

Application for Instream Lease

Part 1 of 4 – Minimum Requirements Checklist



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Complete Part 1 through 4 and include the required attachments Fill in or check boxes as indicated. (N/A= Not Applicable)	OWRD #	<u>1L-1889</u>
	Fee-	

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

Check all items included with this application. (N/A = Not Applicable)

☒ Yes

Part 1 – Completed Minimum Requirements Checklist and Application Fee

Fees

☐ \$610.00 for a lease involving **four or more landowners or four or more water rights**

☒ \$410.00 for all other leases

☐ Check enclosed or

☐ Fee Charged to customer account _____ (account name)

☐ Yes

Part 2 – Completed Instream Lease Application Map Checklist.

☒ Yes

Part 3 – Completed Water Right and Instream Use Information
Include a separate **Part 3** for **each water right**

☐ Yes

Part 4 – Completed Instream Lease Provisions and Signatures

☒ Yes

How many water rights are leased? 3

List them here: C-60396, C48321, C-48322

Include a separate **Part 3** for each **water right**.

☒ Yes ☐ N/A

Other Water Rights, if any, appurtenant to the lands involved in the lease application and not proposed to be leased instream?

List those other water rights here: C-70009 ST SW, C-60332 IS GW

☐ 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: _____)?

Attachments:

☒ Yes ☐ N/A **Map:** Instream Lease map requirements (see Part 2 of this application)

☒ Yes ☐ N/A **Tax Lot Map:** If a portion of the water right *not included in the lease* is appurtenant to lands owned by others, a tax lot map must be included with the lease application. The tax lot map should clearly show the property involved in the lease.

☒ Yes ☐ N/A Supporting documentation describing why a right (or portion thereof) is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years. This information only needs to be provided if the checkbox has been checked to identify that the water right has not been used in the last five years and is not subject to forfeiture (See Part 4 of 4).

☐ Yes ☒ N/A If the Lessor (water right holder) is not the deeded landowner - provide one of the following.

- A notarized statement from the landowner consenting to the lease and a copy of the recorded deed; or.
- A water right conveyance agreement and a copy of the recorded deed for the landowner at the time the water right was conveyed; or

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- Other documentation which provides authority to pursue the lease absent consent of the landowner.

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Part 2 of 4 – Instream Lease Application Map Checklist

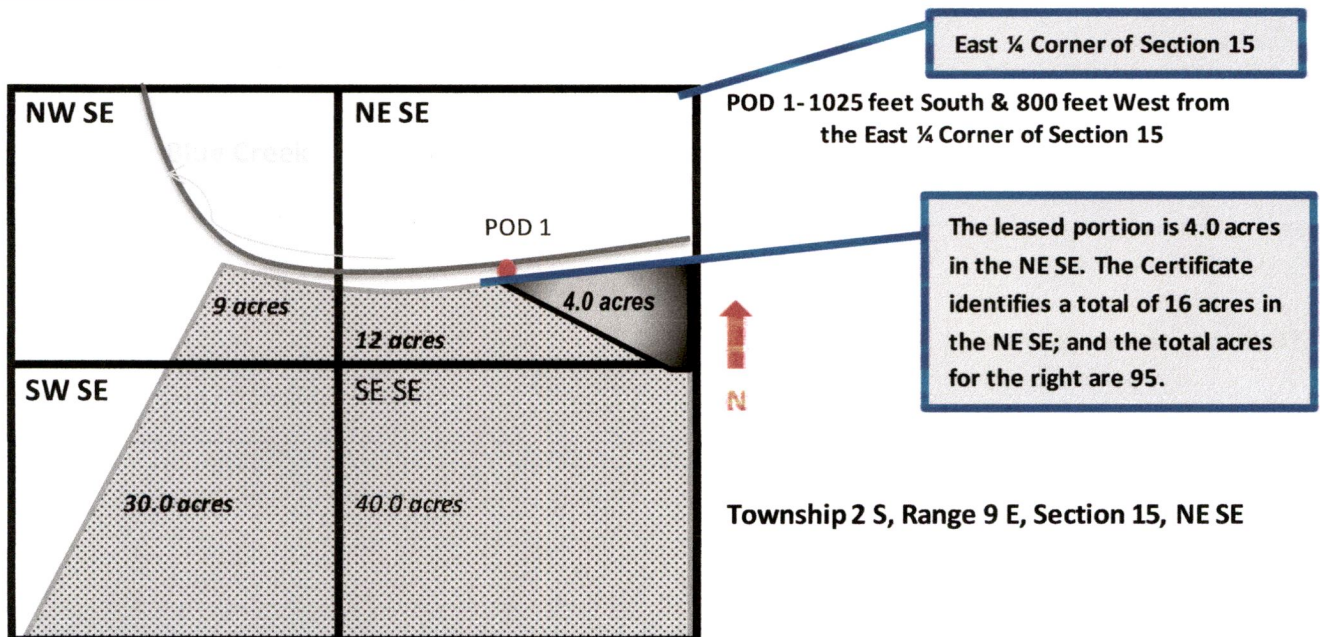
A Map is generally required for each water right not leased in its entirety

The application map (if required) should include all the items listed below and match the existing water right(s) of record. Check all boxes that apply.

This should be a simple map. (See example below). A copy of a final proof survey map with the portion to be leased shaded or hachured in will also suffice.

- ☒ ☐ N/A A map is required for each water right not leased in its entirety. More than one QQ and property may be included on each map. A map is not required, if leasing the entire right or if the right to be leased is for municipal or quasi-municipal water use.
- ☒ The map should be of sufficient quality to be reproducible. Please do not use highlighters to mark items on the map as highlighters do not always copy.
- ☒ A North arrow and map scale (no smaller than 1" = 1320').
- ☒ Township, Range, Section, quarter quarter (QQ), and a clearly labeled survey corner.
- ☒ For irrigation or other similar use, the number of acres to be leased in each quarter-quarter clearly labeled and hachured to differentiate between the acres being leased and any remaining. If the place of use is broken down by more than one priority date, or source stream, and/or point of diversion you must identify each with separate hachuring and clearly label.
- ☒ If available, identify the existing point(s) of diversion.

EXAMPLE MAP (the darker shaded portion representing the portion leased instream)



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Use a separate Part 3 for each water right to be leased instream

Water Right Information

Water right # C-60396

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

☐ If only leasing a portion of the right - complete Table 1 as indicated ☒ Entirety - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
1894		-	-		-	2300				IL-848, 1396
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: 7.7 Ac.

