

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>11-2027</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 type="checkbox"/> Check enclosed <u>or</u>	
	<input type="checkbox"/> Fee Charged to customer account _____ (account name)	

Yes **Part 2 – Completed Instream Lease Application Map Checklist.**

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

Yes **Part 4 – Completed Instream Lease Provisions and Signatures**

Yes **How many water rights are leased?** 2 **List them here:** 39723, 49439

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.

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Part 2 of 4 – Instream Lease Application Map Checklist

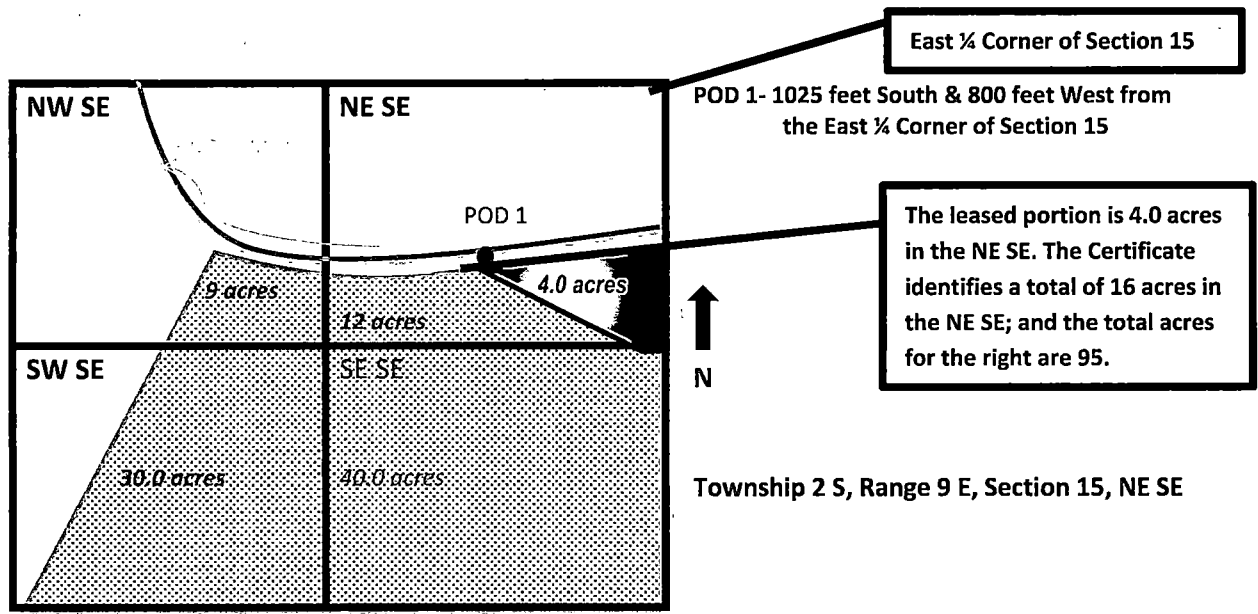
A Map is generally required for each water right not leased in its entirety

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

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

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

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



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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>June</u> year <u>24</u> and end: month <u>Oct</u> year <u>2028</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>	

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.

Kerry Way Date: 4/3/24
 Signature of Lessor

Printed name (and title): Kerry Way Business name, if applicable: _____
 Mailing Address (with state and zip): 478 Crouch Rd. Oakland, OR 97402
 Phone number (include area code): 541-817-5899*E-mail address: chickenway@yahoo.com

See next page for additional signatures.

Received

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

Signature of Lessee Date: _____
Printed name (and title): _____ Business name, if applicable: _____
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 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # C-39723

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

Total Acres: 19.8

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")
	255	6	W	27	NW-NW	See cert
	-	-	-	-		

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

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Instream Use Information

Table 4

Instream Use Created by the Lease						
River/ Stream Name: <u>Calapooya Cr</u> , tributary to <u>Umpqua RV</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 checked="" type="checkbox"/> Instream use protected at the POD</p>		
<p>OR <input 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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Part 3 of 4 – Water Right and Instream Use Information

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

Water Right Information

Water right # C-49439

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: 80.45

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")
	25-S	6-W	27	-	E-NNW	
	-	-		-		

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.

