

T-10534

GR-MOD

DON KNAUER / Water Right Consultation and Water Right Surveys
PO Box 5416 Salem OR 97304 phone: 503-585-8474 cell: 503-508-7862

June 8, 2015

Transfer Section
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re T-10534: Ground Water Registration modification in the name of Thomas H. DeArmond

Greetings,

I have enclosed a copy of a portion of the claim of beneficial use for a different file but which the claim description data is the same for this file. I understand the final adjudication of this water use will be completed in the future. We want to insure this data is readily available for that process. Mr. DeArmond has completed full beneficial use under the terms of ground water registrations and this transfer order. Please contact me if you have any questions.

Regards,

Don Knauer, WRE

A handwritten signature in black ink, appearing to read 'Don Knauer', with a long horizontal flourish extending to the right.

Enclosures

C: Tom DeArmond

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SECTION 3

CLAIM DESCRIPTION

1. Point of diversion/appropriation name or number:

POINT OF DIVERSION/APPROPRIATION (POD/POA) NAME OR NUMBER (CORRESPOND TO MAP)	WELL LOG ID # FOR ALL WORK PERFORMED ON THE WELL (IF APPLICABLE)	WELL TAG # (IF APPLICABLE)
OWRE Well #1		
OWRE Well #2		
OWRE Well #3		

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, or deepenings)

2. Point of diversion/appropriation source and, if from surface water, the tributary:

POD/POA NAME OR NUMBER	SOURCE	TRIBUTARY
OWRE Well #1	Well in the Seneschal Basin	Pudding River
OWRE Well #2	Well in the Seneschal Basin	Pudding River
OWRE Well #3	Well in the Seneschal Basin	Pudding River

3. Developed use(s), period of use, and rate for each use:

POD/POA NAME OR NUMBER	USES	IF IRRIGATION, LIST CROP TYPE	SEASON OR MONTHS WHEN WATER WAS USED	ACTUAL RATE OR VOLUME USED (CFS, GPM, OR AF)
#1, #2, #3	irrigation	Grass seed, row crops, nursery stock	March 1 – Oct. 31	
Total Quantity of Water Used				

4. Provide a general narrative description of the distribution works. This description must trace the water system from **each point of diversion or appropriation to the place of use:**

The three wells are piped together with an 8" mail line buried pipe. Any or all of the three pumps deliver water to the system at any time. There arte wheel lines and hand lines used with sprinklers to beneficially irrigate the fields.

5. Variations:

Was the use developed differently from what was authorized by the permit,
permit amendment final order, or extension final order? If yes, describe below.

YES

(e.g. "The permit allowed three points of diversion. The water user only developed one of the points." or "The permit allowed 40.0 acres of irrigation. The water user only developed 10.0 acres.")

6. Claim Summary:

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POD / POA NAME OR #	MAXIMUM RATE AUTHORIZED	CALCULATED THEORETICAL RATE BASED ON SYSTEM	AMOUNT OF WATER MEASURED	USE	# OF ACRES ALLOWED	# OF ACRES DEVELOPED
OWRE Well #1	0.24 cfs & 0.06 cfs			irrigation	19.65 & 4.7	19.65 & 4.7
OWRE Well #2	0.24 cfs & 0.06 cfs			irrigation	19.65 & 4.7	19.65 & 4.7
OWRE Well #3	0.24 cfs & 0.06 cfs			irrigation	19.65 & 4.7	19.65 & 4.7

SECTION 4

SYSTEM DESCRIPTION

Are there multiple PODs or POAs?

YES

If "YES" you will need to copy and complete Sections 4B through 4G for each POD/POA.

POD/POA Name or Number this section describes (only needed if there is more than one):

OWRE Well #1

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	31	NENE		59	irrigation	19.6	
			31	NWNE				0.05	
			31	NENE				4.4	
			32	NWNW				0.3	
Total Acres Irrigated								24.35	

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Johnson			turbine		6"

3. Motor Information

MANUFACTURER	HORSEPOWER
	25

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If A WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
25	50	70	4	.88

5. Provide pump calculations:

$$(7.04) \times (25) = 0.88 \text{ cfs}$$

$$74 + 127$$

6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	4000'	pvc	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	4 miles	alum	above
3"	4000'	alum	above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
11/64	50	6.0	405	65	0.87
5/32	50	5.0	500	80	0.89

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

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12. Additional notes or comments related to the system:

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

1 1/2" pipe on the south side of the casing

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY

4. In addition to the information requested in item "3" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

5. Is the appropriation from a dug well (sump)?

NO

D. Storage

1. Does the distribution system include in-system storage (e.g. storage tank, bulge in system / reservoir)

NO

E. Gravity Flow Pipe

(THE DEPARTMENT TYPICALLY USES THE HAZEN-WILLIAM'S FORMULA FOR A GRAVITY FLOW PIPE SYSTEM)

1. Does the system involve a gravity flow pipe?

NO

If "NO", items 2 through 4 relating to this section may be deleted.

F. Gravity Flow Canal or Ditch

(THE DEPARTMENT TYPICALLY USES MANNING'S FORMULA FOR CANALS AND DITCHES)

1. Is a gravity flow canal or ditch used to convey the water as part of the distribution system?

NO

G. Reservoir

1. Does the claim involve a reservoir modified through a transfer?

NO

OWRE Well #2

A. Place of Use

1. Is the right for municipal use?

NO

If "YES" the table below may be deleted.

TWP	RNG	MER	SEC	QQ	GLOT	DLC	USE	IF IRRIGATION, # PRIMARY ACRES	IF IRRIGATION, # SUPPLEMENTAL ACRES
4S	1W	WM	31	NENE		59	irrigation	19.6	
			31	NWNE				0.05	
			31	NENE				4.4	
			32	NWNW				0.3	
Total Acres Irrigated								24.35	

B. Diversion and Delivery System Information

Provide the following information concerning the diversion and delivery system. Information provided must describe the equipment used to transport and apply the water from the point of diversion/appropriation to the place of use.

1. Is a pump used?

YES

If "NO" items 2 through item 6 may be deleted.

2. Pump Information

MANUFACTURER	MODEL	SERIAL NUMBER	TYPE (CENTRIFUGAL, TURBINE OR SUBMERSIBLE)	INTAKE SIZE	DISCHARGE SIZE
Layne & Bowler			tubine		6"

3. Motor Information

MANUFACTURER	HORSEPOWER
	50

4. Theoretical Pump Capacity

HORSEPOWER	OPERATING PSI	LIFT FROM SOURCE TO PUMP *If a WELL, THE WATER LEVEL DURING PUMPING	LIFT FROM PUMP TO PLACE OF USE	TOTAL PUMP OUTPUT (IN CFS)
50	50	82	4	1.65

5. Provide pump calculations:

$$\frac{(7.04) \times (50)}{86 + 127} = 1.65 \text{ cfs}$$

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6. Measured Pump Capacity (using meter if meter was present and system was operating)

INITIAL METER READING	ENDING METER READING	DURATION OF TIME OBSERVED	TOTAL PUMP OUTPUT (IN CFS)

Reminder: For pump calculations use the reference information at the end of this document.

7. Is the distribution system piped?

YES

If "NO" items 8 through item 11 may be deleted.

8. Mainline Information

MAINLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
8"	4000'	pvc	buried

9. Lateral or Handline Information

LATERAL OR HANDLINE SIZE	LENGTH	TYPE OF PIPE	BURIED OR ABOVE GROUND
4"	4 miles	alum	above
3"	4000'	alum	above

10. Sprinkler Information

SIZE	OPERATING PSI	SPRINKLER OUTPUT (GPM)	TOTAL NUMBER OF SPRINKLERS	MAXIMUM NUMBER USED	TOTAL SPRINKLER OUTPUT (CFS)
11/64	50	6.0	405	120	1.60
5/32	50	5.0	500	150	1.67

Reminder: For sprinkler output determination use the reference information at the end of this document.

11. Pivot Information

MANUFACTURER	MAXIMUM WETTED RADIUS	OPERATING PSI	TOTAL PIVOT OUTPUT (GPM)	TOTAL PIVOT OUTPUT (CFS)

12. Additional notes or comments related to the system:

--

C. Groundwater Source Information (Well and Sump)

1. Is the appropriation from ground water (well or sump)?

YES

If "NO", items 2 through 8 relating to this section may be deleted.

2. Describe the access port (type and location) or other means to measure the water level in the well:

Square hole on the NE side of the casing

3. If well logs are not available, provide as much of the following information as possible:

CASING DIAMETER	CASING DEPTH	TOTAL DEPTH	COMPLETION DATE OF ORIGINAL WELL	COMPLETION DATES OF ALTERATIONS	WHO THE WELL WAS DRILLED FOR	WELL DRILLED BY

Original
to be Original, and
duplicate with the
STATE ENGINEER,
SALEM, OREGON

WATER WELL DRILLERS REPORT

STATE OF OREGON

Do Not State Well No. 7/1W-20 (Reg)
Fill In State Permit No. 460 31A

(1) OWNER:

Name James C. OwenAddress Box 1 Hubbard, Ore.

(2) LOCATION OF WELL:

County MARION Owner's number, if anyR. F. D. or Street No. ROUTE 1

Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐
Cable ☒
Dug Well ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

FROM	ft. to	ft.	Diam.	Gage or Wall	Diameter of Bore	from ft.	to ft.
0	-	134	10	7/8			
"	"	"	"	"	"	"	"
"	"	"	"	"	"	"	"
"	"	"	"	"	"	"	"

Type and size of shoe or well ring 2 in

Describe joint

(7) PERFORATIONS:

Type of perforator used		SIZE of perforations		length, by	in.
Cutting torch		2 1/2		1/4	
FROM	ft. to	ft.	per foot	No. of rows	
121	-	134	3	10	
"	"	"	"	"	"
"	"	"	"	"	"

SCREENS:

Give Manufacturer's Name, Model No. and Size

(8) CONSTRUCTION:

Was a surface sanitary seal provided? ☐ Yes ☒ No To what depth ft.Were any strata sealed against pollution? ☐ Yes ☐ No

If yes, note depth of strata

FROM ft. to ft.

METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 119 ft.Standing level before perforating 12 ft.Standing level after perforating 12 ft.

Log Accepted by:

[Signed] James C. Owen Dated 5/29, 1957

Owner

(10) WELL TESTS:

Was a pump test made? ☒ Yes ☐ No If yes, by whom STETTLER

Yield: gal./min. with ft. draw down after hrs.

" 450 " 70 " 1

" " " "

Artesian flow _____ g.p.m.

Shut-in pressure _____ lbs. per square inch.

Baller test _____ g.p.m. with _____ ft. drawdown

Temperature of water Was a chemical analysis made? ☐ Yes ☒ NoWas electric log made of well? ☐ Yes ☒ No

(11) WELL LOG:

Diameter of well, 10 inches.Total depth 137 ft. Depth of completed well 134 ft.

Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.

ft. to	ft.	
1	-	12 BROWN CLAY
12	-	74 BLUE
74	-	90 SHALE
90	-	119 BLUE CLAY
119	-	121 BLACK SAND
121	-	134 SAND & GRAVEL
134	-	137 BLUE CLAY

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Ground elevation at well site _____ feet above mean sea level.

Work started APRIL 1957 Completed MAY 1957

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME EDMOND DANSKE
(Person, firm, or corporation) (Typed or printed)Address ROUTE 1 BOX 336

Driller's well number

[Signed] Edmond DanskeLicense No. 153 Dated 5/29, 1957

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JAN 23 2006

WELL #2 CONSTRUCTION INFORMATION

The well was constructed by a previous land owner.

The well is approximately 130' in depth.

There is a 12" steel casing at land surface.

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SALEM, OREGON

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JAN 23 2006

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STATE OF OREGON
WATER SUPPLY WELL REPORT
 (as required by ORS 537.765 & OAR 690-205-0210)

MAR 60942

WELL LABEL # L 75918

START CARD # 163498

NE NE 8431 45 1W

(1) LAND OWNER

Owner Well I.D. OWR-5

First Name Tom Last Name DeArmond
 Company Oregon Turf & Trees
 Address 18381 Boones Ferry Rd. NE
 City Hubbard State OR Zip 97032

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION Special Standard ☐ Attach copy

Depth of Completed Well 306.66 ft.

BORE HOLE			SEAL			sacks/	
Dia	From	To	Material	From	To	Amt	lbs
20	0	6	Bentonite Chips	0	6	10	S
20	6	80	Cement	6	80	86	S
16	80	308					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from ft. to ft. Material

Filter pack from 246.66 ft. to 306.66 ft. Material gravel Size 4/10

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing Liner	Dia	From	To	Gauge	Stl	Plst	Wld	Thrd
☒	16	☒	1	244.62	.375	☒	☒	☒
☒	12	☒	1.75	246.66	.250	☒	☒	☒
☒	12	☒	300.66	306.66	.250	☒	☒	☒

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 244.62

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type v wire Material stainless steel

Port/ Screen	Casing/ Liner	Dia	From	To	Scr/slot width	Slot length	# of slots	Tele/ pipe size
Screen		12	246.66	275.66	.07			12
Screen		12	275.66	300.66	.125			12

(8) WELL TESTS: Minimum testing time is 1 hour

Pump	Bailer	Air	Flowing Artesian
Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,175	38.6	110	1
1,175	42	114	3
1,175	42.3	114	4

Temperature 53 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 4 S 8 N/S Range 1 W W E/W WM
 Sec 32 NW 1/4 of the NW 1/4 Tax Lot 900
 Tax Map Number Lot

Lat or DMS or DD
 Long or DMS or DD

☒ Street address of well ☐ Nearest address

10333 Broadacres Rd. NE Hubbard, OR 97032

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL (psi)	+ SWL (ft)
Completed Well	<u>06-27-2007</u>		☒ 72.2

Flowing Artesian? ☐ Dry Hole? ☐

WATER BEARING ZONES

Depth water was first found 123

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
11-14-2006	123	132	10		40
11-17-2006	176	189	25		40
12-04-2006	199	214	30		40
12-19-2006	246	302	3,000		40

(11) WELL LOG

Ground Elevation FEB 12 2008

Material	From	To
Topsoll & large gravel	0	1
Clay brown hard	1	8
Clay gray soft, silty	8	74
Clay dark gray	74	81
Sand black fine & silt	81	91
Clay silty dark gray	91	96
Sand & clay gray	96	110
Clay gray sticky	110	113
Clay green & gray, sticky	113	123
Cemented sand & gravel	123	132
Clay gray & green, sandy	132	150
Clay blue sticky	150	154
Clay green sticky	154	159
Clay green	159	167
Clay gray soft	167	176
Sand & clay gray, cemented	176	186
Sand	186	189
Clay gray, soft	189	199
sand and clay	199	210

Date Started 10-23-2006

Completed 08-27-2007

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date 9/24/07

Password: (if filing electronically)

Signed [Signature]

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783 Date 09-13-2007

Password: (if filing electronically)

Signed [Signature]

Contact Info (optional) Grossen Well Drilling (503)982-2060

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

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 OWRD

WELL I.D. # L 75918

START CARD # 163498

(5) BORE HOLE CONSTRUCTION

[illegible]

FILTER PACK

From	To	Material	Size

(6) CASING/LINER

[illegible]

(7) PERFORATIONS/SCREENS

[illegible]

(8) WELL TESTS: Minimum testing time is 1 hour

[illegible]

Water Quality Concerns

[illegible]

(10) STATIC WATER LEVEL

Water Bearing Zones

[illegible]

(11) WELL LOG

[illegible]

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FEB 12 2008

WATER RESOURCES
SALEM, OREGON

Comments/Remarks

#7 Perforations/Screens: 306'8" (306.66) Bottom plate & lift bail.



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 19, 2008

THOMAS DeARMOND
11463 BROADACRES RD NE
HUBBARD, OR 97032

Reference: Ground Water Registration Modification 10534

On February 12, 2008 we received your application for recognition of a Ground Water Registration modification. The application was accompanied by \$500.00. Our receipt 91431 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster # 16
Don Knauer, Agent, CWRE # 75
Groundwater
Files

enclosure

Registration Statement**OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER**

(Under Chapter 708, Oregon Laws 1955.)

TO THE STATE ENGINEER OF OREGON:

I, JOHN N. Hooper
 of WOODBURN County of MARION
 State of OREGON, do hereby make application for a certificate of registration as evidence
 of a right to appropriate ground water.

1. Source from which water is withdrawn is PUMP WELL
(flowing well, pump well, infiltration trench, or tunnel)

2. Location is: ONE MILE WEST OF WOODBURN
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) 600 feet N + 900' W of SE corner of SW 1/4
(Give distance and bearing to corner of section or other legal subdivision)
 being within SE 1/4 of SW 1/4 of Sec. 12, Twp. 5, Rge. 2 W
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:
 in Lot _____, Block _____ of _____
(Name of plat or addition)

County of _____
(If within city or town, give name)

3. Construction Work was begun on May 1950; was completed on May 1950
(Date)

and the ground water claimed was first used for the purposes set out below on 30th May 1950
(Date)

since which time the water has been used During the Summer months
(Continuously or intermittently)

from 1950 to 1955
(Date) (Date)

4. Quantity of water claimed and used is 300 gallons per minute; _____ acre
 feet per year.

5. Purpose or Purposes for which water is used IRRIGATION

(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 140 feet. Type DRILLED
(Dug or drilled)

diameter 8 inches. Elevation of ground at well site 180 feet, mean sea level.
(As near as known)

Depth to water table 15 feet.

7. Capacity of Well: 550 g.p.m. with 86 feet drawdown. 2 day test

_____ g.p.m. with _____ feet drawdown.

Date of test May 1950

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

T 10534

8. Casing: (Give diameter, commercial specifications and depth below ground surface of each casing size.)

8" inch diameter from 0 to 140 feet
 inch diameter from to feet
 inch diameter from 0 to feet
 inch diameter from to feet

Describe and show depth of shoe, plug, adapter, liner or other details:

9. Perforated Casings or Screens:

Torch cut slits from 28 to 30
 (Number per foot and size of perforations, or describe screen)
 from 84 to 88
 from 109 to 111
 from 125 to 140

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

MATERIAL	Thickness (Feet)	Depth to Bottom (Feet)
Clay	28'	28'
Sand	2'	30'
Clay	54'	84'
Sand	4'	88'
Clay	21'	109'
Sand	2'	111'
Sand Stone	11'	122'
Rock	3'	125'
Sand & Gravel	15'	140'

T 10534 GR 45 A

Coleman - Rotary

11. Infiltration Trench: Covered or open

Dimensions: Length ft. Minimum depth ft. Maximum depth ft.