Table 2

To illustrate the totals for the water right proposed to be leased instream

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
1894 (4/1-5/31)	1,4	IR	7.7	Rate = 1/40 th Duty 4 Ac. Ft.	0.192	15.4
1894 (6/1-9/30)	1,4	IR	7.7	Rate = 1/80 th Duty 4 Ac. Ft.	0.096	15.4

Total af from storage, if applicable: _____ AF or ☒ N/A

Any additional information about the right: _____ limit of 1 af/ac per calendar month to June 1, and 4 Ac.Ft. Total

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1 upper	8S	23E	13	SW SW	2300	310' N. and 400' E. from the SW Cor. of Sec. 13
4 middle	8S	23E	23	NE NE	2300	580' S. and 650' W. from the SW Cor. of Sec. 13

☐ Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Instream Use Information**Table 4**

Instream Use Created by the Lease						
River/ Stream Name: <u>Alder Cr.</u> , tributary to <u>John Day River</u>					River Basin: <u>John Day</u>	
Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.						
Priority date	POD #	Use	Acre	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
1894	1	IR	7.7	4/1-5/31	0.072	15.4
1894	1	IR	7.7	6/1-9/30	0.072	15.4
Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.						
OR ☐ Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
Instream Reach						
Proposed Instream Reach: ☐ A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				Or Proposed Instream Point: ☒ Instream use protected at the POD		
OR ☐ 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.)						
Additional Instream Information						
☐ Yes ☒ N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____ Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

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Use a separate Part 3 for each water right to be leased instream

Water Right Information

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Water right # C-48321

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

☒ If only leasing a portion of the right - complete Table 1 as indicated ☐ Entirety - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
8/13/1965	1, 4	8S	23E	13	SW SW	2300		9.5	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	14	SE SE	2300		0.2	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	23	NE NE	2300		3.7	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	24	NW NW	2300		10.0	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	23	SE NE	2301		5.14	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	23	NE SE	2301		1.2	IR	IL-800, 1396
8/13/1965	1, 4	8S	23E	23	NW SE	2301		23.0	IR	IL-800, 1396

Total Acres: 52.74 Ac.

Table 2

To illustrate the totals for the water right proposed to be leased instream

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
8/13/1965	1,2	IR	52.74	Rate = 1/40 th Duty 4 Ac. Ft. (4/1-9/30)	0.63	210.96

Total af from storage, if applicable: _____ AF or ☒ N/A

Any additional information about the right: This is a deficient water right. If proportioned, the max rate would be 0.50 CFS

Table 3

Point of Diversion (POD) description: 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(s) involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
1 upper	8S	23E	13	SW SW	2300	310' N. and 400' E. from the SW Cor. of Sec. 13
2 lower	8S	23E	23	NW SE	2301	3,060' S. and 2,100' W. from the NE Cor. of Sec. 23

☐ Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

Part 3 of 4 cont. – Water Right and Instream Use Information

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Instream Use Information

Table 4

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Instream Use Created by the Lease																																		
River/ Stream Name: <u>Alder Cr.</u> , tributary to <u>John Day River</u>				River Basin: <u>John Day</u>																														
Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments. <table border="1"> <thead> <tr> <th>Priority date</th> <th>POD #</th> <th>Use</th> <th>Acres</th> <th>Proposed Instream Period</th> <th>Total instream rate (cfs)</th> <th>Total instream volume (af)</th> </tr> </thead> <tbody> <tr> <td>8/13/1965</td> <td>1,4</td> <td>IR</td> <td>52.74</td> <td>Rate = 1/40th Duty 4</td> <td>0.50</td> <td>210.96</td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table> Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.							Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)	8/13/1965	1,4	IR	52.74	Rate = 1/40 th Duty 4	0.50	210.96														
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8/13/1965	1,4	IR	52.74	Rate = 1/40 th Duty 4	0.50	210.96																												
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Instream Reach																																		
Proposed Instream Reach: ☐ A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				Or Proposed Instream Point: ☒ Instream use protected at the POD																														
OR ☐ 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.)																																		
Additional Instream Information																																		
☐ Yes ☒ N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____ Note: The Department may identify additional conditions to prevent injury and/or enlargement.																																		
Any additional information about the proposed instream use: _____																																		

Water Right Information

Water right # C-48322

Table 1

Water Right Information: Provide a description of the originating water right to be leased. Also include your tax lot number(s). Fill in all applicable information. For example, if your water right has multiple points of diversion (POD) but they're not numbered, you do not need to include a number. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 1). Please clearly label any attachments.

☒ If only leasing a portion of the right - complete Table 1 as indicated ☐ Entirety - If the entire water right is to be leased, skip to Table 3.

Priority Date	POD #	Twp	Rng	Sec	Q-Q	Tax Lot	Gov't Lot/DLC	Acres	USE	Previous Lease # (if any)
EXAMPLE										
12/2/1901	3	2-S	9-E	15	NE SE	100	47	4.0	IR	IL-1100
2/24/1975	2	8S	23E	23	NE NE	2300		0.8	IR	IL-337, 848, 1396
2/24/1975	2	8S	23E	23	SE NE	2301		0.2	IR	IL-337, 848, 1396
2/24/1975	2	8S	23E	23	SW NE	2301		2.2	IR	IL-337, 848, 1396
2/24/1975	2	8S	23E	23	NE SE	2301		0.8	IR	IL-337, 848, 1396

Total Acres: 4.4 Ac.

Table 2**To illustrate the totals for the water right proposed to be leased instream**

Total rate and volume by priority date, POD, use and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 2). Please clearly label any attachments. (cfs = cubic feet per second and af = acre-feet)

Priority Date	POD #	Use	Total Acres	Other Information (such as conditions/limitations on the right)	Total Rate (cfs)	Total Volume (af)
2/24/1975	4 mid	IR	4.4	Rate = 1/40 th Duty 4 Ac. Ft. (4/1-9/30)	0.50	210.96

Total af from storage, if applicable: _____ AF or ☒ N/A

Any additional information about the right:

Table 3

Point of Diversion (POD) description: 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(s)** involved in the lease must be described. If not enough room below, you may add additional rows (see instructions) or attach spreadsheet (matching Table 3). Please clearly label any attachments.

POD #	Twp	Rng	Sec	Q-Q	DLC/ Gov't lot	Measured Distances, latitude/longitude coordinates, or river mile (if unknown you may indicate "unknown")
4 middle	8S	23E	23	NE NE	2300	580' S. and 650' W. from the SW Cor. of Sec. 13

☐ Please check this box if you don't know the location of the POD(s) and want the Department to identify the location of the POD(s) for the purpose of the instream lease.

