



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

Instream Lease Renewal Application

1352

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

Fees: \$110.00 for an instream lease renewal application 1352
 Check enclosed or Fee Charged to customer account TFT (Account name)

Term of the Lease: The lease is requested to begin in month <u>April</u> year <u>2017</u> and end month <u>September</u> year <u>2019</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 checked="" 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 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.

Matthew Christopher Wall
Signature of Lessor

Date: 3/10/17

Printed name (and title): Matthew Christopher Wall Business name, if applicable: N/A
Mailing Address (with state and zip): 28285 N River Rd., Prairie City, OR
Phone number (include area code): (541) 620-1758 **E-mail address: _____

Cecily Wall
Signature of Lessor

Date: 3/10/17

Printed name (and title): Cecily Wall Business name, if applicable: _____
Mailing Address (with state and zip): 28285 N River Rd., Prairie City, OR
Phone number (include area code): (541) 620-1758 **E-mail address: _____

See next page for additional signatures.

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Date: _____

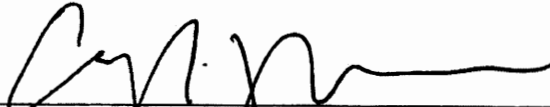
Signature of Co-Lessor

Printed name (and title): _____

District/organization name: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **E-mail address: _____



Signature of Lessee

Date: 3/17/17

Printed name (and title): Caylin Barter, Flow Restoration Director

Business/organization name: The Freshwater Trust

Mailing Address (with state and zip): 700 SW Taylor St., Suite 200, Portland, OR 97205

Phone number (include area code): 503-222-9091 x 16 **E-mail address:

caylin@thefreshwatertrust.org



Signature of Lessee

Date: 3/17/17

Printed name (and title): Rob Kirschner, Staff Attorney & Policy Specialist

Business/organization name: The Freshwater Trust

Mailing Address (with state and zip): 700 SW Taylor St., Suite 200, Portland, OR 97205

Phone number (include area code): (503) 222-9091 x 50 **E-mail address:

rob@thefreshwatertrust.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.**

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28162668

AFTER RECORDING RETURN TO:

Daniel L. Cronin
235 S Canyon Blvd.
John Day, OR 97845

I, BRENDA J. PERCY, COUNTY
CLERK FOR GRANT COUNTY, OR
CERTIFY THAT THE INSTRUMENT
IDENTIFIED HEREIN WAS
RECORDED IN THE COUNTY
CLERK'S RECORDS.

BRENDA J PERCY, GRANT COUNTY
CLERK

DOC#: 28162668

PG: 4 \$58.50

12/21/2016 03:50 PM

SEND TAX STATEMENTS TO:

Matthew Wall
28285 N River Rd
Prairie City, OR 97869

\$509,000.00

WARRANTY DEED

MARK A. HOFFNER AND JANEL L. HOFFNER, Grantors, convey and warrant to
MATTHEW C. WALL, Grantees, the following described real property free of encumbrances
except as specifically set forth herein:

Township 13 South, Range 34 East, Willamette Meridian, Grant County, Oregon:

In sections 22 and 23: Beginning at the North one quarter corner of Section 22; thence
S88 deg. 11'25"E, 2672.37 feet; thence S2 deg. 48'00"W, 2215.45 feet; thence S47 deg.
22'19"W, 675.00 feet; thence S0 deg. 49'07"W, 73.31 feet; thence S5 deg. 53'21"E,
643.75 feet; thence S9 deg. 50'28"W, 126.63 feet; thence S39 deg. 50'19"W, 130.71 feet
to a point on the extension of the center of Grant County Road No. 61; thence along the
centerline of said Grant County Road, the following courses and distances:

N36 deg. 39'01"W, 991.92 feet;

N47 deg. 17'44"W, 822.37 feet;

N40 deg. 15'30"W, 297.86 feet;

N59 deg. 10'21"W, 623.96 feet;

N76 deg. 13'39"W, 384.03 feet;

N42 deg. 42'30"W, 550.52 feet to the North line of the SE1/4NW1/4 of said Section
22; thence S87 deg. 55'04"E, 550.00 feet; thence N4 deg. 09'27"E, 1320.00 feet to the point of
beginning.