Bottom width ft. Discharge g.p.m. Date of test

12. Tunnel: Type of lining

Dimensions: _____
(Length, course, and cross sectional size)

Position of water bearing stratum with reference to portal of tunnel

Log of tunnel: (Preceding table for log of well may be used, if desired. Give footage from portal and character of materials, as pertinent.)

13. Pumping Equipment:

(a) Pump Jacuzzi Deepwell Turbine 10 stage Capacity 300 g.p.m.
(Make, type and size)

(b) Motor 15 Hp. American (Type and horsepower)

14. Location of area irrigated or to be irrigated, or place of use if for purposes other than irrigation.

[illegible]

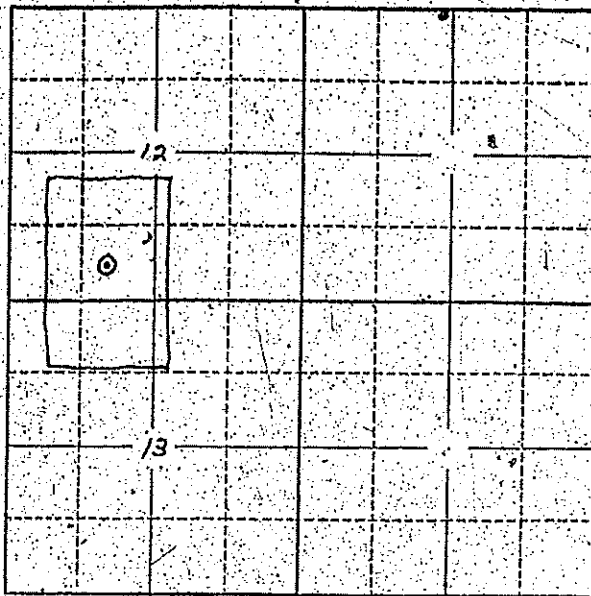
15. If the ground water supply is supplemental to an existing water supply, identification of any application for a permit, permit, certificate or adjudicated right to appropriate water made or held by the registrant.

10534

GP-45B

Township S. 5 Range W. 2, W.M.

North



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of Marion

I, John V. Hooper, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

John V. Hooper
(Signature of Registrant)

Subscribed and sworn to before me this 22nd day of December, 1955

My commission expires Sept. 27, 1958

Jeanie Baxter
(Notary Public)

(SEAL)

CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 22nd day of December, 1955, at 11:35 o'clock P.M. and has been duly recorded in said office in Book No. 1 of Registration Statements on page 45.

Construction ~~shall be~~ completed by 15 13, 1958, and the water completely applied to beneficial use by October 1st, 1958.

Witness my hand this 24th day of February, 1956

Lewis A. Stanley
(State Engineer)

By

(Deputy)

I 10534 GR-45 C



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 17, 2009

THOMAS H DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

REFERENCE: Ground Water Registration Modification Application T-10534

Enclosed is a copy of the final order approving recognition of your Ground Water Registration Modification application.

If you have any questions related to the approval of this application, you may contact me by telephone at (503)986-0883 or by e-mail at Sarah.A.Henderson@wrд.state.or.us.

Sincerely,

Sarah Henderson
Executive Support
Field Services Division

cc: Watermaster Dist. #16
Don Knauer, Agent
Jeff Barry, GSI Water Solutions Inc.
Capital Development Company
K & R Holdings Evergreen Meadows
Montebello Estates I, LLC

Enclosure

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Ground Water	)	FINAL ORDER APPROVING
Registration Modification Application	)	RECOGNITION OF A MODIFICATION
T-10534, Marion County	)	IN POINT OF APPROPRIATION, PLACE
	)	OF USE AND CHARACTER OF USE
	)	AND REDESCRIBING THE POINT OF
	)	APPROPRIATION

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

THOMAS H. DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

Agent

DON KNAUER
PO BOX 5416
SALEM, OR 97304

Findings of Fact

Background

1. On February 12, 2008, Thomas H. DeArmond filed a ground water registration modification application to modify the point of appropriation, place of use and character of use under Registration Application GR-53 (Certificate of Registration GR-45). The Department assigned the application number T-10534.
2. On February 27, 2008, Registration Application GR-53 (Certificate of Registration GR-45) was assigned from John N. Hooper to Capital Development Company.
3. Capital Development Company provided a statement to the Department on August 1, 2008, consenting to the modifications proposed under T-10534.

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

4. The portion of the ground water registration to be modified is as follows:

Registration: Application GR-53 (Certificate of Registration GR-45), in the name of John N. Hooper (*assigned to Capital Development Company*)

Use: IRRIGATION of 39.2 ACRES

Tentative Priority Date: MAY 1950

Quantity: 196.0 GALLONS PER MINUTE (GPM)

Source: A WELL, in the Willamette Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
5 S	2 W	WM	12	SE SW	Pump Well – 600 feet North and 900 feet West of the SE corner of the SW ¼ of Section 12

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	WM	12	SE SW	23.1
5 S	2 W	WM	13	NE NW	16.1
TOTAL:					39.2

5. The 2008 application map prepared by a certified water rights examiner for application T-10534 identified and documented an error in the original claim map for Registration Application GR-53 (Certificate of Registration GR-45). The well claimed under Registration Application GR-53 (Certificate of Registration GR-45) is the same well as authorized under Certificate 44644 (Application G-5331/Permit G-5281). The location coordinates, however, differ between the ground water registration claim and the certificate.

The ground water registration claim and map was prepared by the landowner (John N. Hooper) and submitted to the Department on December 2, 1955. The landowner listed the location of the well and place of use by ¼ ¼ section, being within Section 12, T. 5S, R. 2W, W.M., which was not surveyed by the Government Land Office (GLO). The landowner protracted Section 12 onto a map and never established corners in the field. The well and the entire place of use claimed under the ground water registration are located within DuBois DLC 98 which was originally surveyed by the Government Land Office and monuments were placed at the corners.

The final proof survey for Application G-5331/Permit G-5281 was performed by a Water Resources Department surveyor, R. G Mucken, on August 3, 1976. Mr. Mucken ties the well location to the SW corner of DLC 98 which, as described above, was surveyed and monumented by the GLO.

Based upon this information, therefore, the 2008 application map for T-10534 uses the more accurate survey location data, as represented in Certificate 44644 (final proof survey dated August 3, 1976), to identify the actual location of the original point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45).

The following table describes the difference in the point of appropriation description between the ground water registration claim map for Registration Application GR-53 (Certificate of Registration GR-45) submitted on December 2, 1955, and the 1976 final proof survey, as well as the application map for T-10534:

Original Description of the Point of Appropriation for Registration Application GR-53 (Certificate of Registration GR-45)						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	---	Pump Well – 600 feet North and 900 feet West of the SE corner of the SW ¼ of Section 12
Proposed Re-description of the Point of Appropriation						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	98	Pump Well – 1540 feet North and 1070 feet East from the SW corner of DLC 98

6. Based upon the re-description detailed in Finding #5 above, the actual location of the original point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45) is described as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	98	Pump Well – 1540 feet North and 1070 feet East from the SW corner of DLC 98

7. Application T-10534 proposes to modify the original point of appropriation (re-described in Finding #5) for the portion of the ground water registration described in Finding #4 above. The proposed new points of appropriation, located approximately 3.5 miles northeast from the original well, are located as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	Well 2 – 1000 feet North and 50 feet West from the SE corner of Section 30
4 S	1 W	WM	31	NE NE	59	Well 1 – 607 feet North and 812 feet West from the SE corner of DLC 59
4 S	1 W	WM	31	NE NE	59	Well 3 – 220 feet North and 400 feet West from the SE corner of DLC 59

8. Application T-10534 proposes to modify the character of use for the portion of the ground water registration described in Finding #4 above to NURSERY USE.

9. Application T-10534 proposes to modify the place of use for the portion of the ground water registration described in Finding #4 above to:

NURSERY USE						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Acres
4 S	1 W	WM	29	NW SW	---	11.2
4 S	1 W	WM	29	NW SW	59	0.3
4 S	1 W	WM	29	SW SW	---	13.1
4 S	1 W	WM	29	SW SW	59	0.7
4 S	1 W	WM	30	NE SE	---	1.4
4 S	1 W	WM	30	NE SE	59	4.0
4 S	1 W	WM	30	SE SE	59	8.5
TOTAL:						39.2

10. The proposed place of use, described in Finding of Fact #9, is already covered by water right Certificate 83086 and water use Permit G-16181 for irrigation purposes. Water under the incoming ground water registration on these lands will be used for nursery uses.
11. Transfer Application T-10535, being processed concurrently with modification application T-10534, proposes to change the character of use under Certificate 83086 to nursery use.
12. The lands from which Ground Water Registration GR-53 (Certificate GR-45) is proposed to be moved are also covered by Water Right Certificate 44644, which allows supplemental irrigation. While Certificate 44644 is not being moved to the same proposed place of use as Ground Water Registration GR-53 (Certificate GR-45), it is proposed to be moved concurrently to a like primary right under Transfer Application T-10533; which is being processed concurrently with modification application T-10534.
13. Notice of the application for ground water registration modification was published on February 19, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
14. On June 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10534 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of July 11, 2008, for the applicant to respond. On July 2, 2008, the applicant's agent requested additional time to respond and submit the required reports of ownership and lien information. The request for additional time was granted by the Department.
15. On August 26, 2008, the applicant's agent submitted reports of ownership and lien information for the subject lands, which were prepared as of the dates the various conveyance deeds and agreements submitted with the application were signed. The Department's review of the ownership and lien reports confirmed that the conveying parties involved were owners of the land at the time the conveyance documents were signed. However, copies of most of those conveyance documents did not indicate that they had been properly recorded in the

county deed records. The subject lands, formerly known as Lots 1 and 2 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72, were subsequently subdivided into 127 individual lots.

16. To ensure sufficient notice was provided to any subsequent purchasers of property located within the aforementioned former Lots 1 and 2, the Department researched the Marion County Assessor's property records on November 4, 2008, and determined that current ownership for the lands in question is as follows: Lots 1 through 39, inclusive Tracts A and B, Evergreen Meadows in the City of Woodburn, Marion County, Oregon, Plat 46-43 (*formerly known as Lot 1 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*) are all owned by K & R Holdings, Evergreen Meadows, LLC; and Lots 147 through 234, inclusive, Montebello 3 in the City of Woodburn, Marion County, Oregon, Plat 46-72 (*formerly known as Lot 2 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*) are all owned by Montebello Estates I, LLC. The Department's research confirmed there are no subsequent owners that were not noticed.
17. On December 3, 2008, the Department issued a Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10534 and mailed a copy to the applicant and his agent. Additionally, notice of the Preliminary Determination for the modification application was published on the Department's weekly notice on December 9, 2008, and in the *Woodburn Independent* newspaper on December 24 and 31, 2008 and January 7, 2009, pursuant to ORS 540.520 and OAR 690-380-4020. No protests were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

18. Because of the change in character of use from irrigation to nursery use, the proposed modification could result in enlargement if not limited to the maximum rate of water claimed and to a specified annual volume of water and period of use. However, as conditioned below (*see Condition #6*), the proposed changes would not result in enlargement of the right.
19. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
20. The proposed modifications would not result in injury to other water rights.

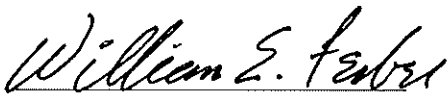
Determination and Proposed Action

The modifications in point of appropriation, place of use and character of use proposed in Application T-10534 are consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000.

Now, therefore, it is **ORDERED**:

1. The modifications to Registration Application GR-53 (Certificate of Registration GR-45) proposed in Application T-10534 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.
2. The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-53 (Certificate of Registration GR-45) and any related decree.
3. Water shall be acquired from the same aquifer (water source) as the original point of appropriation.
4. For the portion of the ground water registration modified herein, water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.
5. The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation for the portion of the ground water registration modified herein.
6. The use of water for Nursery Use under the portion of Registration Application GR-53 (Certificate of Registration GR-45) modified herein, shall be limited to a rate of 196.0 gallons per minute and shall not exceed a total volume of 98.0 acre feet during the time period March 1 through October 31 of each year.
7. For the portion of the ground water registration modified herein, water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.
8. The former place of use for the portion of the ground water registration modified herein shall no longer receive water as part of the ground water certificate of registration.
9. Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Dated at Salem, Oregon this 10th day of February 2009.

for 
Phillip C. Ward, Director

Mailing date: FEB 18 2009

Ground Water Registration Modification Completion Checklist

GR Modification No. T-10534

Transfer Specialist: Lisa Jaramillo

Applicant: Thomas H. DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032

Ground Water Registration Affected:

Application No.	Certificate of Registration No.
GR-53	GR-45

Copies Needed:

Watermaster District: #16 – Mike McCord

CWRE No.: #75, Don Knauer, PO Box 5416, Salem, OR 97304

Agent Name/Address: Same as CWRE

Irrig Dist Name/Address: NONE

Commentors Name/Address: NONE

CC: Jeff Barry, GSI Water Solutions, Inc., 55 SW Yamhill St. Suite 400, Portland, OR 97204

Capital Development Co., PO Box 3487, Lacey, WA 98509-3487

K & R Holdings Evergreen Meadows, LLC, 17933 NW Evergreen Pkwy, #300, Beaverton, OR 97006

Montebello Estates I, LLC, 3115 West March Lane, Suite #150, Stockton, CA 95219

Draft PD

- ☒ DPD Mailed: 6-11-08
- ☒ DPD Response:
- ☒ Workflow

Preliminary Determination

- ☒ Electronic Files Uploaded
- ☒ Preliminary Determination
- ☒ PD Cover Letter
- ☒ Newspaper Notice (if required)
- ☐ Workflow/Date Sent to Salem
- ☐ File Folder Updated
- ☐ Fee Refund Due
- ☒ Public Notice, Salem
- ☐ Audit Sheet
- ☐ Other: _____

*** Newspaper Notice REQUIRED.**

Comments/Special Issues:

Please see Findings #15 and #16 to document Department's research of ownership info at the County Assessor to satisfy ROLI info and determine that all parties have been sufficiently notified of water right conveyance agreements.

Also, see Finding #5 for redescription of original POA.

DPD Review (Optional)	PD Review (Salem)	Final Order Review (Salem)
Reviewer: _____ Date: _____	Reviewer: <u>[Signature]</u> Date: <u>12-2-08</u>	Reviewer: <u>[Signature]</u> Date: <u>12-9-09</u>
Coordinator: <u>DIP</u> Date: <u>6-10-08</u>	Coordinator: _____ Date: _____	Coordinator: _____ Date: _____

Special Order Volume: 77, Pages 223

Final Order Signature Date: 2-10-09

☐ WRIS clone correction needed

Lisa

Notice of Preliminary
Determination for
Ground Water Registration
Modification T-10534

T-10534 filed by Thomas DeArmond, 11463 Broadacres Rd. NE, Hubbard, OR 97032, proposes to modify the place of use, character or use and point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45). The ground water registration claims the use of 196.0 gpm (tentative priority date May 1950) from a well in Sec. 12, T 5S, R 2W, W.M. (Willamette Basin) for irrigation use in Sec. 12 and 13. The applicant proposes to modify the point of appropriation to three wells approximately 3.5 miles northeast (Sec. 30 and 31, T 4S, R 1W, W.M.): to modify the place of use to Sec. 29 and 30, T 4S, R 1W, W.M.; and to modify the character of use to nursery use. The Water Resources Department has concluded that, with conditions, the proposed modifications appear to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0883. The last date of newspaper publication is January 7, 2009. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

Published: December 24, December 31, 2008 and January 7, 2009.

RECEIVED

JAN 2 2009

WATER RESOURCES DEPT

SALEM, OREGON

of Affidavit of Publication

Tom DeArmond

503-981-0319

Affidavit of Publication

STATE OF OREGON,

County of Marion

}

SS.

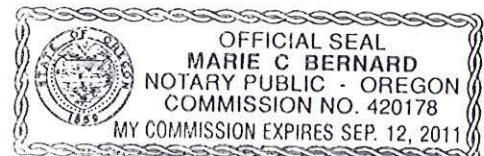
I, Les Reitan, being first duly sworn, depose and say I am Publisher Woodburn Independent, a newspaper of general circulation as defined by ORS 193.010, and 193.020 printed and published at Woodburn in the aforesaid county and state, that the Notice of Preliminary Determination for Water Right Transfer, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for the following issues: December 24, December 31, 2008 and January 7, 2009.

Les Reitan

Subscribed and sworn to before me this 7th
day of January, 2009

Marie C. Bernard

Notary Public for Oregon
(My Commission Expires 9/12/11)



RECEIVED

JAN 12 2009

WATER RESOURCES DEPT
SALEM, OREGON

The newspapers of **Oregon** make public notices from their printed pages available electronically in a single database for the benefit of the public. This enhances the legislative intent of public notice - keeping a free and independent public informed about activities of their government and business activities that may affect them. Importantly, Public Notices now are in one place on the web (www.PublicNoticeAds.com), not scattered among thousands of government web pages.

County: Marion

Printed In: Woodburn Independent

Printed On: 2008/12/23

Notice of Preliminary

Determination for

Ground Water Registration Modification T-10534

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Published: December 24, December 31, 2008 and January 7, 2009.

Public Notice ID: 8726657



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

December 8, 2008

THOMAS H. DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

*pd Noticed
12-9-08*

SUBJECT: Ground Water Registration Modification T-10534

Dear Mr. DeArmond:

Please find enclosed the Preliminary Determination indicating that, based on the information available, the Department intends to approve application T-10534. This document is an intermediate step in the approval process; water may not be used legally as proposed in the ground water registration modification application until a Final Order has been issued by the Department. Please read this entire letter carefully to determine your responsibility for additional action.

A public notice is being published in the Department's weekly publication simultaneously with issuance of the Preliminary Determination. The notice initiates a 30-day period in which any person may file either a protest opposing the decision proposed by the Department in the Preliminary Determination or a standing statement supporting the Department's decision.

Because of the proposed change in character of use and because the new points of appropriation are more than ¼ mile from the original point of appropriation, the applicant is responsible for giving public notice of the ground water registration modification in a local newspaper having a general circulation in the area of the water right. The notice must be published at least once a week for three consecutive weeks. We have prepared the notice for you (enclosed). The deadline for individuals to file protests or standing statements is 30 days after the date of last publication. Please have the newspaper insert the date of last publication in the proper place.

