the Grantor(s) agree to continue paying the annual irrigation charges of the District until the water right is permanently placed on lands within the Talent Irrigation District boundary. Upon permanent placement of the water right, the recipient of the water right will assume all payment responsibility.

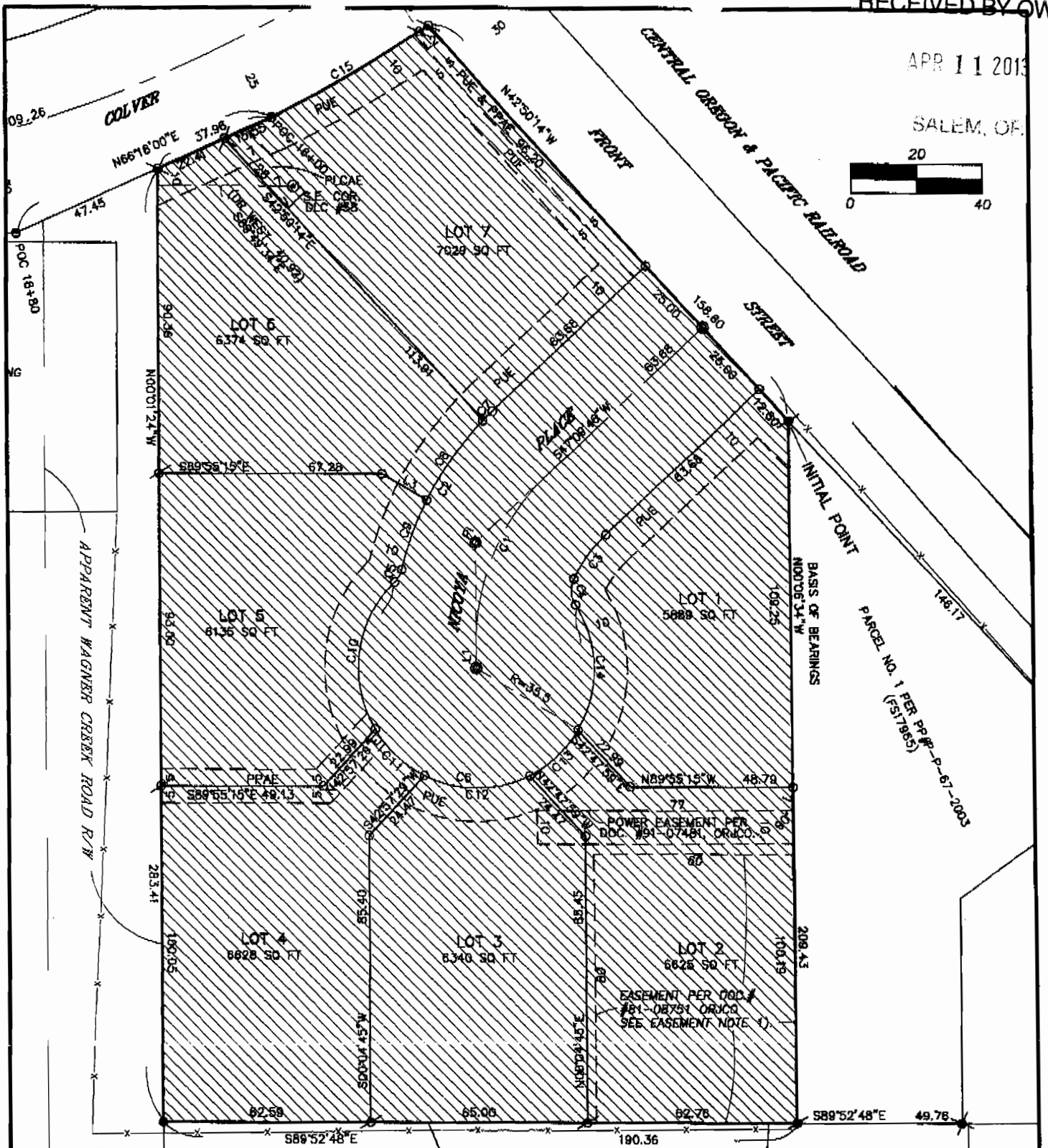
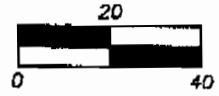
Upon signing this agreement the Grantor(s) agree at the time of the sale of this property, the sale deed will specifically reflect the fact that the subject property is being sold without a water right on the property.

Grantor(s) understand the property is subject to the established policies and Rules and Regulations of the District and its' Board of Directors. The District retains the authority to collect all current and outstanding amounts owed on the property(s) from the current land owner(s).

In the event the Grantor(s) do not make full payment of the District's annual irrigation charge by April 1st of each year for the duration of this agreement, or in the event the water right becomes subject to forfeiture if it is not applied to beneficial use as described by Oregon Statute, the District shall apply the water right to lands listed on its' Waiting List. The District hereby agrees to hold the water right in trust for the Grantor(s) until the water right is placed on a new place of use either by the Grantor(s) or the District should the Grantor(s) default on this agreement.

APR 11 2013

SALEM, OR.



