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February 6, 2024

Mr. Corey Courchane
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Revised Application for Transfer T-13542, Application filed by MF Beef Bend, LLC.

Corey:

Please find enclosed a revised application for Transfer T-13542 that incorporates the following changes.

- A. A change to the location of the proposed additional point of appropriation
- B. A change in the proposed new use of water
- C. Changes to address application deficiencies summarized in the Department's letter dated December 1, 2021.

For ease of tracking, the specific changes made to the application are highlighted in **yellow** and new additions to the application materials are flagged with a "New" stamp.

In regards to Item C, a discussion of each application deficiency identified by the Department in its December 1, 2021 letter is provided below.

1. *The Department requires non-district applicants to communicate with districts/water suppliers during the planning and preparation of transfer applications involving water rights having a point of diversion or appropriation (POD/POA) or place of use (POU) served by or located within the boundaries of an irrigation district, or other type of water supplier to which assessments are paid. Since the current and proposed place of use is located within the Tualatin Valley Irrigation District and may also be layered with Permit S-54499, a Supplemental Form D (attached) is required. Please complete and submit the attached Supplemental Form D. **The applicant is currently finalizing an agreement with Tualatin Valley Irrigation District (TVID) to exit from the district and for TVID to voluntarily cancel the portion of Permit S-54499 that is located on the property associated with T-13542. Once the exit agreement is executed and the voluntary cancellation of Permit S-54499 is submitted, this deficiency will be resolved because the property associated with the transfer application will no longer be served by TVID. Documentation of resolution of this deficiency will be separately submitted to the Department once the exit agreement and voluntarily cancellation are completed.***
2. *The Evidence of Use submitted with the application, indicates that portions of Certificate 51171 are paved, and have not been irrigated for more than 5 years. Therefore, beneficial use of water as authorized under Certificate 51171 has not been made, and those portions should be cancelled. Pursuant to Oregon Revised*

Statute 540.610, beneficial use shall be the basis, the measure and the limit of all rights to the use of water in this state. Whenever the owner of a perfected and developed water right ceases or fails to use all or part of the water appropriated for a period of five successive years, the failure to use shall establish a rebuttable presumption of forfeiture of all or part of the water right. If T-13542 is approved, the lands not being affected by the transfer will become a remaining right, thus creating a remaining right certificate. The Department cannot issue a certificate for lands that have not received the beneficial use of water for over 5 years. Please revise the REMAINING Lands map, complete the attached Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and resubmit.

Following discussion of this item with the Department, the Department determined that this item does not need to be addressed by the applicant – see attached email from Kelly Starnes dated February 10, 2022.

3. *On page 8 of the application, it is stated, “Certificate 58499 is held by MF Beef Bend, LLC and authorizes use of stored water for supplemental irrigation; the layered portion of this water right will be cancelled by MF Beef Bend, LLC.” A transfer cannot be completed unless the right that is layered with the water right involved in the transfer, is either moved with or cancelled. Please complete an Affidavit for the Voluntary Cancellation of a Portion of a Water Right Certificate and submit.*

An Affidavit for the Voluntary Cancellation of a Portion of Certificate 58499 is included as Attachment F of the enclosed application.

4. *Table 2 “FROM” lands identifies 14.0 acres changing place of use and character of use, however the “TO” lands identifies only 8.0 acres. You cannot shrink the 14.0 acres down to 8.0 acres as it must be acre for acre. The remaining 6.0 acres either need to move somewhere else, or be cancelled. Please revise Table 2 and the map, and resubmit.*

Following discussion of this item with the Department (Kelly Starnes and Lisa Jaramillo), the following revised approach was developed for the transfer application. The application has been revised to involve proposed changes to two 8-acre portions of the water right (16 acres total). For the first 8-acre portion, a APOA will be added, the use will be changed to “nursery use and commercial use”, and the 8-acres of FROM lands will be moved to 8-acres of TO lands. For the second 8-acre portion, a APOA will be added, the use will be changed to “nursery use and commercial use”, and the 8-acres of FROM lands will be moved to 8-acres of TO lands. The 8-acres of TO lands are the same for both 8-acre portions of Certificate 51171 involved in the transfer, and since nursery use and commercial use rights do not layer, the water use authorized from each 8-acre portion will be additive. The expectation is that the Department will limit both the rate and the volume of use based on the 16.0 acres of irrigation involved in the transfer (i.e., an instantaneous rate of up to 0.10 cfs with an annual volume limit of 40 AF).

Lastly, please note that a revised land use form is not included in the enclosed application. The property is located in a portion of Washington County that is being annexed into the City of King City, which is expected to be completed this month (February 2024). A new land use form reviewed by the planning division at City of King City will be separately submitted to the Department.

Subject: Revised Application for Transfer T-13542, Application filed by MF Beef Bend.

If you have any questions regarding the enclosed application, you can reach me at 503-967-7050 x204. Please copy me on any correspondence regarding this application.

Respectfully submitted,



Theodore Ressler, RG, CWRE
Summit Water Resources LLC.

Cc: John O'Neil – MF Beef Bend, LLC
Mark Bigej – AGC Properties, LLC

Enclosures:

Email correspondence with Kelly Starnes dated February 10, 2022
Revised application for Transfer T-13542

Ressler, Ted

From: STARNES Patrick K * WRD <Patrick.K.STARNES@water.oregon.gov>
Sent: Thursday, February 10, 2022 8:55 AM
To: Ted Ressler
Cc: JARAMILLO Lisa J * WRD; COURCHANE Corey A * WRD
Subject: RE: Transfer T-13542

Good Morning Ted,

I apologize for the delay in responding, busy busy busy here.....

The question about use of the remaining right does not have to be answered by the applicant. The Department will issue a remaining right when the transfer is approved. There is language in the remaining right certificate that says issuance of the certificate does not confirm use of the right. Future transfers off the remaining right will still have to show evidence of use of the right.

Kelly

Kelly Starnes, Transfer Program Analyst
Oregon Water Resources Department
725 Summer St NE Suite A
Salem OR 97301-1271
Cell phone: 503-979-3511 Fax: 503-986-0903
E-mail: patrick.k.starnes@water.oregon.gov

Please Note: Under Oregon Law, messages to and from this e-mail address may be available to the public.

Application for Permanent Water Right Transfer

Part 1 of 5 – Minimum Requirements Checklist



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

This transfer application will be returned if Parts 1 through 5 and all required attachments are not completed and included.
 For questions, please call (503) 986-0900, and ask for Transfer Section



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

- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Transfer Application Map Checklist.
- Part 3 – Application Fee, payable by check to the Oregon Water Resources Department, and completed Fee Worksheet, page 3. Try the new online fee calculator at: http://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator. If you have questions, call Customer Service at (503) 986-0801.
- Part 4 – Completed Applicant Information and Signature.
- Part 5 – Information about Water Rights to be Transferred: **How many water rights are to be transferred? 1 List them here: 51171 (Attachment A)**
 Please include a separate Part 5 for each water right. (See instructions on page 6)

Attachments:

- Completed Transfer Application Map. **(Attachment B)**
- Completed Evidence of Use Affidavit and supporting documentation. **(Attachment C)**
- N/A Affidavit(s) of Consent from Landowner(s) (if the applicant does not own the land the water right is on.)
- N/A Supplemental Form D – For water rights served by or issued in the name of an irrigation district. Complete when the transfer applicant is not the irrigation district.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone. **(Attachment D)**
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. **(Attachment E)**
- N/A Geologist Report for a change from a surface water point of diversion to a ground water point of appropriation (well), if the proposed well is more than 500’ from the surface water source and more than 1000’ upstream or downstream from the point of diversion. See OAR 690-380-2130 for requirements and applicability.