After publication, the Department needs to receive an affidavit specifying the dates the notice was published. Please ask the newspaper to prepare an original *affidavit of publication* and mail it to me, in care of the Department, at the address above by **Thursday, January 22, 2009.**

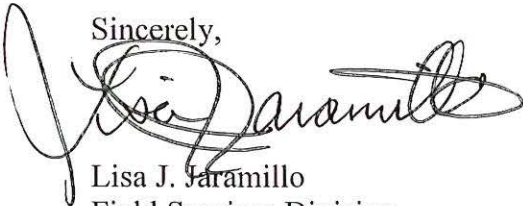
If no protest is filed, the Department will issue a Final Order consistent with the Preliminary Determination. You should receive a copy of the Final Order about 30 days after the close of the protest period.



If a protest is filed, the application may be referred to a contested case proceeding. A contested case provides an opportunity for the proponents and opponents of the decision proposed in the Preliminary Determination to present information and arguments supporting their position in a quasi-judicial proceeding.

Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@wrd.state.or.us if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa J. Jaramillo", with a large, stylized flourish at the end.

Lisa J. Jaramillo
Field Services Division

cc: **GR Modification T-10534**

Mike McCord, Watermaster Dist. #16

Don Knauer, PO Box 5416, Salem, OR 97304

Jeff Barry, GSI Water Solutions, Inc., 55 SW Yamhill St., Suite 400, Portland, OR 97204

Capital Development Company, PO Box 3487, Lacey, WA 98509-3487

K & R Holdings Evergreen Meadows, LLC, 17933 NW Evergreen Pkwy, #300, Beaverton, OR 97006

Montebello Estates I, LLC, 3115 West March Lane, Suite #150, Stockton, CA 95219

encs

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Ground Water	)	PRELIMINARY DETERMINATION
Registration Modification Application	)	PROPOSING TO APPROVE
T-10534, Marion County	)	RECOGNITION OF A MODIFICATION
	)	IN POINT OF APPROPRIATION, PLACE
	)	OF USE AND CHARACTER OF USE
	)	AND REDESCRIBING THE POINT OF
	)	APPROPRIATION

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

THOMAS H. DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

Agent

DON KNAUER
PO BOX 5416
SALEM, OR 97304

Findings of Fact

Background

1. On February 12, 2008, Thomas H. DeArmond filed a ground water registration modification application to modify the point of appropriation, place of use and character of use under Registration Application GR-53 (Certificate of Registration GR-45). The Department assigned the application number T-10534.
2. On February 27, 2008, Registration Application GR-53 (Certificate of Registration GR-45) was assigned from John N. Hooper to Capital Development Company.
3. Capital Development Company provided a statement to the Department on August 1, 2008, consenting to the modifications proposed under T-10534.
4. The portion of the ground water registration to be modified is as follows:
Registration: Application GR-53 (Certificate of Registration GR-45), in the name of John N. Hooper (*assigned to Capital Development Company*)
Use: IRRIGATION of 39.2 ACRES

Pursuant to OAR 690-380-4030, any person may file a protest or standing statement within 30 days after the last date of publication of notice of this preliminary determination.
--

Tentative Priority Date: MAY 1950
Quantity: 196.0 GALLONS PER MINUTE (GPM)
Source: A WELL, in the Willamette Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
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5. The 2008 application map prepared by a certified water rights examiner for application T-10534 identified and documented an error in the original claim map for Registration Application GR-53 (Certificate of Registration GR-45). The well claimed under Registration Application GR-53 (Certificate of Registration GR-45) is the same well as authorized under Certificate 44644 (Application G-5331/Permit G-5281). The location coordinates, however, differ between the ground water registration claim and the certificate.

The ground water registration claim and map was prepared by the landowner (John N. Hooper) and submitted to the Department on December 2, 1955. The landowner listed the location of the well and place of use by ¼ ¼ section, being within Section 12, T. 5S, R. 2W, W.M., which was not surveyed by the Government Land Office (GLO). The landowner protracted Section 12 onto a map and never established corners in the field. The well and the entire place of use claimed under the ground water registration are located within DuBois DLC 98 which was originally surveyed by the Government Land Office and monuments were placed at the corners.

The final proof survey for Application G-5331/Permit G-5281 was performed by a Water Resources Department surveyor, R. G Mucken, on August 3, 1976. Mr. Mucken ties the well location to the SW corner of DLC 98 which, as described above, was surveyed and monumented by the GLO.

Based upon this information, therefore, the 2008 application map for T-10534 uses the more accurate survey location data, as represented in Certificate 44644 (final proof survey dated August 3, 1976), to identify the actual location of the original point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45).

The following table describes the difference in the point of appropriation description between the ground water registration claim map for Registration Application GR-53 (Certificate of Registration GR-45) submitted on December 2, 1955, and the 1976 final proof survey and application map for T-10534:

Original Description of the Point of Appropriation for Registration Application GR-53 (Certificate of Registration GR-45)						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	---	Pump Well – 600 feet North and 900 feet West of the SE corner of the SW ¼ of Section 12
Proposed Re-description of the Point of Appropriation						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	98	Pump Well – 1540 feet North and 1070 feet East from the SW corner of DLC 98

6. Based upon the re-description detailed in Finding #5 above, the actual location of the original point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45) is described as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
5 S	2 W	WM	12	SE SW	98	Pump Well – 1540 feet North and 1070 feet East from the SW corner of DLC 98

7. Application T-10534 proposes to modify the original point of appropriation (re-described in Finding #5) for the portion of the ground water registration described in Finding #4 above. The proposed new points of appropriation, located approximately 3.5 miles northeast from the original well, are located as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	Well 2 – 1000 feet North and 50 feet West from the SE corner of Section 30
4 S	1 W	WM	31	NE NE	59	Well 1 – 607 feet North and 812 feet West from the SE corner of DLC 59
4 S	1 W	WM	31	NE NE	59	Well 3 – 220 feet North and 400 feet West from the SE corner of DLC 59

8. Application T-10534 proposes to modify the character of use for the portion of the ground water registration described in Finding #4 above to NURSERY USE.

9. Application T-10534 proposes to modify the place of use for the portion of the ground water registration described in Finding #4 above to:

NURSERY USE						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Acres
4 S	1 W	WM	29	NW SW	---	11.2
4 S	1 W	WM	29	NW SW	59	0.3
4 S	1 W	WM	29	SW SW	---	13.1
4 S	1 W	WM	29	SW SW	59	0.7
4 S	1 W	WM	30	NE SE	---	1.4
4 S	1 W	WM	30	NE SE	59	4.0
4 S	1 W	WM	30	SE SE	59	8.5
TOTAL:						39.2

10. The proposed place of use, described in Finding of Fact #9, is already covered by water right Certificate 83086 and water use Permit G-16181 for irrigation purposes. Water under the incoming ground water registration on these lands will be used for nursery uses.
11. Transfer Application T-10535, being processed concurrently with modification application T-10534, proposes to change the character of use under Certificate 83086 to nursery use.
12. The lands from which Ground Water Registration GR-53 (Certificate GR-45) is proposed to be moved are also covered by Water Right Certificate 44644, which allows supplemental irrigation. While Certificate 44644 is not being moved to the same proposed place of use as Ground Water Registration GR-53 (Certificate GR-45), it is proposed to be moved concurrently to a like primary right under Transfer Application T-10533; which is being processed concurrently with modification application T-10534.
13. Notice of the application for ground water registration modification was published on February 19, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.
14. On June 11, 2008, the Department mailed a copy of the draft Preliminary Determination proposing to approve Ground Water Registration Modification Application T-10534 to the applicant and his agent. The draft Preliminary Determination set forth a deadline of July 11, 2008, for the applicant to respond. On July 2, 2008, the applicant's agent requested additional time to respond and submit the required reports of ownership and lien information. The request for additional time was granted by the Department.
15. On August 26, 2008, the applicant's agent submitted reports of ownership and lien information for the subject lands, which were prepared as of the dates the various conveyance deeds and agreements submitted with the application were signed. The Department's review of the ownership and lien reports confirmed that the conveying parties involved were owners of the land at the time the conveyance documents were signed. However, copies of most of those conveyance documents did not indicate that they had been properly recorded in the county deed

records. The subject lands, formerly known as Lots 1 and 2 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72, were subsequently subdivided into 127 individual lots.

16. To ensure sufficient notice was provided to any subsequent purchasers of property located within the aforementioned former Lots 1 and 2, the Department researched the Marion County Assessor's property records on November 4, 2008, and determined that current ownership for the lands in question is as follows: Lots 1 through 39, inclusive Tracts A and B, Evergreen Meadows in the City of Woodburn, Marion County, Oregon, Plat 46-43 (*formerly known as Lot 1 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*) are all owned by K & R Holdings, Evergreen Meadows, LLC; and Lots 147 through 234, inclusive, Montebello 3 in the City of Woodburn, Marion County, Oregon, Plat 46-72 (*formerly known as Lot 2 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*) are all owned by Montebello Estates I, LLC. The Department's research confirmed that there are no subsequent owners that were not noticed.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

17. Because of the change in character of use from irrigation to nursery use, the proposed modification could result in enlargement if not limited to the maximum rate of water claimed and to a specified annual volume of water and period of use. However, as conditioned below (*see Condition #6*), the proposed changes would not result in enlargement of the right.
18. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
19. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action

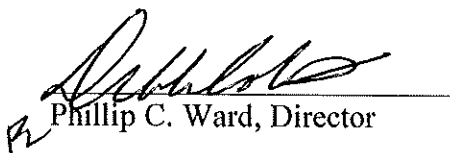
The modifications in point of appropriation, place of use and character of use proposed in Application T-10534 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900 and that concurrent changes to layered rights proposed under Transfer Applications T-10535 and T-10533 are approved.

If Ground Water Registration Modification Application T-10534 is recognized, the final order will include the following:

1. *The modifications to Registration Application GR-53 (Certificate of Registration GR-45) proposed in Application T-10534 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*

2. *The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-53 (Certificate of Registration GR-45) and any related decree.*
3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
4. *For the portion of the ground water registration modified herein, water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.*
5. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation for the portion of the ground water registration modified herein.*
6. *The use of water for Nursery Use under the portion of Registration Application GR-53 (Certificate of Registration GR-45) modified herein, shall be limited to a rate of 196.0 gallons per minute and shall not exceed a total volume of 98.0 acre feet during the time period March 1 through October 31 of each year.*
7. *For the portion of the ground water registration modified herein, water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.*
8. *The former place of use for the portion of the ground water registration modified herein shall no longer receive water as part of the ground water certificate of registration.*
9. *Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this 3rd day of December 2008.


Phillip C. Ward, Director

This Preliminary Determination was prepared by Lisa J. Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or Lisa.J.Jaramillo@wrdd.state.or.us.

Protests should be addressed to the attention of Field Services Division, Water Resources Department, 725 Summer Street NE, Suite A, Salem, OR 97301-1266.

**Notice of Preliminary Determination for
Ground Water Registration Modification T-10534**

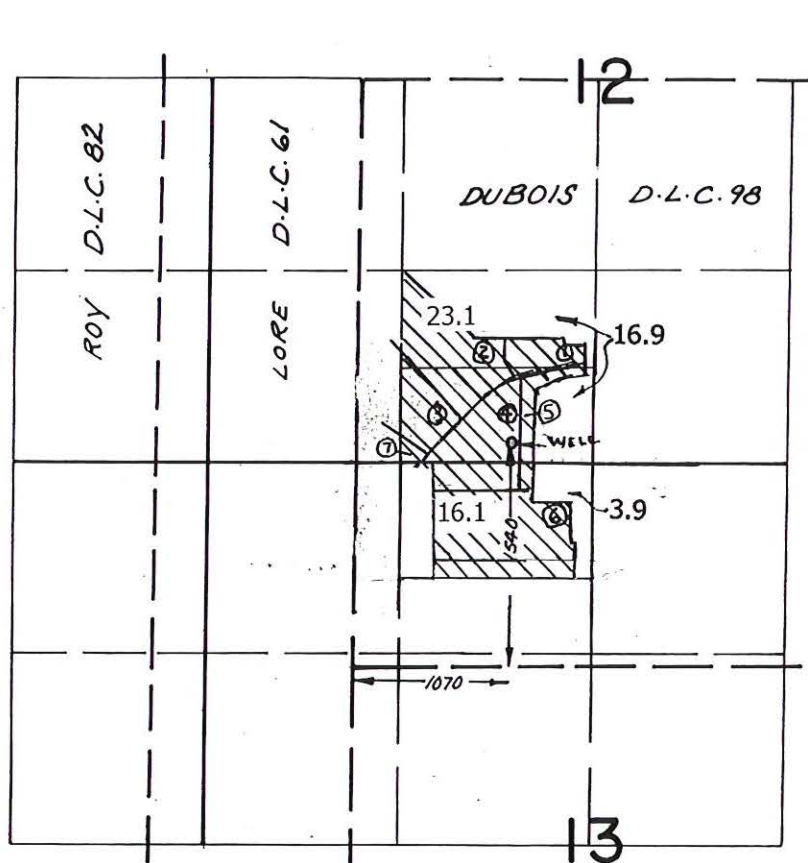
T-10534 filed by Thomas DeArmond, 11463 Broadacres Rd. NE, Hubbard, OR 97032, proposes to modify the place of use, character or use and point of appropriation under Registration Application GR-53 (Certificate of Registration GR-45). The ground water registration claims the use of 196.0 gpm (tentative priority date May 1950) from a well in Sec. 12, T 5S, R 2W, W.M. (Willamette Basin) for irrigation use in Sec. 12 and 13. The applicant proposes to modify the point of appropriation to three wells approximately 3.5 miles northeast (Sec. 30 and 31, T 4S, R 1W, W.M.); to modify the place of use to Sec. 29 and 30, T 4S, R 1W, W.M.; and to modify the character of use to nursery use. The Water Resources Department has concluded that, with conditions, the proposed modifications appear to be consistent with the requirements of ORS Chapter 540 and OAR 690-382-1000.

Any person may file, jointly or severally, with the Department a protest or standing statement within 30 days after the date of final publication of notice in the Department's weekly notice or of this newspaper notice, whichever is later. A protest form and additional information on filing protests may be obtained by calling (503) 986-0852. The last date of newspaper publication is ***[DATE OF LAST PUBLICATION]***. If no protests are filed, the Department will issue a final order consistent with the preliminary determination.

TRANSFER APPLICATION MAP IN THE NAME OF

THOMAS H. DeARMOND

T 5 S R 2 W, W.M.



NORTH

RECEIVED

FEB 12 2008

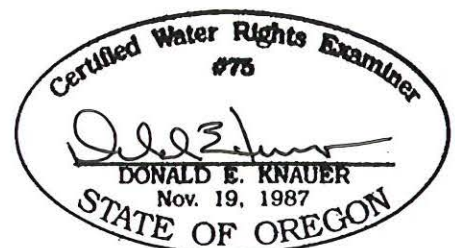
WATER RESOURCES DEPT
SALEM, OREGON

TRANSFERRED FROM

Map Tax Lot
reference numbers:

T5S R2W 12C
1 - TL 2400
2 - TL 2300
3 - TL 2200
4 - TL 2000
T5S R2W 12CD
5 - TL 2299
T5S R2W 13
6 - TL 1400
T5S R2W 12C
7 - TL 2100

Scale 1" = 1320'



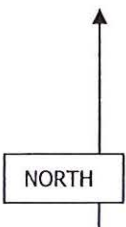
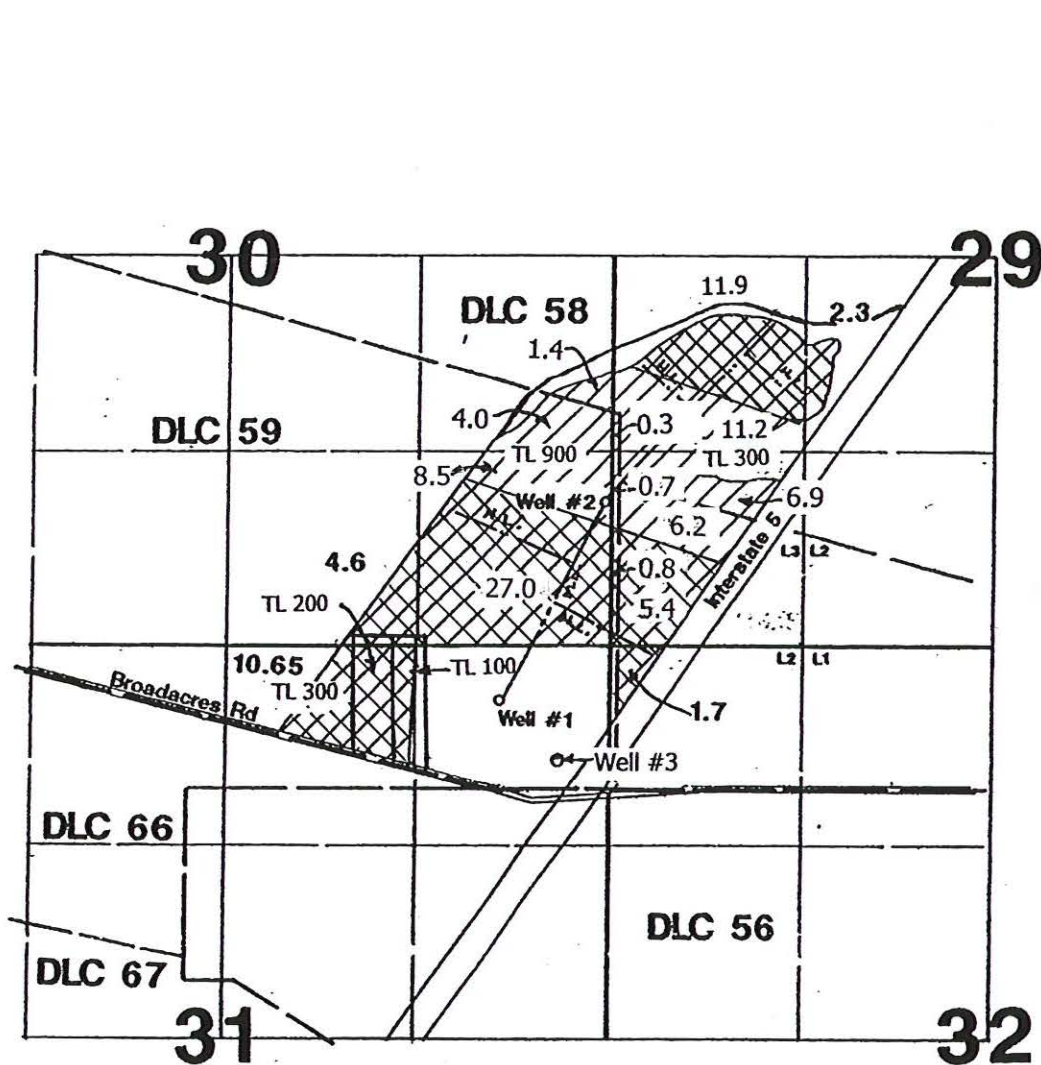
This map is for water
right purposes only.