STATE OF OREGON
 COUNTY OF DOUGLAS
CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD CROUCH

of **Umpqua Route, Box 48, Oakland**, State of **Oregon** **97462**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Calapooya Creek**

a tributary of **Umpqua River** for the purpose of **irrigation of 19.8 acres**

under Permit No. **32598** 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 **May 15, 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 **0.25 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 **NW $\frac{1}{4}$ NW $\frac{1}{4}$** , as projected within **John Daniel DLC 44, Section 27, T. 25 S., R. 6 W., W. M., 810 feet North and 1890 feet East from SW Corner, John Daniel DLC 44.**

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 $\frac{1}{2}$ 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:

2.6 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
As projected within John Daniel DLC 44
Section 21

17.2 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
As projected within John Daniel DLC 44
Section 28
T. 25 S., R. 6 W., 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.

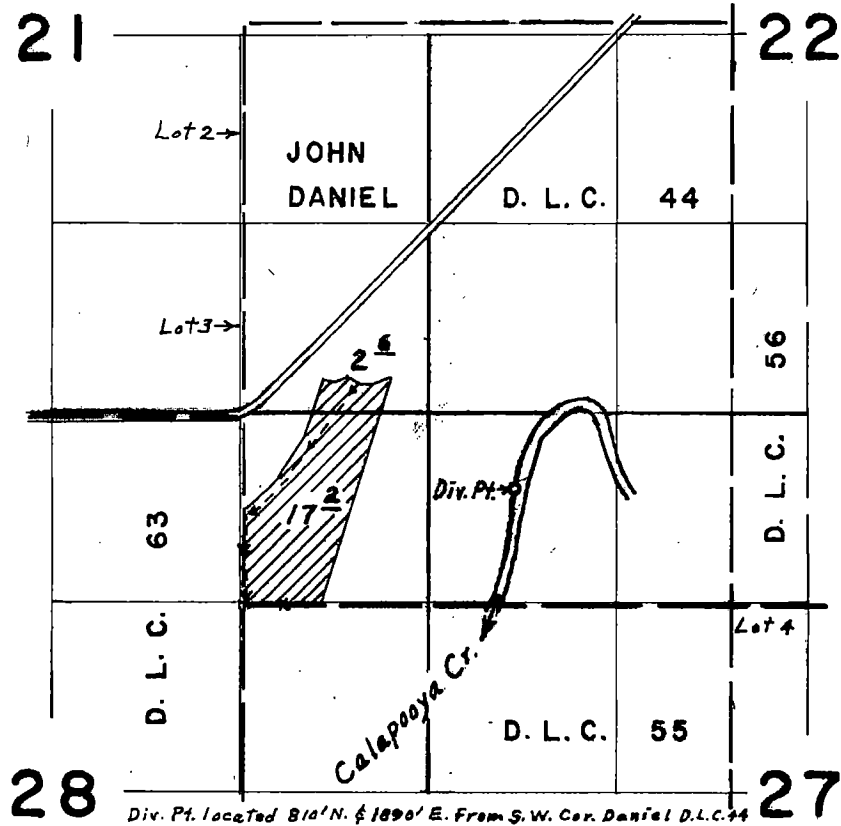
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WITNESS the signature of the State Engineer, affixed
 this date. **January 30, 1974**

OWRD

.....**Chris L. Wheeler**.....
 State Engineer

T.25 S., R.6 W., W.M.



FINAL PROOF SURVEY
UNDER

Application No. 43595 Permit No. 32598
IN NAME OF

HAROLD CROUCH

Surveyed May 11, 1972, by L. E. Gould

Received
APR 08 2024

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STATE OF OREGON

COUNTY OF

DOUGLAS

CERTIFICATE OF WATER RIGHT

This Is to Certify, That HAROLD CROUCH

of Umpqua Route, Box 48, Oakland, State of Oregon 97462, has made proof to the satisfaction of the Water Resources Director, of a right to the use of the waters of Calapooya Creek

a tributary of Umpqua River for the purpose of irrigation of 80.45 acres

under Permit No. 18106 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 January 26, 1948