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Instream Use Information**Table 4**

Instream Use Created by the Lease						
River/ Stream Name: <u>Alder Cr.</u> , tributary to <u>John Day River</u>					River Basin: <u>John Day</u>	
Instream Portion: Use Table 4 to illustrate the instream rate, volume and instream period by priority date, POD (if more than one), Use (if more than one), and acreage as appropriate considering the right to be leased. If not enough room below, you may add additional rows (see instructions) or attach a spreadsheet (matching the below portion of Table 4). Please clearly label any attachments.						
Priority date	POD #	Use	Acre	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
<u>2/24/1975</u>	<u>2</u>	<u>IR</u>	<u>4.4</u>	<u>Rate = 1/40th Duty 4</u>	<u>0.50</u>	<u>210.96</u>
Note: If not certain of the instream rate, volume and/or instream period, see the instructions and/or contact Department Staff for assistance. The instream rate and volume may be up to the maximum rate and duty/volume allowed by the right, as described in Table 2 or on your Certificate if leasing the entire right. The proposed instream period may be no longer than the irrigation season or the authorized period of allowed use.						
OR ☐ Please check this box if you are not sure of the proposed rate, volume and instream period. As part of its review process, the Department will identify the appropriate instream rate, volume and period considering the water right(s) being leased and instream benefits.						
Instream Reach						
Proposed Instream Reach: ☐ A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____				Or Proposed Instream Point: ☒ Instream use protected at the POD		
OR ☐ 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.)						
Additional Instream Information						
☐ Yes ☒ N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____						
Note: The Department may identify additional conditions to prevent injury and/or enlargement.						
Any additional information about the proposed instream use: _____						

Term of the Lease (may be from 1 year up to 5 years):

The lease is requested to begin in: month April year 2022 and end: month September year 2027

Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.

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Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):

- ☒ Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.
☐ Recreation
☐ Pollution abatement
☐ Navigation

Termination provision (for multiyear leases):

The parties to the lease request (choose one):

- ☒ 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.
☐ b. The option of terminating the lease prior to expiration of the full term, with consent by all parties to the lease.
☐ c. The parties would not like to include a Termination Provision.

(See instructions for limitations to this provision)

Additive/Replacing Relationship to other instream water rights: Instream leases are generally additive to other existing instream water rights created as a result of instream leases, transfers and/or allocations of conserved water. Since instream leases are also generally senior to other instream rights created through a state agency process or conversion of minimum flows, they generally replace a portion of these junior instream rights.

If you would like this lease to relate to other instream water rights differently, please check this box. ☐

And attach an explanation of your intent.

Validity of the Right(s) to be leased (check the appropriate box):

- ☒ 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; or
☐ The water right(s) have not been used for the last five years according to the terms and conditions of the right(s). However, the water right(s) is not subject to forfeiture under ORS 540.610(2). Documentation describing why the water right(s) is not subject to forfeiture is provided.

Precedent: If a right which has been leased is later proposed to be leased again or later transferred or become part of an allocation of conserved water project, a new injury review shall be required. An instream lease shall not set a precedent on a future transaction.

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 water right holder(s) of the right(s) described in this instream lease application. If not the deeded landowner, I/we have provided documentation with the lease application that I/we have authorization to pursue the lease application and/or have obtained consent from the deeded landowner; and
3. All parties affirm that information provided in this lease application is true and accurate.



Signature of Lessor

Date: 10-28-21

Printed name (and title): Reed Gibson
Ranch LLC

Business name, if applicable: Harbor Properties Robinson

Mailing Address (with state and zip): PO Box 14397 Portland, OR 97293

Phone number (include area code): (503) 473-6832 **E-mail address: reedgibson@msn.com

See next page for additional signatures.

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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: _____

Signature of Lessee

Date: _____

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

Phone number (include area code): _____ **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 TO THE LESSOR.**

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Instream Lease Application Information and Instructions

Helpful Links	If you are unsure or need assistance with your Application Contact us at 503-986-0900 or the Watermaster for your District
Watermasters in Oregon	https://www.oregon.gov/owrd/aboutus/contactus/Pages/RegionalOfficesandWatermastersDirectory.aspx
Instream Leasing Forms	https://www.oregon.gov/owrd/Forms/Pages/default.aspx?wp1278=se:%22instream+lease%22
Fee Schedule	https://www.oregon.gov/owrd/WRDFormsPDF/fee_schedule.pdf
Water Rights Information	https://apps.wrd.state.or.us/apps/wr/wrinfo/
Additional Water Rights	https://apps.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx
Water Rights Public Notice	https://apps.wrd.state.or.us/apps/misc/wrd_notice_view/?notice_id=21
OAR: Chapter 690 Division	https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=3169

Application Instructions: Part 1 of 4

Eligible Water Rights: Surface or Storage water rights subject to Instream Lease include: **RECEIVED**

1. Certificated rights.
2. Adjudicated rights evidenced by a court decree.
3. Permits or transferred rights upon which satisfactory proof has been made.
4. Conserver's portion of conserved water allocation under ORS 537.445 to 537.500.
5. Secondary water rights for the use of stored water.
6. A Determined Claim in the Upper Klamath Basin determined and established in an order of determination certified by the Water Resources Director under ORS 539.130.

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Only valid rights are eligible to be leased to instream use.

- A water right that has not been used for five or more years may no longer be valid under Oregon law. Municipal water rights are the exception.
- If the Department reasonably suspects the right may no longer be valid, it may require an affidavit attesting to the use, along with supporting documentation, and/or deny the lease as incomplete.
- If a water right hasn't been used for five or more years, you may also be able to demonstrate that it's not subject to forfeiture if you qualify for one of the provisions under ORS 540.610(2).

Deadline for submission: All Instream Lease Applications have deadlines for submittal. A water right with a seasonal use (such as irrigation) must be submitted prior to July 1; a water right with a year round use (such as industrial use) must be received prior to October 1.

Fee: Include the appropriate fee by check or money order made out to the Oregon Water Resources Department. You may also designate an appropriate customer account, if you have one, from which the fee should be deducted. Generally, the Lessee may have an account already set up with the Department. Applications received without the proper fee will be returned.

Other Water Rights: It is important to provide an inventory of *all of the water rights appurtenant* to the same lands identified in the lease application. This includes other primary and supplemental rights, even if the rights are still in permit status, and are not included in the lease application. Water rights information can be found via the link above for Water Rights Information Query or the Additional Water Rights Research links above.

Conservation Reserve Enhancement Program (CREP): Indicate if some or all of the lands involved in the lease application are enrolled in the CREP program (or other similar Federal Program). The Department will send a copy of the order approving the lease to the Farm Services Administration

Instream Lease Application Information and Instructions

and other associated parties. If lands involved in the lease are enrolled in another Federal Program, please provide the name of that program in the space provided in Part 1 of 4.

Application Instructions: Part 2 of 4

Please provide a detailed application map as described in Part 2 of 4. If you're leasing an entire right or if the use of water is for municipal or quasi-municipal water use, a map is not required.