(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

<input type="checkbox"/> Application fee not enclosed/insufficient	<input type="checkbox"/> Map not included or incomplete
<input type="checkbox"/> Land Use Form not enclosed or incomplete	<input type="checkbox"/> Evidence of Use Form not enclosed or incomplete
<input type="checkbox"/> Additional signature(s) required	<input type="checkbox"/> Part _____ is incomplete

Other/Explanation _____

Staff: _____ 503-986-0_____ Date: ____/____/____

Part 2 of 5 – Transfer Application Map

Your transfer application will be returned if any of the map requirements listed below are not met.

Please be sure that the transfer application map you submit includes all the required items and matches the existing water right map. Check all boxes that apply.

- N/A Certified Water Right Examiner (CWRE) Stamp and Original Signature. For a list of CWREs, see http://apps.wrd.state.or.us/apps/wr/cwre_license_view/. CWRE stamp and signature are not required for substitutions.
- N/A If **more than three** water rights are involved, separate maps are needed for each water right.
- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the Final Proof/Claim of Beneficial Use Map (the map used when the permit was certificated), the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads, and railroads.
- Major water delivery system features from the point(s) of diversion/appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the water right is being changed, a separate hachuring is needed for lands left unchanged.
- N/A Proposed place of use that includes separate hachuring for each water right, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of diversion or well(s) with distance and bearing or coordinates from a recognized survey corner. This information can be found in your water right certificate or permit.
- N/A If you are proposing a change in point(s) of diversion or well(s), show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32’15.5”) or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 4 of 5 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME MF Beef Bend, LLC; ATTN: John O'Neil			PHONE NO. 503-597-7132	ADDITIONAL CONTACT NO.
ADDRESS 17933 NW Evergreen Place, Suite 300				FAX NO.
CITY Beaverton	STATE OR	ZIP 97006	E-MAIL John@MetLandGroup.com	
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.				

*MF Beef Bend, LLC is the successor in interest to Porter Walton Co, Inc. listed on Certificate 51171

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT/BUSINESS NAME Summit Water Resources, LLC: Attn: Ted Ressler			PHONE NO. 503-967-7050 x204	ADDITIONAL CONTACT NO.
ADDRESS 4784 SE 17th Avenue, Suite 111				FAX NO.
CITY Portland	STATE OR	ZIP 97202	E-MAIL tressler@summitwr.com	
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.				

Explain in your own words what you propose to accomplish with this transfer application, and why:
The Applicant is proposing to make the following changes to a 16.0-acre portion of Certificate 51171: change the character of use from Irrigation to Nursery Use and Commercial Use, change the place of use to an 8.0 acre area of nursery and commercial operations; and add an additional point of appropriation. It is anticipated that the Department will limit the proposed use of water for nursery use and commercial use to an instantaneous rate of 0.10 cfs and an annual volume of 40 AF.

Check One Box

- By signing this application, I understand that, upon receipt of the draft preliminary determination and prior to Department approval of the transfer, I will be required to provide landownership information and evidence that I am authorized to pursue the transfer as identified in OAR 690-380-4010(5); **OR**
- I affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I affirm the applicant is an entity with the authority to condemn property and is acquiring by condemnation the property to which the water right proposed for transfer is appurtenant and have supporting documentation.

By my signature below, I confirm that I understand:

- Prior to Department approval of the transfer application, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the water right is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following newspaper: Sherwood Gazette.
- Amendments to the application may only be made in response to the Department's Draft Preliminary Determination (DPD). The applicant will have a period of at least 30 days to amend the application to address any issues identified by the Department in the DPD, or to withdraw the application. Note that amendments may be subject to additional fees, pursuant to ORS 536.050.
- Failure to complete an approved change in place of use and/or change in character of use, will result in loss of the water right (OAR 690-380-6010).

I (we) affirm that the information contained in this application is true and accurate.

Applicant signature

John O'Neil, V.P.
Print Name (and Title if applicable)

Date

4-8-2022

Is the applicant the sole owner of the land on which the water right, or portion thereof, proposed for transfer is located? Yes No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the water right(s) were conveyed.*

Check the following boxes that apply:

- The applicant is responsible for completion of change(s). Notices and correspondence should continue to be sent to the applicant.
- The receiving landowner will be responsible for completing the proposed change(s) after the final order is issued. Copies of notices and correspondence should be sent to this landowner.
- Both the receiving landowner and applicant will be responsible for completion of change(s). Copies of notices and correspondence should be sent to this landowner and the applicant.

At this time, are the lands in this transfer application in the process of being sold? Yes No

If YES, and you know who the new landowner will be, please complete the receiving landowner information table below. If you do not know who the new landowner will be, then a request for assignment will have to be filed for at a later date.

If a property sells, the certificated water right(s) located on the land belong to the new owner, unless a sale agreement or other document states otherwise. For more information see:

https://www.oregon.gov/owrd/WRDFormsPDF/Transfer_Property_Transactions.pdf

RECEIVING LANDOWNER NAME AGC Properties, LLC, ATTN: Mark Bigej			PHONE NO. (503) 726-1162	ADDITIONAL CONTACT NO.
ADDRESS 1220 N Pacific Highway				FAX NO.
CITY Woodburn	STATE OR	ZIP 97071	E-MAIL MBigej@als-gardencenter.com	


Describe any special ownership circumstances here: **MF Beef Bend, LLC is the current owner of the land associated with the existing authorized place of use and the proposed place of use. AGC Properties, LLC will be purchasing the property associated with the proposed place of use.**

- Check here if any of the water rights proposed for transfer are or will be located within or served by an irrigation or other water district. (Tip: Complete and attach Supplemental Form D.) **Although the lands associated with this transfer are located within Tualatin Valley Irrigation District's service area, the groundwater right being transferred is neither held nor served by the District.**

IRRIGATION DISTRICT NAME	ADDRESS		
CITY	STATE	ZIP	

- Check here if water for any of the rights supplied under a water service agreement or other contract for stored water with a federal agency or other entity. **N/A**

ENTITY NAME	ADDRESS		
CITY	STATE	ZIP	

 To meet State Land Use Consistency Requirements, you must list all county, city, municipal corporation, or tribal governments within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME Washington County Planning and Development Services	ADDRESS 155 N First Ave., Suite 350, MS14		
CITY Hillsboro	STATE OR	ZIP 97124	

Part 5 of 5 – Water Right Information

Please use a separate Part 5 for each water right being changed. See instructions on page 6, to copy and paste additional Part 5s, or to add additional rows to tables within the form.

CERTIFICATE # 51171

Description of Water Delivery System

System capacity: _____ cubic feet per second (cfs) **OR**
152 gallons per minute (gpm)

Describe the current water delivery system or the system that was in place at sometime within the last five years. Include information on the pumps, canals, pipelines, and sprinklers used to divert, convey, and apply the water at the authorized place of use. **Water is pumped from the well (WASH-11873) using a submersible pump and conveyed via mainline to a system bulge, from which the water is then withdrawn and applied for irrigation using a combination of overhead sprinklers and drip line.**

Table 1. Location of Authorized and Proposed Point(s) of Diversion (POD) or Appropriation (POA)
 (Note: If the POD/POA name is not specified on the certificate, assign it a name or number here.)

