

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-1918</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	<input type="checkbox"/> \$610.00 for a lease involving four or more landowners or four or more water rights	<input checked="" type="checkbox"/> \$410.00 for all other leases
	<input checked="" type="checkbox"/> Check enclosed or	
	<input type="checkbox"/> Fee Charged to customer account _____ (account name)	

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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: 51638, 20747, 20748**
 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: _____

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

Part 2 of 4 – Instream Lease Application Map Checklist

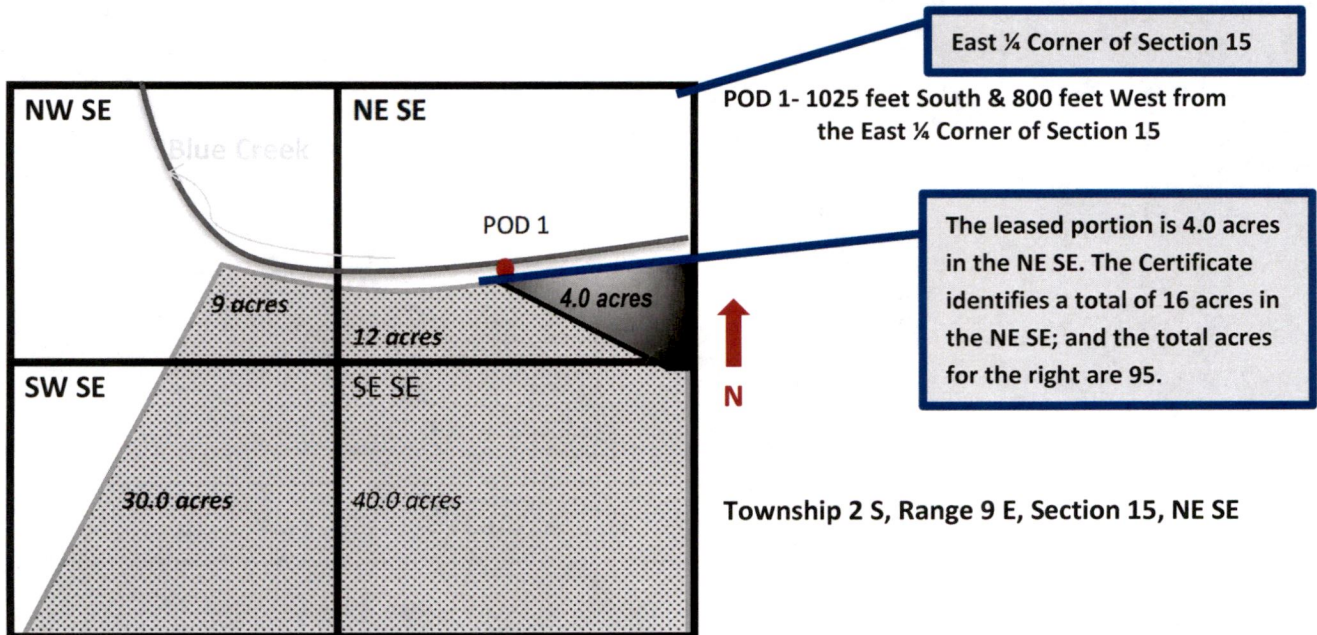
A Map is generally required for each water right not leased in its entirety

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 # 51638

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
7/31/1967	1	27s	3w	4	SWNW	200		4.0	IR	IL-1160
7/31/1967	1	27s	3w	4	SENE	200		4.7	IR	IL-1160
7/31/1967	2	27s	3w	4	NESE	200		3.5	IR	IL-1160
7/31/1967	3	27s	3w	5	SENE	100		3.1	IR	IL-1160
7/31/1967	3	27s	3w	5	NWSE	100		20.0	IR	IL-1160
7/31/1967	3	27s	3w	5	SWSE	100		0.6	IR	IL-1160
7/31/1967	4	27s	3w	5	NWSE	100		3.6	IR	IL-1160
7/31/1967	4	27s	3w	5	SWSE	100		4.8	IR	IL-1160
7/31/1967	5	27s	3w	8	NWNW	900		1.2	IR	IL-1160
7/31/1967	5	27s	3w	8	SWNW	900		2.2	IR	IL-1160
7/31/1967	6 & 6A	27s	3w	8	SWNW	900		4.6	IR	IL-1160
7/31/1967	7	27s	3w	5	NENE	101	Lot 1	1.0	IR	IL-1160
7/31/1967	7	27s	3w	5	NWNE	101	Lot 2	15.3	IR	IL-1160
7/31/1967	7	27s	3w	5	SWNE	101		15.6	IR	IL-1160
7/31/1967	7	27s	3w	5	SENE	101		2.8	IR	IL-1160
7/31/1967	7	27s	3w	5	NENW	101	Lot 3	2.2	IR	IL-1160
7/31/1967	7	27s	3w	5	SENE	101		6.8	IR	IL-1160
7/31/1967	7	27s	3w	5	NWSE	101		2.0	IR	IL-1160
7/31/1967	9	26s	3w	32	SWSE	400		6.75	IR	IL-1160

Total Acres: 104.75

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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)
7/31/1967	1	IR	8.7		.087	21.75
7/31/1967	2	IR	3.5		.035	8.75
7/31/1967	3	IR	23.7		.237	59.25
7/31/1967	4	IR	8.4		.084	21.0
7/31/1967	5	IR	3.4		.034	8.50
7/31/1967	6 & 6A	IR	4.6	*see cert*	.046	11.50
7/31/1967	7 & 9	IR	52.45	*see cert*	.525	131.13
Total af from storage, if applicable: _____ AF or <input checked="" type="checkbox"/> N/A						
Any additional information about the right: From cert. Quantity shall not exceed 0.06 cfs, from both sources.						

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	27-s	3w	4	SW - NW		1670' South and 550' East from the NW Corner, Section 4
2	27-s	3w-	5	SW - NW		2250' South and 450' East from NW Corner, Section 4
3	27s	3w	5	NESE		1380' North and 700' West from SE Corner, Section 5
4	27s	3w	5	NESE		1070' North and 1750' West from SE Corner, Section 5
5	27s	3w	8	SENW		1750' South and 1100' West from N ¼ Corner, Section 8
6	27s	3w	8	SWNW		1480' South and 80' East from NW Corner, Section 8
6A	27s	3w	8	SWNW		1780' South and 940' East, from NW Corner, Section 8
7	27s	3w	5	NWNE		1290' South and 2590' West from NE Corner, Section 5
9	26s	3w	32	SWSE		50' North and 2250' West from NE Corner, Section 5
<input type="checkbox"/> 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

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Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Unnamed Stream & Fall Creek</u> , tributary to <u>Little River</u>					River Basin: <u>Umpqua</u>	
<p>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.</p> <p>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.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
<p>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.</p>						
<p>OR <input checked="" type="checkbox"/> 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.</p>						
Instream Reach						
<p>Proposed Instream Reach:</p> <p><input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____</p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <input checked="" type="checkbox"/> 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.)</p>						
Additional Instream Information						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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

Water Right Information

Water right # 20748

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
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

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Total Acres: _____

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)

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")
1	27-S	3-W	8	NE-NW	3	No measured distances on Cet 20748
	-	-		-		

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>Unnamed Stream, tributary to Fall Creek</u>				River Basin: <u>Umpqua</u>		
<p>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.</p> <p>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.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
1949	1	DI	1/2	Jan 1-Dec31	.01	1.25
Instream Reach						
<p>Proposed Instream Reach:</p> <p><input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____</p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <input checked="" type="checkbox"/> 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.)</p>						
Additional Instream Information						
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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

Water Right Information

Water right # 20747

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.