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 1.007 cubic feet 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 NW $\frac{1}{4}$ NW $\frac{1}{4}$, Section 27, SW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 22, both as projected within J.T. Daniel DLC No. 44, T. 25 S., R. 6 W., W.M.; 620 feet South and 600 feet East, 65 feet North and 875 feet East, both from NW Corner, Section 27

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 $\frac{1}{2}$ 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:

SEE NEXT PAGE

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2.55 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 21

2.00 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
1.00 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
14.40 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
27.80 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
Section 22

14.70 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
1.60 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$
Section 27

16.40 acres NE $\frac{1}{4}$ NE $\frac{1}{4}$
Section 28

all as projected within J.T. Daniel DLC 44
T. 25 S., R. 6 W., W. M.

This certificate describes that portion of the water right confirmed by the prior certificate recorded at page 20981, Volume 15, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered on June 20, 1980, approving transfer application No. 4369.

The issuance of this superseding certificate does not confirm the status of the water right in reference to ORS 540.610.

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, officiated

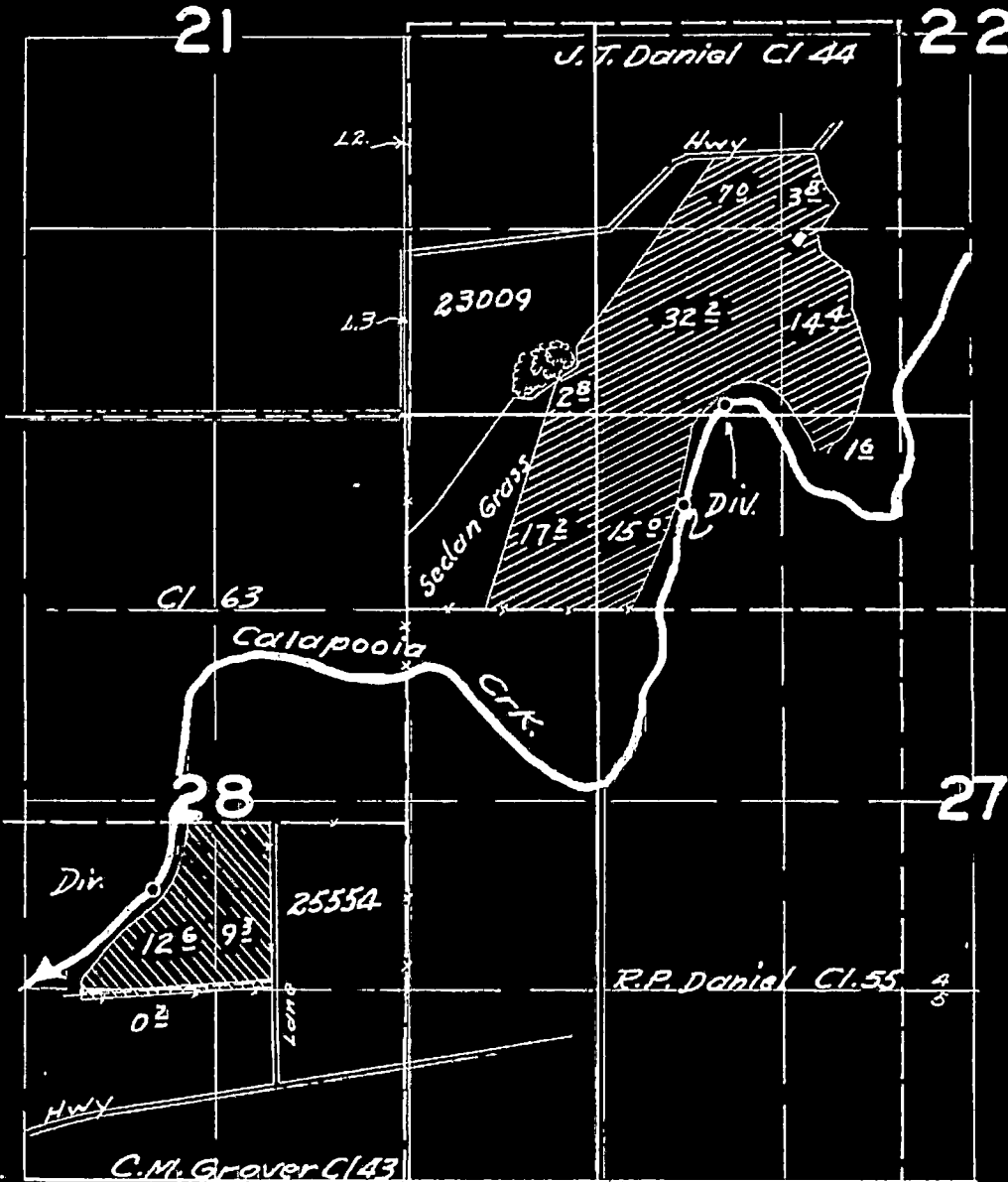
this date. September 4, 1980


Water Resources Director

Recorded in State Record of Water Right Certificates, Volume 43 , page 49439

T.25S. R. 6W.W. M.

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FINAL PROOF SURVEY

UNDER

Application No. 23009 Farm No. 18106
25554 Farm No. 20066

IN NAME OF

Harold rough
L. Richardson

Surveyed July 25 1954, by H. L. Coffman

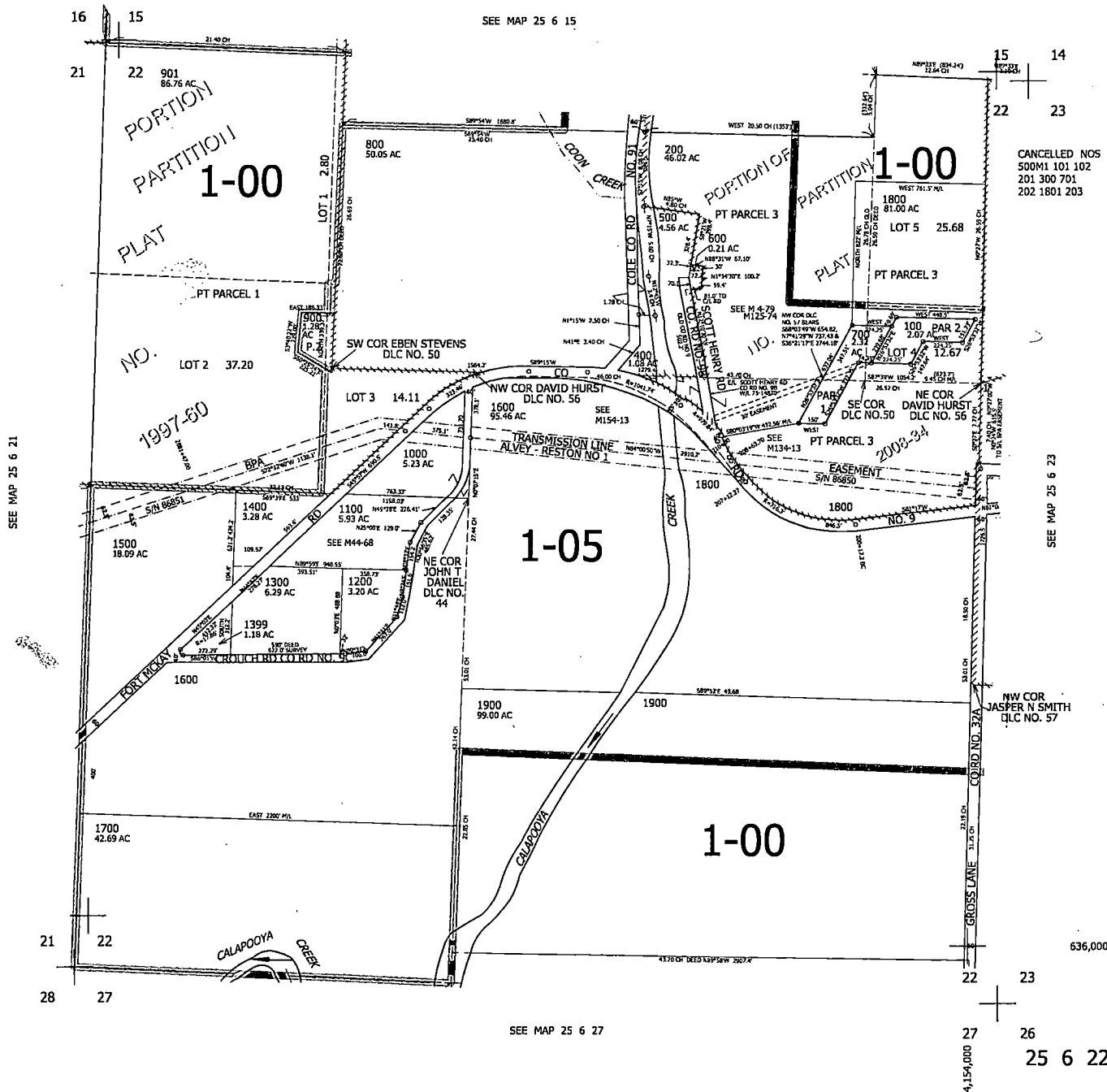
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.22 T.25S. R.6W. W.M. DOUGLAS COUNTY