POD/POA Name or Number	Is this POD/POA Authorized on the Certificate or is it Proposed?	If POA, OWRD Well Log ID# (or Well ID Tag # L-____)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well 1	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	WASH 11873	2	S	1	W	18	SE	NE	1501	1,020 feet North and 480 feet West from the E ¼ Corner of Section 18
Well 2	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed	NOT DRILLED	2	S	1	W	18	SE	NE	1502	130 feet North and 700 feet West from the E 1/4 corner of Section 18

Check all type(s) of change(s) proposed below (change “CODES” are provided in parentheses):

- | | |
|------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Supplemental Use to Primary Use (S to P) |
| <input checked="" type="checkbox"/> Character of Use (USE) | <input type="checkbox"/> Point of Appropriation/Well (POA) |
| <input type="checkbox"/> Point of Diversion (POD) | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |
| <input type="checkbox"/> Additional Point of Diversion (APOD) | <input type="checkbox"/> Substitution (SUB) |
| <input type="checkbox"/> Surface Water POD to Ground Water POA (SW/GW) | <input type="checkbox"/> Government Action POD (GOV) |

Will all of the proposed changes affect the entire water right?

- Yes Complete only the Proposed (“to” or “on” lands) section of Table 2 on the next page. Use the “CODES” listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the water right to be changed.

Please use and attach additional pages of Table 2 as needed.
See page 6 for instructions.

Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer Staff.

Table 2. Description of Changes to Water Right Certificate # 51171

List the change proposed for the acreage in each ¼ ¼. If more than one change is proposed, specify the acreage associated with each change.
If there is more than one POD/POA involved in the proposed changes, specify the acreage associated with each POD/POA.

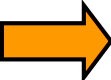
AUTHORIZED (the "from" or "off" lands) The listing that appears on the certificate BEFORE PROPOSED CHANGES List only that part or portion of the water right that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POD(s) or POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POD(s)/POA(s) to be used (from Table 1)	Priority Date				
EXAMPLE																										
2	S	9	E	15	NE	NW	100		15.0	Irrigation	POD #1 POD #2	1901	POU/POD	2	S	9	E	1	NW	NW	500	1	10.0		POD #5	1901
														2	S	9	E	2	SW	NW	500		5.0		POD #6	1901
2	S	1	W	18	SE	NE	1501 1502	DLC 42	15.3	Irrigation	Well 1	5/5/1971	POU/USE/ APOA	2	S	1	W	18	SE	NE	1502	DLC 42	6.4	Nursery and Commercial Use	Well 1, Well 2	5/5/1971
2	S	1	W	18	NE	SE	1501 1502		0.7	Irrigation	Well 1	5/5/1971	POU/USE/ APOA	2	S	1	W	18	NE	SE	1502		1.6	Nursery and Commercial Use	Well 1, Well 2	5/5/1971
TOTAL ACRES:							16.0						TOTAL ACRES:							8.0						

Additional remarks: **The Applicant is proposing to change the character of use of 16.0 acres of Irrigation under Certificate 51171 to Nursery Use and Commercial Use on 8.0 acres. This will be accomplished by transferring (POU/USE/APOA) 8.0 acres of Certificate 51171 (FROM Lands 1) to the 8.0 acres of TO Lands, and then transferring (POU/USE/APOA) an additional 8.0 acres of Certificate 51171 (FROM Lands 2) to the same 8 acres of TO Lands. The intent is to create 8.0 acres of nursery use and commercial use, with the expectation that the Department will limit both the rate and volume of use based on the 16.0 acres of irrigation transferred (an instantaneous rate of up to 0.10 cfs with an annual volume limit of 40 AF). The Applicant requests that the Department issue a single certificate combining both of the transferred portions when the claim of beneficial use for the transfer is received and approved.**

For Place of Use or Character of Use Changes

Are there other water right certificates, water use permits or ground water registrations associated with the “from” or the “to” lands? Yes No

If YES, list the certificate, water use permit, or ground water registration numbers: **Permit S-51982, Cert. 58499, and Permit S-54499 are associated with the “from” and “to” lands. Permit S-51982 authorizes Agricultural Use and Nursery Operations during the non-irrigation season so this water right is not “layered” with Certificate 51171. Certificate 58499 is held by MF Beef Bend, LLC and authorizes use of stored water for supplemental irrigation; the layered portion of this water right will be cancelled by MF Beef Bend, LLC. Permit S-54499, which is held by Tualatin Valley Irrigation District (TVID), authorizes use of effluent from Rock Creek Water Treatment Plant for primary and supplemental irrigation. A map is not available for Permit S-54499 showing the location of the permit authorized acreage within Section 18, Township 2 South, Range 1 West to confirm potential layering with Certificate 51171. TVID will be contacted to discuss appropriate actions related to this permit.**

 Pursuant to ORS 540.510, any “layered” water use such as an irrigation right that is supplemental to a primary right proposed for transfer must be included in the transfer or be cancelled. Any change to a ground water registration must be filed separately in a ground water registration modification application.

For Substitution (ground water supplemental irrigation will be substituted for surface water primary irrigation)
N/A

Ground water supplemental Permit or Certificate # _____;
Surface water primary Certificate # _____.

For a change from Supplemental Irrigation Use to Primary Irrigation Use

Identify the primary certificate to be cancelled. Certificate # _____

For a change in point(s) of appropriation (well(s)) or additional point(s) of appropriation:

Well log(s) are attached for each authorized and proposed well(s) that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

Tip: You may search for well logs on the Department’s web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/Default.aspx (See WASH 11873 in Attachment E)

AND/OR

Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide “a best estimate” for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide the information will delay the processing of your transfer application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well: OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well 2	No	-	400 ft (est)	12 in (est)	0 to 55 ft (est)	0 to 55 ft (est)	55 to 400 ft (est)	60 ft (est)	Columbia River Basalt	

Attachment A
Water Right Certificate 51171
Application for a Water Right Transfer – Certificate 51171

STATE OF OREGON

COUNTY OF

WASHINGTON

CERTIFICATE OF WATER RIGHT

This Is to Certify, That

PORTER WALTON CO, INC.

of Route 4, Box 407, Sherwood, State of Oregon 97140, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of a well

a tributary of Tualatin River for the purpose of irrigation of 54.6 acres

under Permit No. G-5476 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 May 5, 1971 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 0.34 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the well. The well is located in the SE 1/4 NE 1/4 as projected within Hicklins DLC 42, Section 18, T2S, R1W, WM; 1,020 feet North and 480 feet West from E 1/4 Corner Section 18

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 is subject to all terms and conditions of an order of the State Engineer entered May 17, 1974, including its consideration as Item 81 and added to paragraph 9 of the order

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:

37.6 acres SE 1/4 NE 1/4 as projected within Hicklins DLC 42
17.0 acres NE 1/4 SE 1/4

Section 18

Township 2 South, Range 1 West, WM

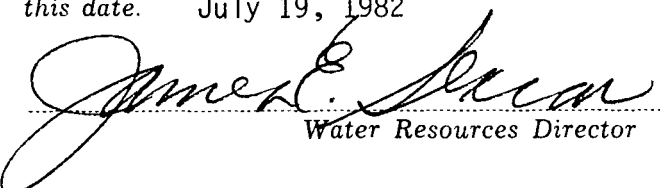
This certificate is issued so as to correctly describe the date of priority and supersedes Certificate of Water Right recorded at page 50548, Volume 44, State Record of Water Right Certificates.