<input type="checkbox"/> If only leasing a portion of the right - complete Table 1 as indicated					<input checked="" type="checkbox"/> 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
		-	-		-					
		-	-		-					
		-	-		-					
		-	-		-					

Total Acres: _____

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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)

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")
1	27-S	3-W	5	SW-SE		No measured Distances
	-	-		-		

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>UNNAMED</u> , tributary to <u>FALL CREEK</u>				River Basin: <u>UMPOVA</u>		
<p>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.</p> <p>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.</p>						
Priority date	POD #	Use	Acres	Proposed Instream Period	Total instream rate (cfs)	Total instream volume (af)
1949	1	DO		Jan 1-Dec31	.01	1.25
<p>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.</p>						
<p>OR <input type="checkbox"/> 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.</p>						
Instream Reach						
<p>Proposed Instream Reach:</p> <p><input type="checkbox"/> A reach typically begins at the point of diversion (POD) and ends at the mouth of the source stream: From the POD to _____</p>				<p>Or Proposed Instream Point:</p> <p><input type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <input checked="" type="checkbox"/> 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.)</p>						
Additional Instream Information						
<p><input type="checkbox"/> Yes <input type="checkbox"/> N/A Conditions to avoid enlargement or injury to other water rights, if any, or other limitations: list here _____</p> <p>Note: The Department may identify additional conditions to prevent injury and/or enlargement.</p>						
<p>Any additional information about the proposed instream use: _____</p>						

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Part 4 of 4 – Lease Provisions and Party Signatures

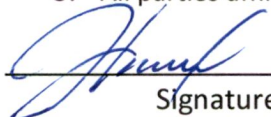
<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>3/1</u> year <u>2022</u> and end: month <u>10/31</u> year <u>2026</u> Note: The begin month is generally the first month of the irrigation season and the end month is the last month in the irrigation season. If not an irrigation right, this would be the first and last month of your authorized period of allowed use.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input type="checkbox"/> Recreation</p> <p><input type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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; or</p> <p><input type="checkbox"/> 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.</p>	

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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: 3-30-22
 Printed name (and title): Jeffrey A. MORNARICH Business name, if applicable: _____
 Mailing Address (with state and zip): 837 WILBUR RD, ROSEBURG, OR 97470
 Phone number (include area code): 541-673-5541 **E-mail address: jeff@ROSEBURGLAW.CO
See next page for additional signatures.

Carma L Mornarich

Date: 4/5/22

Signature of Co-Lessor

Printed name (and title): CARMA L. MORNARICH

Business/organization name: _____

Mailing Address (with state and zip): 837 WILBUR RD, ROSEBURG, OR 97470

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

541-643-9055

jeffcarma@outlook.com

Date: _____

Signature of Lessee

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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Part 4 of 4 – Lease Provisions and Party Signatures

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

The lease is requested to begin in: month 6 year 2022 and end: month 2 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.

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

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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.

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).

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.

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.
3. All parties affirm that information provided in this lease application is true and accurate.

Signature of Lessor: Charles H. Sheldon
Date: 3/31/22
Printed name (and title): CHARLES H. SHELDON, PARTNER
Business name, if applicable: CH SHELDON, LP
Mailing Address (with state and zip): PO BOX 5001, LINDSAY CA 93247
Phone number (include area code): 559-359-5865
**E-mail address: csheldon42@hotmail.com

See next page for additional signatures.

_____ Date: _____

Signature of Co-Lessor

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

_____ Date: _____

Signature of Lessee

Printed name (and title): _____

Business/organization name: _____

Mailing Address (with state and zip): _____

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

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**** 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.**

Part 4 of 4 – Lease Provisions and Party Signatures

<p>Term of the Lease (may be from 1 year up to 5 years): The lease is requested to begin in: month <u>3/1</u> year <u>2022</u> and end: month <u>2/1</u> year <u>2027</u> 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.</p>	
<p>Public use: Check the public use(s) this lease will serve (as defined by ORS 537.332):</p> <p><input checked="" type="checkbox"/> Conservation, maintenance and enhancement of aquatic, fish and wildlife, fish and wildlife habitat and any other ecological values.</p> <p><input type="checkbox"/> Recreation</p> <p><input type="checkbox"/> Pollution abatement</p> <p><input type="checkbox"/> Navigation</p>	<p>Termination provision (for multiyear leases): The parties to the lease request (choose one):</p> <p><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.</p> <p><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.</p> <p><input type="checkbox"/> c. The parties would not like to include a Termination Provision.</p> <p>(See instructions for limitations to this provision)</p>
<p>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.</p> <p>If you would like this lease to relate to other instream water rights differently, please check this box. <input type="checkbox"/> And attach an explanation of your intent.</p>	
<p>Validity of the Right(s) to be leased (check the appropriate box):</p> <p><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; or</p> <p><input type="checkbox"/> 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.</p>	

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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.

Charles H. Sheldon Date: 3/31/22
 Signature of Lessor
 Printed name (and title): Charles H. Sheldon, Partner Business name, if applicable: CH Sheldon, LP
 Mailing Address (with state and zip): PO Box 5001, Lindsay, CA 93247
 Phone number (include area code): 559-359-5865 **E-mail address: CSHELDON42@HOTMAIL.COM

See next page for additional signatures.