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Application Instructions: Part 3 of 4

Water Rights Information (Table 1):

Provide a complete description for each water right, or portion thereof, proposed to be leased instream.

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Please indicate in Table 1 whether the entire right is involved in the lease or only a portion of the right. Then fill out the rest of the Water Right Information as described in Section 3 of 4.

The priority date, type of use, and other information describing the right will be found on your certificate, which can be viewed online (see the link above for Water Rights Information Query).

For example, the priority date is usually located within the first paragraph or two on your Certificate. In the space provided in the lease application to identify the priority date, please include the day, month, if applicable, and year.

(Note: Descriptions of supplemental rights are required only when these rights are also proposed to be leased.)

Application Calculations: It can sometimes be difficult to determine the rate and volume associated with the right to be leased instream, particularly when only leasing a portion of the right. Please do not hesitate to contact the Department or your local Watermaster if you need assistance.

Things to Note (for Table 2):

- ❖ **Acre-feet of storage:** This is the quantity of water released from a reservoir to deliver water to the place of use associated with your water right. If a reservoir is not involved, indicate N/A.
- ❖ **Maximum total rate:** The maximum rate is associated with the right to be leased and should be identified as the total rate of use. For example, for an irrigation right, if 40 acres are being leased instream and the rate per acre limit is described as 1/80 cfs/acre, then the rate would be 0.5 cfs (40 acres * 1/80 cfs/acre). Or if you have an irrigation right where a rate limit per acre is not specified on your certificate, the maximum total rate may be proportioned. For example, an irrigation right for 40 acres that allows the maximum diversion of 1.0 cfs, and you are proposing to lease 10.0 acres. The proportional rate would be 0.25 cfs ((1.0 cfs / 40 ac)*10 ac = 0.25 cfs).
- ❖ **Maximum total volume:** The maximum volume is generally associated with duty of the right to be leased and should be identified as the total volume that may be used over the irrigation season or period of allowed use. For example, if 40 acres are being leased instream and there is a 4.0 acre-feet per acre duty, the maximum duty would be 160 ac-ft (40 acres * 4.0 ac-ft/ac). If no duty is listed on the certificate or in the decree, then "N/A" should be indicated in the Total Volume column in Table 2.

Instream Lease Application Information and Instructions

Basic Calculator (Table 2) (will only work when filling out the application online): If you're still not certain how to fill out Table 2, we have also provided a basic calculator that may be used to calculate certain information associated with your water right. This calculator only works if you're filling out the application online. If you've downloaded the form to your computer, the calculator will not work. Also, this calculator may not work for every water right.

To start, your right should be an irrigation or other similar acreage based right and include a rate per acre and duty per acre limitation. If you have that basic information on your certificate, the below calculator may work for you.

Fill in the numbers in the green shaded boxes with information from your Certificate, specifically the rate per acre (this will be identified as something similar to 1/80th cubic foot per second per acre), and the duty per acre (this will be identified as something similar to 2.5 acre-feet per acre). The formulated boxes will auto-fill the max CFS and total acre feet needed for the rate and volume pieces of Table 2. If your water right is broken down by more than one priority date or point of diversion, for example, you will need to use this table to calculate the maximum rate and volume associated with the acreage for each point of diversion and/or priority date.

You can then take the information provided in the calculator below and use it to fill in Table 2 in Section 3 of 4 of this application.

Certificate Information		Lease Information	
Limitations of Certificate		Total # of Acres Leased	1
shall be limited to (example: 1/80)	1/80	Max CFS	0.01

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Instream Use Information (Table 4): This section is best completed in close consultation with the local Watermaster, who will be responsible for making a number of recommendations relating to the reach, amount, timing and duration of the instream use.

A water right used at its maximum rate for the entire season will frequently exceed the total allowable volume (based on the duty). For the instream use, it's allowable to reduce the instream rate and/or reduce the number of days that water may be protected instream within the irrigation season to prevent enlargement or injury to other water rights. Consultation with the Department's local Watermaster (see link above to locate your local Watermaster) can help you determine the appropriate instream rate, volume, timing and location of a proposed instream use.

Also, the Department, as part of its evaluation process, will determine whether any changes are needed to the proposed instream use to prevent injury and/or enlargement or to maximize the instream benefits.

Application Instructions: Part 4 of 4

Parties to the Lease:

Lessor: This is generally the landowner(s) and is referred to as the water right holder. All water right holders must sign the lease application. The lessor may also be someone that holds interest in the water right or another party that has been granted authorization by the landowner to leases the water right. If the Lessor is not the deeded landowner, additional information must be provided as specified in the application checklist (Minimum Requirements Checklist Part 1 of 4).

Instream Lease Application Information and Instructions

Lessee: Individuals or organizations, which may provide compensation to the Lessor for the leasing of the subject water right instream. The Lessee has the same standing as the Lessor for all purposes regarding management and enforcement of the instream water right.

Co-Lessors: Irrigation districts or other water purveyors must be a party to the lease to which the subject Lands are attached or fall within the boundaries of an Irrigation District, as defined in ORS Chapters 545, 547, 552, 553, or 554, and should be listed as Co-Lessor. If the source of water for the subject lands is stored water, then the owner/operator of the reservoir must also be party to the lease as Co-lessor.

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Please note: If the water right is in the name of an irrigation district (or other similar organization) or if water is conveyed to the subject lands by an irrigation district, this lease application form may not be used. The District Lease Application Form must be used.

Trustee: The Trustee is the Oregon Water Resources Department. If a person leases a right to the State without third party involvement, the Department will also be considered the Lessee.

Valid Signatures: All parties must sign the application. For example, if a husband and wife both appear on a deed, both must sign. If there is insufficient space for all parties to sign the lease application, please follow instructions below to unlock the form and add additional signature space for the lessor, co-lessor, and/or lessee as needed. Or you may also attach an additional signature page.

Term of the lease: The term of the instream lease can be no less than one calendar year and no more than five calendar years. However, there is no limit on the number of times that you may renew your lease if the terms have not changed. (See link to Instream Lease Renewal Form above, which also contains additional information on whether a lease may be renewed)

Generally, the first day of the term of the instream lease is the first day the water can be legally used through the last day the water can be legally used (e.g. the irrigation season). For water rights with year-around season of use the term of the lease would run from January 1 through December 31 and through the last year of term of the instream lease.

Termination provision: For multiyear leases, this provision gives the Lessor(s) and any Lessee an opportunity to request or prohibit an Instream Lease to terminate prior to the scheduled termination date. Unless otherwise specified, the Lessee, if there is one, has the same standing as the Lessor for management of the instream lease.

For instream leases submitted as Mitigation Projects in the Deschutes Groundwater Study Area, termination will be required by all parties to the lease and must be submitted to both the Salem and Bend OWRD offices.