REVISED ON 11-3-17

25 6 22

1" = 400'



CANCELLED NOS
500M1 101 102
201 300 701
202 1801 203

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SEE MAP 25 6 21

SEE MAP 25 6 23

SEE MAP 25 6 27

27
000,004,151-4

25 6 22

636,000

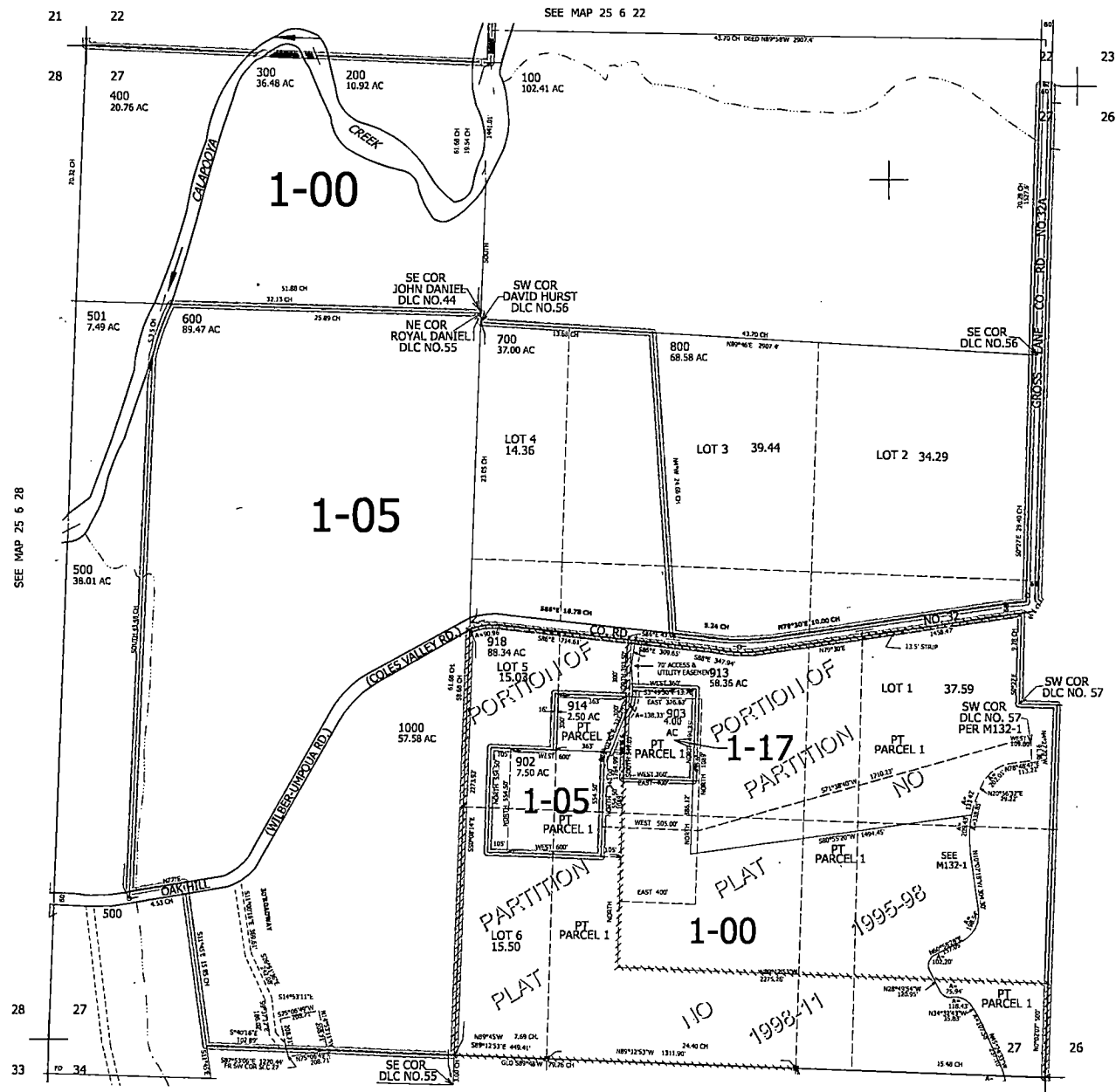
THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSE ONLY.