Signature of Co-Lessor

Date: _____ RECEIVED

Printed name (and title): _____

APR 07 2022

Business/organization name: _____

Mailing Address (with state and zip): _____

OWRD

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

Signature of Lessee

Date: _____

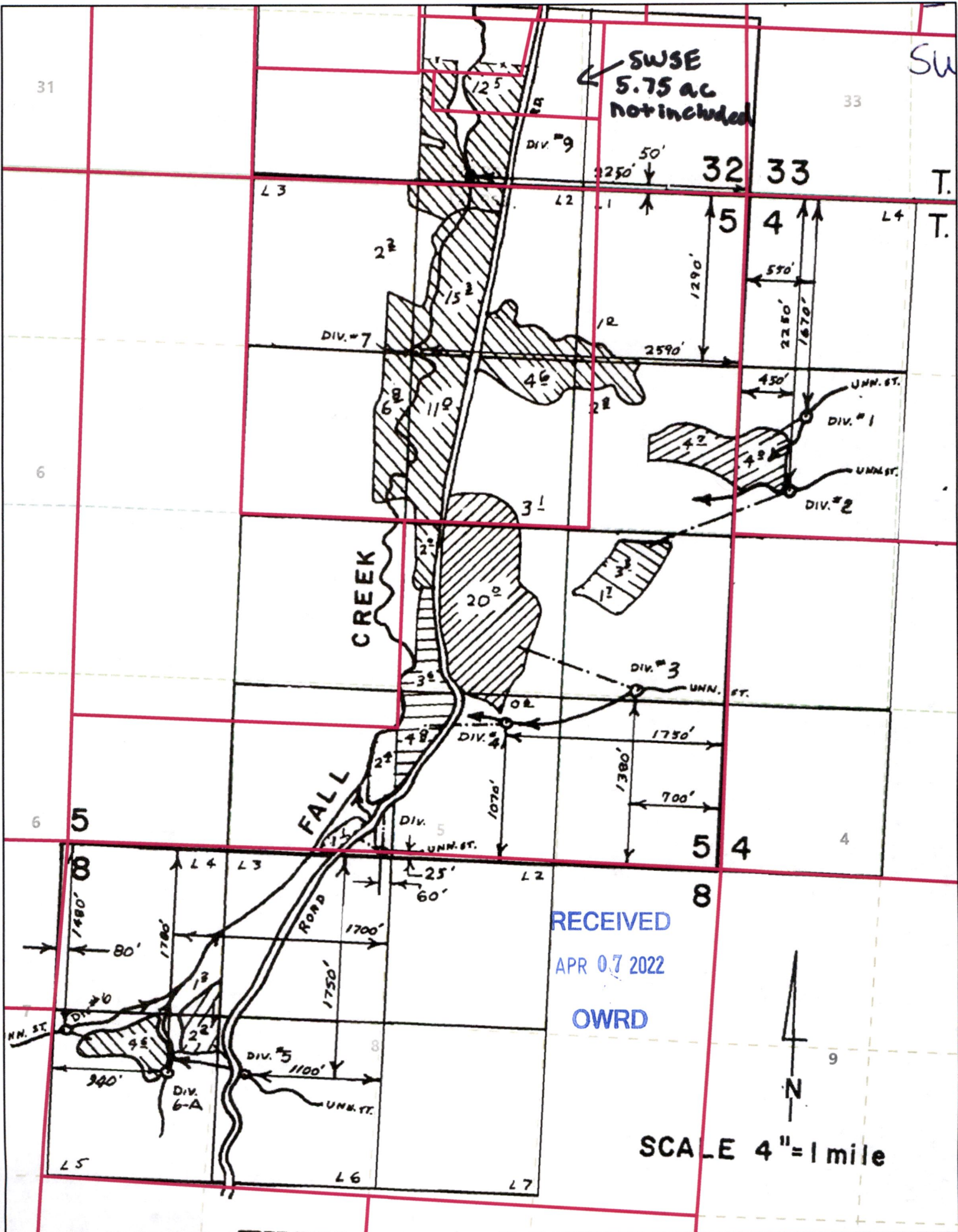
Printed name (and title): _____

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.**



SWSE
5.75 ac
not included

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SCALE 4" = 1 mile

Property Details for Property ID: R39480

Owner Information :

Owner Name: GETTYS, NANCY M TRS &
Owner Address #1: GETTYS, ALFRED J JR TRS OF &
Owner Address #2: NANCY M GETTYS REVOCABLE TRUST
Owner Address # 3: 104 CHRISTOPHER CT Alternate Account #: 6996.11
Owner City/State/Zip: WINCHESTER, OR Account Status: A
97495

Property Information :

Township: 26 Situs Address: 762 FALL CREEK RD GLIDE,
OR 97443
Range: 03W Map ID: 260332D00700
Section: 32 County Property Class: 542IS
Quarter: D Legal Acreage: 5.00
Sixteenth: Code Area: 01203
Maintenance Area: 7 Neighborhood Code: GB
Year Built: 1979 Living Area: 3470
Bedrooms: 3 Baths: BATH2.5
Exemption Code: VET-SC Exemption Desc.: VETERAN-SERVICE
CONNECTED
MFD Home ID:

Value Information : 2021-2022 Certified Values and Tax Information

Improvement Appr. Value: \$320,406.00	Total Appr. Value: \$335,375.00
Land Appr. Value: \$14,969.00	Exemption Value: \$28,050.00
Land Market Value: \$100,710.00	Total Assessed Value: \$205,457.00
Total Real Market Value: \$421,116.00	Taxes Imposed: \$1,852.69

Sales Information :

Deed No: 2001-0529 Sale Date: 1/9/2001
Sale Price: \$0.00

DISCLAIMER

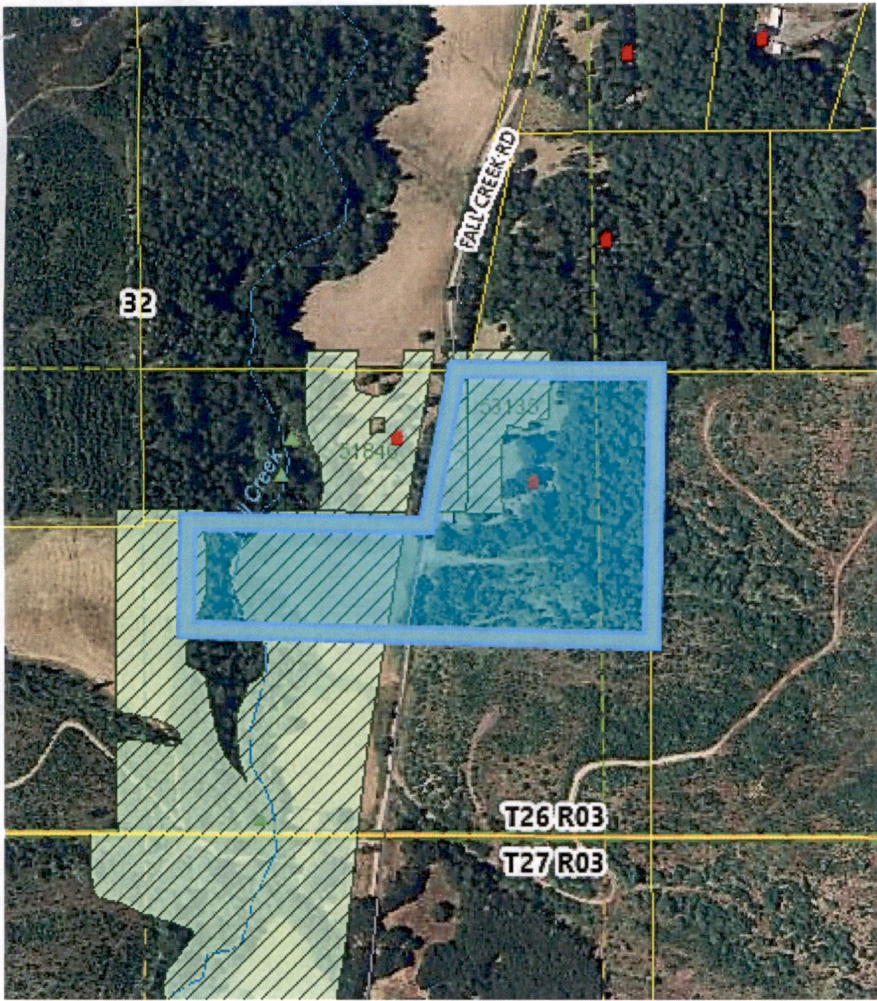
The information provided here is for convenience ONLY. For All Commercial, Industrial, and Multi-Family Properties visit the Douglas County Assessor's Office. The records located at the Douglas County Assessor's office are the one and only legal instruments for Assessment purposes. Although reasonable attempts are made to maintain this information as accurate as possible, these documents are being provided as an informational convenience ONLY. Douglas County in no way will be liable for any inaccuracies, inconsistencies, errors, omissions, or other deviations in these documents from the original copies maintained and filed at the Douglas County Assessor's Office.

Gettys property, parcel 700, not included in lease.