Requests to terminate a lease, may be submitted by e-mail from the appropriate parties identified in the Final Order approving the lease application.

Public Use to be served by the lease: Each lease must provide a public benefit. Please check one or more boxes to identify the public use(s) to be served by the new instream use.

Instream Lease Application Information and Instructions

Additive/Replacing Nature of Instream Water Rights:

- Water rights that are leased instream generally have senior priority dates. Instream rights created by an instream lease are then additive to other instream rights with senior priority dates created as a result of instream lease, transfer and/or allocation of conserved water.
- If there is an existing junior instream right created as a result of a state agency application process or conversation of minimum flows, the instream right created as a result of a lease will generally replace a portion of that existing right with an earlier (senior) priority date.
- However, applicants may request a different relationship to other instream rights than described above. For example, under certain conditions, if the priority date of the instream right to be created by the lease is junior to an existing instream right (created as a result of a state agency application process or minimum flow conversion), the new instream use could be additive to those existing instream rights. In this example, the applicant may need to submit additional information (such as a letter from ODFW, DEQ, or OPRD) describing the instream benefits of making the rights additive.

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Validity of the Rights: The lease applicant must identify whether the right(s) involved in the lease application have been used beneficially in the last five years or are not subject to forfeiture under ORS 540.610(2).

Other General Information:

Watermaster: ORS 540.045(1) – The role of the Watermaster is to regulate the distribution of water among water users from any natural surface or groundwater supply in accordance with the users' existing water rights of record. For an instream lease, the role of the Watermaster generally includes:

- The Watermaster may make a number of recommendations relating to the reach, amount, timing, and duration of the instream use.
- Review factors such as losses, return flow, and consumptive use in determining whether the proposed location of the new use will be allowed.
- Recommend to the Director if and how far the Department can protect the new instream use past the original point of diversion. (In some instances, the new use may need to be broken into reaches of decreasing amounts. The reach below the original point of diversion would be managed like the shepherding of stored water.)
- Identify any conditions to be placed on the new use, which are necessary to prevent or mitigate injury to existing rights.

Abbreviated Process Steps- OARS 690-077-0077

1. Upon receipt of the application: Department staff will assign a number to identify the lease application.
2. The Application will be noticed in the Department's Weekly Notice; initiating a 21-day comment period. Public comments may be submitted within the 21-day comment period addressing any injury or enlargement concerns.

Instream Lease Application Information and Instructions

3. Field staff (generally the Watermaster) is requested to produce a written assessment of whether the application meets the requirements to suspend the original use and avoid injury or enlargement.
4. A caseworker is assigned the application for review.
5. If the Watermaster review indicates that the lease will not result in injury and/or enlargement and no comments are received, the Director may presume that the lease may be approved. However, if the Watermaster review, public comments, or other information indicate that the lease will result in injury and/or enlargement, the Department may modify the lease to prevent the injury and/or enlargement or deny the lease.
6. A final order is completed, signed, and a copy sent to the Lessor and co-lessor and Lessee, if applicable.

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Farm Deferral Tax Status

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Counties make the determination of whether a property qualifies for the farm use assessment without consideration of whether the lands have an associated water right which is leased instream. If you have questions regarding the farm use assessment you should contact your local county assessor. You should contact your County for any weed ordinance and management requirements.

Editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 3 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;

OR

- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab, toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the **"Allow only this type of editing in the document: Filling in forms"** in the "Editing restrictions" section on the right-hand list of options.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 3 and paste as many additional sets of Part 3 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes

Instream Lease Application Information and Instructions

- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 3 and attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page 5 6 of 9 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. If attaching separately produced tables, make sure the table(s) match the ones in the application form and are clearly labeled with the table number and water right number. You may contact the Department at 503-986-0900 and ask for Staff if you have question.

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T.8S. R.23E. W.M.
Wheeler County
1" = 2000'

08S23E

8/24/2021

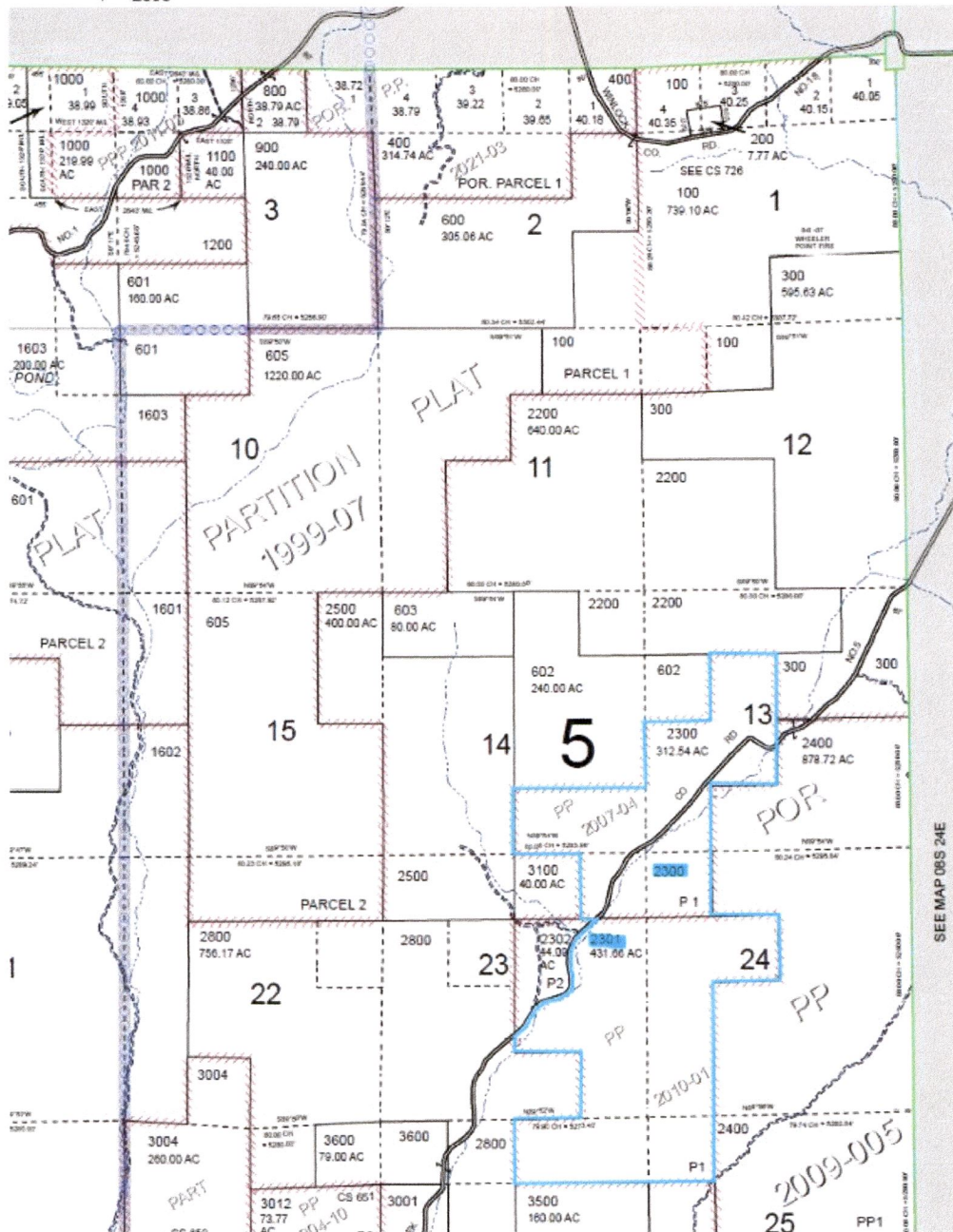
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CANCELLED