T 10534

RENEWAL DATE: 6/30/2009

TRANSFER APPLICATION MAP IN THE NAME OF
THOMAS H. DeARMOND

T 4 S, R 1 W, W.M. Section 29 & 30



RECEIVED
FEB 12 2008
WATER RESOURCES DEPT
SALEM, OREGON



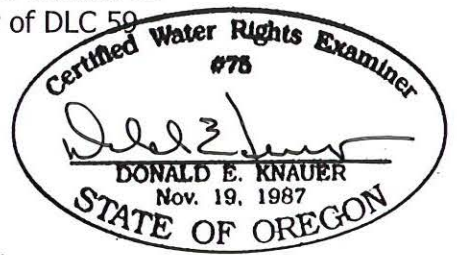
TRANSFERRED TO

PROPOSED POINTS OF APPROPRIATION

- Well #1: 607' N & 812' W from the SE corner of DLC 59
- Well #2: 1000' N & 50' W from the SE corner of section 30
- Well #3: 220' N & 400' W from the SE corner of DLC 59

Scale 1" = 1320'

This map is for water
right purposes only.



T 10534

RENEWAL DATE: 6-30-2009

Water Rights Platcard Report

"To" Lands

Meridian: WILLAMETTE

Township: 4

South

Range: 1

West

Section: 30

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unkown QQ
Select Permit:G 10997 * Additional Info: ERWIN M NYQUIST App: G11860 Permit: G10997		10/14/1988	IRRIGATION							5.2		2.3		0.5	39.8	2.2								
Select Permit:G 13143 * Additional Info: KEVIN CROSBY App: G14329 Permit: G13143		6/12/1996	IRRIGATION					18.1			5.8													
Select Permit:G 15054 * Additional Info: NADEZDA KRIVOSHEIN App: G15236 Permit: G15054		10/25/2000	IRRIGATION					2.81	7.06															
Select Claim:GR 626 * Additional Info: NORBERT H GILLES Claim: GR626		5/14/1949	IRRIGATION									5	1											
Select Claim:GR 1112 * Additional Info: ELGIN & ESTHER LUCAS Claim: GR1112		12/27/1946	IRRIGATION													10								
Select Claim:GR 3863 * Additional Info: R C LENHARDT Claim: GR3863		7/12/1951	IRRIGATION					8.59			3.75													
Select Cert:22655 OR * Additional Info: O C LESTER JR App: S24089 Permit: S18969 Cert: 22655		9/8/1949	IRRIGATION		58						0.4								2					
Select Cert:26990 OR * Additional Info: ISAAC HARVEY DEGROFF App: G443 Permit: G331 Cert: 26990		8/9/1956	IRRIGATION		59												1.4			2.8				
Select Cert:27568 OR CN Additional Info: NORBERT H GILLES		9/25/1957	IRRIGATION	CN	69			14	0.0															

These lands located North of Proposed POU.

Water Right Platcard Report

App: G765 Permit: G657 Cert: 27568			
Select Cert:38367 OR *	11/14/1968 IRRIGATION	59	
Additional Info: A. & M.C. PALACIOS App: G4682 Permit: G4407 Cert: 38367			
Select Cert:42218 OR CN	5/20/1968 IRRIGATION CN	59	
Additional Info: A & MC PALACIOS App: G4400 Permit: G4147 Cert: 42218			
Select Cert:56530 OR *	1/28/1976 IRRIGATION	58	
Additional Info: NORBERT H. GILLES App: G7242 Permit: G6647 Cert: 56530			
Select Cert:57213 OR *	5/12/1975 IRRIGATION	59	
Additional Info: A. & M.C. PALACIOS App: G6942 Permit: G6457 Cert: 57213			
Select Cert:63712 OR *	1/4/1983 IRRIGATION	58	
Additional Info: ERWIN NYQUIST App: G10861 Permit: G9967 Cert: 63712			
Select Cert:64094 CF *	6/20/1968 IRRIGATION	59	
Additional Info: AUGUSTIN PALACIOS App: G4400 Permit: G4147 Cert: 64094			
Select Cert:68676 OR *	11/9/1990 IRRIGATION	77	
Additional Info: REILING FAMILY LLC App: G12291 Permit: G11176 Cert: 68676			
Select Cert:68676 OR *	11/9/1990 IRRIGATION	58	
Additional Info: REILING FAMILY LLC App: G12291 Permit: G11176 Cert: 68676			
Select Cert:82928 OR CN	2/20/1991 IRRIGATION CN	58	
Additional Info:			

✓
NCR

- neighboring lands
located North & West

NE	NW	SW	SE
		8.6	
	0.1	9.8	5
	3.5		
	0.6	3.5	
23.3	8.6	1.6	2.7
		5.7	11.4
	0.1	9.8	5
	13.6	12.3	
	5		

of proposed POU

THOMAS DE ARMOND
App: G12423
Permit: G12536
Cert: 82928

Select **Cert:82928 OR CN** 2/20/1991 IRRIGATION CN 59

Additional Info:
THOMAS DE ARMOND
App: G12423
Permit: G12536
Cert: 82928

Select **Cert:83086 CR *** T10535 2/20/1991 IRRIGATION 58

Additional Info:
THOMAS DE ARMOND
App: G12423
Permit: G12536
Cert: 83086

Select **Cert:83086 CR *** T10535 2/20/1991 IRRIGATION 59

Additional Info:
THOMAS DE ARMOND
App: G12423
Permit: G12536
Cert: 83086

Select **Cert:83306 OR *** 10/26/2001 IRRIGATION 71

Additional Info:
WILLIAMSON FAMILY LIMITED PARTNERSHIP
App: S84953
Permit: S53824
Cert: 83306

Select **Cert:70407 OR *** 1/1/1993 LIVESTOCK

Additional Info:
J BROWN
App: R76476
Cert: 70407

Select **Permit:G 16181 *** 1/23/2006 NURSERY USES 58

Additional Info:
THOMAS DE ARMOND
App: G16608
Permit: G16181

Select **Permit:G 16181 *** 1/23/2006 NURSERY USES 59

Additional Info:
THOMAS DE ARMOND
App: G16608
Permit: G16181

Select **Permit:G 13570 *** 9/11/1997 NURSERY USES

Additional Info:
ROGERS ASSOCIATES OREGON; ROGERS, GEORGE
App: G14605
Permit: G13570

Select **Cert:70407 OR *** 1/1/1993 WILDLIFE

Additional Info:
J BROWN
App: R76476
Cert: 70407

Wells #1 & #2

Well #3

Proposed POW for the GR will come in on top of these lands (a portion of...)

Same as above

NE				NW				SW				SE			
												4	4.6	35.5	
												1.4			
												4	4.6	35.5	
							25.8	6.2							
													*		
												1.4			
												4	4.6	35.5	
							13.4	25.8	12.2	0.1					
													*		

Acreage Legend: 12.25 Regular acreage ~~12.25~~ Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Water Rights Platcard Report

"To"

Lands

Meridian: WILLAMETTE

Township: 4

South

Range: 1

West

Section: 29

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown QQ
Select Permit:G 11355 *		10/29/1990	IRRIGATION						7																		
Additional Info: THOMAS DE ARMOND App: G12275 Permit: G11355																											
Select Permit:G 11851 CN		4/4/1991	IRRIGATION	CN					6-3	6-4	3-6																
Additional Info: PAUL JENSON App: G12473 Permit: G11851																											
Select Permit:G 12554 *		9/19/1994	IRRIGATION						12.95			4.51															
Additional Info: ROSE PIRELLI App: G13828 Permit: G12554																											
Select Permit:G 13143 *		6/12/1996	IRRIGATION									17.1	1														
Additional Info: KEVIN CROSBY App: G14329 Permit: G13143																											
Select Claim:GR 1352 *		10/31/1952	IRRIGATION						5																		
Additional Info: GEORGE H MCNEAL Claim: GR1352																											
Select Claim:GR 3863 *		7/12/1951	IRRIGATION									3.16	1.5														
Additional Info: R C LENHARDT Claim: GR3863																											
Select Cert:22655 OR *		9/8/1949	IRRIGATION		58								8.6			2.4											
Additional Info: O C LESTER JR App: S24089 Permit: S18969 Cert: 22655																											
Select Cert:26560 OR *		11/8/1949	IRRIGATION		58							0.1			9												
Additional Info: LEO V OLSON App: S24265 Permit: S19045 Cert: 26560																											

These lands located North of proposed POH

Water Right Platcard Report

Select	Cert:39151 OR CN	T9414	3/4/1966	IRRIGATION	CN	57
	Additional Info: THOMAS DE ARMOND App: G3407 Permit: G3196 Cert: 39151					
Select	Cert:39151 OR CN	T9414	3/4/1966	IRRIGATION	CN	58
	Additional Info: THOMAS DE ARMOND App: G3407 Permit: G3196 Cert: 39151					
Select	Cert:42313 OR CN		6/24/1968	IRRIGATION	CN	58
	Additional Info: CIRCLE FOUR RANCH INC. App: G4460 Permit: G4203 Cert: 42313					
Select	Cert:42313 OR CN		6/24/1968	IRRIGATION	CN	57
	Additional Info: CIRCLE FOUR RANCH INC. App: G4460 Permit: G4203 Cert: 42313					
Select	Cert:45551 OR CN	T6438	5/23/1972	IRRIGATION	CN	2
	Additional Info: THOMAS DE ARMOND App: G5806 Permit: G5567 Cert: 45551					
Select	Cert:45551 OR CN	T6438	5/23/1972	IRRIGATION	CN	57
	Additional Info: THOMAS DE ARMOND App: G5806 Permit: G5567 Cert: 45551					
Select	Cert:45551 OR CN	T6438	5/23/1972	IRRIGATION	CN	58
	Additional Info: THOMAS DE ARMOND App: G5806 Permit: G5567 Cert: 45551					
Select	Cert:56753 OR CN	T9414	6/27/1977	IRRIGATION	CN	57
	Additional Info: THOMAS DE ARMOND App: G8237 Permit: G7574 Cert: 56753					
Select	Cert:56753 OR CN	T9414	6/27/1977	IRRIGATION	CN	58
	Additional Info:					

NE		NW		SW		SE		Page 2 of 6	
								4.6	29.1
								13.9	4.9
		13.6	9.3					16	8.6
								2.2	1.4
								24	4.2
								16.2	1.2
								0.8	
								17.5	22.6
								5.1	
								0.6	
								10	

Water Right Platcard Report

NE

NW

SW

SE

Page 3 of 6

3

22.6

1.3

(13.9)

(4.9)

(4.6)

(29.1)

(10)

(0.6)

(2)

(33.7)

(5.8)

(4.1)

(2)

13.6

9.3

16

8.6

2.2

1.4

0.9

24

4.2

SS freeway

Water Right Platcard Report

Select	Cert:82928 OR CN	2/20/1991	IRRIGATION	CN	59
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 82928				
Select	Cert:82928 OR CN	2/20/1991	IRRIGATION	CN	58
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 82928				
Select	Cert:82928 OR CN	2/20/1991	IRRIGATION	CN	3
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 82928				
Select	Cert:83086 CR *	T10535	2/20/1991	IRRIGATION	59
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 83086				
Select	Cert:83086 CR *	T10535	2/20/1991	IRRIGATION	58
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 83086				
Select	Cert:83086 CR *	T10535	2/20/1991	IRRIGATION	3
	Additional Info: THOMAS DE ARMOND App: G12423 Permit: G12536 Cert: 83086				
Select	Cert:83240 OR *	T10414	4/4/1991	IRRIGATION	69
	Additional Info: PAUL JENSEN App: G12473 Permit: G12113 Cert: 83240				
Select	Cert:83240 OR *	T10414	4/4/1991	IRRIGATION	1
	Additional Info: PAUL JENSEN App: G12473 Permit: G12113 Cert: 83240				
Select	App:P 77517 *	1/3/1995	LIVESTOCK		
	Additional Info:				

Wells #1 & #2

Proposed pour for the GR will come in on top of these lands. (a portion of)

NE	NW	SW	SE
		0.31.5	
		2.3 23.1 6.9	
		11.6	
		0.3 1.5	
		2.3 23.1 6.9	
		11.6	
0.3	6.4		
	3.6		
		*	

Additional Info:
THOMAS DE ARMOND
App: G8237
Permit: G7574

Well #3

lands - Actually R. 1 East

Proposed pour for
GR will come
in on top of
the lands...
a portion of...

Actual		Proposed		Difference	
Acres	Value	Acres	Value	Acres	Value
0.5	4	13	23		
lands - Actually R. 1 East *					
Proposed power line will come in on top of the lands a portion of...					
2.3	23.1	6.9	11.6		
0.3	1.5				
		5.2	29.1		
		23.9	4.9		
3		22.6	1.3		
		(23.9)	(4.9)		

5

"From"

Lands

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 5

South

Range: 2

West

Section: 12

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	QQ(40): NE	QQ(40): NW	QQ(40): SW	QQ(40): SE	Unknown QQ
Select Permit:G 13768 * Additional Info: GORDEN DAVIS App: G14934 Permit: G13768		1/25/1999	INDUSTRIAL/MANUFACTURING USES											*									
Select Permit:G 13981 * Additional Info: BILL KEY App: G15145 Permit: G13981		5/8/2000	IRRIGATION																			7.58	
Select Claim:GR 53 * Additional Info: JOHN N HOOPER Claim: GR53	T10534	5/30/1950	IRRIGATION											40									
Select Claim:GR 861 * Additional Info: RAY J GLATT Claim: GR861		9/15/1950	IRRIGATION				1.4																
Select Claim:GR 2001 * Additional Info: RAY STAMPLEY Claim: GR2001		12/31/1951	IRRIGATION				2		2														
Select Cert:27210 OR CN Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 27210		5/22/1956	IRRIGATION	CN	78																	0.6	
Select Cert:27210 OR CN Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 27210		5/22/1956	IRRIGATION	CN	80																	12.9	
Select Cert:29044 OR * Additional Info: BENNIE SPRAGUE App: G527 Permit: G428 Cert: 29044		12/17/1956	IRRIGATION		60				4.5	0.05	0.25	1.2											
Select Cert:34582 OR * Additional Info: SENIOR ESTATES INC. App: G3269		10/25/1965	IRRIGATION		98													9.6		4.4	4.9		

Water Right Platcard Report

Permit: G3065 Cert: 34582				
Select Cert:39802 OR *	T10532	3/18/1968	IRRIGATION	61
Additional Info: PAUL J WILLARD App: G4286 Permit: G4035 Cert: 39802				
Select Cert:44644 OR *	T10533	10/5/1970	IRRIGATION	98
Additional Info: JOHN HOOPER TRUST App: G5331 Permit: G5281 Cert: 44644				
Select Cert:76638 RR *		5/22/1956	IRRIGATION	78
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638				
Select Cert:76638 RR *		5/22/1956	IRRIGATION	80
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638				
Select Permit:G 15383 *		10/14/2002	IRRIGATION	
Additional Info: ELIZABETH LEWIS App: G15854 Permit: G15383				
Select Permit:G 15609 *		7/8/2003	IRRIGATION	
Additional Info: SENIOR ESTATES GOLF AND COUNTRY CLUB App: G16042 Permit: G15609				
Select Inchoate: T 7656 CF (REG) *			MUNICIPAL USES	
Additional Info: CITY OF WOODBURN App: G2769 Permit: G2593				
Select Inchoate: T 7656 CF (REG) *		5/3/1965	MUNICIPAL USES	
Additional Info: CITY OF WOODBURN App: G3099 Permit: G2893				
Select Inchoate: T 7656 CF (REG) *		12/26/1974	MUNICIPAL USES	
Additional Info: CITY OF WOODBURN App: G6770 Permit: G6354				
Select Cert:36537 OR CN			MUNICIPAL USES	CN
Additional Info:				

Page 2 of 3

NE				NW				SW				SE			
											10.7				
											4.4			7	
														0.5	
														3.1	
21.5	8.7		12.2												
21.5	8.7		12.2									9.6	4.4	4.9	
(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
*	*	*	*									*	*		*

http://apps2.wrd.state.or.us/apps/wr/wrinfo/wr_platcard.aspx

6/5/2008

CITY OF WOODBURN App: G2769 Permit: G2593 Cert: 36537			
Select	Cert:36538 OR CN	5/3/1965	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G3099 Permit: G2893 Cert: 36538			
Select	Cert:56379 OR CN	12/26/1974	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G6770 Permit: G6354 Cert: 56379			
Select	Permit:G 10931 *	7/12/1988	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G11833 Permit: G10931			
Select	Permit:G 11921 *	9/30/1993	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G13518 Permit: G11921			
Select	Permit:G 11922 *	9/30/1993	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G13519 Permit: G11922			
Select	Permit:G 12029 *	7/8/1993	MUNICIPAL USES
Additional Info: CITY OF WOODBURN App: G13460 Permit: G12029			
Select	Cert:44644 OR *	T10533 10/5/1970	SUPPLEMENTAL IRRIGATION (Suppl'mtl)
Additional Info: JOHN HOOPER TRUST App: G5331 Permit: G5281 Cert: 44644			

NE				NW				SW				SE			
*	*	*	*									*	*	*	
*	*	*	*		*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
												19.5			

Acreage Legend: 12.25 Regular acreage ±2.25 Acreage is on a canceled right (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate) [12.25] Acreage has been suspended * Acreage is not specified

Layered right w/ GR - but it is being moved concurrently - See T-10533.