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SE1/4 SEC.32 T.26S. R.3W. W.M.
DOUGLAS COUNTY

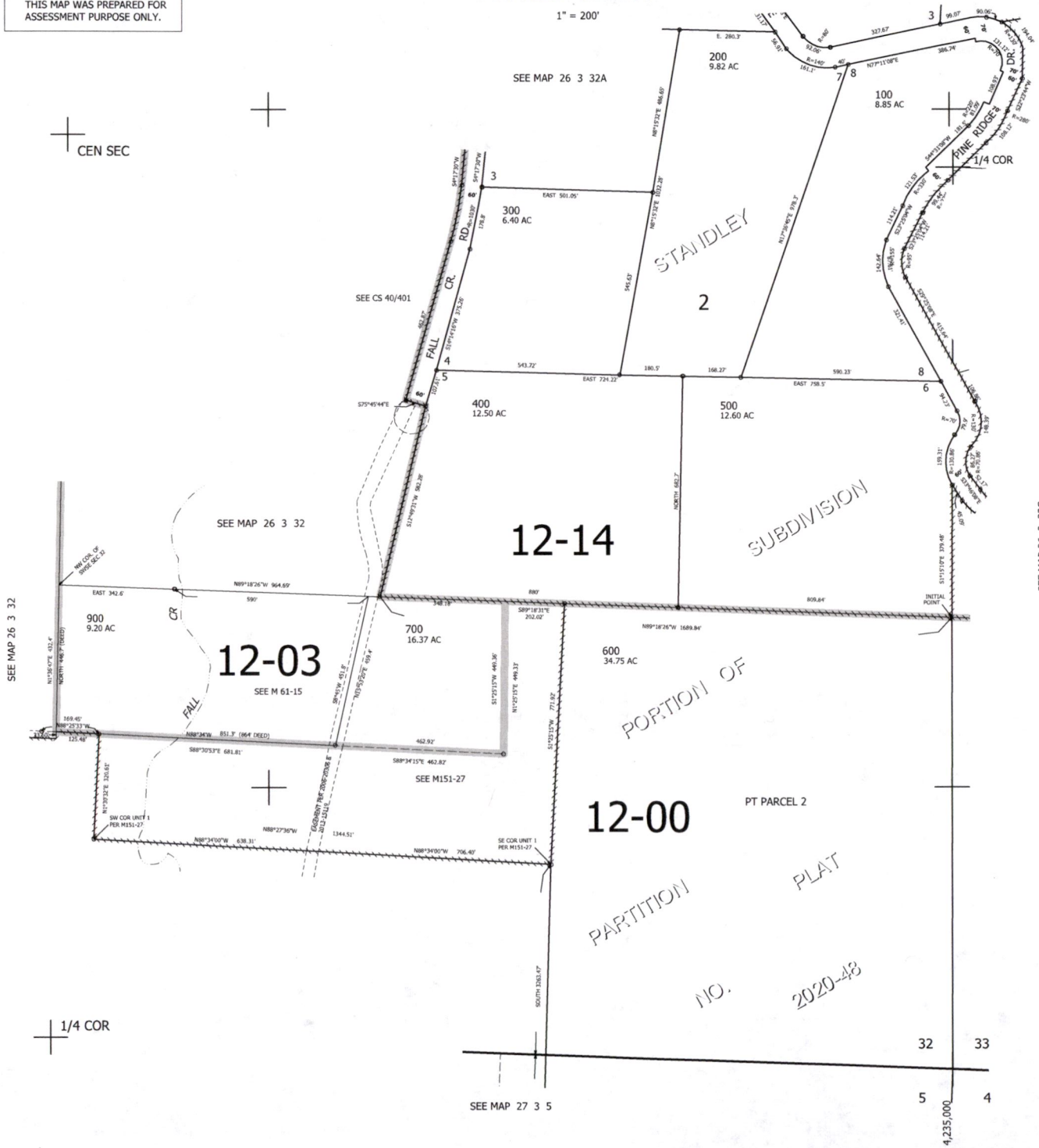
REVISED ON
12-11-20

26 3 32D

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY.

1" = 200'

CEN SEC



CANCELLED NO'S
800 601 602

SEE MAP 26 3 33C

SEE MAP 26 3 32

12-14

12-03

12-00

PORTION OF

PARTITION

PLAT

NO. 2020-48

591,000

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1/4 COR

SEE MAP 27 3 5

32 33

5 4

4,235,000

26 3 32D

STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That BEN SERAFIN

of 1890 Fall Creek Road, Glide, , State of Oregon 97443 , has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Fall Creek and six unnamed streams with any deficiency in the available supply from Stream 6 to be made up by appropriation from Fall Creek providing* a tributary of for the purpose of irrigation of 110.5 acres

under Permit No. 33006 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 July 31, 1967

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 0.97 cubic foot per second, being 0.50 cfs from Fall Creek, 0.04 cfs from 1, 0.04 cfs from 2, 0.18 cfs from 3, 0.11 cfs from 4, 0.04 cfs from 5 and 0.06 cfs from 6

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the

SEE PLACE OF USE

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-eightieth 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 2 1/2 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:

- * that the quantity of water diverted from both sources shall not exceed 0.06 cubic foot per second

SEE NEXT PAGE

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FALL CREEK

Diversions 7 and 9 - Lot 2 (NW 1/4 NE 1/4), Section 5, Township 27 South, Range 3 West, WM; SW 1/4 SE 1/4, Section 32, Township 26 South, Range 3 West, WM; 1290 feet South and 2590 feet West, 50 feet North and 2250 feet West, both from the NE Corner, Section 5.

1.0 acre Lot 1 (NE 1/4 NE 1/4)
15.3 acres Lot 2 (NW 1/4 NE 1/4)
15.6 acres SW 1/4 NE 1/4
2.8 acres SE 1/4 NE 1/4
2.2 acres Lot 3 (NE 1/4 NW 1/4)
6.8 acres SE 1/4 NW 1/4
2.0 acres NW 1/4 SE 1/4
Section 5
Township 27 South, Range 3 West, WM

12.5 acres SW 1/4 SE 1/4
Section 32
Township 26 South, Range 3 West, WM

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UNNAMED STREAMS

Diversion 1 - SW 1/4 NW 1/4, Section 4, Township 27 South, Range 3 West, WM; 1670 feet South and 550 feet East from NW Corner, Section 4.

4.0 acres SW 1/4 NW 1/4
Section 4
4.7 acres SE 1/4 NE 1/4
Section 5
Township 27 South, Range 3 West, WM

Diversion 2 - SW 1/4 NW 1/4, Section 4, Township 27 South, Range 3 West, WM; 2250 feet South and 450 feet East from NW Corner, Section 4.

3.5 acres NE 1/4 SE 1/4
Section 5
Township 27 South, Range 3 West, WM

Diversion 3 - NE 1/4 SE 1/4, Section 5, Township 27 South, Range 3 West, WM; 1380 feet North and 700 feet West from SE Corner, Section 5.

3.1 acres SW 1/4 NE 1/4
20.0 acres NW 1/4 SE 1/4
0.6 acre SW 1/4 SE 1/4
Section 5
Township 27 South, Range 3 West, WM

Diversion 4 - SW 1/4 SE 1/4, Section 5, Township 27 South, Range 3 West, WM; 1070 feet North and 1750 feet West from SE Corner, Section 5.

3.6 acres NW 1/4 SE 1/4
4.8 acres SW 1/4 SE 1/4
Section 5
Township 27 South, Range 3 West, WM

Diversion 5 - Lot 6 (SE 1/4 NW 1/4), Section 8, Township 27 South, Range 3 West, WM; 1750 feet South and 1100 feet West from N 1/4 Corner, Section 8.

1.2 acres Lot 4 (NW 1/4 NW 1/4)
2.2 acres Lot 5 (SW 1/4 NW 1/4)
Section 8
Township 27 South, Range 3 West, WM

Diversions 6 and 6A - Lot 5 (SW 1/4 NW 1/4), Section 8, Township 27 South, Range 3 West, WM; 1480 feet South and 80 feet East, 1780 feet South and 940 feet East, both from NW Corner, Section 8.

