



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

2/12/2014

Instream Lease Renewal Application

Complete the questions below and include any required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	Instream Lease <u>IL- 643</u> Renewal Fee included <input type="checkbox"/>
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The undersigned hereby request Instream Lease Number IL-643 be renewed.

Fees: \$110.00 for an instream lease renewal application
 Check enclosed or Fee Charged to customer account Deschutes River Conservancy (Account name)

Term of the Lease: The lease is requested to begin in month <u>April</u> year <u>2014</u> and end month <u>October</u> year <u>2014</u>	
Validity of the Right(s) (check the appropriate box): <input checked="" type="checkbox"/> The water right(s) to be leased have been used under the terms and conditions of the right(s) during the last five years or have been leased instream. <input type="checkbox"/> If the water right(s) have not been used for the last five years, right(s). Documentation describing why the water right(s) is not subject to forfeiture is provided. ORS 540.610(2).	Termination provision (for multiyear leases): The parties to the lease request: <input type="checkbox"/> a. The option of terminating the lease prior to expiration of the full term with written notice to the Department by the Lessor(s) and/or Lessee. <input type="checkbox"/> b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease. <input checked="" type="checkbox"/> c. The parties would not like to include a Termination Provision. (See instructions for limitations to this provision)

Yes No Conservation Reserve Enhancement Program CREP—Are some or all of the lands to be leased part of CREP or another Federal program (list here: _____)?

The undersigned declare:

1. The Lessor(s) agree during the term of this lease, to suspend use of water allowed under the subject water right(s) and under any appurtenant primary or supplemental water right(s) not involved in the lease application; and
2. The Lessor(s) certify that I/we are the holders of the water right(s) involved in this Instream Lease. If not the deeded land owner, I/we have provided documentation demonstrating authorization to pursue the lease application and/or consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate. Circumstances have not changed and all matters involved with or affected by the original instream lease remain as they were when the lease was previously approved. We also acknowledge that the terms and conditions of the original lease, referenced herein, are incorporated by reference in their entirety.

Bend View Holding 429 LLC, By: Harvey Management Services Corp., Its Manager
 By: [Signature] Date: 02/27/14
 Signature of Lessor Norman L. Brenden, President

Printed name (and title): Bend View Holding 429 LLC Business name, if applicable: _____
 Mailing Address (with state and zip): 2264 McGilchrist St., Ste. 2012, Salem, OR 97302
 Phone number (include area code): 503-586-7217 **E-mail address: robin.goins@hawret.com

 Signature of Lessor Date: _____

Printed name (and title): _____ Business name, if applicable: _____
 Mailing Address (with state and zip): _____
 Phone number (include area code): _____ **E-mail address: _____

See next page for additional signatures.

2/12/2014

Suzanne Butterfield
Signature of Co-Lessor

Date: 2/28/14

Printed name (and title): Suzanne Butterfield
District/organization name: Swalley Irrigation Dist.
Mailing Address (with state and zip): 64672 Cook Ave., Ste. 1, Bend, OR 97701
Phone number (include area code): 541-388-0658 **E-mail address: kathy@swalley.com

Signature of Co-Lessor Date: _____

Printed name (and title): _____
Business/organization name: _____
Mailing Address (with state and zip): _____
Phone number (include area code): _____ **E-mail address: _____

Genevieve Hubert
Signature of Lessee

Date: 2/28/14

Printed name (and title): Genevieve Hubert, Program Manager
Business/organization name: Deschutes River Conservancy
Mailing Address (with state and zip): 700 NW Hill St., Bend, OR 97701
Phone number (include area code): 541-382-4077 ex1 16 **E-mail address: gen@deschutesriver.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 TO THE LESSOR.