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 purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the Water Resources Director, affixed

this date. July 19, 1982


Water Resources Director

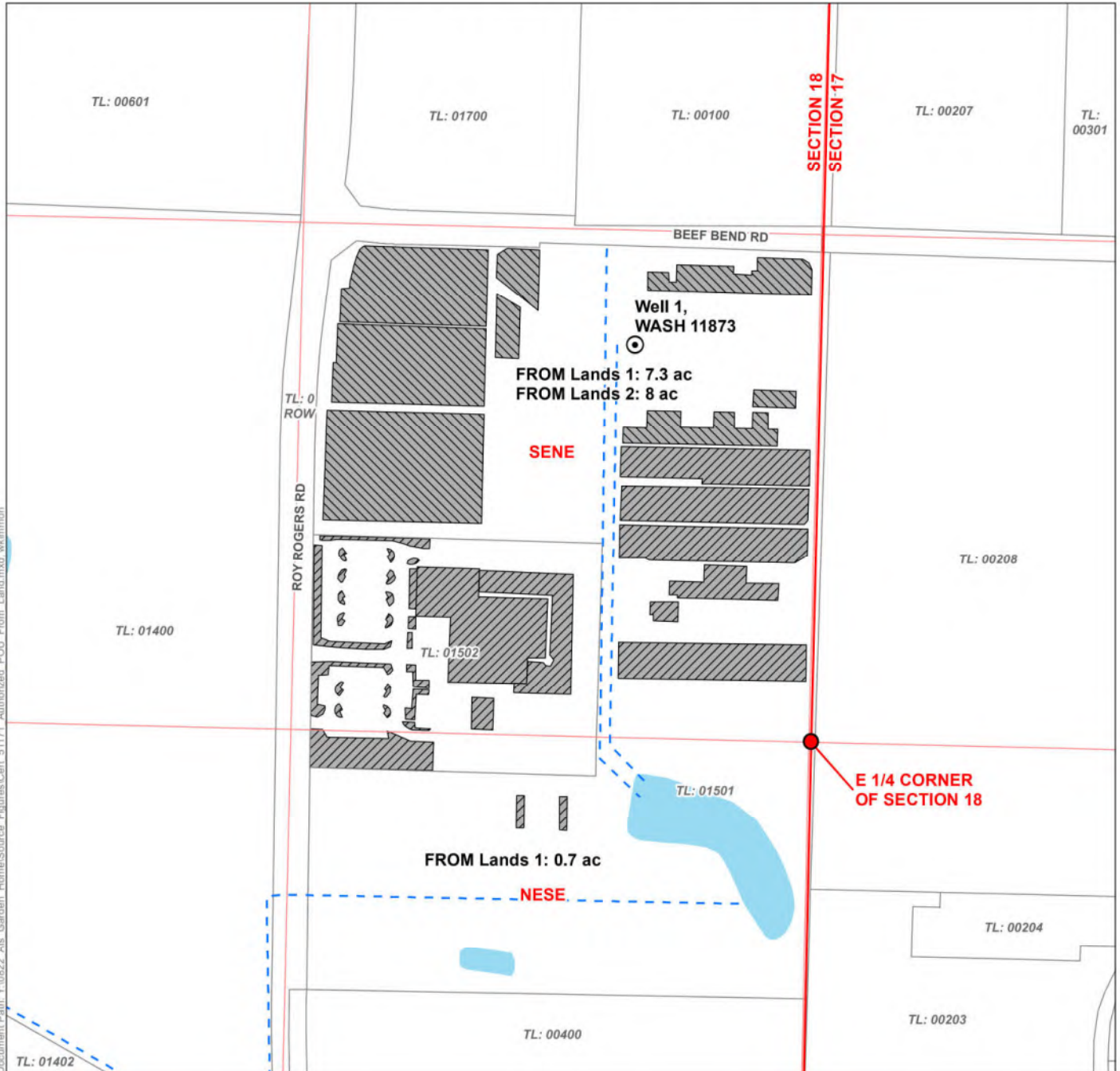
Recorded in State Record of Water Right Certificates, Volume 45, page 51171

Attachment B

**Current and Proposed Points of Appropriation and
Places of Use, and Remaining Place of Use Maps**

Application for a Water Right Transfer – Certificate 51171

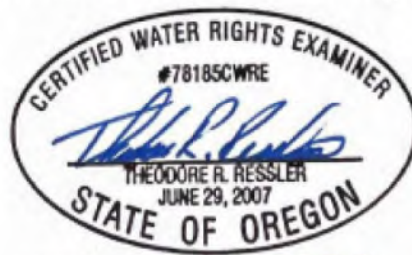
Application for Permanent Water Right Transfer Certificate 51171 FROM Lands and Authorized Point of Appropriation Township 2 South, Range 1 West (W.M.)



LEGEND

- Authorized Point of Appropriation (POA)
- Conveyance
- FROM Lands 1 (8 ac)
- FROM Lands 2 (8 ac)
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



DISCLAIMER

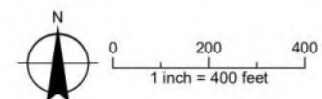
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

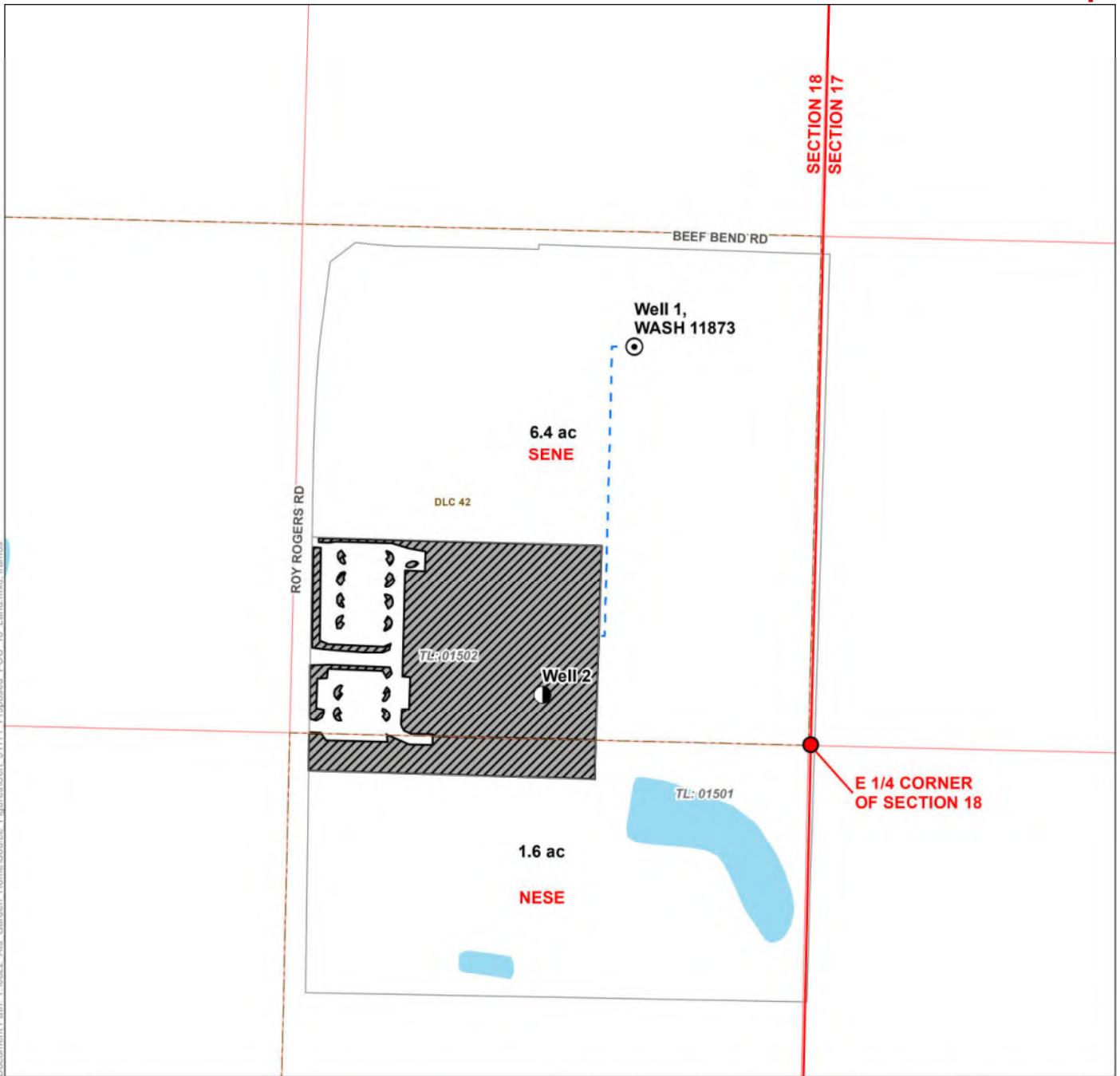
Date: January 27, 2022
Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