4.6 acres Lot 5 (SW 1/4 NW 1/4)
Section 8
Township 27 South, Range 3 West, WM

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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.

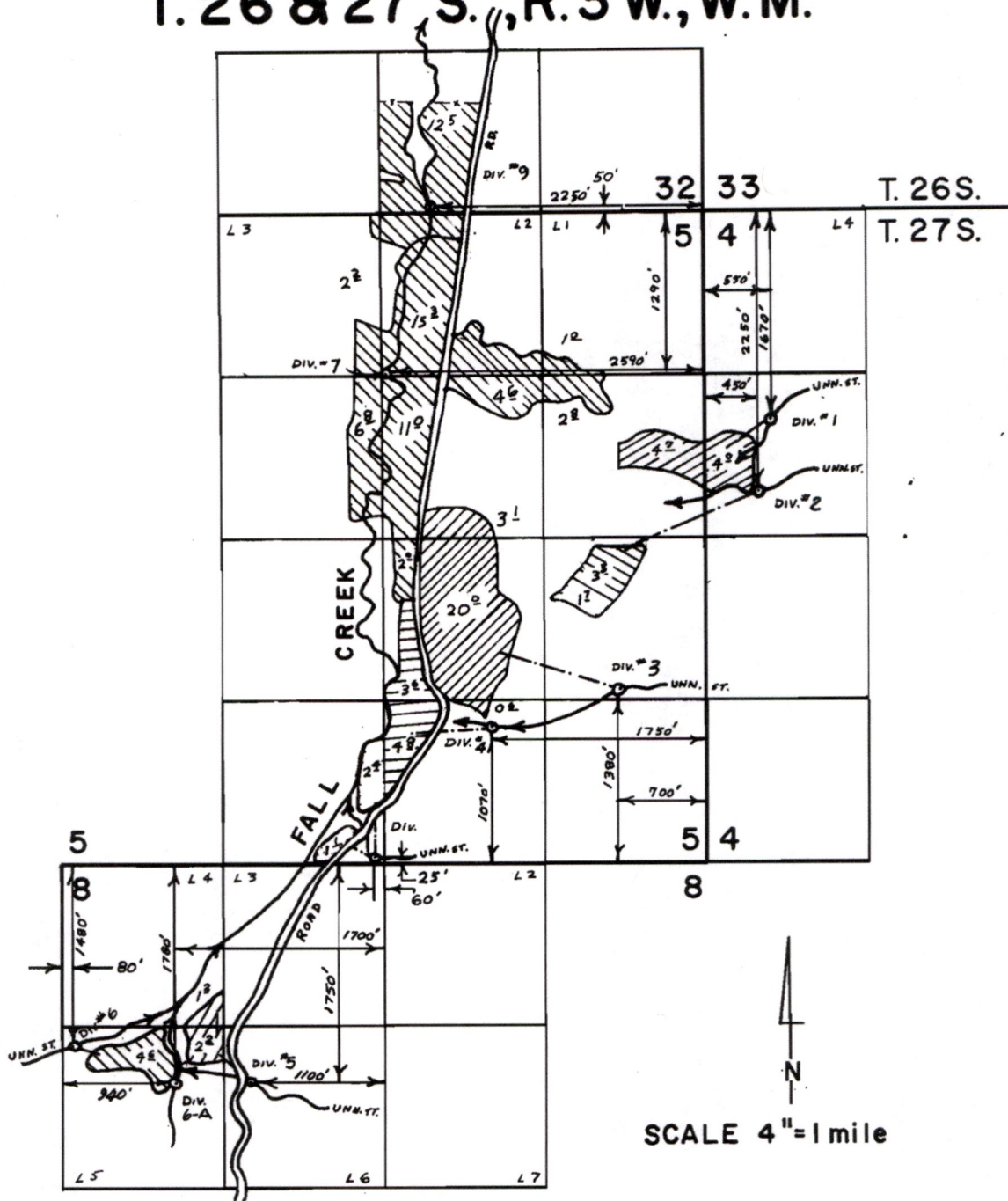
WITNESS the signature of the Water Resources Director, affixed

this date. September 19, 1983

7173B


DEPUTY Water Resources Director

T. 26 & 27 S., R. 3 W., W.M.



FINAL PROOF SURVEY UNDER

Application No. 43874 Permit No. 33006
IN NAME OF

BEN SERAFIN

Surveyed Nov. 17, 1977, by D.W. Sparks...
JAN. 22, 1980 J. S. Donaldson

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STATE OF OREGON

COUNTY OF DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED C. AND PAULA HEINZ

of Fall Creek Ranch, Glide, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream,

a tributary of Fall Creek for the purpose of domestic use for one family, including irrigation of not to exceed 1/2 a. lawn & garden under Permit No. 19451 of the State Engineer, 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 December 28, 1949

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 0.01 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~~ Lot 3 (NE 1/4 NW 1/4), Section 8, Township 27 South, Range 3 West, W. M.

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 - - - - - of one cubic foot per second per acre,

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:

Lot 3 (NE 1/4 NW 1/4)
Section 8
Township 27 South, Range 3 West, W. M.

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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.

WITNESS the signature of the State Engineer, affixed

this 29th day of April, 19 55.

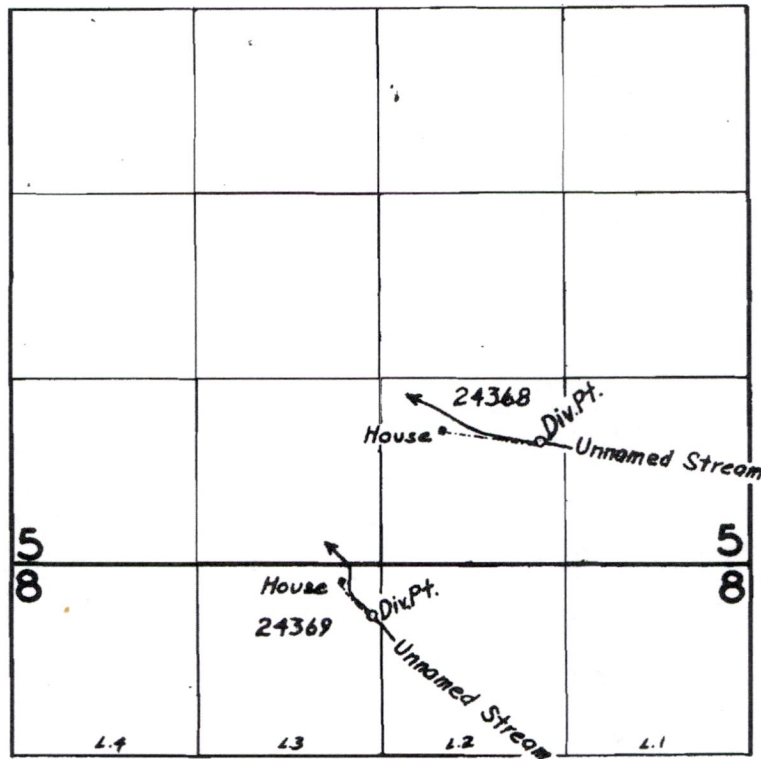
State Engineer

T. 27S.R. 3W.WM

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FINAL PROOF SURVEY

UNDER

Application No. 24369..... 24368..... Permit No. 19451..... 19450.....

IN NAME OF

..... Fred C. and Paula Heinz

Surveyed July 25 1954, by T. Jones.....