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1400
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1600
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1900
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3700
4300 THRU
4500
4701



STATE OF OREGON
COUNTY OF WHEELER
CERTIFICATE OF WATER RIGHT

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THIS CERTIFICATE ISSUED TO

ARTHUR N. ROBISON
ALDER CREEK ROUTE
FOSSIL, OREGON 97830

confirms the right to use the waters of ALDER CREEK, for the purpose of IRRIGATION OF 7.7 ACRES.

The right has been confirmed by decree of the Circuit Court of the State of Oregon for GRANT County. The decree is of record at Salem, in the Order Record of the WATER RESOURCES DIRECTOR, in Volume 15, at page 461. The date of priority is 1894.

The right is limited to not more than 0.192 CUBIC FOOT PER SECOND, (1/40 CFS PER ACRE IRRIGATED) TO JUNE 1 AND 0.096 CFS THEREAFTER, (1/80 CFS PER ACRE), IF AVAILABLE AT THE ORIGINAL POINTS OF DIVERSION SE 1/4 SW 1/4, SECTION 13, NE 1/4 NE 1/4, SECTION 23, T 8 S. R 23 E. W.M.

The points of diversion are located as follows:

SW 1/4 SW 1/4, SECTION 13, NE 1/4 NE 1/4, SECTION 23, T 8 S, R 23 E, W.M.; 310 FEET NORTH & 400 FEET EAST & 580 FEET SOUTH & 650 FEET WEST, BOTH FROM THE SW CORNER SECTION 13.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of not to exceed 1.0 acre-foot per calendar month to June 1 and 4.0 acre-feet per acre during the irrigation season April 1 to September 30.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

SEE NEXT PAGE

SW 1/4 SW 1/4 2.3 ACRES
SECTION 13

NE 1/4 NE 1/4 3.0 ACRES
SE 1/4 NE 1/4 0.2 ACRE
SECTION 23

NW 1/4 NW 1/4 2.2 ACRES
SECTION 24
TOWNSHIP 8 SOUTH, RANGE 23 EAST, W.M.

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This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered FEBRUARY 23, 1977, and supersedes certificate 25363, State Record of Water Right Certificates.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described and shall be subject to all other conditions and limitations contained in said decree.

WITNESS the signature of the Water Resources Director,
affixed this date FEBRUARY 24, 1989.

/s/ WILLIAM H. YOUNG

Water Resources Director

Recorded in State Record of Water Right Certificates numbered 60396

T-3469.BE

STATE OF OREGON

COUNTY OF

WHEELER

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

ARTHUR ROBISON

of Alder Creek Rt., Fossil, State of Oregon, 97830, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Alder Creek

a tributary of John Day River
irrigation of 54.7 acres

for the purpose of

under Permit No. 30826 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from August 13, 1965 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.63 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 13; NW $\frac{1}{4}$ SE $\frac{1}{4}$, Section 23, T. 8 S., R. 23 E., W. M., No. 1-310 feet North and 400 feet East from the SW Corner, Section 13; No. 2-3060 feet South and 2100 feet West from the NE Corner, Section 23

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

9.5 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 13
0.2 acre SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 14
3.7 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
1.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
5.4 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.2 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
1.2 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
23.0 acres NW $\frac{1}{4}$ SE $\frac{1}{4}$
Section 23
10.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 24
T. 8 S., R. 23 E., W. M.

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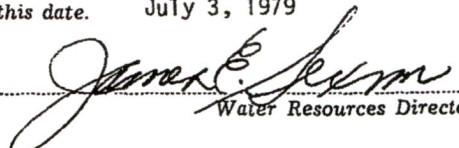
NOV 01 2021

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. July 3, 1979

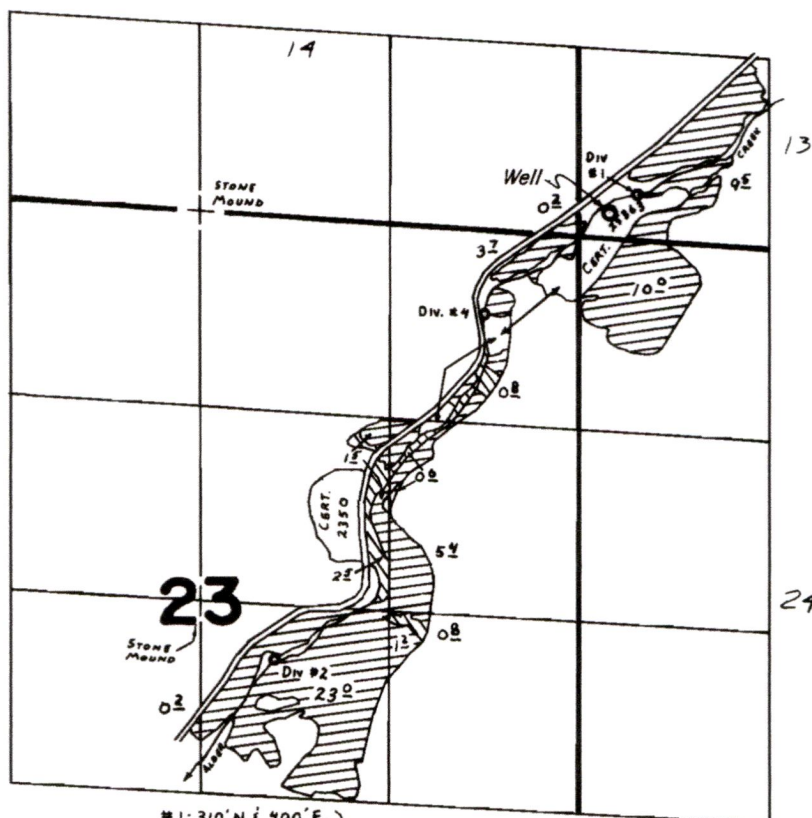

Water Resources Director

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T8S. R23E. WM.