Document Path: Y:\0822_Als_Garden_Home\Source_Figures\Cert_51171_Authorized_POA_From_Land.mxd_wkmmmon



LEGEND

- Authorized Point of Appropriation (POA)
- Proposed Additional Point of Appropriation (POA)
- TO Lands
- Conveyance
- Donation Land Claim (DLC)
- Waterbody

Application for Permanent Water Right Transfer TO Lands and Additional Point of Appropriation

Certificate 51171

Township 2 South, Range 1 West (W.M.)

CERTIFIED WATER RIGHTS EXAMINER STAMP



RENEWS: 12-31-2024

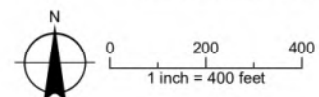
POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)
Well 2
Located 130 feet North and 700 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)

DISCLAIMER

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

Date: January 29, 2024
Data Sources: BLM, ESRI, OWRD, USGS



Application for Permanent Water Right Transfer Certificate 51171 REMAINING Lands

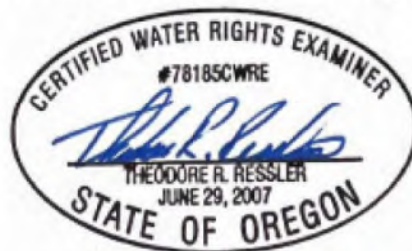
Township 2 South, Range 1 West (W.M.)



LEGEND

- Authorized Point of Appropriation (POA)
- Remaining Lands
- Government Lot (GL)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

Certified Water Rights Examiner Stamp



RENEWS: 12-31-2024

DISCLAIMER

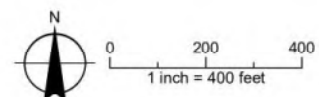
This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

MAP NOTES

Date: January 27, 2022
Data Sources: BLM, OWRD, Metro, ESRI

POA LOCATION DESCRIPTION

Well 1, WASH 11873
Located 1,020 feet North and 480 feet West from the E 1/4 corner of Section 18, Township 2 South, Range 1 West (W.M.)



Attachment C

Evidence of Use Affidavit

Application for a Water Right Transfer – Certificate 51171

Application for Water Right Transfer

Evidence of Use Affidavit



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Please print legibly or type. Be as specific as possible. Attach additional pages if you need more spacing. Supporting documentation must be attached.

State of Oregon)
) ss
 County of WASHINGTON)

I, JOHN O'NEIL, in my capacity as REPRESENTATIVE OF THE LAND OWNER (MF BEEF BEND, LLC),
 mailing address 17933 NW Evergreen Place, Suite 300, Beaverton, OR 97006
 telephone number 503-597-7132, being first duly sworn depose and say:

1. My knowledge of the exercise or status of the water right is based on (check one):

- Personal observation Professional expertise

2. I attest that:

- Water was used during the previous five years on the **entire** place of use for Certificate # ____; **OR**
- My knowledge is specific to the use of water at the following locations within the last five years:

Certificate #	Township		Range		Mer	Sec	¼ ¼		Gov't Lot or DLC	Acres (if applicable)
51171	2	S	1	W	WM	18	SE	NE	DLC42	15.3
51171	2	S	1	W	WM	18	NE	SE		0.7

OR

- Confirming Certificate # ____ has been issued within the past five years; **OR**
- Part or all of the water right was leased instream at some time within the last five years. The instream lease number is: ____ (Note: If the entire right proposed for transfer was not leased, additional evidence of use is needed for the portion not leased instream.); **OR**
- The water right is not subject to forfeiture and documentation that a presumption of forfeiture for non-use would be rebutted under ORS 540.610(2) is attached.
- Water has been used at the actual current point of diversion or appropriation for more than 10 years for Certificate # ____ (For Historic POD/POA Transfers)

(continues on reverse side)

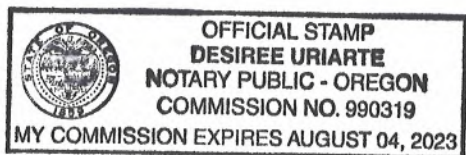
3. The water right was used for: (e.g., crops, pasture, etc.): IRRIGATION OF NURSERY STOCK

4. I understand that if I do not attach one or more of the documents shown in the table below to support the above statements, my application will be considered incomplete.

Signature of Affiant _____

10-22-2020
Date

Signed and sworn to (or affirmed) before me this 22 day of October, 2020.