SEC.27 T.25S. R.6W. W.M. DOUGLAS COUNTY

REVISED ON 4-9-09

25 6 27

1" = 400'



- CANCELLED NOS
- 801 904 900
- 901 907 908
- 909 910 911
- 912 905 915
- 916 917 919
- 920 921 922
- 923 924 906
- 925 927 928
- 929 926

SEE MAP 25 6 26

SEE MAP 25 6 28

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SEE MAP 25 6 34

630,000

4,153,000

25 6 27

36

First American Title Insurance Company
Commercial Title Division 171006 CV
P.O. Box 1325
Roseburg, OR 97470



DOUGLAS COUNTY OFFICIAL RECORDS
BARBARA E. NIELSEN, COUNTY CLERK

2003-015867



\$36.00

06/16/2003 02:39:51 PM

DEED-PRD Cnt=1 Stn=18 RECORDINGDESK
\$20.00 \$11.00 \$5.00

After recording return to:

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

Kerry Way and Holly Way
P.O. Box 77
Adel, OR 97620

File No.: 7391-171006 (cv)
Date: June 06, 2003

PERSONAL REPRESENTATIVE'S DEED

THIS INDENTURE made this **Sixth day of June, 2003** by and between **Loren L. McClure and Robert W. Boyles** the duly appointed, qualified and acting personal representative of the estate of **Mildred R. Comfort**, deceased, hereinafter called the first party and **Kerry Way and Holly Way**, tenants by the entirety, hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in that certain real property situated in the County of **Douglas**, State of Oregon, described as follows, to-wit:

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

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$900,000.00**.

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

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APN:

OWRD

Personal Representative's Deed
- continued

File No.: 7391-171006 (cv)
Date: June 06, 2003

EXHIBIT A

LEGAL DESCRIPTION:

PARCEL A:

TRACT 1A:

Lot eleven (11) of Section 15; the Northeast quarter of the Northeast quarter and Lot one (1) of Section 21; the Northwest quarter of the Northwest quarter and Lots two (2) and three (3) of Section 22, all in Township 25 South, Range 6 West of the W.M., Douglas County, Oregon.

ALSO Lot ten (10) in Section 15, Township 25 South, Range 6 West, and Lot one (1) in Section 22, Township 25 South, Range 6 West, W.M., Douglas County, Oregon.

EXCEPTING THEREFROM that portion as conveyed to Douglas County, for road purposes, as described in deed recorded July 15, 1952 in Volume 210 of the Deed Records of Douglas County, Oregon, Recorder's No. 144554.

ALSO EXCEPTING THEREFROM: Beginning at the Southwest corner of DLC No. 50 in Township 25 South, Range 6 West, W.M., in Douglas County, Oregon; thence North along the West line of said DLC 315.02 feet to a 5/8" diameter steel pin; thence West 186.33 feet to a 5/8" diameter steel pin; thence South 3° 40' 22" West 229.00 feet to a 5/8" diameter steel pin; thence South 60° 25' 34" East 225.21 feet to a 5/8" diameter steel pin; thence North 86° 30' 48" East 5.14 feet to a 5/8" diameter steel pin; thence North 24.35 feet to the point of beginning, situated in Section 22, Township 25 South, Range 6 West, W.M., Douglas County, Oregon.