"From" lands

Water Rights Platcard Report

Meridian: WILLAMETTE

Township: 5

South Range: 2

West Section: 13

Records per Page: 100

Search

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unkown
Select Permit:G 11316 *		1/29/1991	IRRIGATION				Q(160):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	QQ
Additional Info: MARION COUNTY SCHOOL DISTRICT 103 App: G12399 Permit: G11316																												
Select Permit:G 11853 *		5/7/1993	IRRIGATION																									
Additional Info: SONJA GRAHAM App: G13405 Permit: G11853																												
Select Permit:G 11857 *		5/12/1993	IRRIGATION																									
Additional Info: ROSELAWN SEED INC. App: G13412 Permit: G11857																												
Select Claim:GR 53 *	T10534	5/30/1950	IRRIGATION																									
Additional Info: JOHN N HOOPER Claim: GR53																												
Select Claim:GR 189 *		4/4/1955	IRRIGATION																									
Additional Info: KILIAN SMITH Claim: GR189																												
Select Cert:27210 OR CN		5/22/1956	IRRIGATION	CN		1																						
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 27210																												
Select Cert:27210 OR CN		5/22/1956	IRRIGATION	CN		2																						
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 27210																												
Select Cert:27210 OR CN		5/22/1956	IRRIGATION	CN		3																						
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 27210																												
Select Cert:27210 OR CN		5/22/1956	IRRIGATION	CN		5																						

[illegible]

Water Right Platcard Report

Select **Cert:36320 OR *** 4/21/1967 IRRIGATION 61

Additional Info:
P.J. WILLARD
App: G3901
Permit: G3666
Cert: 36320

Select **Cert:39802 OR *** T10532 3/18/1968 IRRIGATION 61

Additional Info:
PAUL J WILLARD
App: G4286
Permit: G4035
Cert: 39802

Select **Cert:44644 OR *** T10533 10/5/1970 IRRIGATION 98

Additional Info:
JOHN HOOPER TRUST
App: G5331
Permit: G5281
Cert: 44644

- Layered right w/ GR, but it is being moved concurrently. See T-10533.

Select **Cert:45554 OR *** 10/24/1974 IRRIGATION 88

Additional Info:
GLEN SCHWENKE
App: G6702
Permit: G6246
Cert: 45554

Select **Cert:47638 OR *** 5/19/1975 IRRIGATION 4

Additional Info:
KARNILY/AGAFIA KALUGIN
App: G6949
Permit: G6464
Cert: 47638

Select **Cert:47638 OR *** 5/19/1975 IRRIGATION 5

Additional Info:
KARNILY/AGAFIA KALUGIN
App: G6949
Permit: G6464
Cert: 47638

Select **Cert:47638 OR *** 5/19/1975 IRRIGATION 88

Additional Info:
KARNILY/AGAFIA KALUGIN
App: G6949
Permit: G6464
Cert: 47638

Select **Cert:55540 OR *** 9/16/1976 IRRIGATION 98

Additional Info:
STEPHEN HOBSON
App: G7517
Permit: G6991
Cert: 55540

- These are different lands located South of Subject land.

Select **Cert:76638 RR *** 5/22/1956 IRRIGATION 1

Additional Info:
KILIAN SMITH
App: G372
Permit: G248

NE				NW				SW				SE			
						11.8			29						
						30	12								
9.4				4.3	5.5										
														2.2	
									2.8						
									8.7						
								10	2.6	3.4	12.2				
						0.7									
						24.2									

Water Right Platcard Report

Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	2
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	3
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	5
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	6
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	7
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	80
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Cert:76638 RR *	5/22/1956	IRRIGATION	98
Additional Info: KILIAN SMITH App: G372 Permit: G248 Cert: 76638			
Select Permit:G 15609 *	7/8/2003	IRRIGATION	
Additional Info: SENIOR ESTATES GOLF AND COUNTRY CLUB App: G16042 Permit: G15609			
Select Inchoate: T 7656 CF (REG) *			
Additional Info: CITY OF WOODBURN App: G2769			

- These are different lands located Southeast of Subject land.

MUNICIPAL USES

- Muni Uses - NOT layered w/ GR.

NE		NW		SW		SE	
	36.8						
				7.7			
				2.2			
						10	
						8.3	
16.4		3				0.2	
19.5	22.7	3.2	2.6	2.4	0.7		
2.8	4						
(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)

Water Right Platcard Report

Permit: G2593				
Select	Inchoate: T 7656 CF (REG) *	5/3/1965	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G3099 Permit: G2893			
Select	Inchoate: T 7656 CF (REG) *	12/26/1974	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G6770 Permit: G6354			
Select	Cert: 56379 OR CN	12/26/1974	MUNICIPAL USES	CN
	Additional Info: CITY OF WOODBURN App: G6770 Permit: G6354 Cert: 56379			
Select	Permit: G 10931 *	7/12/1988	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G11833 Permit: G10931			
Select	Permit: G 11921 *	9/30/1993	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G13518 Permit: G11921			
Select	Permit: G 11922 *	9/30/1993	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G13519 Permit: G11922			
Select	Permit: G 12029 *	7/8/1993	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: G13460 Permit: G12029			
Select	App: LL 1126 *	4/18/2008	MUNICIPAL USES	
	Additional Info: CITY OF WOODBURN App: LL1126			
Select	Cert: 44644 OR *	T10533 10/5/1970	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	98
	Additional Info: JOHN HOOPER TRUST App: G5331 Permit: G5281 Cert: 44644			
Select	Cert: 76638 RR *	5/22/1956	SUPPLEMENTAL IRRIGATION (Suppl'mtl)	
	Additional Info: KILIAN SMITH App: G372			

Multi
uses
→ NOT
layered
w/ GR

- Muni Uses
- NOT layered w/ GR

[illegible]

G372 Layered right w/ GR - but it is being moved concurrently.
See T-10533.

Water Right Platcard Report

See Pg 5

Page 6 of 6

Permit: G248
Cert: 76638

Acreage Legend:	12.25 Regular acreage	12.25 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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STATE ENGINEER
Salem, Oregon

2433
MAR 1950

Well Record

Original POA

STATE WELL NO. 5/2W-12P(1)
COUNTY Marion
APPLICATION NO. GR-53

OWNER: John H. Hooper

MAILING
ADDRESS:

LOCATION OF WELL: Owner's No. 1

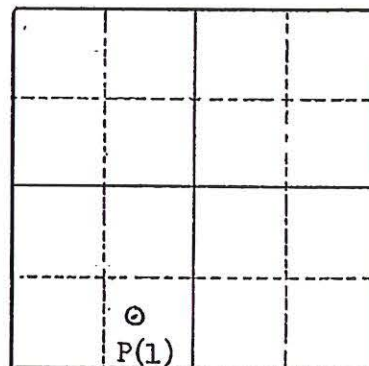
CITY AND
STATE:

Woodburn, Oregon

SE 1/4 SW 1/4 Sec. 12 T. 5 N. E. S. R. 2 W., W.M.

Bearing and distance from section or subdivision

corner 600' N. & 900' W. of SE cor. of SW 1/4



Altitude at well 180' Interpolated

TYPE OF WELL: Drilled Date Constructed May 1950

Depth drilled 140' Depth cased 140'

Section 12

CASING RECORD:

8 inch casing set from 0 to 140 feet

FINISH: Torch cut slits set at
28 to 30'
84 to 88'
109 to 111'
125 to 140'

AQUIFERS:

Sand from 28 to 30, 84 to 88, 109 to 111. Gravel from 125 to 140 feet

WATER LEVEL:

1t feet below land surface May 1950

PUMPING EQUIPMENT: Type Jacuzzi deep well turbine H.P. 15
Capacity 300 G.P.M.

WELL TESTS:

Drawdown 86 ft. after 550 hours G.P.M.

Drawdown ft. after hours G.P.M.

USE OF WATER Irrigation 60 acres Temp. °F. 19

SOURCE OF INFORMATION Registration Statement GR-53

DRILLER or DIGGER Coleman used rotary

ADDITIONAL DATA:

Log X Water Level Measurements Chemical Analysis Aquifer Test

REMARKS:

State Well No. 5/2W-12P(1)
County Marion
Application No. GR-53

County.....Marion.....
Application No. GR-53

[illegible]

Lisa Jaramillo

From: Debbie Colbert
Sent: Friday, October 31, 2008 6:31 PM
To: Jeff Barry; Don Knauer
Cc: Lisa Jaramillo; Dorothy Pedersen
Subject: RE: Transfers T-10532 and T-10533 and GR Modification T-01534

Jeff,
Lisa has checked the files. We have everything we need at this time to move forward according to our approach below. We will get started on the ownership research with the county and get the PD prepped for signature and mailing.
Debbie

Debbie Colbert
Field Services Division Administrator
debbie.l.colbert@wrdd.state.or.us
Phone: 503-986-0878 Fax: 503-986-0903
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1266
www.wrdd.state.or.us

From: Jeff Barry [<mailto:JBarry@GSIWaterSolutions.com>]
Sent: Friday, October 31, 2008 10:33 AM
To: Debbie Colbert; Don Knauer
Cc: Lisa Jaramillo; Dorothy Pedersen
Subject: RE: Transfers T-10532 and T-10533 and GR Modification T-01534

Debbie,

Thank you and Lisa very much for being willing to assist in this matter. I like your approach. Are there any other issues that need to be addressed before the department can approve the transfers? Do you need anything else from us in order to proceed with your plan? Do the quit claim deeds need to be recorded? Please let us know if you need our assistance and when you think the ownership issue can be resolved.

Thank you again,

Jeff

Jeff M. Barry, R.G., CWRE
Principal Hydrogeologist
GSI Water Solutions, Inc.
55 SW Yamhill St.
Suite 400
Portland, Oregon 97204
ph: (503) 239-8799 ext. 102
fax: (503) 239-8940
e: jbarry@gsiwatersolutions.com

11/3/2008

From: Debbie Colbert [mailto:colberdl@wrd.state.or.us]
Sent: Friday, October 31, 2008 9:35 AM
To: Jeff Barry; 'Don Knauer'
Cc: Lisa Jaramillo; Dorothy Pedersen
Subject: Transfers T-10532 and T-10533 and GR Modification T-01534

Hi Jeff and Don,

As I mentioned on the phone to Jeff on Wednesday, Lisa and I have been thinking about ways to move these transfers forward. We had one particular idea that we wanted to discuss with Don on Tuesday, but didn't get a chance before he left the meeting.

The Department is prepared to research the Marion County records to determine current ownership for all of the lots on which we are still trying to determine whether current landowners received sufficient notice that the land they purchased did not include any water rights because of the quitclaim.

We then propose to send a copy of the Preliminary Determinations for Transfers T-10532 and T-10533 and GR Modification T-01534 to all of these current landowners, which will serve as their notice. If these landowners protest, you could opt to remove those parcels from the transfer.

There are approximately 127 lots involved in this issue. Specifically, those lots are: Lots 1 through 39, inclusive, Tract A and Tract B, Evergreen Meadows in the City of Woodburn, County of Marion, State of Oregon, Plat 46-43 (*formerly known as Lot 1 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*); and Lots 147 through 234, inclusive, Montebello 3 in the City of Woodburn, Marion County, Oregon, Plat 46-72 (*formerly known as Lot 2 of Town Center at Woodburn, Marion County, Oregon, Plat 45-72*).

We will also go out and document the current source of supply for our files so that if there are any protests it demonstrates that these landowners did not have an obvious expectation of water via these rights.

We think this might be a good option to move forward. Let me know if you would like to pursue this.

Thanks,
Debbie

Debbie Colbert
Field Services Division Administrator
debbie.l.colbert@wrd.state.or.us
Phone: 503-986-0878 Fax: 503-986-0903
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1266
www.wrd.state.or.us

11/3/2008

Lisa Jaramillo

From: Debbie Colbert
Sent: Friday, October 31, 2008 9:35 AM
To: JBarry@GSIWaterSolutions.com; 'Don Knauer'
Cc: Lisa Jaramillo; Dorothy Pedersen
Subject: Transfers T-10532 and T-10533 and GR Modification T-01534

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We think this might be a good option to move forward. Let me know if you would like to pursue this.

Thanks,
Debbie

Debbie Colbert
Field Services Division Administrator
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Phone: 503-986-0878 Fax: 503-986-0903
Oregon Water Resources Department
725 NE Summer Street, Suite A
Salem, OR 97301-1266
www.wrdd.state.or.us

10/31/2008



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

September 30, 2008

DON KNAUER
PO BOX 5416
SALEM, OR 97304

REFERENCE: Request for Additional Information Related to Transfer Applications T-10532 and T-10533 and Ground Water Registration Modification Application T-10534

Dear Mr. Knauer:

Thank you for submitting the requested reports of ownership and lien information for Transfer Applications T-10532, T-10533 and T-10535 and Ground Water Registration Modification Application T-10534.

No additional information is necessary for Transfer T-10535. For Transfers T-10532 and T-10533 and GR Modification T-10534, however, additional information is needed in order to establish that all subsequent purchasers of land involved in the "FROM" lands (specific to Lots 1 and 2 Town Center at Woodburn) were sufficiently noticed that the land they were purchasing did not include any water rights. A detailed description of the Department's request is outlined below:

1. **Limited Lot Book Service – Order No. 7089-1271102:**

Involving: Lots 1 through 39, inclusive, Tract A and Tract B, Evergreen Meadows in the City of Woodburn, County of Marion, State of Oregon. (Plat 46-43)

Formerly known as Lot 1 of Town Center at Woodburn, Marion County, Oregon. (Plat 45-72)

The Limited Lot Book Service report you provided clearly shows that K & R Holdings Evergreen Meadows, LLC was the owner of the above-described land at the time they signed a Quit Claim Deed (dated December 7, 2007) conveying all appurtenant water rights to Capital Development Company.

Since the Quit Claim Deed was signed on December 7, 2007, however, the above-described land has been subdivided and parcels have been sold. The Department must be able to establish that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed received sufficient notice that the property they were purchasing did not include any water rights. The Department does not currently have adequate information to make such a determination.

At this time, the Department must receive additional information demonstrating that all of the subsequent owners of the above-described land received sufficient notice that the property they were purchasing did not include any water rights.



Examples of additional documentation that may establish sufficient notice was provided to all purchasers subsequent to December 7, 2007 when the Quit Claim Deed was signed includes, but is not limited to, the following:

- A copy of the Quit Claim Deed that has been recorded in Marion County's deed records (or some other verification from the county indicating the document has been recorded.); or
- A copy of property sale documentation for each of these parcels of land no longer owned by K & R Holdings Evergreen Meadows, LLC that clearly states that the land being purchased does not include any water rights; or
- A statement from all owners of land no longer owned by K & R Holdings Evergreen Meadows, LLC that they consent to proposed Transfers T-10532 and T-10533 and Ground Water Registration Modification T-10534; or
- Some other documentation to demonstrate that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed on December 7, 2007 received sufficient notice that the property they were purchasing did not include any water rights.

2. **Limited Lot Book Service – Order No. 7089-1271109:**

Involving: Lots 147 through 234, inclusive, Montebello 3 in the City of Woodburn, Marion County, Oregon. (Plat 46-72)

Formerly Lot 2 Town Center at Woodburn, Marion County, Oregon. (Plat 45-72)

The Limited Lot Book Service report you provided clearly shows that Montebello Estates I, LLC was the owner of the above-described land at the time they signed a Quit Claim Deed (dated January 28, 2008) conveying all appurtenant water rights to Capital Development Company.

Since the Quit Claim Deed was signed on January 28, 2008, however, the above-described land has been subdivided and parcels have been sold. The Department must be able to establish that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed received sufficient notice that the property they were purchasing did not include any water rights. The Department does not currently have adequate information to make such a determination.

At this time, the Department must receive additional information demonstrating that all of the subsequent owners of the above-described land received sufficient notice that the property they were purchasing did not include any water rights.

Examples of additional documentation that may establish sufficient notice was provided to all purchasers subsequent to January 28, 2008 when the Quit Claim Deed was signed includes, but is not limited to, the following:

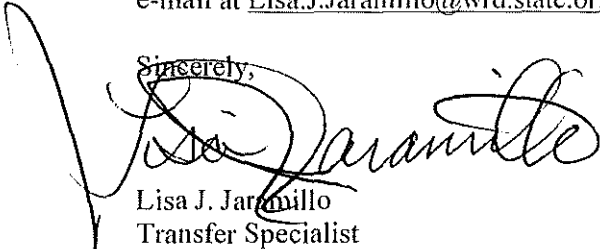
- A copy of the Quit Claim Deed that has been recorded in Marion County's deed records (or some other verification from the county indicating the document has been recorded.); or
- A copy of property sale documentation for each of these parcels of land no longer owned by Montebello Estates I, LLC that clearly states that the land being purchased does not include any water rights; or

- A statement from all owners of land no longer owned by Montebello Estates I, LLC that they consent to proposed Transfers T-10532 and T-10533 and Ground Water Registration Modification T-10534; or
- Some other documentation to demonstrate that all of the owners that purchased property subsequent to the signing of the Quit Claim Deed on January 28, 2008 received sufficient notice that the property they were purchasing did not include any water rights.

Please submit the requested information to the Department by **Friday, November 7, 2008**. If we do not receive the requested items by that date, a Preliminary Determination *may* be issued denying the applications.

If I may be of any assistance, please don't hesitate to contact me by telephone at (503) 986-0880 or by e-mail at Lisa.J.Jaramillo@wrд.state.or.us.

Sincerely,



Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503

**Ground Water Registration Modification
Processing Log (Division 382)**

T-10534

Reviewer's Name: Visa Darnault

Date: 5-2-08

GR Modification #T- 10534

Type of Change: POA POU USE

Appl No. GR- 53

Certificate of Registration No. GR- 45

Date filed: 2-12-08

Initial Public Notice: 2-19-08

County: Marion

WM District: #16-Mike McCord

Applicant's Name & Mailing Address:

Thomas H. DeArmond
11463 Broadacres Rd. NE
Hubbard, OR 97032

CWRE (if any) or Agent: Don Knauer, PO Box 5416, Salem, OR 97304

Workflow Maintenance: Has file been assigned to me? Yes ☒ No ☐ (If No, Update Workflow in ModPod)

Check Application

☒ Type of Change indicated clearly? (Only POA, POU or USE allowed for GR Modifications.)

☒ Application signed by all applicants?

☒ Have appropriate fees been paid? \$500.⁰⁰ paid 2-12-08

- If any fees are to be refunded, generate a Request for Refund memo to be forwarded to WRD Fiscal Section.

☒ Does the Land Use Form match affected tax lots and is it signed by the proper official? Yes. Sec 29 & 30

☒ For a Change in POA, are well logs for authorized & proposed wells attached?

T. 4S, R. 1W

- If well logs are NOT available or if the proposed well is NOT yet constructed, the applicant must provide a description of the authorized or proposed well construction.

Check Application Map (Map is NOT required to be prepared by a CWRE)

☒ Is the size and scale accurate and appropriate as per OAR 690-380-3100(1)(c) & (d)?

☒ Are all authorized and proposed POA's and POU's shown and clearly labeled?

☒ Do the location coordinates for the POA's properly describe the location on the map?

Orig well on map doesn't match GR claim

☒ Do the map acres match the tabulation on the GW Registration? (Remain GR lands not hatched on From Map.)

☒ Pull maps for the GW Registration. Does the application map match the GW Registration map?

- From Map matches GR listing.

☐ Pull aerial photos, if needed (and available).

☐ Other: _____

GR map NOT quite accurate, so OK.