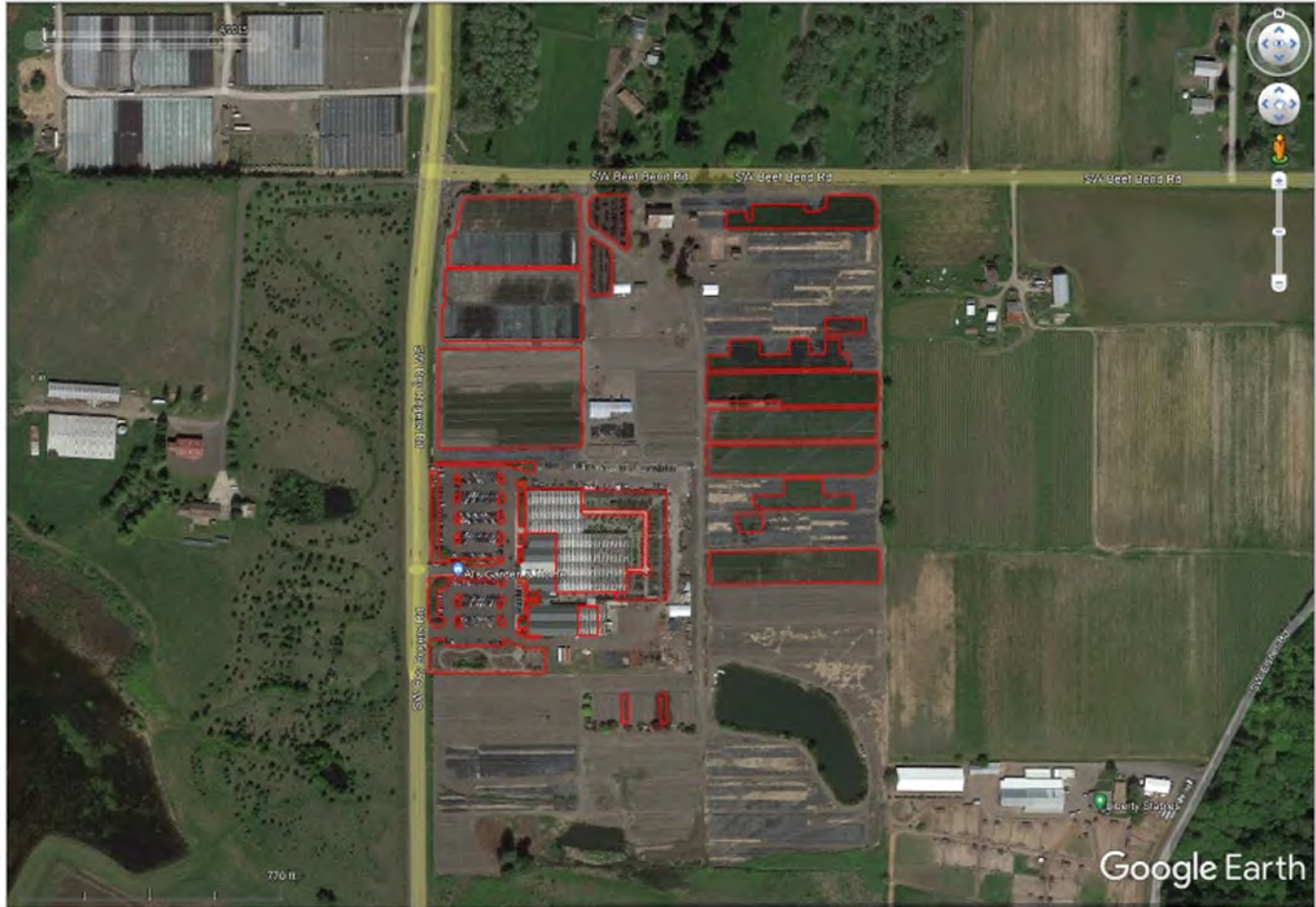


Notary Public for Oregon

My Commission Expires: Aug 4, 2023

Supporting Documents	Examples
<input type="checkbox"/> Copy of a water right certificate that has been issued within the last five years. (not a remaining right certificate)	Copy of confirming water right certificate that shows issue date
<input type="checkbox"/> Copies of receipts from sales of irrigated crops or for expenditures related to use of water	<ul style="list-style-type: none"> • Power usage records for pumps associated with irrigation use • Fertilizer or seed bills related to irrigated crops • Farmers Co-op sales receipt
<input type="checkbox"/> Records such as FSA crop reports, irrigation district records, NRCS farm management plan, or records of other water suppliers	<ul style="list-style-type: none"> • District assessment records for water delivered • Crop reports submitted under a federal loan agreement • Beneficial use reports from district • IRS Farm Usage Deduction Report • Agricultural Stabilization Plan • CREP Report
<input checked="" type="checkbox"/> Aerial photos containing sufficient detail to establish location and date of photograph <u>Attached aerial image documents location of irrigated area throughout the 2015 irrigation season.</u>	<p>Multiple photos can be submitted to resolve different areas of a water right. If the photograph does not print with a “date stamp” or without the source being identified, the date of the photograph and source should be added.</p> <p>Sources for aerial photos: OSU – www.oregonexplorer.info/imagery OWRD – www.wrd.state.or.us Google Earth – earth.google.com TerraServer – www.terra-server.com</p>
<input type="checkbox"/> Approved Lease establishing beneficial use within the last 5 years	Copy of instream lease or lease number

Satellite Imagery from April 17, 2015 (FROM lands delineated in red)
(Source: Google Earth)



Attachment D

Land Use Information Form

Application for a Water Right Transfer – Certificate 51171

Attachment E
Well Log

Application for a Water Right Transfer – Certificate 51171

NOTICE TO WATER WELL CONTRACTOR
The original and file copy
of this report are to be
filed with the

RECEIVED
JUN 24 1969

WASH
011873

State Well No. 2/1W-18adb

STATE ENGINEER, SALEM, OREGON 97310
within 30 days from the date of well completion

STATE OF OREGON
STATE ENGINEER
SALEM, OREGON
(Please type or print)
(Do not write above this line)

State Permit No. _____

(1) OWNER: Porter Walton Co. Inc. Nursing Pft. WSB
Name Yoshio & Sachiko Hasuika
Address 15685 S.W. 150th Ave. Tigard, Ore. 97223

(2) TYPE OF WORK (check):
New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:
Rotary Driven
Cable Jetted
Dug Bored

(4) PROPOSED USE (check):
Domestic Industrial Municipal
Irrigation Test Well Other

(5) CASING INSTALLED:
12" Diam. from 0 ft. to 52 ft. Gage 250
" Diam. from _____ ft. to _____ ft. Gage _____
" Diam. from _____ ft. to _____ ft. Gage _____

(6) PERFORATIONS:
Perforated? Yes No.
Type of perforator used _____
Size of perforations in. by _____ in.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.
_____ perforations from _____ ft. to _____ ft.

(7) SCREENS:
Well screen installed? Yes No
Manufacturer's Name _____
Type _____ Model No. _____
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.
Diam. _____ Slot size _____ Set from _____ ft. to _____ ft.

(8) WATER LEVEL: Completed well.
Static level 60 ft. below land surface Date 6/18/69
Artesian pressure _____ lbs. per square inch Date _____

(9) WELL TESTS:
Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? Haakon Bottner
Yield: 260 gal./min. with 50 ft. drawdown after 7 hrs.
414 " " 79 " " 2 "

Bailer test gal./min. with _____ ft. drawdown after _____ hrs.
Artesian flow g.p.m. Date _____
Temperature of water 54 Was a chemical analysis made? Yes No

(10) CONSTRUCTION:
Well seal—Material used Cement & sand
Depth of seal 28 ft.
Diameter of well bore to bottom of seal 16 in.
Were any loose strata cemented off? Yes No Depth _____
Was a drive shoe used? Yes No
Did any strata contain unusable water? Yes No
Type of water? Sandy depth of strata 40' to 42'
Method of sealing strata off cased
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(11) LOCATION OF WELL:
County Washington Driller's well number _____
1/4 Section 18 T. 2S. R. 1W W.M.
Bearing and distance from section or subdivision corner _____

(12) WELL LOG: Diameter of well below casing 12"
Depth drilled 392 ft. Depth of completed well 392 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

MATERIAL	From	To	SWL
Top soil	0	3	
Clay, yellow	3	7	
Rock, broken	7	8	
Clay w/embedded rock	8	40	
Sand, yellow	40	42	27
Clay, yellow sandy	42	48	
Clay w/embedded rock	48	50	
Rock, brown solid	50	118	
Clay, brown	118	126	
Rock, red lava soft, water bearing	126	159	
Rock, black	159	197	
Clay, yellow	197	198	
Rock, black	198	358	
Rock, gray, mdm. hard	358	370	
Rock, brown, soft, w.brng.	370	389	60
Rock, black, hard	389	392	

Work started April 1 1969 Completed June 12 1969
Date well drilling machine moved off of well June 20 1969

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] John W. Beant Date 6/20, 1969
(Drilling Machine Operator)
Drilling Machine Operator's License No. 216-431

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
NAME HAAKON BOTTNER DRILLING COMPANY
(Person, firm or corporation) (Type or print)
Address 3424 S.E. 17th th. AVE. PORTLAND, ORE.
[Signed] Haakon Bottner
(Water Well Contractor)
Contractor's License No. 109 Date 6/20, 1969

New Attachment

Attachment F

Voluntary Cancellation of a Portion of Certificate 58499

Application for a Water Right Transfer – Certificate 51171

**AFFIDAVIT FOR THE VOLUNTARY CANCELLATION OF A PORTION
OF A WATER RIGHT CERTIFICATE (ORS 540.621)**

State of Oregon)
) ss
County of Washington)

I/We (or authorized agent), **MF Beef Bend, LLC. ATTN: John O'Neil**, residing at **17933 NW Evergreen Place, Suite 300, Beaverton, OR 97006** telephone number **503-597-7132**, being first duly sworn depose and say:

1. I/We are the legal and deeded owner(s) of the property described as tax lot number **1501**, within the **SENE and NESE ¼¼**, Section **18**, Township **2S**, Range **1W**, of the Willamette Meridian, in **Washington County**, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit.