TRACT 2A:

The DLC of John T. Daniels, being parts of Sections 21, 22, 27 and 28 in Township 25 South, Range 6 West, W.M., Douglas County, Oregon, and bounded and described as follows, to-wit: Beginning at a point 1.40 chains North and 19.75 chains West from the quarter position the line between said Section 21 and 22; running thence South 61.68 chains East 51.88 chains North 61.68 chains, West 51.88 chains to the place of beginning, situated in Douglas County, Oregon.

EXCEPTING therefrom that portion in Deed to Douglas County, known as Relocated County Road No. 9, recorded in Book 210, Page 501, records of Douglas County, Oregon, Recorder's No. 144557.

ALSO EXCEPTING all that portion of the above described property lying South of the relocated County Road No. 9

PARCEL B:

The DLC of John T. Daniels, being parts of Sections 21, 22, 27 and 28 in Township 25 South, Range 6 West, W.M., Douglas County, Oregon, and bounded and described as follows, to-wit: Beginning at a point 1.40 chains North and 19.75 chains West from the quarter position the line between said Section 21 and 22; running thence South 61.68 chains East 51.88 chains North 61.68 chains, West 51.88 chains to the place of beginning, situated in Douglas County, Oregon.

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APN:

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Personal Representative's Deed
- continued

File No.: 7391-171006 (cv)
Date: June 06, 2003

EXCEPTING the following described land lying Easterly of relocated County Road: Beginning at the Northwest corner an iron pipe set in the ground from which the Northeast corner of the John T. Daniels DLC No. 44 in Township 25 South, Range 6 West, W.M., bears North 424.2 feet and South 89° 39' East 1327.2 feet; thence South 509.2 feet to an iron pipe set in the ground on the Northerly right of way line of the old county road; thence North 88° 01' East 622.0 feet along said right of way line to a point; thence North 80° 31' East 106.0 feet along said right of way line to a point; thence North 41° 11' East 267.0 feet along said right of way line to a point; thence North 11° 48' East 112.0 feet along said right of way line to a point; thence North 8° 37' East 161.8 feet along said right of way line to an iron pipe set in the ground; thence leaving said county road right of way line West 949.13 feet to the place of beginning, all located in Section 22, Township 25 South, Range 6 West, W.M., Douglas County, Oregon.

ALSO EXCEPTING the following described land, lying Easterly of relocated County Road: Beginning at the Northwest corner on the North line of the John T. Daniels DLC No. 44, said point being an iron pipe from which the Northeast corner of the John T. Daniels DLC No. 44, Township 25 South, Range 6 West, W.M., Douglas County, Oregon, bears South 89° 39' East 1327.2 feet; thence South 424.2 feet to an iron pipe set in the ground; thence East 949.13 feet to an iron pipe set in the ground on the Westerly right of way line of the old County Road; thence North 8° 37' East 154.2 feet along the Westerly right of way line of the County Road to a point; thence North 25° 00' East 129.0 feet along the Westerly right of way line of the County Road to a point; thence North 49° 28' East 226.41 feet along right of way line to an iron pipe set in the ground; thence leaving said County Road right of way line North 89° 39' West 1198.85 feet to the place of beginning, all located in Section 22, Township 25 South, Range 6 West, W.M., Douglas County, Oregon.

ALSO EXCEPTING therefrom that portion in Deed to Douglas County, known as Relocated County Road No. 9, recorded in Book 210, Page 501, records of Douglas County, Oregon, Recorder's No. 144557.

ALSO EXCEPTING therefrom that portion conveyed to Robert Monett, et al, in Exchange Agreement recorded in Book 695, Page 627, records of Douglas County, Oregon, Recorder's No. 78-19801.

ALSO EXCEPTING therefrom that portion of John T. Daniels DLD No. 44 lying Southerly and Easterly of Calapooia Creek as described in Deed to Martin D. Crouch, et al, recorded December 1, 1976, in Book 617, Page 807, Recorder's No. 76-19483, Deed Records, Douglas County, Oregon.

ALSO EXCEPTING therefrom all that portion of the above described property lying North of the relocated County Road No. 9

END OF DOCUMENT