STATE OF OREGON
COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That FRED C. AND PAULA HEINZ

of Fall Creek Ranch, Glide, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream, a tributary of Fall Creek for the purpose of domestic use for one family under Permit No. 19450 of the State Engineer, 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 December 28, 1949

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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 0.01 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 1/4 SE 1/4, Section 5, Township 27 South, Range 3 West, W. M.

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 _____ of one cubic foot per second per acre,

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:

SW 1/4 SE 1/4
Section 5
Township 27 South, Range 3 West, 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.

WITNESS the signature of the State Engineer, affixed

this 29th day of April, 19 55.

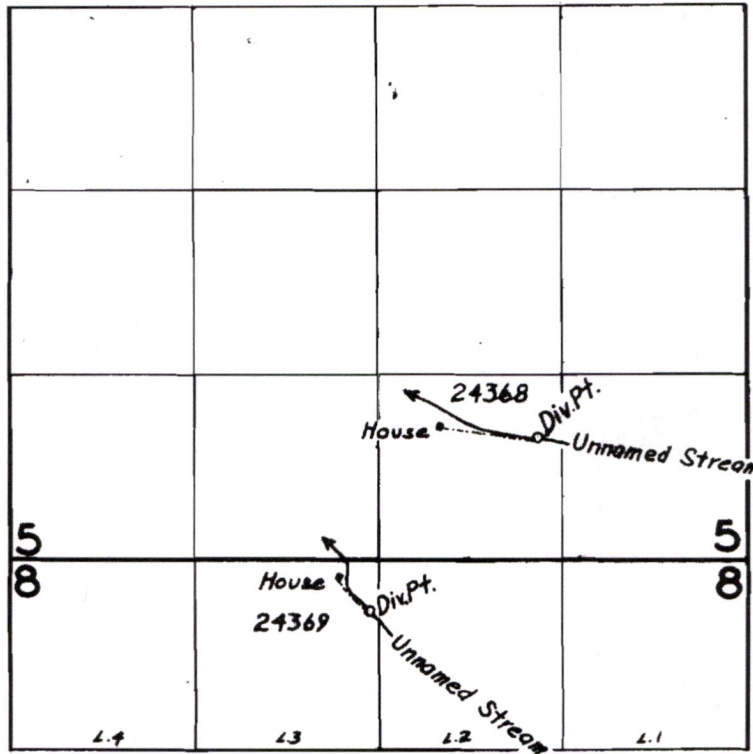
LEWIS A. STANLEY
State Engineer

T. 27S.R. 3W.WM

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FINAL PROOF SURVEY

UNDER

Application No. 24369..... 24368..... Permit No. 19451..... 19450.....

IN NAME OF

..... Fred C. and Paula Heinz

Surveyed July 25 1954, by T. Jones.....

1954-Z

Douglas County Official Records Daniel J. Loomis, County Clerk	2021-005105 03/03/2021 11:13:02 AM
DEED-CORR Cnt=1 Str=40 JLGODWI \$65.00 \$11.00 \$60.00	\$136.00

DOUGLAS COUNTY CLERK



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CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT**

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

RERECORDED AT THE REQUEST OF: FIRST AMERICAN TITLE

TO CORRECT: TO ADD PAGE 5, THE EXHIBIT A

PREVIOUSLY RECORDED **MARCH 2, 2021** AS RECORDER'S NUMBER: **2021-5075**
DOUGLAS COUNTY OREGON OFFICIAL RECORDS

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Douglas County Official Records
Daniel J. Loomis, County Clerk

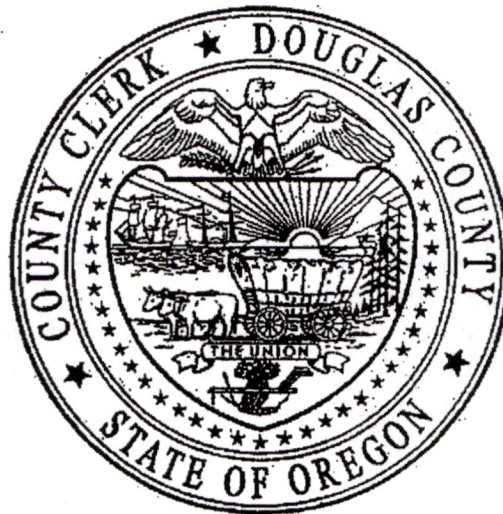
2021-005075

03/02/2021 03:00:01 PM

DEED-WD Cnt=1 Stn=40 JLG00DWI
\$50.00 \$11.00 \$10.00 \$60.00

\$131.00

DOUGLAS COUNTY CLERK, OREGON



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CERTIFICATE PAGE

IAW ORS 205.180

DO NOT REMOVE THIS PAGE
FROM ORIGINAL DOCUMENT

THIS PAGE MUST BE INCLUDED
IF DOCUMENT IS RE-RECORDED



Escrow: 3480528sj Doc: WD

Parties: CH Sheldon, LP - Mornarich

Until Further Notice, Send
Tax Statements To:
Jeffrey & Carma Mornarich
837 Wilbur Road
Roseburg, OR 97470

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Grantor:
CH Sheldon, LP, a California Limited Partnership

Grantee:
Jeffrey A. Mornarich and Carma L. Mornarich

After Recording, Return To:
Jeff Mornarich
810 SE Douglas Ave.
Roseburg, OR 97470

STATUTORY WARRANTY DEED RESERVING EASEMENTS

CH Sheldon, LP, a California Limited Partnership, ("Sheldon"), conveys and warrants to Jeffrey A. Mornarich and Carma L. Mornarich, as tenants by the entirety, ("Mornarich"), the real property more particularly described in attached Exhibit A free of all liens and encumbrances except those stated in Exhibit A, and RESERVING unto Sheldon the easements described below.

The true consideration for this conveyance and reservation of easements is \$550,000.00.

RESERVATION OF EASEMENTS

Sheldon RESERVES unto Sheldon, and Sheldon's heirs, successors and assigns the easements described below which are located on the property described in Exhibit A:

1. A permanent, nonexclusive, 35' easement over the existing road delineated in attached Exhibit B for log hauling and transportation of heavy equipment and underground utilities as also described in Partition Plat No. 2020-0048, Surveyor's Records of Douglas County, Oregon, Recorder's Instrument No. 2020-021356;
2. A permanent, nonexclusive, easement over the road delineated in attached Exhibit C for ingress and egress for all legal purposes; and
3. A temporary, nonexclusive, 35' easement over the road delineated in attached Exhibit B for ingress and egress for all legal purposes and as also described in Partition Plat No. 2020-0048, Surveyor's Records of Douglas County, Oregon, Recorder's Instrument No. 2020-021356;
 - a. This temporary easement shall be valid until the occurrence of the following events at which time this temporary easement shall terminate:

- b. Mornarich providing Sheldon with six month written notice of Mornarich's intent to terminate the temporary easement; and
- c. Mornarich constructing or improving, at Mornarich's sole expense, a roadway suitable for passenger vehicle traffic in the location of the roadway delineated on attached Exhibit D. (Solid lines denote existing roadbed and dotted line denotes approximate location of roadbed Mornarich will need to construct.)