2. I/We wish to cancel the following portion(s) of the water right certificate number **58499** issued to **Porter Walton Co., Inc.** with a date of priority of **April 1, 1980**.

A place of use, or use.

- For the use of (specify irrigation, domestic, etc.) **Supplemental Irrigation**

FOR IRRIGATION OR NURSERY USE:

- Total number of acres to be cancelled **12.7**
- Location of acres to be cancelled must be clearly identified on a copy of the final proof map.

- In the amount of **0.127** cubic foot per second

- From the water source (s) **Unnamed Stream and Reservoir constructed under Permit R-8279, tributary to Tualatin River**

AND/OR (less common)

One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.

- For the use of (specify irrigation, domestic, etc.) _____

- From the water source (s) _____

- Located within the _____¼¼, Section _____, Township _____ (N/S), Range _____ (E/W)

Location Description (if given on the certificate) _____

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: The lands associated with this right are located within the Tualatin Valley Irrigation District's service area, however, the right is neither held nor served by the District.)

4. The portion of the water right being cancelled is served by an irrigation district. The signature of the district manager on the line below indicates the concurrence of the district to the cancellation of the portion of the water right served by the district.

N/A


Signature of district manager Printed Name Date

5. If the water right is issued in the name of an irrigation district then the affiant must have the concurrence of the district to the cancellation of the portion of the water right. (Signature of district manager on the line below documents consent of the district.)

N/A

Signature of district manager Printed Name Date

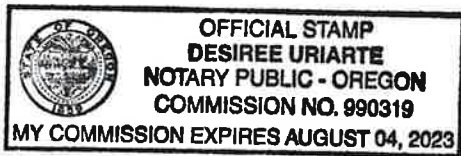
6. I/We have abandoned any and all interest in the portion of the water right described in Item 2, above, and request that portion of the right be canceled.



Signature of legal owner as listed on deed, or authorized agent 4-8-2022
Date

Signature of legal co-owner as listed on deed _____
(If applicable) Date

Subscribed and Sworn to Before Me this 8 day of April, 2022.





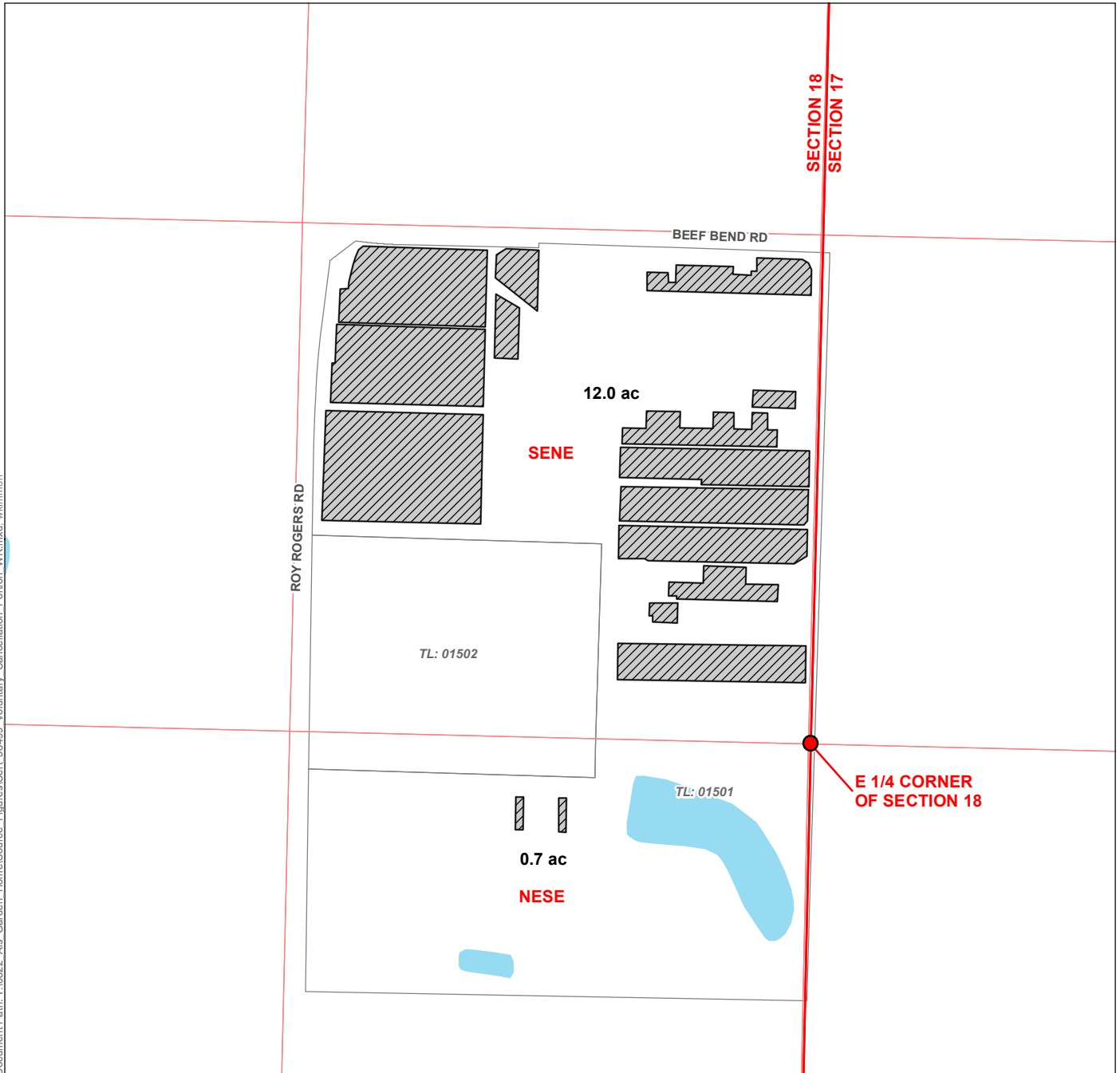
Notary Public for Oregon
My Commission Expires Aug 4, 2023

PLEASE ATTACH A LEGIBLE COPY OF:







- 1) A deed which lists landowners and includes a legal description of affected lands, and
- 2) A copy of a water right final proof map, or a tax lot map, or an adjudication map with the abandoned portion of the right clearly drawn and identified.
- 3) IF ACTING AS AN AUTHORIZED AGENT, include a copy of Power of Attorney or other documents granting authority to act on behalf of the legal owner(s).

Voluntary Cancellation of a Portion of Water Right Certificate 58499

Township 2 South, Range 1 West (W.M.)