APPARENT WAGNER CREEK ROAD R/W

PARCEL NO. 1 PER P.P.R. - P-57-2003 (517905)

	TITLE: AREA TO BE TAKEN OUT OF TID	DATE: JANUARY 12, 2006
	ASSESSOR'S MAP #: 381W23CB TL401	SCALE: 1 Inch : 40 feet
	FOR: GREY HECHT & CHARLIE HAMILTON P.O. BOX 442 TALENT, OR. 97540 PH: 535-9999	DRAWN BY: CHK BY:
	L.J. FRIAR & ASSOCIATES P.C. CONSULTING LAND SURVEYORS 816 W. 8TH ST., MEDFORD, OR. (541) 772-2782 ljfriar@charter.net	ORIGIN: ROTATION: JOB#: 04-245
		Sheet 1 of 1.

REPORT

Order No. : 48g0484681
Effective Date : 5:00 P.M. on November 11, 2005
Proposed Plat: 6528 Colver Road, Phoenix, OR

A. The land referred to in this public record report is located in the County of Jackson, State of Oregon, and is described as follows:

LEGAL DESCRIPTION PROVIDED BY SURVEYOR.

B. As of the effective date and according to the public records, we find title to the land apparently vested in:

Cloudburst Enterprises, LLC

C. And as of the effective date and according to the public records. The land is subject to the following liens and encumbrances, which are not necessarily shown in the order of priority:

- 1. NOTE: 2005-06 TAXES ARE PAID IN FULL and are being shown for informational purposes only.
This exception will not be shown on a title insurance policy.
Original Amount : \$1,442.13
Account No. 1-003320-4 ; Levy Code 22-01; Map 381W23 CB 401

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- 2. Unpaid taxes for the year 2005-06
Original Amount : \$6.53
Unpaid Balance : \$6.56, plus interest
Account No. 3-001396-4; Levy Code 4-08; Map 381W23 CB 401

SALEM, OR

NOTE: The manufactured home on the subject property was exempted from Oregon registration and titling requirements by instrument
Recorded : January 18, 2005
As : 2005-002676

- 3. The subject property lies within the boundaries of Rogue Valley Sewer Services and is subject to the levies and assessments thereof.
- 4. Regulations, levies, liens assessments, rights of way and easements for ditches and canals of the Talent Irrigation District.
- 5. The rights of the public in and to that portion of the herein described property lying within the limits of Front Street.
- 6. Thirty (30) foot right of way as set out in deed recorded October 5, 1948, in Volume 306 page 386 of the Deed Records of Jackson County, Oregon. (Affects northeasterly line)
- 7. Restrictive covenant executed in compliance with the Jackson County Land Development Ordinance
Recorded : December 31, 1990
As : 90-32232
- 8. An easement created by instrument, including the terms and provisions thereof,
Recorded : April 11, 1991
As : 91-07481
In favor of : PacifiCorp, an Oregon corporation, or its predecessor in interest
For : Transmission and distribution of electricity, and for other purposes

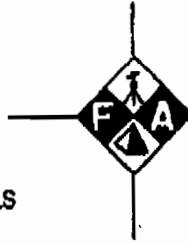
9. An easement created by Instrument,
Recorded : April 1, 2004
As : 2004-017181
In favor of : Adjacent property
For : Electrical easement
10. Easements as delineated on the recorded plat,
For : Fence line encroachment

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TELEPHONE
541-772-2762



L. J. FRIAR AND ASSOCIATES, P. C.
CONSULTING LAND SURVEYORS

FAX
541-772-8465

JAMES E HIBBS, PLS

816 WEST 8TH STREET
MEDFORD, OREGON 97501

lfriar@charter.net

LEGAL DESCRIPTION

Beginning at the Northwest corner of Parcel No. 1 per Partition Plat No. P-67-2003, according to the official plat thereof, now of record, in Volume 14, Page 67 of "Record of Partition Plats" of Jackson County, Oregon and filed as Survey No. 17965 in the Office of the Jackson County Surveyor and the INITIAL POINT OF BEGINNING; thence along the West line thereof, South $00^{\circ}06'34''$ East, 209.43 feet to the Southwest corner thereof; thence along the North line of SWEETBRIER ESTATES SUBDIVISION, according to the official plat thereof, now of record, in Jackson County, Oregon, North $89^{\circ}52'48''$ West, 190.36 feet to the Northwest corner thereof; thence along the West line of that tract described in Document No. 2004-037672, Official Records of Jackson County, Oregon, North $00^{\circ}01'24''$ West, 283.41 feet to the South line of Colver Road described in Document No. 95-00825, said Official Records; thence along said South line, North $66^{\circ}18'00''$ East, 37.96 feet; thence continue along said South line, along the arc of a 434.26 foot radius curve to the left having a central angle of $06^{\circ}44'04''$, a distance of 51.04 feet (the long chord of which bears North $60^{\circ}41'31''$ East, 51.01 feet); thence continue along said South line, North $57^{\circ}19'29''$ East, 3.40 feet to the West line of Front Street; thence along said West line, South $42^{\circ}50'14''$ East, 158.80 feet to the INITIAL POINT OF BEGINNING.

EXTERIOR OF SUBDIVISION

Grey Hecht
04-245
November 16, 2005

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