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- 1) In constructing and improving the replacement road, Sheldon grants to Mornarich a license to access and utilize rock from Sheldon's property described in attached Exhibit E, free of charge, to rock the replacement road.
- 2) The road constructed or improved by Mornarich shall meet the following minimum requirements:
 - ii. The roadbed shall be at least twelve feet wide.
 - iii. The roadbed shall have at least six inches of base rock and a cap at least two inches thick of inch and a half minus rock.
 - iv. Any new road constructed by Mornarich shall not have a grade more than seven percent.
 - v. Except for the entry at the North end of the property described in Exhibit A, Mornarich shall install cattle guards where the road intersects Mornarich's fence lines so that Sheldon is not required to open gates for passage.
- d. Upon Mornarich complying with the requirements of Section 3(c) above, the 35' easement over the road delineated in attached Exhibit B and as also described in Partition Plat No. 2020-0048, Surveyor's Records of Douglas County, Oregon, Recorder's Instrument No. 2020-021356, shall only be used for log hauling and transportation of heavy equipment and underground utilities as described in Section 1 above. To the extent this Statutory Warranty Deed Reserving Easements conflicts with Partition Plat No. 2020-0048, the terms of this deed shall prevail.

The easements described above are appurtenant to and shall benefit Sheldon's property described in attached Exhibit E.

It is understood and agreed that the easements located on the property described in Exhibit A shall be for the joint use and maintenance of Sheldon and Mornarich. It is agreed that maintenance shall be in proportion to the amount of use; provided, however, that Sheldon and Mornarich shall, prior to causing any maintenance work to be done, agree that maintenance is necessary, agree on the extent of the respective use, and agree on the cost of the maintenance work

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to be done. If maintenance work is done by either party to this agreement without having prior written agreement from the other party, the party causing work to be done shall be solely responsible for paying the costs of such maintenance.

The easements described above shall run with the land as to all property burdened and benefitted by such easements. The rights, covenants and obligations contained in this agreement shall bind, burden, and benefit each party's heirs, successors and assigns, lessees, mortgagees, and beneficiaries under deeds of trust.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 17, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 2/9, 2021.

CH Sheldon
CH Sheldon, LP, a California Limited Partnership
By: Charles H. Sheldon, Inc., a California Corporation, General Partner
By: Charles H. Sheldon, President
Dated: February 10, 2021

Jeffrey A. Mornarich
Jeffrey A. Mornarich
Dated: 2-9-21
Carma L. Mornarich
Carma L. Mornarich
Dated: 2-9-21

See Attached
Acknowledgement/Jurat
By
Notary Public

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STATE OF _____)
)ss.
County of _____)

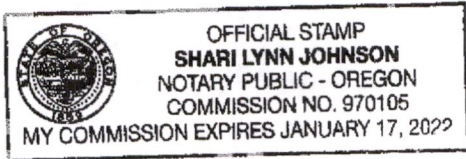
This instrument was acknowledged before me this _____ day of January 2021 by CH Sheldon, LP, a California Limited Partnership, by Charles H. Sheldon, Inc., a California Corporation, General Partner, by Charles H. Sheldon its President.

See Attached
Acknowledgement/Jurat
By
Notary Public

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
)ss.
County of Douglas)

This instrument was acknowledged before me this 9th day of Feb. 2021 by Jeffrey A. Mornarich and Carma L. Mornarich.



Shari Lynn Johnson

Notary Public for Oregon
My Commission Expires: 1/17/22

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Tulare }

On Feb 10th, 2021, before me, MANINDER KAUR, Notary Public,
personally appeared Charles H. Sheldon

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of State of California that the foregoing paragraph is true and correct.



WITNESS my hand and official seal.

SIGNATURE

Maninder Kaur

PLACE NOTARY SEAL ABOVE

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of attached document

Title or type of document: Statutory Warranty Deed Reserving Easements

Document Date: Feb 10th, 2021 Number of Pages: 7

Signer(s) Other than Named Above: N/A

EXHIBIT A

(Legal description of property Sheldon is conveying to Mornarich)

Parcel 1 of Partition Plat No. 2020-0048, Surveyor's Records of Douglas County, Oregon,
Recorder's Instrument No. 2020-021356.

26-03W-32-00400 R39456

27-03W-05-00101 R148627

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EXHIBIT B

(Existing road for permanent and temporary easement identified by heavy black line)



EXHIBIT C
(Existing roads for permanent easement identified by heavy black lines)



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EXHIBIT D

(Replacement road to be constructed by Mornarich identified by black and dotted lines)

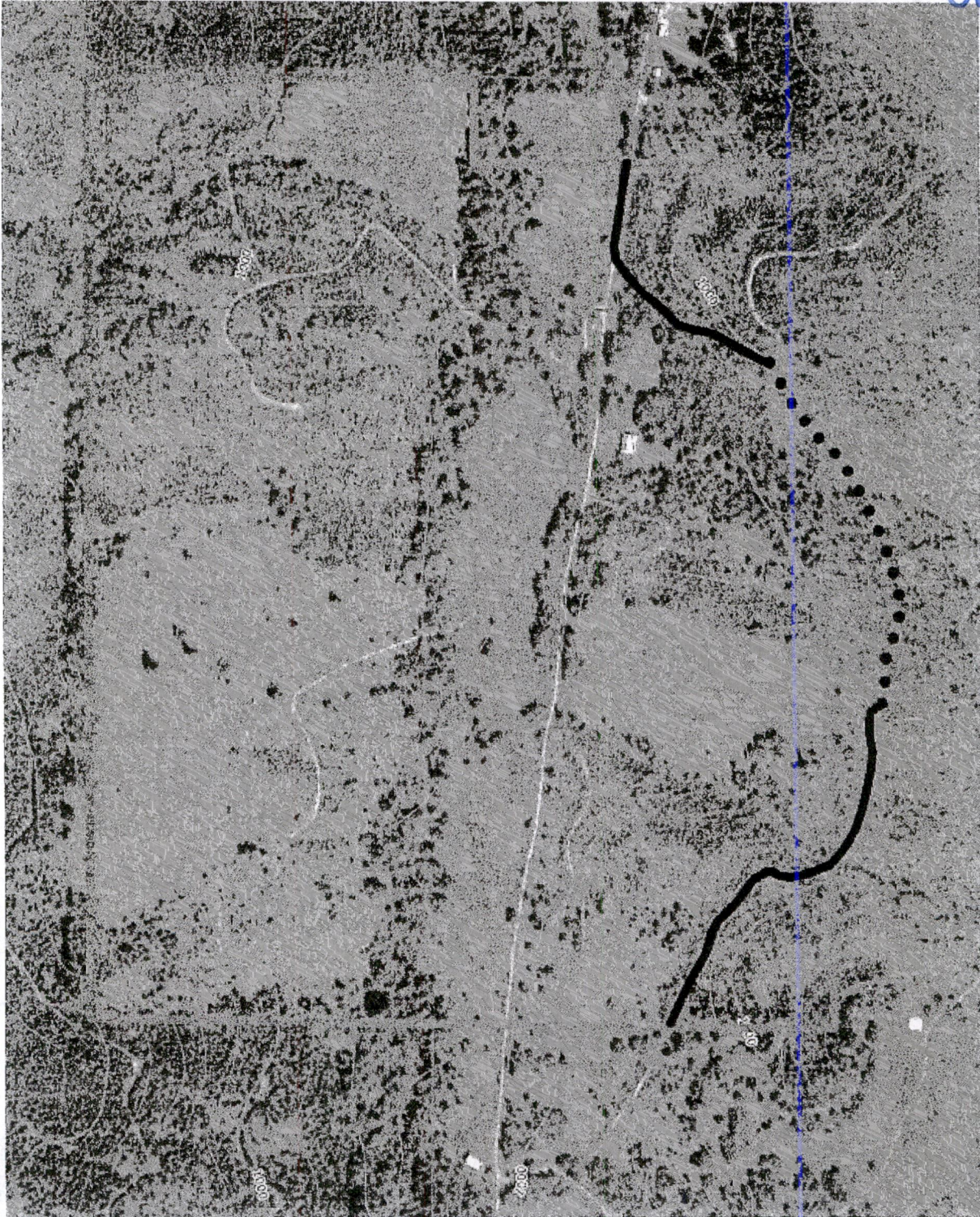


EXHIBIT E

(Legal description of Sheldon's property benefitting from reserved easements)

Parcel 2 of Partition Plat No. 2020-0048, Surveyor's Records of Douglas County, Oregon,
Recorder's Instrument No. 2020-021356.