LEGEND

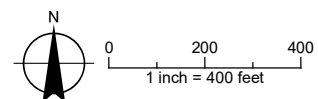
-  Portion of Certificate 58499 to be Canceled (12.7 ac)
-  Government Lot (GL)
-  Tax Lot
-  Railroad
-  Watercourse
-  Waterbody

DISCLAIMER

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

MAP NOTES

Date: February 21, 2022
Data Sources: BLM, OWRD, Metro, ESRI





After recording return to:
MF Beef Bend, LLC
17933 NW Evergreen Pkwy, Suite 300
Beaverton, OR 97006

Until a change is requested all tax
statements shall be sent to the
following address:
MF Beef Bend, LLC
17933 NW Evergreen Pkwy, Suite 300
Beaverton, OR 97006

File No.: 7001-2353116 (LB)
Date: August 20, 2015

Washington County, Oregon **2015-079367**
D-DBS
Stn=15 S PFEIFER **09/18/2015 12:50:57 PM**
\$25.00 \$11.00 \$5.00 \$2,895.00 \$20.00 **\$2,956.00**

THIS SPACE RES

I, Richard Hobernicht, Director of Assessment and Taxation and Ex-Officio County Clerk for Washington County, Oregon, do hereby certify that the within instrument of writing was received and recorded in the book of records of said county.

Richard Hobernicht, Director of
Assessment and Taxation, Ex-Officio

STATUTORY BARGAIN AND SALE DEED

NWK2 Inc., a California corporation, Grantor, conveys to MF Beef Bend, LLC, an Oregon limited liability company, Grantee, the following described real property:

See Legal Description attached hereto as Exhibit A and Exhibit B and by this reference incorporated herein.

The true consideration for this conveyance is **\$2,895,000.00**. (Here comply with requirements of ORS 93.030)

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 3 day of September, 2015.

FIRST AMERICAN - 2353116-5T

APN: R528600

Bargain and Sale Deed
- continued

File No.: 7001-2353116 (LB)
Date: 09/18/2015

NWK2 Inc., a California corporation

By: K Koers
Name: Karin Koers
Title: Senior Vice President

By: [Signature]
Name: Meenas Manjikian
Title: Senior Vice President

STATE OF California)
)ss.
County of _____)

This instrument was acknowledged before me on this _____ day of _____, 20____
by Karin Koers as Senior Vice President of NWK2 Inc., on behalf of the corporation. And Meenas
Manjikian as Senior Vice President of NWK2 Inc., on behalf of the corporation.

Notary Public for California
My commission expires:

ACKNOWLEDGMENT

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 Fresno

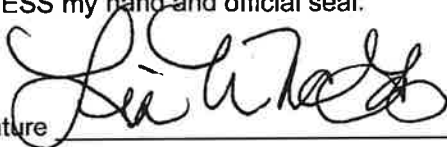
On September 3, 2015 before me, LIA N. MCGINNIS
(insert name and title of the officer)

personally appeared Karin Koers and Meenas Manjikian
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~~
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 the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)

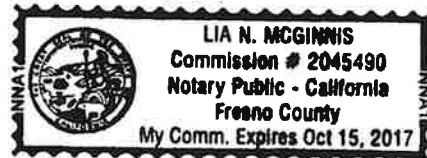


EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Washington, State of Oregon, described as follows:

**A TRACT OF LAND IN THE COUNTY OF WASHINGTON AND STATE OF OREGON,
DESCRIBED AS FOLLOWS:**

COMMENCING AT A POINT 80 RODS SOUTH OF THE NORTHEAST CORNER OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST, OF THE WILLAMETTE MERIDIAN; AND RUNNING THENCE WEST 80 RODS; THENCE SOUTH 120 RODS; THENCE EAST 80 RODS TO SECTION LINE; THENCE NORTH 120 RODS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM A STRIP OF LAND IN THE NORTHEASTERLY CORNER OF SAID TRACT, WHICH STRIP MEASURES 363 FEET FROM THE SAID NORTHEASTERLY CORNER IN A SOUTHERLY DIRECTION ALONG THE EASTERLY LINE OF SAID TRACT, AND MEASURES 30 FEET IN WIDTH, THE WESTERLY LINE OF SAID STRIP BEING PARALLEL TO THE EASTERLY LINE OF SAID TRACT AND THE SOUTHERLY LINE OF SAID STRIP BEING PARALLEL TO THE NORTHERLY LINE OF SAID TRACT.

ALSO EXCEPTING THEREFROM THAT PORTION LEASED TO AGC PROPERTIES, LLC, AN OREGON LIMITED LIABILITY COMPANY AS SET FORTH IN MEMORANDUM OF GROUND LEASE RECORDED APRIL 20, 2004 AS FEE NO. 2004-041849, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

A PARCEL BEING A PART OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED APRIL 29, 1996 AS FEE NO. 96037618, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE EAST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89°57'51" WEST A DISTANCE OF 571.57 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 102.01 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89°57'51" WEST A DISTANCE OF 750.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID FEE NO. 96037618 TRACT; THENCE NORTH 00°02'12" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.00 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°02'09" EAST A DISTANCE OF 522.84 FEET TO A POINT; THENCE SOUTH 89°57'51" EAST, A DISTANCE OF 750.00 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 609.83 FEET TO THE TRUE POINT OF BEIGNNING OF THE PARCEL HEREIN DESCRIBED.

FURTHER EXCEPTING THEREFROM THAT PORTION DEDICATED TO WASHINGTON COUNTY BY INSTRUMENT RECORDED NOVEMBER 02, 1999 AS FEE NO. 99123635.

TOGETHER WITH AN EASEMENT FOR IRRIGATION PURPOSES AS DESCRIBED IN INSTRUMENT RECORDED FEBRUARY 10, 1989 AS RECORDER'S FEE NO. 89-06294, RECORDS OF WASHINGTON COUNTY, OREGON.

EXHIBIT "B"

A PARCEL BEING A PART OF THAT TRACT OF LAND DESCRIBED IN THAT DEED RECORDED APRIL 29, 1996 AS FEE NO. 96037618, WASHINGTON COUNTY DEED RECORDS, BEING LOCATED IN THE EAST ONE-HALF OF SECTION 18, TOWNSHIP 2 SOUTH, RANGE 1 WEST OF THE WILLAMETTE MERIDIAN, WASHINGTON COUNTY, OREGON, SAID PARCEL BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST ONE-QUARTER CORNER OF SAID SECTION 18; THENCE NORTH 89°57'51" WEST A DISTANCE OF 571.57 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 102.01 FEET TO THE TRUE POINT OF BEGINNING OF THE PARCEL HEREIN DESCRIBED; THENCE NORTH 89°57'51" WEST A DISTANCE OF 750.00 FEET TO A POINT ON THE WESTERLY LINE OF SAID FEE NO. 96037618 TRACT; THENCE NORTH 00°02'12" EAST, ALONG SAID WESTERLY LINE, A DISTANCE OF 87.00 FEET TO AN ANGLE POINT IN SAID WESTERLY LINE; THENCE CONTINUING ALONG SAID WESTERLY LINE, NORTH 00°02'09" EAST A DISTANCE OF 522.84 FEET TO A POINT; THENCE SOUTH 89°57'51" EAST, A DISTANCE OF 750.00 FEET TO A POINT; THENCE SOUTH 00°02'09" WEST A DISTANCE OF 609.83 FEET TO THE TRUE POINT OF BEIGNNING OF THE PARCEL HEREIN DESCRIBED.

FURTHER EXCEPTING THEREFROM THAT PORTION DEDICATED TO WASHINGTON COUNTY BY INSTRUMENT RECORDED NOVEMBER 02, 1999 AS FEE NO. 99123635.

NOTE: This legal description was created prior to January 1, 2008.