Div. Pts. Loc: #1-310° N. 400' E. } ALL FROM NE. COR. SEC. 23.
#2-3060° S. 2100' W. }
#7-580° S. 650' W. }

App. # 41229

App. # 52798

Well Loc: 150° N. 9 210° E from NE Corner Section 23

FINAL PROOF SURVEY UNDER

TRANSFER NO. 3469

G-7426

G-6925

52798

39852

Application No. 41229 Permit No. 30826

IN NAME OF

ARTHUR ROBISON

Surveyed AUG. 6 1974, by L. H. NUNN

JUNE 6 1975

L. TOLL

AUG 25 1976

D. NORBY

AUG. 14, 1979

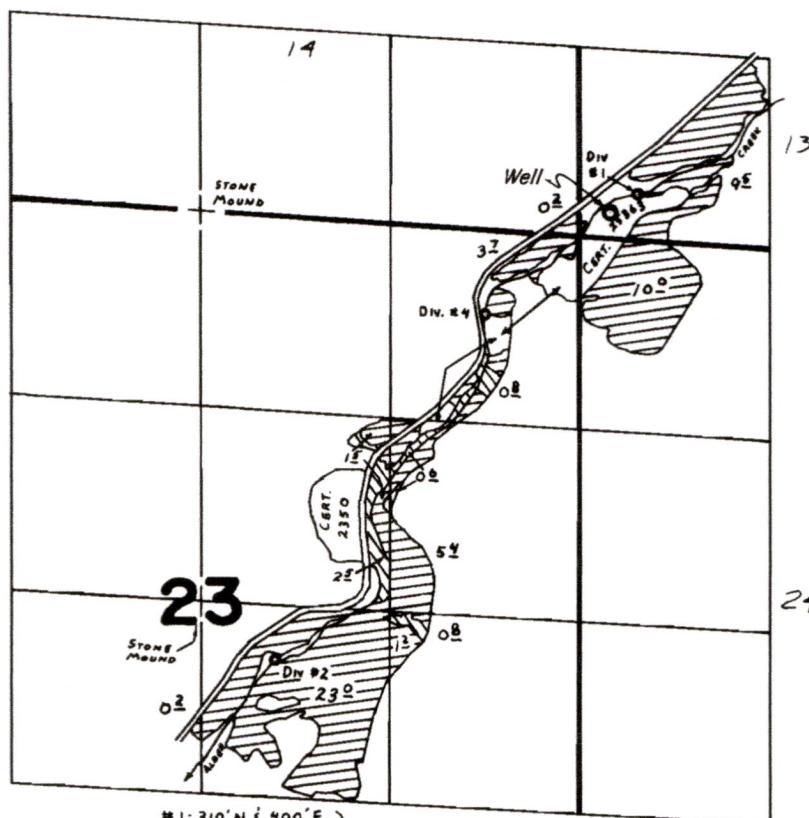
[Signature]

RECEIVED

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T8S. R23E. WM.

OWRD



Div. Pts. Loc: #1-310'N. & 400'E. } ALL FROM NE. COR. SEC. 23.
#2-3060'S. & 2100'W. }
#3-580'S. & 650'W. }

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L. TOLL

AUG 25 1976

D. NORBY

AUG. 14, 1979

[Signature]

STATE OF OREGON

COUNTY OF

WHEELER

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CERTIFICATE OF WATER RIGHT

OWRD

This Is to Certify, That ARTHUR N. ROBISON

of Alder Creek Rt., Fossil, State of Oregon, 97830, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Alder Creek

a tributary of John Day River for the purpose of irrigation of 4.7 acres

under Permit No. 39852 and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 24, 1975 that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.12 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ NE $\frac{1}{4}$, Section 23, T. 8 S., R. 23 E., W. M., No. 4-580 feet South and 650 feet West from the NE Corner, Section 23

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-fortieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 4 acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

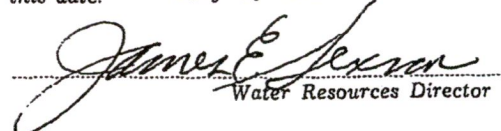
0.8 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
2.5 acres SW $\frac{1}{4}$ NE $\frac{1}{4}$
0.6 acre SE $\frac{1}{4}$ NE $\frac{1}{4}$
0.8 acre NE $\frac{1}{4}$ SE $\frac{1}{4}$

Section 23
T. 8 S., R. 23 E., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described and is subject to the existing minimum flow policies established by the Water Policy Review Board.

WITNESS the signature of the Water Resources Director, affixed

this date. July 3, 1979

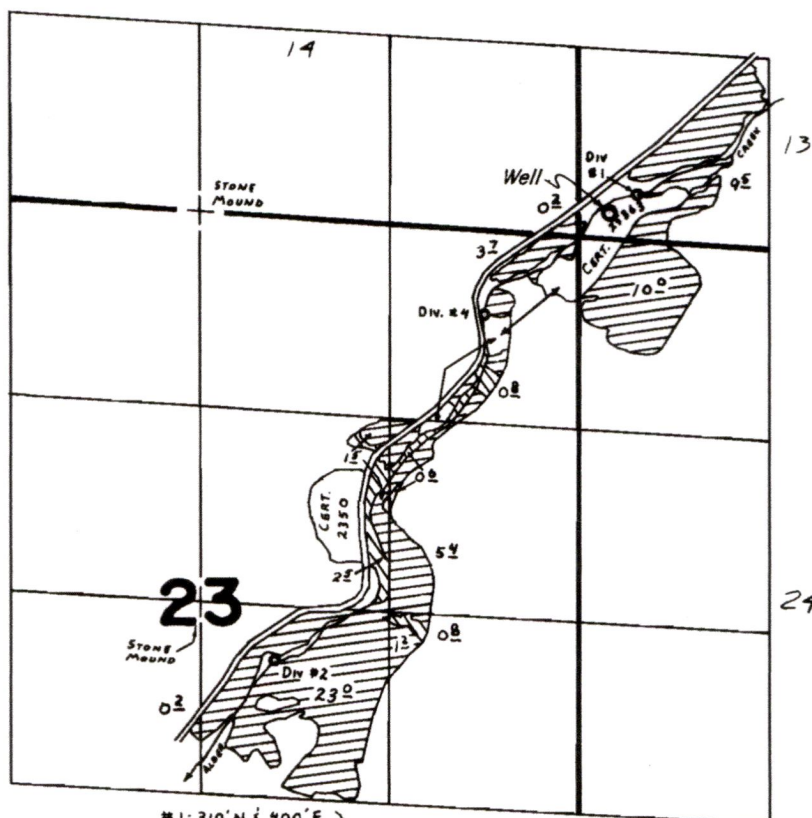

Water Resources Director

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T8S. R23E. WM.