*
OK.
See
Knauer's
response
dated
7-3-08

Capital Development Co.
are the owners of
"from" land.

Check Ownership and Review Report of Ownership & Lien Information:

☒ Print a copy of the current tax lot map. (You may contact the County Assessor's office to research current ownership info.)

☒ Is the applicant the owner of the "from" land? ☐ Yes ☒ No

☒ Have all owners signed the application? ☒ Yes ☐ No

☒ - If No, is there a notarized, signed statement of consent from any landowners other than applicant? ☐ Yes ☒ No

☒ Verify agent authority if applicant has not specifically signed a statement authorizing agent to work on his behalf.

The Report of Ownership and Lien Information will be requested at the P.D. stage, once it is submitted you will need to consider the following:

☒ Has the Report of Ownership and Lien Information been prepared for the subject parcel of land? ☒ Yes ☐ No

☒ Are any other owners of record identified? ☒ Yes ☐ No

- If Yes, have they consented to the modification?

☒ Are any lien holders identified? ☐ Yes ☒ No

☐ Is there a copy of written notification of the transfer to each lien holder identified in the Report? ☐ Yes ☐ No

- If No, applicant needs to submit a copy of notification to lien holder(s).

Is Application Complete?

☒ application form

☒ map

☒ GR registration

☒ land-use form

☒ fees paid

☒ well logs

☒ report of ownership & lien (requested at P.D. stage)

Reviews/comments received?

☒ Watermaster

☒ Ground Water

☐ ODEW (if hydraulically connected)

Deficiencies to be resolved:

FROM POA on GR & Application (\$map) don't match.

☐

☐

Determining the "From" and "To" Lands (make working copy of application & GW Registration to mark on

☐ Are only the authorized POA's and/or POU's to be modified listed?

☐ Do application & GW Registration tabulations match? (check off on A.ppl & GW Regist. copies and note corrections needed)

☐ Mark on the GW Registration copy which acreage is being modified and what will remain in each $\frac{1}{4}$ $\frac{1}{4}$.

☐ Print plat card report. Are there conflicting rights? _____

☐ Are there any rights that need to be cancelled or diminished to supplemental? If so, prepare an affidavit.

☐ Are there any rights that need to be transferred concurrently with this GR Modification? _____

☐ Other: _____

☒ Is Newspaper Notice required? ☒ Yes ☐ No (If so, generate a draft of the notice to include with P.D.)

Proposed Wells approx. 3 1/2 miles northeast of original well.

Injury/Enlargement Determination:

☐ Injury:

☒ Watermaster Injury: ☐ Yes ☒ No Conditions: ☒ Yes ☐ No

☒ Ground Water Injury: ☐ Yes ☒ No Conditions: ☒ Yes ☐ No

N/A ☐ ODFW Injury: ☐ Yes ☐ No Conditions: ☐ Yes ☐ No

Conditions requested:

Measurement devices: ☒ Required prior to use

-or-

☐ "When in the judgement..."

☐ Other: _____

☐ Would the modification result in injury issues to other ground water users? ☐ Yes ☒ No

☐ Other: _____

See GW
Injury
Review.

If hydraulically connected....

N/A ☐ Check Interactive Mapping. Are there any intervening POD's? ☐ Yes ☐ No

☐ Would it result in reduction of flows available to junior rights? ☐ Yes ☐ No

☐ Would it affect flows available for instream water rights? ☐ Yes (moves into or within ISWR) ☐ No problem

☐ Enlargement:

☒ Will the "from" lands be able to be dried up? ☒ Yes ☐ No

N/A ☐ If hydraulically connected, are return flows an issue? ☐ Yes ☒ No

☐ Other: _____

☒ State Scenic Waterway: Would the proposed modification result in a State Scenic Waterway **NOT** receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835?

☐ Is this use of ground water hydraulically connected to surface water? ☐ Yes ☐ No (See GW review.)

☐ If hydraulically connected to surface water, is the authorized POA located within or above a State Scenic Waterway reach? ☐ Yes ☐ No If Yes, identify State Scenic Waterway reach: _____

If No, will the proposed modification result in moving the POA to a point that is located within or above a State Scenic Waterway reach? ☐ Yes ☐ No If Yes, identify reach: _____

☐ Does the authorized POA contribute return flows to a State Scenic Waterway reach? ☐ Yes ☐ No

-If Yes, will the proposed modification result in those return flows no longer contributing or no long being available to that State Scenic Waterway reach? ☐ Yes ☐ No

Remarks:

NOT within or
above a
state
Scenic
Waterway



First American

First American Title Insurance Company of Oregon
280 Liberty St SE, Ste 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

MARION COUNTY TITLE UNIT
FAX (866)849-3065

Title Officer: **Debbie Filson**
(800)742-2414
dfilson@firstam.com

RECEIVED

AUG 26 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

LIMITED LOT BOOK SERVICE

Don Knauer
P.O. Box 5416
Salem, OR 97304

Order No.: 7089-1271102
August 08, 2008

Attn:
Phone No.: (503)585-8474 - Fax No.: (503)585-8474
Email:

Re:

Fee: \$150.00

We have searched our Tract Indices as to the following described property:

LOTS 1 THROUGH 39, INCLUSIVE, TRACT A AND TRACT B, EVERGREEN MEADOWS, IN THE CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON. (PLAT 46-43)

FORMERLY KNOWN AS LOT 1 OF TOWN CENTER AT WOODBURN, MARION COUNTY, OREGON. (PLAT 45-72)

and as of December 7, 2007 at 8:00 a.m.

We find that the last deed of record runs to

K & R Holdings Evergreen Meadows, LLC, an Oregon limited liability company

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

None

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens: None

First American Title

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

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SALEM, OREGON

Title Order No. 07295905

Escrow No. 07295905

After Recording Return To:
K & R Holdings Evergreen Meadows, LLC
17933 NW Evergreen Parkway
Suite 300
Beaverton, OR 97006

Name, Address, Zip

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

K & R Holdings Evergreen Meadows, LLC
17933 NW Evergreen Parkway
Suite 300
Beaverton, OR 97006

Name, Address, Zip

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

STATUTORY WARRANTY DEED

Evergreen Pacific Development Inc., a corporation duly organized and existing under the laws of the State of Oregon, Grantor, conveys and warrants to K & R Holdings Evergreen Meadows, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Lots 1 through 39, inclusive, Tract A and Tract B, EVERGREEN MEADOWS, in the City of Woodburn, County of Marion and State of Oregon

This property is free from encumbrances, EXCEPT: 2007-08 taxes a lien not yet due and payable, Easement, conditions, restrictions and powers of special assessments, including agreement for access easement and easement maintenance dated May 16, 2007 and recorded August 17, 2007 in Reel 2854 and Page 454.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

The true consideration for this conveyance is \$2,925,000.00. (Here comply with the requirements of ORS 93.030)

Dated this October 3, 2007.

Evergreen Pacific Development Inc.

Gail L. Oldham, President

STATE OF OREGON }
County of Clackamas ss

This instrument was acknowledged before me this October 31, 2007, by Gail L. Oldham, as the President of Evergreen Pacific Development Inc., an Oregon corporation, on behalf of the corporation.



Notary Public for the State of Oregon
My Commission Expires: 12-11-2009

ORSPSTW2

REEL:2874

PAGE: 484

October 05, 2007, 01:24 pm.

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SALEM, OREGON

CONTROL #: 207514

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 26.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

lot 1

H46-43

8-17-07

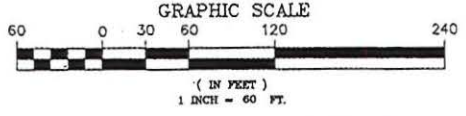
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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

EVERGREEN MEADOWS

A REPLAT OF LOT 1 OF THE PLAT OF "TOWN CENTER AT WOODBURN"
LOCATED IN THE S.W. 1/4 OF SECTION 12, AND N.W. 1/4 SECTION 13, T.5S., R.2W.,
W.M., IN THE CITY OF WOODBURN, MARION COUNTY, OREGON

ZTEC ENGINEERS INC.

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202
PH: (503) 235-8795 FAX: (503) 233-7889
JOB NO. N2518-1 DATE SURVEYED: 9-28-06



REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischhorn
OREGON
JULY 17, 1981
CHRIS FISCHHORN
1944
RENEWAL DATE: 1/1/2008

LEGEND

- DENOTES MONUMENTS FOUND AS NOTED
- DENOTES 5/8"x30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "ZTEC ENGRS. LS 1944" AND SET ON JULY 25, 2007
- DENOTES 5/8"x30" LONG IRON ROD WITH A YELLOW PLASTIC CAP STAMPED PUNCH MARK AND STAMPED "ZTEC LS 1944" IN A MONUMENT BOX AND SET ON JULY 25, 2007
- LR. DENOTES IRON ROD.
- FD. DENOTES FOUND.
- (M) DENOTES MEASURED.
- SQ. FT. DENOTES SQUARE FEET.
- PUE DENOTES PUBLIC UTILITY EASEMENT
- (R) DENOTES RADIAL
- (P) DENOTES PLAT OF "TOWN CENTER AT WOODBURN" VOL. 45, PAGE 72, 80TP
- YPC DENOTES YELLOW PLASTIC CAP
- PP(1) DENOTES PARTITION PLAT NO. 2002-19

SHEET INDEX:

- SHEET 1: BOUNDARY, LEGEND, CURVE DATA & INDEX
- SHEET 2: DETAILS & NOTES
- SHEET 3: NARRATIVE, SURVEYOR'S CERTIFICATE, DECLARATION, ACKNOWLEDGMENT & APPROVALS

Curve Table				
No.	Delta	Radius	Length	Chord Bearing
C1	23°49'46"	1550.00'	644.65'	N 38°59'38" E 640.01'
C2	12°00'17"	1550.00'	324.78'	N 56°54'40" E 324.16'
C3	05°30'37"	1550.00'	153.12'	N 65°44'36" E 153.00'
C4	24°15'59"	200.00'	84.71'	S 11°21'00" E 84.07'
C5	39°25'31"	197.00'	135.56'	N 18°55'41" W 132.90'
C6	03°41'11"	1513.00'	97.35'	S 66°09'26" W 97.33'
C7	76°00'40"	15.00'	19.90'	S 26°18'30" W 18.47'
C8	10°04'07"	230.00'	40.42'	S 06°39'46" E 40.37'
C9	02°24'47"	230.00'	9.69'	S 00°25'23" E 9.69'
C10	16°07'07"	55.00'	15.47'	S 08°50'39" W 15.42'
C11	52°48'13"	55.00'	50.68'	S 43°18'09" W 48.91'
C12	20°48'47"	55.00'	20.00'	S 80°07'13" W 19.88'
C13	51°37'04"	55.00'	50.00'	N 63°38'01" W 48.33'
C14	72°48'03"	55.00'	70.53'	N 01°25'58" W 65.88'
C15	129°30'27"	55.00'	125.45'	N 80°16'32" W 100.40'
C16	73°56'34"	15.00'	19.36'	S 52°29'36" E 18.04'
C17	89°45'07"	15.00'	23.50'	N 45°38'53" E 21.17'
C18	18°50'21"	187.00'	54.91'	N 08°38'10" W 54.66'
C19	11°30'40"	15.00'	28.62'	N 74°37'41" W 25.04'
C20	08°42'20"	1513.00'	229.89'	S 44°26'49" W 229.66'
C21	05°07'25"	1513.00'	135.30'	N 37°31'54" E 135.25'
C22	07°57'29"	1513.00'	208.39'	N 31°01'28" E 208.22'
C23	89°45'07"	15.00'	23.50'	N 45°38'53" E 21.17'
C24	90°14'53"	15.00'	23.63'	S 44°29'27" W 21.26'
C25	00°17'01"	227.00'	1.12'	N 00°33'30" W 1.12'
C26	13°18'28"	227.00'	52.72'	N 08°08'15" W 52.60'
C27	13°22'38"	227.00'	53.00'	N 19°29'49" W 52.88'
C28	78°34'55"	15.00'	20.57'	N 03°06'19" E 19.00'
C29	03°06'18"	1513.00'	81.99'	N 53°56'56" E 81.98'
C30	05°08'45"	1513.00'	135.88'	N 58°04'27" E 135.84'
C31	11°21'45"	15.00'	30.72'	S 60°40'17" E 25.63'
C32	02°46'25"	170.00'	8.23'	S 00°36'12" E 8.23'
C33	01°57'53"	1513.00'	51.88'	N 48°46'56" E 51.88'
C34	01°37'54"	1513.00'	43.09'	N 51°24'50" E 43.09'
C35	02°02'41"	1513.00'	54.00'	N 51°40'10" E 53.99'
C36	01°37'19"	1513.00'	42.83'	N 63°30'11" E 42.83'
C37	28°35'24"	197.00'	98.30'	S 13°30'42" E 97.28'
C38	13°30'58"	200.00'	47.18'	S 05°58'30" E 47.07'

POINT "D"
FD. 5/8" LR. WITH YPC STAMPED
"WILHELM ENG. OR LS 2413"
SET ON PP(1) (HELD FOR EASTING)
S 00°47'00" W 0.24'

30'x15' POE EASEMENT
SEE DETAIL "B", SHEET 2

PARTITION PLAT
NO. 2002-19

20.00' PUBLIC UTILITY & PRIVATE ACCESS EASEMENT FOR THE BENEFIT
OF LOT 12 AND LOT 13 PER ACCESS AND MAINTENANCE AGREEMENT
RECORDED IN REEL 2854 AND PAGE 454 OF MARION COUNTY
DEED RECORDS.

POINT "A"
FD. 5/8" LR. WITH YPC STAMPED
"WILHELM ENG. OR LS 2413"
SET ON PP(1) (HELD)

INITIAL POINT

POINT "B"
(SEE SHEET 2 OF 3)

SHEET 1 OF 3

#46-43

EVERGREEN MEADOWS

A REPLAT OF LOT 1 OF THE PLAT OF "TOWN CENTER AT WOODBURN"
LOCATED IN THE S.W. 1/4 OF SECTION 12, AND N.W. 1/4 SECTION 13, T.5S., R.2W.,
W.M., IN THE CITY OF WOODBURN, MARION COUNTY, OREGON

ZTec ENGINEERS INC.

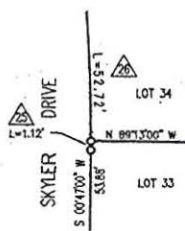
3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202

PH: (503) 235-8795 FAX: (503) 233-7889

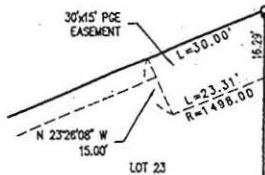
JOB NO. N2518-1 DATE SURVEYED: 9-28-06

NOTE:

1. THIS PLAT IS SUBJECT TO CONDITIONS OF APPROVAL IMPOSED BY CITY OF WOODBURN LAND USE CASE FILE NO. PUD 05-01.
2. PORTLAND GENERAL ELECTRIC COMPANY HAS A BLANKET EASEMENT FOR SERVICE TO THIS PROPERTY AS STATED IN THAT DOCUMENT RECORDED AUGUST 15, 1951 ON REEL 431, PAGE 538, MARION COUNTY DEED RECORDS. NO SPECIFIC LOCATION FOR SAID EASEMENT IS DESIGNATED IN THE RECORDED DOCUMENT.
3. THIS PLAT IS SUBJECT TO A SEWER DEVELOPMENT AGREEMENT AS STATED IN THAT DOCUMENT RECORDED SEPTEMBER 5, 1991 ON REEL 881, PAGE 497, MARION COUNTY DEED RECORDS.
4. THIS PLAT IS SUBJECT TO A DEVELOPMENT AGREEMENT AS STATED IN THAT DOCUMENT RECORDED DECEMBER 10, 1991 ON REEL 906, PAGE 496, MARION COUNTY DEED RECORDS.
5. THIS PLAT IS SUBJECT TO A STORMWATER DRAINAGE EASEMENT AND MAINTENANCE AGREEMENT AS STATED IN THAT DOCUMENT RECORDED DECEMBER 21, 2001 ON REEL 1879, PAGE 72, MARION COUNTY DEED RECORDS.
6. THIS PLAT IS SUBJECT TO THE COVENANTS, CONDITIONS AND RESTRICTIONS AS STATED ON THE PLAT OF "TOWN CENTER AT WOODBURN", MARION COUNTY PLAT RECORDS.
7. THIS PLAT IS SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED ON REEL ~~2854~~ AND PAGE NO. ~~153~~.