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Douglas County Official Records
Daniel J. Loomis, County Clerk

2020-001002

01/13/2020 11:48:00 AM

DEED-WD Cnt=1 Str=33 HAJOHNST
\$30.00 \$11.00 \$10.00 \$60.00

\$111.00

AFTER RECORDING RETURN TO: AMERITITLE
1495 NW GARDEN VALLEY BLVD.
ROSEBURG, OR 97471
340579AM

DOUGLAS COUNTY CLERK



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CERTIFICATE PAGE

**DO NOT REMOVE THIS PAGE FROM ORIGINAL
DOCUMENT**

THIS PAGE MUST BE INCLUDED IF DOCUMENT IS RE-RECORDED

Document Name: Warranty Deed

Parties: Grantor: Redneck Ranches, LLC
Grantee: CH Sheldon, LP



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:

CH Sheldon, LP, a California Limited Partnership
PO Box 5001
Lindsay, CA 93247

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

CH Sheldon, LP, a California Limited Partnership
PO Box 5001
Lindsay, CA 93247
File No. 340579AM

STATUTORY WARRANTY DEED

Redneck Ranches, LLC, an Oregon limited liability company,

Grantor(s), hereby convey and warrant to

CH Sheldon, LP, a California Limited Partnership,

Grantee(s), the following described real property in the County of Douglas and State of Oregon free of encumbrances except as specifically set forth herein:

See Attached Exhibit 'A'

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

- 26-03W-32-00400
- 26-03W-32D-00600
- 26-03W-33C-01000
- 27-03W-04-00200

The consideration paid for the transfer is \$2,000,000.00, PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.

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:

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, 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 13th day of January, 2020

Redneck Ranches, LLC, an Oregon limited liability company

BY: [Signature]
David Alan Trinchero, Managing Member

BY: [Signature]
Kelley Jane Trinchero, Managing Member

State of Oregon } ss
County of Douglas }

On this 13 day of January, 2020, before me, Brandi Lynn Schantz a Notary Public in and for said state, personally appeared David Alan Trinchero, Managing Member and Kelley Jane Trinchero, Managing Member known or identified to me to be the Managing Members in the Limited Liability Company known as Redneck Ranches, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Oregon
Residing at: Myrtle Creek
Commission Expires: 12.17.21



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Page 3 Statutory Warranty Deed
Escrow No. 340579AM

EXHIBIT 'A' OWRD

26-3-32-400 R39456
~~300~~
~~26-3-32D-900~~
~~PT 700~~
26-3-33C-1000 R40192

File No. 340579AM
PARCEL 1

The Southwest quarter of the Southeast quarter and the East half of the Southwest quarter of Section 32, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, the South half of the Southwest quarter of Section 33, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon.

ALSO: The Southeast quarter of the Southeast quarter of Section 32, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon.

26-3-32D-600 R39120
~~BAL 700~~

EXCEPTING that portion of the Southwest quarter of the Southeast quarter of Section 32, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, which is described as follows: Beginning at 3/4 inch iron pipe at the Northwest corner of the Southwest quarter of the Southeast quarter of Section 32, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon, and running thence East 342.6 feet, along the fenced North line of said Southwest quarter of the Southeast quarter, to the center of Fall Creek; thence continuing East 590.0 feet along said North line, to a point in the center of a road; thence running South 8°45' West 451.8 feet along the center of said road to a point; thence West 864.0 feet a 3/4 inch iron pipe; thence North 446.7 feet to the place of beginning, bearings based on the North line of said Southwest quarter of the Southeast quarter as being East. EXC 26-3-32D-900

ALSO EXCEPTING that portion of the Southwest quarter of the Southeast quarter of Section 32, Township 26 South, Range 3 West, lying East of the above exception and North of an extension of the South Boundary Line of the above exception to the West line of said East half of the Southwest quarter of Section 32, Township 26 South, Range 3 West, Willamette Meridian, Douglas County, Oregon.

EXC 26-3-32D-PT 700

ALSO EXCEPTING the East half of the Southwest quarter of Section 32, Township 26 South, Range 3 West, lying Northerly of the following described line: Beginning at a 5/8 inch iron rod which bears North 0° 21' 23" West, 877.74 feet from the South quarter of said Section 32, thence North 89° 31' 59" West, 1321.74 feet to a 5/8 inch iron rod on the West line of said East Half of the Southwest quarter and there terminating.

EXC 26-3-32- 300

ALSO EXCEPTING a parcel of land, beginning at a 5/8" iron rod which bears South 89° 18' 31" East, 200.02 feet from the Northeast corner of Parcel 1 of Instrument No. 2001-00529 of the Deed Records of Douglas County, Oregon; thence South 1° 25' 15" West, 771.92 feet to a 5/8 inch iron rod; thence North 88° 34' 00" West, 706.40 feet to a 5/8 inch iron rod; thence North 88° 34' 00" West, 638.31 feet to a 5/8 inch iron rod; thence North 1° 26' 00" East, 320.58 feet a 5/8 inch iron rod on the Southern boundary of that land described as Parcel 3 of Instrument No. 2001-00529, Deed Records of Douglas County, Oregon; thence along said Southern boundary, South 88° 30' 53" East, 681.81 feet to a 5/8 inch iron rod and South 88° 34' 15" East, 462.82 feet to a 5/8 inch iron rod; thence North 1° 25' 15" East, 449.33 feet to a 5/8 inch iron rod; thence North 89° 18' 31" East, 200.02 feet to a 5/8 inch iron rod, the place of beginning. EXC 26-3-32D-BAL 700

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

26-03W-32-00400
26-03W-32D-00600
26-03W-33C-01000

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PARCEL 2

Lots 3 and 4 and the South half of the Northwest quarter of Section 4, Township 27 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. 27-3-4-200 R61564

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

27-03W-04-00200

PARCEL 3

The Northeast quarter, the Southeast quarter, the East half of the Northwest quarter and the South 60 acres of the Southwest quarter of Section 5, Township 27 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. 27-3-5-100 R61578

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

27-03W-05-00100

PARCEL 4

Lots 1 through 8 inclusive, of Section 8, Township 27 South, Range 3 West, Willamette Meridian, Douglas County, Oregon. 27-3-00-600 R616.900 R61648

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

27-03W-00-00600 & 00900

PARCEL 5

Page 5 Statutory Warranty Deed
Escrow No. 340579AM

Lot 6, of Section 7 Township 27 South, Range 3 West, Willamette Meridian, Douglas
County, Oregon.

27-3-7-100 R61627

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

27-03W-07-00100

PARCEL 6

The Northeast quarter of the Northeast quarter of Section 18, Township 27 South,
Range 3 West, Willamette Meridian, Douglas County, Oregon. 27-3-00-2100 R62264

"FOR INFORMATIONAL PURPOSES ONLY, THE FOLLOWING IS INCLUDED"

27-03W-00-02100

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