EBB SB 118606 DS 53

NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS

BROOKS LAND AND CATTLE COMPANY LLC

Grantor's Name and Address
 RED WILLOW, LLC

Grantee's Name and Address

After recording, return to (Name, Address, Zip):
 AmeriTitle
 345-SE-3rd-Street
 Bend, Oregon 97702

Until requested otherwise, send all tax statements to (Name, Address, Zip):
 RED WILLOW, LLC
 409 NW Franklin Avenue
 Bend, Oregon 97701

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK 2009-51673

\$53.00

12/09/2009 01:07:16 PM

D-D Cnt=1 Str=3 PG
 \$10.00 \$11.00 \$18.00 \$10.00 \$8.00

SPAC. FOR RECORDER'S USE No. _____, Records of this County.

Witness my hand and seal of County affixed.

NAME TITLE

By _____, Deputy.

QUITCLAIM DEED

KNOW ALL BY THESE PRESENTS that BROOKS LAND AND CATTLE COMPANY, LLC, a Delaware Limited Liability Company hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and forever quitclaim unto RED WILLOW, LLC, an Oregon Limited Liability Company hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of the grantor's right, title and interest in that certain real property, with the incumbrances, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Deschutes County, State of Oregon, described as follows, to-wit:

SEE ATTACHED LEGAL DESCRIPTION

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever, 0 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ _____ .[Ⓞ] However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration.[Ⓞ] (The sentence between the symbols [Ⓞ], if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on _____; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Michael P. Hollen
 BROOKS LAND AND CATTLE COMPANY, LLC

STATE OF OREGON, County of Deschutes)^{ss}
 This instrument was acknowledged before me on December
 by _____
 This instrument was acknowledged before me on December 9 2009
 by Michael P. Hollen
 as manager
 of BROOKS LAND AND CATTLE COMPANY LLC



Diane E Sullivan
 Notary Public for Oregon
 My commission expires 8/21/10

LEGAL DESCRIPTION

Parcel I:

A parcel of land lying in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8, Township 17 South, Range 12 East, W.M. Deschutes County, Oregon and being that property described in that Warranty deed to the State of Oregon, by and through its State Highway Commission, recorded January 28, 1942 in Volume 61, Page 118, Deschutes County Records; the said parcel described in said deed being a strip of land 30.00 feet in width, 15.00 feet on each side of the following described line:

Beginning on the Westerly line of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 7, and the S $\frac{1}{2}$ SW $\frac{1}{4}$ of Section 8, Township 17 South, Range 12 East, W.M., Deschutes County, Oregon at a point approximately 60 feet North of the Southwest corner of said SE $\frac{1}{4}$ SE $\frac{1}{4}$; thence South 87°41' East 590 feet; thence North 78°27' East 610 feet; thence North 60°00' East 320 feet; thence South 30°26' East 134 feet; thence South 89°15' East 750 feet; thence North 89°12' East 420 feet; thence South 73°50' East 317 feet; thence South 75°44' East to the Westerly line of the The Dalles-California Highway (currently O.B. Riley Road), being the easterly line of that tract conveyed by Edward Elkins and Doris Elkins to Brooks Land and Cattle Company, LLC and recorded 3/01/2005, Doc #2005-12071, Deschutes County Records.

Bearings and distances are based on Oregon Department of Transportation survey. See Drawing 1R-1462, dated May, 1935.

Being that same property described in that deed from The State of Oregon, by and through its Department of Transportation to Edward J. Elkins and Doris E. Elkins recorded November 15, 2005, as document no. 2005-79086, Deschutes County Records.

Parcel II:

That portion of a 30 foot strip of land included in a quitclaim deed from The State of Oregon, by and through its Department of Transportation to Edward J. Elkins & Doris E. Elkins and recorded November 15, 2005 as document no. 2005-79085 as it is located within the following described parcel:

Beginning at the Center 1/16 of the SE $\frac{1}{4}$ of Section 7, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, thence North 89°30'03" West, 234.36 feet along the 1/16 line, thence South 0°09'30" West, 1317.23 feet to a point on the Section line between Section 7 and 18, Township 17 South, Range 12 East of the Willamette Meridian, thence South 89°34' East, 234.36 feet to the S 1/16 corner of Section 7, Township 17 South, Range 12 East of the Willamette Meridian, thence North 0°09'30" East, 1317.50 feet to the point of beginning.