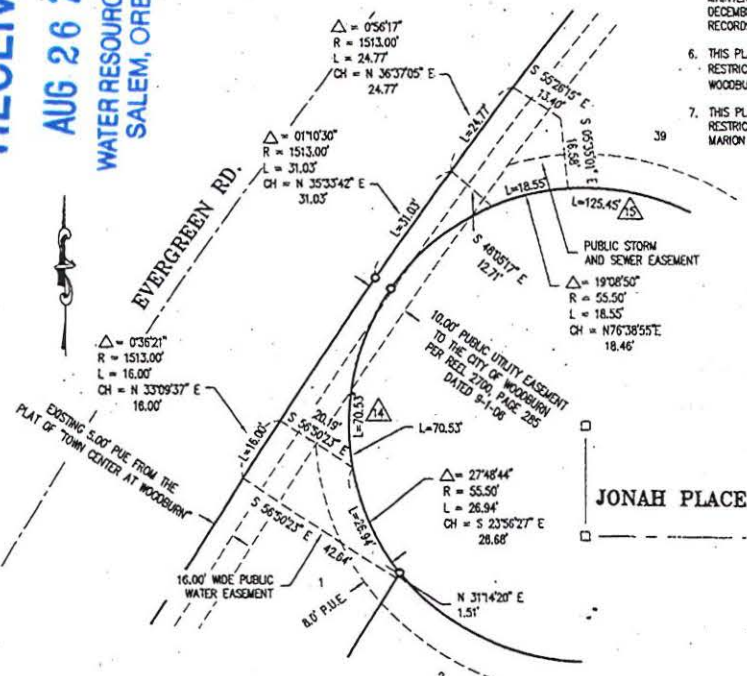


DETAIL "A"
SCALE: 1"=10'



DETAIL "B"
SCALE: 1"=20'

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SALEM, OREGON



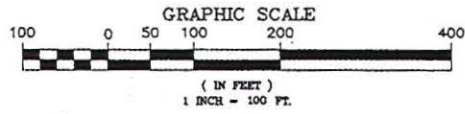
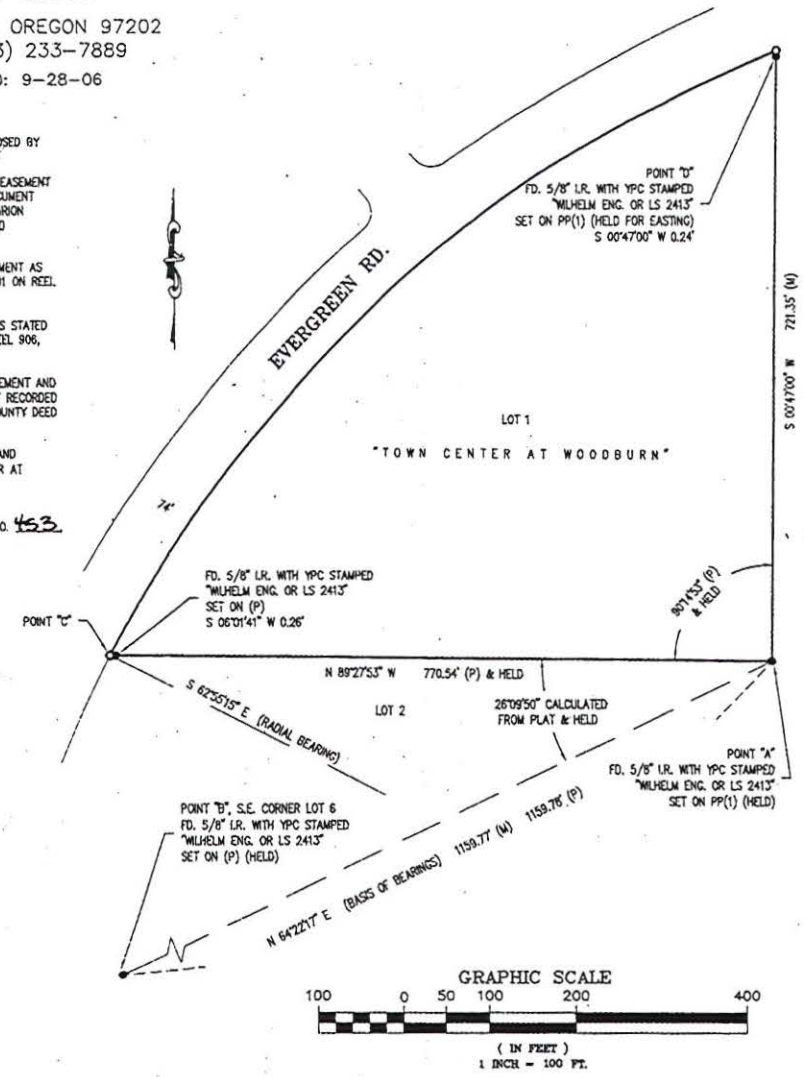
DETAIL "C"
SCALE: 1"=20'

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Chris Fischborn

OREGON
JULY 17, 1981
CHRIS FISCHBORN
1944

RENEWAL DATE: 1/1/2008



H 46-43

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AUG 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

EVERGREEN MEADOWS

A REPLAT OF LOT 1 OF THE PLAT OF "TOWN CENTER AT WOODBURN"
LOCATED IN THE S.W. 1/4 OF SECTION 12, AND N.W. 1/4 SECTION 13, T.5S., R.2W.,
W.M., IN THE CITY OF WOODBURN, MARION COUNTY, OREGON

ZTec ENGINEERS INC.

3737 S.E. 8TH AVENUE, PORTLAND, OREGON 97202

PH: (503) 235-8795 FAX: (503) 233-7889

JOB NO. N2518-1 DATE SURVEYED: 9-28-06

SURVEYOR'S CERTIFICATE:

I, CHRIS FISCHBORN, HEREBY CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MARKED WITH PROPER MONUMENTS, THE LANDS REPRESENTED ON THE ATTACHED PLAT, BEING ALL OF LOT 1 OF THE PLAT OF "TOWN CENTER AT WOODBURN", LOCATED IN THE SOUTHWEST ONE-QUARTER OF SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 WEST, OF THE WILLAMETTE MERIDIAN, IN THE CITY OF WOODBURN, MARION COUNTY, OREGON. THAT AT THE INITIAL POINT TO SAID LOT I FOUND A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413" AT THE SOUTHEAST CORNER OF SAID LOT 1; THENCE FROM SAID INITIAL POINT, NORTH 89°27'53" WEST, ALONG THE SOUTH LINE OF SAID LOT 1, A DISTANCE OF 770.54 FEET TO A POINT ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF EVERGREEN ROAD; THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, ALONG A 1513.00 FEET FOOT RADIUS TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 40°55'16", AN ARC DISTANCE OF 1080.60 FEET (THE LONG CHORD OF SAID CURVE BEARS NORTH 47°32'23" EAST, A DISTANCE OF 1057.78 FEET) TO THE NORTHEAST CORNER OF SAID LOT 1; THENCE SOUTH 00°47'00" WEST, ALONG THE EAST LINE OF SAID LOT 1, A DISTANCE OF 721.35 FEET TO THE INITIAL POINT.

SAID PARCEL OF LAND CONTAINS AN AREA OF 7.94 ACRES MORE OR LESS.



NARRATIVE:

BASIS OF BEARINGS: NORTH 64°22'17" EAST BETWEEN THE 5/8 INCH IRON RODS FOUND AT POINTS "A" & "B" AS CALCULATED ON THE PLAT OF "TOWN CENTER AT WOODBURN".

PURPOSE OF SURVEY: TO SUBDIVIDE LOT 1 OF THE PLAT OF "TOWN CENTER AT WOODBURN" INTO 39 LOTS AND 2 TRACTS AS SHOWN.

HELD THE 5/8 INCH IRON RODS FOUND AT POINTS "A" & "B" AS ORIGINAL PLAT MONUMENTS. FROM POINT "A" THE PLAT BEARING AND DISTANCE OF NORTH 89°27'53" WEST 770.54 FEET WAS HELD TO ESTABLISH POINT "C". FROM POINT "C" THE RADIUS POINT TO A 1550.00 FOOT CENTERLINE RADIUS WAS HELD AT SOUTH 62°55'15" EAST 1513.00 FEET AS CALCULATED FROM THE PLAT. NEXT THE EAST LINE WAS ESTABLISHED BY HOLDING THE 5/8 INCH IRON RODS AT POINTS "A" & "D" FOR LINE AND PROJECTING THIS LINE NORTH TO ITS INTERSECTION WITH THE SOUTH LINE OF THE 1513.00 FOOT RADIUS CURVE FOR THE SOUTHEAST RIGHT OF WAY LINE OF EVERGREEN RD.

ACCEPTANCE OF DEDICATION:

James A. Buntard
CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS

8-4-07
DATE

DECLARATION:

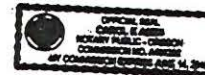
KNOW ALL MEN BY THESE PRESENTS THAT EVERGREEN PACIFIC DEVELOPMENT, INC., AN OREGON CORPORATION, OWNER OF THE LAND REPRESENTED ON THE ATTACHED MAP, AND PACIFIC CONTINENTAL BANK, LIEN HOLDER, DO HEREBY MAKE, ESTABLISH AND DECLARE THE ANNEXED MAP AS DESCRIBED IN THE ACCOMPANYING SURVEYOR'S CERTIFICATE, TO BE A TRUE AND CORRECT MAP AND PLAT THEREOF, ALL LOTS BEING OF THE DIMENSIONS SHOWN AND DO HEREBY GRANT ALL EASEMENTS AS SHOWN OR NOTED ON SAID MAP UNDER THE PROVISIONS OF CHAPTER 92 OF THE OREGON REVISED STATUTES AND DO HEREBY DEDICATE TO THE PUBLIC, FOR PUBLIC USE FOREVER, ALL STREET RIGHT-OF-WAYS, AND DO FURTHER STATE THAT THIS PLAT IS SUBJECT TO THE RESTRICTIONS SHOWN OR NOTED HEREON. TRACTS "A" AND "B" ARE COMMON AREAS TO BE OWNED AND MAINTAINED BY THE HOMEOWNERS ASSOCIATION.

EVERGREEN PACIFIC DEVELOPMENT, INC., AN OREGON CORPORATION
GAIL OLDHAM, PRESIDENT

PACIFIC CONTINENTAL BANK, LIEN HOLDER
TOM REESE, PRESIDENT
SVP

ACKNOWLEDGMENT:

STATE OF OREGON
COUNTY OF Washington



THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON July 17, 2007 BY GAIL OLDHAM AND TOM REESE.

Carol Kay Ames
NOTARY PUBLIC - OREGON

Carol Kay Ames
PRINT NAME

MY COMMISSION NO.: 8405992

MY COMMISSION EXPIRES: 6-14-2010

APPROVALS:

Jim Allen
WOODBURN COMMUNITY DEVELOPMENT DIRECTOR
PLANNING FILE: PUD 05-01 AND VAR 06-01

7-31-07
DATE

Shirley Swani
WOODBURN CITY ENGINEER

8-01-07
DATE

Mark Riggins
MARION COUNTY SURVEYOR

8/8/2007
DATE

Richard K. Kretzer by Mona August
MARION COUNTY ASSESSOR

8/16/07
DATE

ALL TAXES, FEES, ASSESSMENTS AND OTHER CHARGES
AS PROVIDED BY ORS 92.095 HAVE BEEN PAID THROUGH

(DATE) June 30, 2008 2007.

Richard K. Kretzer by Sherry Bush
MARION COUNTY TAX COLLECTOR

Aug 15, 2007
DATE

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT NO. H 46-43 WAS RECEIVED FOR RECORDING ON THE 17th DAY OF August 2007, AT 2:54 O'CLOCK, AND RECORDED IN THE BOOK OF TOWN PLATS. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2854 AT PAGE 452. BILL BURGESS, MARION COUNTY CLERK.

BY: Linda St. Clair
DEPUTY COUNTY CLERK

* 2:54 pm

RECEIVED
AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14: TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

- LEGEND**
- DENOTES 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
 - ✕ DENOTES POST-MONUMENTATION 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
 - ▲ DENOTES FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
 - DENOTES FOUND 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED "CES NM"
 - DENOTES MONUMENT FOUND AS NOTED
 - () DENOTES RECORD DATA, AS NOTED
 - (MGR) DENOTES MEASURED AND RECORD DATA
 - IPF DENOTES IRON ROD FOUND
 - IPP DENOTES IRON PIPE FOUND
 - YPC DENOTES YELLOW PLASTIC CAP
 - P.P. DENOTES PARTITION PLAT
 - C.S. DENOTES MARION COUNTY SURVEY RECORDS
 - P.U.E. DENOTES PUBLIC UTILITY EASEMENT
 - R.O.W. DENOTES RIGHT OF WAY
 - DENOTES PUBLIC UTILITY EASEMENT
 - DENOTES ROADWAY CENTERLINE

CENTERLINE CURVE TABLE

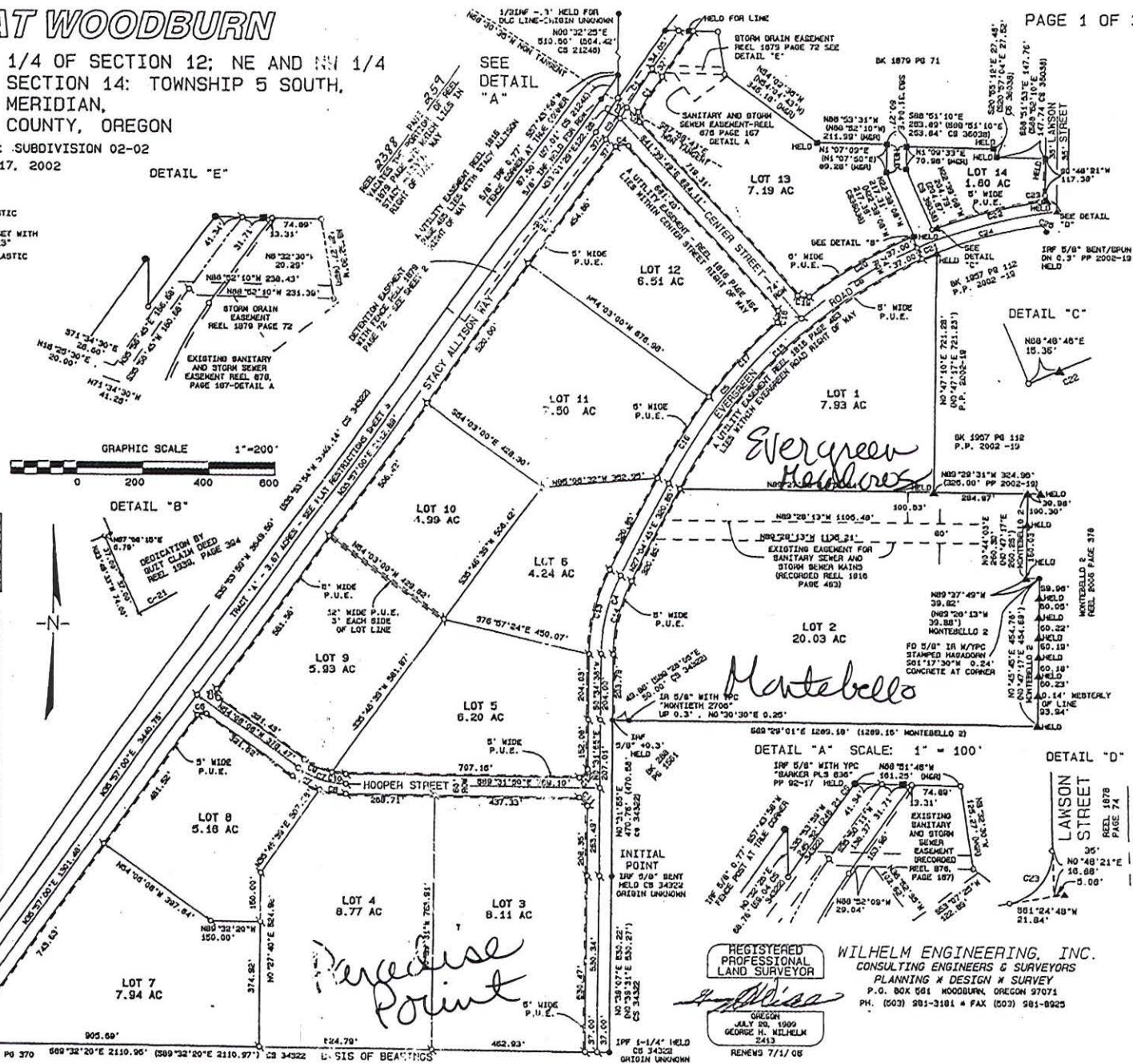
CURVE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	136.62'	2072.90'	3°46'04"	136.79'	S03°50'44"W
C2	30.51'	1481.37'	7°08'47"	29.01'	S92°13'48"W
C3	72.97'	1481.37'	7°08'47"	72.97'	S24°22'56"W
C4	249.78'	340.00'	28°30'07"	247.55'	S13°49'41"W
C5	644.68'	1000.00'	23°40'46"	640.01'	N08°09'54"E
C6	413.31'	1550.00'	15°16'40"	412.08'	S09°00'07"W
C7	154.98'	250.00'	35°29'44"	152.14'	S71°48'58"W

PROPERTY LINE CURVE TABLE

LINE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	136.62'	2072.90'	3°46'04"	136.79'	S03°50'44"W
C2	30.51'	1481.37'	7°08'47"	29.01'	S92°13'48"W
C3	72.97'	1481.37'	7°08'47"	72.97'	S24°22'56"W
C4	249.78'	340.00'	28°30'07"	247.55'	S13°49'41"W
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C6	413.31'	1550.00'	15°16'40"	412.08'	S09°00'07"W
C7	154.98'	250.00'	35°29'44"	152.14'	S71°48'58"W

REFERENCE SURVEYS

CS 34322, CS 36030, CS 31257, CS 32206
CS 21240, CS 30600, 33022
PARTITION PLAT 92-17, PARTITION PLAT 92-24
PARTITION PLAT 90-65, PARTITION PLAT 91-117
PARTITION PLAT 2002-19
MONTEBELLO 1 PLAT (BK 44, PG 38 B07P)
MONTEBELLO 2 PLAT (BK 44, PG 100 B07P)



45 - 72

RECEIVED

AUG 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12: THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON
CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

SURVEYOR'S CERTIFICATE:

I, GEORGE WILHELM, SAY THAT I HAVE CORRECTLY SURVEYED THE LAND HEREIN REPRESENTED AS SHOWN ON THIS PLAT WITH ALL MONUMENTS FOUND OR PROPERLY SET. AT THE INITIAL POINT I FOUND A BENT 5/8" IRON ROD WHICH MARKS THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90. THE BOUNDARIES OF THE LAND HEREIN REPRESENTED ARE DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90, AND THE M. LORE DONATION LAND CLAIM NO. 81, IN SECTIONS 12, 13 AND 14: TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.78 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 380, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°29'01" EAST, 1299.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.76 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.82 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118, MONTEBELLO 2; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 280.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 264.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION 721.89 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939 PAGE 364, A QUIT CLAIM DEED FOR ROADWAY DEDICATION; THENCE ALONG A CURVE ON THE SOUTHERLY LINE OF SAID EVERGREEN ROAD AND REEL 1939, PAGE 364, SAID CURVE HAVING A RADIUS OF 1513.00 FEET, A DELTA ANGLE TO THE LEFT OF 1°48'47", AN ARC LENGTH OF 47.87 FEET, A CHORD BEARING OF SOUTH 87°00'51" WEST, AND A CHORD LENGTH OF 47.87 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 23°40'33" WEST, 74.00 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 07°06'10" EAST, 5.79 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°39'08" WEST, 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'09" EAST, ALONG SAID REEL AND PAGE, 80.28 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°33'31" WEST ALONG SAID REEL AND PAGE, 211.93 FEET TO A 5/8" IRON ROD; THENCE NORTH 04°02'30" WEST ALONG SAID REEL AND PAGE, 345.18 FEET TO A 5/8" IRON ROD; THENCE NORTH 8°32'30" WEST ALONG SAID REEL AND PAGE, 125.27 FEET TO A 5/8" IRON ROD IN THE SOUTH LINE OF PARTITION PLAT 02-17; THENCE NORTH 89°51'48" WEST ALONG THE SOUTH LINE OF SAID PARTITION 101.25 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 02-17, MARION COUNTY RECORDS; THENCE NORTH 30°53'59" WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 A DISTANCE OF 245.32 FEET TO 5/8" IRON ROD; IN THE WEST LINE OF THE A. DUBOIS DCL NO. 90, THENCE NORTH 0°38'20" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 A DISTANCE OF 60.76 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5; THENCE NORTH 25°03'08" WEST, ALONG SAID RIGHT-OF-WAY 3549.50 FEET TO A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE SOUTHWEST CORNER OF REEL 882, PAGE 380 MARION COUNTY DEED RECORDS; THENCE NORTH 89°30'20" EAST, 2150.95 FEET TO A 1-1/4" IRON PIPE AT THE SOUTHEAST CORNER OF RL 882, PG 380; THENCE NORTH 0°39'07" EAST, 530.22 FEET TO THE INITIAL POINT.