SAVE & EXCEPT the following:

(a) All that portion conveyed to Mark Murray et ux by Deeds recorded December 8,
1981, in Book 125, page 704, Deeds, and recorded April 5, 1983 in Book 127, page 933, Deeds,
and more particularly described as follows: Beginning at the North one-quarter corner of said
Section 22; thence S4 deg. 09'27"W, 716.37 feet; thence S85 deg. 50'53"E, 600.00 feet to the
TRUE POINT OF BEGINNING; thence N85 deg. 50'53"W, 600.00 feet; thence S4 deg.
09'27"W, 603.63 feet, more or less, to the North line of the SE1/4NW1/4 of said Section 22,
thence N87 deg. 55'04"W, 550.00 feet to the centerline of Grant County Road No. 61; thence
along the centerline of said Grant County Road No. 61, as follows:

S42 deg. 42'30"E, 550.52 feet;

S76 deg. 13'39"E, 384.03 feet;

S59 deg. 10'21"E, to a point that is S4 deg. 09'27"W, of the TRUE POINT OF
BEGINNING; thence N4 deg. 09'27"E, 1246 feet, more or less, to the TRUE POINT OF
BEGINNING.

(b) All that portion conveyed to Henry Ricco by Deed recorded February 14, 1983,
in Book 127, page 773, Deeds, as follows:

Beginning at the quarter corner that is common to Sections 15 and 22, in Township
13 South, Range 34 East of the Willamette Meridian (the North ¼ corner of said Section 22);
thence Easterly on the Section line that divides said Section 15 and Section 22, a distance of 80
feet; thence in a straight line Southwesterly to a point on the North-South center line of said
Section 22 which is 100 feet South of the place of beginning; thence North along the center line
of said Section 22, to the point of beginning.

(Tax Acct. 4-2 13-34 TL3300; Ref. 3462)

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Subject to and excepting:

1. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

2. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

3. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

4. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

5. Unpatented mining claims, if any.

6. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto.

7. Unrecorded leases or periodic tenancies, if any.

8. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

9. Seller does not guarantee that the fences are on the actual property boundaries.

10. Exceptions and Reservations contained in the Deed, including the terms and provisions thereof:

Reserved by : Eastern Oregon Land Company, a corp.
Recorded : December 23, 1920
Book : 34
Page : 32

11. Exceptions and Reservations contained in Deed, including the terms and provisions thereof:

Reserved by : Eastern Oregon Land Company, a corp.
Recorded : December 14, 1928
Book : 38
Page : 12

12. Exceptions and Reservations contained in Deed, including the terms and provisions thereof:

Reserved by : Eastern Oregon Land Company, a corp.
Recorded : September 17, 1941
Book : 45
Page : 16

13. Exceptions and Reservations contained in Deed, including the terms and provisions thereof:

Reserved by : Edgar Deardorff and Mildred Deardorff, his wife
Recorded : January 2, 1963
Book : 88

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- Page : 108
14. Easement, including the terms and provisions thereof:
 For : utilities
 Granted to : California-Pacific Utilities Company, a corporation
 Recorded : October 25, 1973
 Book : 110
 Page : 566
15. Easement, including the terms and provisions thereof:
 For : utilities
 Granted to : C P National Corp., a corporation
 Recorded : December 16, 1982
 Book : 127
 Page : 483

The true and actual consideration for this conveyance is: \$509,000.00

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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 THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

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 SALEM, OR

IF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505 OR ORS 358.515 THE PROPERTY DESCRIBED IN THIS INSTRUMENT IS SUBJECT TO SPECIAL ASSESSMENT UNDER ORS 358.505.

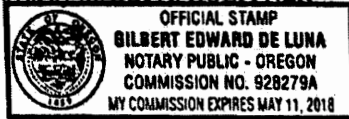
Dated this 20 day of September, 2016.

[Signature]
 MARK A. HOEFFNER, Grantor

[Signature]
 JANEL L. HOEFFNER, Grantor

STATE OF Oregon)
) ss.
 County of Wagon River)

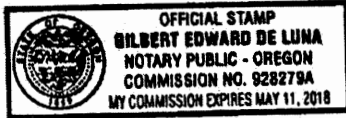
This instrument was acknowledged before me on the 20 day of September, 2016, by MARK A. HOEFFNER



[Signature]
 Notary Public for: Oregon
 My Comm. Expires: May 11, 2018

STATE OF Oregon)
) ss.
 County of Wagon River)

This instrument was acknowledged before me on the 20 day of September, 2016, by JANEL L. HOEFFNER



[Signature]
 Notary Public for: Oregon
 My Comm. Expires: May 11, 2018

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SALEM OR