OWRD



Div. Pts. Loc: #1-310'N. & 400'E. } ALL FROM NE. COR. SEC. 23.
#2-3060'S. & 2100'W. }
#3-580'S. & 650'W. }

App. # 41229

App. # 52798

Well Loc: 150'N. & 210'E from NE Corner Section 23

FINAL PROOF SURVEY UNDER

TRANSFER NO. 3469

G-7426

G-6925

52798

39852

Application No. 41229 Permit No. 30826

IN NAME OF

ARTHUR ROBISON

Surveyed AUG. 6 1974, by L. H. NUNN

JUNE 6 1975

L. TOLL

AUG 25 1976

D. NORBY

AUG. 14, 1979

[Signature]

SELLER'S NAME AND ADDRESS:

SUSAN M. WILLIAMS
43863 Alder Creek Road
Fossil, OR 97830

BUYER'S NAME AND ADDRESS:

ROBISON RANCH, LLC
c/o REED G. GIBSON
PO Box 14397
Portland, OR 97293

AFTER RECORDING, RETURN TO:

ROBISON RANCH, LLC
(Address above)

UNTIL REQUESTED OTHERWISE,

SEND ALL TAX STATEMENTS TO:

ROBISON RANCH, LLC
(Address above)

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WARRANTY DEED - STATUTORY FORM

SUSAN M. WILLIAMS, Grantor, hereby conveys and warrants to HARBOR PROPERTIES - ROBISON RANCH, LLC, Grantee, the following described real property, situated in Wheeler County, Oregon, to-wit:

Township 8 South, Range 23 East of the Willamette Meridian, including Portions of Sections 13, 14, 23 and 24, further described as:

Parcel #1, Land Partition Number 2007-004, as shown on the plat thereof on file and of record in the Office of the County Clerk of Wheeler County, Or.

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 OF CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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.

The true consideration for this conveyance is \$300,000.00.

DATED this 15 day of May, 2015.


SUSAN M. WILLIAMS

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STATE OF OREGON, County of Crook) ss.

Personally appeared the above named Susan M. Williams and acknowledged the foregoing instrument to be her voluntary act and deed.



NOTARY PUBLIC FOR OREGON



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GRANTOR'S NAME AND ADDRESS:

Gary E. and Gayle M. Lockwood
2270 Dorchester Drive S.
Salem, OR 97302

GRANTEE'S NAME AND ADDRESS

Reed Gibson
PO Box 14397
Portland, OR 97293-0397
AFTER RECORDING RETURN TO:
GILLIAM WHEELER ESCROW LLC
PO BOX 474
CONDON, OR 97823
**UNTIL CHANGE IS REQUESTED ALL
TAX STATEMENTS SHOULD BE SENT
TO THE FOLLOWING ADDRESS:**
GRANTEE

WHEELER COUNTY, OREGON 2012-0123
05/22/2012 09:13:35 AM
Total: \$40.00



00001786201200001230020021

Barbara S. Satter - County Clerk
I hereby certify that the instrument identified by the number
recorded in this report is correct.

Barbara S. Satter - County Clerk

FOR RECORDERS USE ABOVE LINE

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That GARY E. LOCKWOOD and GAYLE M. LOCKWOOD, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by REED GIBSON, hereinafter called the grantee, does hereby grant, bargain, sell and convey 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 Wheeler and State of Oregon, described as follows, to-wit:

SEE ATTACHED LEGAL DESCRIPTION EXHIBIT "A"

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances; EXCEPT: Those of public record and exceptions as listed on page two of this deed.

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 paid for this transfer, stated in terms of dollars, is \$225,000.00. In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 17th day of May, 2012; if a corporate grantor, it has caused its name to be signed and its seal 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 PERSONS 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 SECTION 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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.

x Gary E. Lockwood x Gayle M. Lockwood

STATE OF OREGON County of MARION)ss.

This instrument was acknowledged before me on May 17, 2012,

BY GARY E. LOCKWOOD AND GAYLE M. LOCKWOOD.

NOTARY PUBLIC FOR:

My commission expires: FEB 06, 2015



2012-0123 pg. 1 of 2

EXHIBIT "A"
Legal description

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WHEELER COUNTY, OREGON

OWRD

In Township 8 South, Range 23 East, W.M.:

Sections 23, 24, 25 & 26: PARCEL NO. 1 of Land Partition No. 2010-01 as shown on the plat thereof on file and of record in the Office of the County Clerk of Wheeler County, Oregon.

Exceptions:

1. Any rights of way for public utilities crossing the described lands.
2. The rights of the public and of governmental bodies in and to any portion of the described lands lying within the limits of roads; Limits on access, if any, to Alder Creek County Road No. 5.
3. This property has been zoned or qualified for "Farm Use" tax deferment. In the event the property is disqualified for such deferment, the property will be subject to additional taxes, interest and possible statutory penalty.
4. Rights of the public and governmental bodies in and to that portion of the premises herein described lying below the high water mark of all streams, lakes and ponds.
5. Mineral Reservation, including the terms and provisions thereof, as contained in that certain Patent recorded May 21, 1932 in Wheeler County Deed Book 19, page 633, in favor of the United State of America. The disclosure of this patent reservation notwithstanding, a forthcoming policy will not insure against the reservations or exceptions in patents or acts authorizing the issuance thereof.
6. Telephone Line Right-of-Way Easement, including the terms and provisions thereof, recorded February 6, 1987 in Wheeler County Deed Records as microfilm No. M-37-800, in favor of Telephone Utilities of Eastern Oregon, Inc., its successors and/or assigns.
7. Right-of-Way Easement, including the terms and provisions thereof, dated August 11, 2008, recorded September 18, 2008 in Wheeler County Deed Records as No. 20080308. Grantors: Randy and Judy Seely. Grantee: Columbia Power Cooperative Association, Inc., its successors and assigns.
8. Right-of-Way Easement, including the terms and provisions thereof, dated June 25, 1952, recorded August 28, 2009 in Wheeler County Deed Records as No. 2009-0226. Grantor: Charles McQuinn. Grantee: Columbia Power Cooperative Association, Inc., its successors and assigns.
9. Right-of-Way Easement, including the terms and provisions thereof, recorded August 28, 2009 in Wheeler County Deed Records as No. 2009-0227. Grantor: Charles B. McQuinn. Grantee: Columbia Power Cooperative Association, Inc., its successors and assigns.
10. Easement, including the terms and provisions thereof, recorded January 31, 2011 in Wheeler County Deed Records as No. 2011-0035. Grantors: A. Randall and Judith L. Seely. Grantee: Lawrence L. Seidel.