SB 118606 DS 73-

THIS SPACE RESERVED FOR RECORDER'S USE



After recording return to:
BEND VIEW HOLDINGS 429 LLC, A
WASHINGTON LIMITED LIABILITY
COMPANY

2264 McGilchrist Street SE, Suite 210
Salem, OR 97302

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2009-51675



\$73.00

12/09/2009 01:07:16 PM

D-D Cnt=1 Str=3 PG
\$10.00 \$11.00 \$18.00 \$10.00 \$6.00 \$20.00

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

BEND VIEW HOLDINGS 429 LLC, A
WASHINGTON LIMITED LIABILITY
COMPANY

2264 McGilchrist Street SE, Suite 210
Salem, OR 97302

Escrow No. SB118606DS

Title No. 118606

SWD

STATUTORY WARRANTY DEED

RED WILLOW LLC, an Oregon Limited Liability Company, Grantor(s) hereby convey and warrant to **BEND VIEW HOLDINGS 429 LLC, A WASHINGTON LIMITED LIABILITY COMPANY**, Grantee(s) the following described real property in the County of **DESCHUTES** and State of Oregon free of encumbrances except as specifically set forth herein:

EXHIBIT "A"
LEGAL DESCRIPTION

PARCEL 1:

The Northeast Quarter of the Southeast Quarter (NE1/4 SE1/4) of Section Seven (7), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

TOGETHER WITH THE FOLLOWING DESCRIBED PARCEL:

Beginning at the CE 1/16 of Section 7, Township 17 South, Range 12 East of the Willamette Meridian, Deschutes County, Oregon, thence North 89°37'31" West, 234.36 feet along the 1/4 Section line, thence South 0°09'15" West, 1317.09 feet to the center East West 1/16 line of SE1/4 of Section 7, Township 17 South, Range 12 East of the Willamette Meridian, thence South 89°34' East, 234.36 feet along that line, thence North 0°09'15" East, 1317.33 feet to the point of beginning.

PARCEL 2:

The Southeast Quarter of the Southeast Quarter (SE1/4SE1/4) of Section Seven (7), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon, and the Southwest Quarter of the Southwest Quarter (SW1/4SW1/4) and that part of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) lying Westerly of the Old Bend-Sisters Highway in Section Eight (8), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon.

TOGETHER WITH the following described parcel:

Beginning at the Center 1/16 of the Southeast Quarter (SE1/4) of Section Seven (7), Township Seventeen (17) South, Range Twelve (12), East of the Willamette Meridian, Deschutes County, Oregon; thence North 89°30'03" West, 234.36 feet along the 1/16 line; thence South 0°09'30" West, 1317.23 feet to a point on the Section line between Section 7 and 18, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon; thence South 89°34' East, 234.36 feet to the S 1/16 corner of Section 7, Township 17 South, Range 12, East of the Willamette Meridian, Deschutes County, Oregon; thence North 0°09'30" East, 1317.50 feet to the point of beginning.

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

247388 After recording, return to
AmeriTitle
15 OREGON AVENUE, BEND

1003 171207 00 00603

113051
113078

1003 171207 00 00600
1003 171208 C0 00800

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 **\$1,700,000.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 9th day of December, 2009.

RED WILLOW LLC

BY: [Signature]

Michael P. Hollern, Manager, Brooks Land and Cattle Company LLC, Member

State of Oregon
County of DESCHUTES

This instrument was acknowledged before me on Dec 9, 2009 by RED WILLOW LLC.

[Signature]
(Notary Public for Oregon)

My commission expires 8/21/10