AND ALSO TO INCLUDE A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90 AND THE M. LORE DONATION LAND CLAIM NO. 81 IN SECTIONS 12 AND 13, TOWNSHIP 5 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.78 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 380, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°29'01" EAST, 1299.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.76 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.82 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118, MONTEBELLO 2; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 280.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 264.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION 721.89 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939 PAGE 364, A QUIT CLAIM DEED FOR ROADWAY DEDICATION; THENCE ALONG A CURVE ON THE SOUTHERLY LINE OF SAID EVERGREEN ROAD AND REEL 1939, PAGE 364, SAID CURVE HAVING A RADIUS OF 1513.00 FEET, A DELTA ANGLE TO THE LEFT OF 1°48'47", AN ARC LENGTH OF 47.87 FEET, A CHORD BEARING OF SOUTH 87°00'51" WEST, AND A CHORD LENGTH OF 47.87 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 23°40'33" WEST, 74.00 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 07°06'10" EAST, 5.79 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°39'08" WEST, 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'09" EAST ALONG SAID REEL AND PAGE, 80.28 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°33'31" WEST ALONG SAID REEL AND PAGE, 211.93 FEET TO A 5/8" IRON ROD; THENCE NORTH 04°02'30" WEST ALONG SAID REEL AND PAGE, 345.18 FEET TO A 5/8" IRON ROD; THENCE NORTH 8°32'30" WEST ALONG SAID REEL AND PAGE, 125.27 FEET TO A 5/8" IRON ROD IN THE SOUTH LINE OF PARTITION PLAT 02-17; THENCE NORTH 89°51'48" WEST ALONG THE SOUTH LINE OF SAID PARTITION 101.25 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 02-17, MARION COUNTY RECORDS; THENCE NORTH 30°53'59" WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 A DISTANCE OF 245.32 FEET TO 5/8" IRON ROD; IN THE WEST LINE OF THE A. DUBOIS DCL NO. 90, THENCE NORTH 0°38'20" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 A DISTANCE OF 60.76 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5; THENCE NORTH 25°03'08" WEST, ALONG SAID RIGHT-OF-WAY 3549.50 FEET TO A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE SOUTHWEST CORNER OF REEL 882, PAGE 380 MARION COUNTY DEED RECORDS; THENCE NORTH 89°30'20" EAST, 2150.95 FEET TO A 1-1/4" IRON PIPE AT THE SOUTHEAST CORNER OF RL 882, PG 380; THENCE NORTH 0°39'07" EAST, 530.22 FEET TO THE INITIAL POINT.

THE TRACTS HEREIN DESCRIBED CONTAIN A TOTAL OF 120.23 ACRES MORE OR LESS.

AS PER O.R.S. 92.070 (2), I, GEORGE WILHELM ALSO SAY THAT THE POST-MONUMENTATION WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THIS PLAT. THE COMPLETION OF THIS PLAT SHALL BE WITHIN 2 YEARS FOLLOWING THE ORIGINAL PLAT RECONSTRUCTION, WHICHEVER COMES FIRST IN ACCORDANCE WITH O.R.S. 92.000.

NARRATIVE:

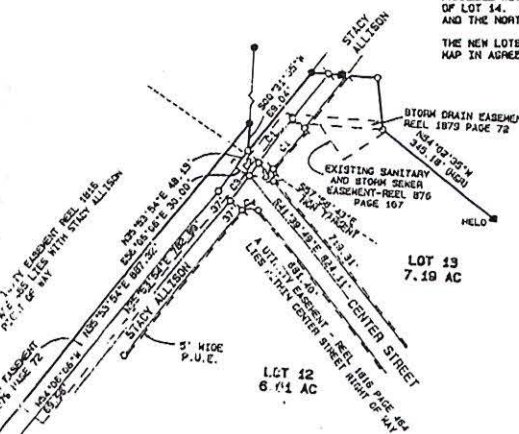
THE PURPOSE OF THIS PLAT IS TO MONUMENT THE PLAT OF TOWN CENTER AT WOODBURN IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.

I FOUND AND HELD A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 AND THE SOUTH LINE OF REEL 882, PAGE 380, MARION COUNTY DEED RECORDS AND A 1 1/4" IRON PIPE AT THE SOUTH EAST CORNER OF RL 882, PG 380 TO ESTABLISH THE SOUTH LINE AND THE BASIS OF BEARINGS IN AGREEMENT WITH CS 34322. I FOUND AND HELD, AT THE BEGIN, A BENT 5/8" IRON ROD AT THE INITIAL POINT AND ANGLE POINT IN THE MOST SOUTHERLY EAST LINE. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90, 98 AT AN ANGLE POINT IN THE BOUNDARY OF REEL 882, PAGE 380, MARION COUNTY DEED RECORDS. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.). I FOUND AND HELD A 5/8" IRON ROD IN THE SOUTH LINE OF LOT 118, MONTEBELLO 2. SAID POINT HAS SINCE BEEN DISTURBED BY CONCRETE FOR A FENCE CORNER. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID LOT 118. I FOUND AND HELD A 5/8" IRON ROD AT THE NORTHWEST CORNER OF LOT 118 IN THE SOUTH LINE OF PARTITION PLAT 2002-19. I FOUND AND HELD 5/8" IRON RODS AT THE SOUTHWEST AND NORTHWEST CORNERS OF PARTITION PLAT 2002-19. I EXTENDED THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD USING CURVE PARAMETERS FROM PARTITION PLAT 2002-19 AND MONTEBELLO 2 (VOL. 44, PG. 38 B.T.P.) IN AGREEMENT WITH A QUIT CLAIM DEED FOR RIGHT OF WAY DEDICATION RECORDED IN RL 1939 PG. 364, MARION COUNTY DEED RECORDS. I FOLLOWED SAID QUIT CLAIM DEED AND MONUMENTED THE NORTHERLY AND SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD AT BEARINGS AND DISTANCES AS SHOWN. I FOUND AND HELD 5/8" IRON RODS ALONG THE SOUTHWESTERLY BOUNDARY OF SAID 1879, PG. 71 TO ESTABLISH THE NORTH AND EASTERLY BOUNDARY. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AT THE MOST NORTHERLY WEST CORNER OF THIS PLAT. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTH END OF STACY ALLISON IN THE NORTH LINE OF THIS PLAT. I THEN USED THE NORTH WEST CORNER AND THE 5/8" IRON ROD IN THE NORTH LINE TO REESTABLISH THE NORTH WEST CORNER OF REEL 1879, PG. 71 AT RECORD DISTANCE AS SHOWN. I USED SAID NORTH WEST CORNER AND A 5/8" IRON ROD IN THE SOUTHWESTERLY LINE OF RL 1879 PG. 71 TO REESTABLISH AN ANGLE POINT AT THE SOUTHERLY WEST CORNER OF RL 1879 PG. 71 USING A DISTANCE - DISTANCE INTERSECTION AND RECORD (CS 36038) DATA. I FOUND AND HELD A 5/8" IRON ROD 87.50' 835°53'59" OF THE A. DUBOIS DCL NO. 90 AND THE 5/8" IRON ROD AT THE SOUTHWEST CORNER OF THIS PLAT TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 IN AGREEMENT WITH CS 34322 AND 21246. I FOUND HELD FOR THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90 A 1/2" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 91-117. I HELD SAID 1/2" IRON ROD AND THE INITIAL POINT TO ESTABLISH THE WEST LINE OF THE A. DUBOIS DCL NO. 90, I THEN INTERSECTED THE DCL LINE AND THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 TO ESTABLISH THE NORTHWEST CORNER OF THIS PLAT.

I HELD THE 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND USED THE BEARINGS OF INTERSTATE 5 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND THE ANGLE POINT AT THE DCL LINE.

I FOUND AND HELD MONUMENTS (5/8" IRON RODS) IN THE SOUTHERLY BOUNDARY OF REEL 1879, PAGE 71 TO ESTABLISH THE WEST AND NORTH LINE OF LOT 14 (THE "ADDITIONAL TRACT" WHICH IS A PART OF THIS PLAT). I FOUND AND HELD 5/8" IRON RODS AT THE NORTHWEST AND NORTHEAST CORNERS OF PARTITION PLAT 2002-19 TO ESTABLISH THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD, THE SOUTH LINE OF LOT 14. I HELD THE SOUTHEAST CORNER OF REEL 1879, PAGE 71 AND A 5.00 FOOT PERPENDICULAR OFFSET FROM A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 1 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF LAMSON AND THE EAST LINE OF LOT 14 AS SHOWN. I SET 5/8" IRON RODS WITH YPC AT THE INTERSECTION OF THE EASTERLY AND SOUTHERLY LINE OF LOT 14 AND A 20.00 FOOT RADIUS FILLET AS SHOWN ON DETAIL D IN AGREEMENT WITH A QUIT CLAIM DEED RECORDED ON REEL 1879, PAGE 74. I USED A BEARING PARALLEL WITH THE NORTHEASTERLY LINE OF LOT 13 TO ESTABLISH THE SOUTHEASTERLY LINE OF LOT 14. I SET A 5/8" IRON ROD WITH YPC AT THE INTERSECTION OF SAID SOUTHEASTERLY LINE AND THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD IN AGREEMENT WITH CS 36038 AS SHOWN.

THE NEW LOTS WERE ESTABLISHED AT THE BEARINGS AND DISTANCES, AS SHOWN ON THE MAP IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.



WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
PH. (503) 581-3181 • FAX (503) 581-8225
P.O. BOX 561 WOODBURN, OREGON 97071

RECEIVED

AUG 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON
CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

45-72
PAGE 3 OF 3

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT CAPITAL DEVELOPMENT COMPANY, INC. A WASHINGTON CORPORATION INCORPORATED AND EXISTING UNDER THE STATE OF WASHINGTON, AND ITS OFFICER HEREON UNDERSIGNED, ROBERT BLUME, PRESIDENT/C.E.O., BEING THE HEREON UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND DESIRING TO DISPOSE OF THE SAME IN LOTS HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED IN THE NAME TO BE KNOWN AS "TOWN CENTER AT WOODBURN". HE DO HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREET RIGHT OF WAY AS SHOWN ON THE PLAT AND HE DO HEREBY GRANT TO THE PUBLIC ALL UTILITY EASEMENTS AS SHOWN AND/OR DESCRIBED.

THIS PLAT CONFORMS TO THE PROVISIONS OF CHAPTER 92, OREGON REVISED STATUTES, AND HAS RESTRICTIONS AS SHOWN HEREON.

Robert L. Blume

ROBERT BLUME, PRESIDENT/C.E.O.

ACKNOWLEDGEMENT:

STATE OF WASHINGTON)
COUNTY OF THURSTON) S.B.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME December 23, 2007 (DATE) BY ROGER BLUME, PRESIDENT AND C.E.O. OF CAPITAL DEVELOPMENT COMPANY, INC. OF LACEY, WASHINGTON. SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID ROBERT BLUME DOES HEREBY ACKNOWLEDGE SAID EXECUTION OF THIS DOCUMENT TO BE A FREE ACT AND DEED.

Robert J. Terhune

NOTARY SIGNATURE

ROBERT J. TERHUNE
NOTARY PUBLIC FOR WASHINGTON

FEB 6, 2006

MY COMMISSION EXPIRES



APPROVALS AND ACCEPTANCE OF DEDICATION

James Miller Sept. 2, 2004
WOODBURN COMMUNITY DEVELOPMENT DIRECTOR
CASE NO. SUBDIVISION 02-02
DATE

JP Tiwari Sept. 2, 2004
ENGINEER, CITY OF WOODBURN
DATE

INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS AND CENTERLINE POINTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY MARKED WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN REEL _____ PAGE _____ OF THE MARION COUNTY DEED RECORDS.

MARION COUNTY SURVEYOR

PLAT RESTRICTIONS

- (1) THIS "PLAT" IS SUBJECT TO A "DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED SEPTEMBER 5, 1991 IN REEL 881, PAGE 497, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (2) THIS PLAT IS SUBJECT TO A "DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED DECEMBER 10, 1991 IN REEL 879, PAGE 490, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (3) SEVERAL SMALL WETLAND AREAS ARE LOCATED WITHIN THE PLAT. THE AREAS ARE "INSIGNIFICANT" AND WILL BE MITIGATED BY PURCHASE OF WETLAND CREDITS.
- (4) TRACT "A" IS A NONBUILDABLE AREA SET ASIDE FOR STORM WATER DETENTION. IT WILL PERMANENTLY BE DEED TO THE CITY OF WOODBURN ON A LOCAL DRAINAGE IMPROVEMENT DISTRICT AND USED FOR DETENTION AND TREATMENT OF STORM WATER FOR THE BENEFIT OF "B-A," A 200 ACRE DRAINAGE BASIN AS DEFINED BY THE CITY OF WOODBURN STORM DRAINAGE MASTER PLAN.
- (5) SEVERAL EASEMENTS FOR THE BENEFIT OF THE CITY OF WOODBURN INCLUDING: UTILITY EASEMENT RECORDED REEL 1818 PAGE 483; UTILITY EASEMENT RECORDED REEL 1910 PAGE 464; UTILITY EASEMENT RECORDED REEL 1810 PAGE 465 ARE LOCATED IN THE DEDICATED PUBLIC RIGHT OF WAY OF THIS PLAT OR IN TRACT "A".
- (6) PORTLAND GENERAL ELECTRIC HAS A BLANKET EASEMENT FOR SERVICE TO THE PROPERTY AT 11111 RECORD AUGUST 10, 1991 IN BOOK 431, PAGE 538, MARION COUNTY DEED RECORDS. THE EASEMENT IS NOT LOCATEABLE AND A REQUEST FOR RELEASE HAS BEEN MADE. PORTLAND GENERAL ELECTRIC WILL SERVE THE AREA USING PUBLIC RIGHT OF WAY AND PUBLIC UTILITY EASEMENTS CREATED ON THE PLAT.

APPROVALS

Mark Rasmussen 11/29/04
MARION COUNTY SURVEYOR
DATE
Douglas J. Ebbert Jr. 10-12-04
MARION COUNTY ASSESSOR
DATE
Robert J. Terhune 10-12-04
CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS
DATE

* * * * *
TAXES HAVE BEEN PAID THROUGH

(DATE) 10-30-05
Philip Miles 10-12-04
MARION COUNTY TAX COLLECTOR
DATE

* * * * *

STATE OF OREGON)
COUNTY OF MARION) S.B.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 13th DAY OF October, 2003 AT 11:33 O'CLOCK AM AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS, IN VOLUME 45 AT PAGE 72. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2388.

AT PAGE 258
PHILIP MILES
MARION COUNTY CLERK CHIEF DEPUTY

BY: James Tate
DEPUTY COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR

James Tate
JAMES TATE
16204E PL. WILHELM
2413

RENEW 7/1/06

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING * DESIGN * SURVEY
PH. (503) 481-3101 * FAX (503) 981-8025
P.O. BOX 581 WOODBURN, OREGON 97071



First American

First American Title Insurance Company of Oregon
280 Liberty St SE, Ste 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

MARION COUNTY TITLE UNIT

FAX (866)849-3065

Title Officer: **Debbie Filson**

(800)742-2414

dfilson@firstam.com

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

LIMITED LOT BOOK SERVICE

Don Knauer
P.O. Box 5416
Salem, OR

Order No.: 7089-1271109

August 08, 2008

Attn:

Phone No.: (503)585-8474 - Fax No.:

Email:

Re:

Fee: \$150.00

We have searched our Tract Indices as to the following described property:

LOTS 147 THROUGH 234, INCLUSIVE, MONTEBELLO 3 IN THE CITY OF WOODBURN, MARION COUNTY, OREGON. (PLAT 46-72)

FORMERLY LOT 2 TOWN CENTER AT WOODBURN, MARION COUNTY, OREGON. (PLAT 45-72)

and as of January 28, 2008 at 8:00 a.m.

We find that the last deed of record runs to

Montebello Estates I, LLC, a California limited liability company

We also find the following apparent encumbrances within ten (10) years prior to the effective date hereof:

1. Deed of Trust and the terms and conditions thereof.

Grantor/Trustor:	Montebello Estates I, LLC, a California limited liability company
Grantee/Beneficiary:	Sterling Savings Bank
Trustee:	Fidelity National Title Company of Oregon
Amount:	\$3,872,000.00
Recorded:	May 26, 2006
Recording Information:	Reel 2653, Page 275, Film Records

Sterling Savings Bank, 111 North Wall Street, Spokane, WA 99201

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens: NONE

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

lot 2

MONTEBELLO 3

PAGE 1 OF 3

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 03-01: AUGUST 14, 2003

A REPLAT OF LOT 2, TOWN CENTER AT WOODBURN - LOCATED IN
THE NW 1/4 OF SECTION 13; TOWNSHIP 5 SOUTH;
RANGE 2 WEST, WILLAMETTE MERIDIAN; CITY
OF WOODBURN, MARION COUNTY, OREGON
SURVEYED: JANUARY 23, 2007

NORTH
1"=50'

LEGEND

- DENOTES MONUMENT FOUND AS NOTED
- ▲ DENOTES 5/8" X 30" IRON ROD FOUND WITH A YELLOW PLASTIC CAP MARKED "WILHELM ENG. OR LS 2413" PER PLAT OF MONTEBELLO 2
- ▲ DENOTES 5/8" X 30" IRON ROD FOUND WITH A YELLOW PLASTIC CAP MARKED "WILHELM ENG. OR LS 2413" PER PLAT OF TOWN CENTER AT WOODBURN
- DENOTES 5/8" X 30" IRON ROD FOUND WITH ALUMINUM CAP MARKED "WILHELM ENG. OR LS 2413" IN MONUMENT BOX PER PLAT OF TOWN CENTER AT WOODBURN
- DENOTES POST-MONUMENTED 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG. OR LS 2413"
- DENOTES POST-MONUMENTED 5/8" X 30" IRON ROD WITH ALUMINUM CAP MARKED "WILHELM ENG. OR LS 2413" SET IN MONUMENT BOX
- () DENOTES RECORD DATA, AS NOTED
- (MGR) DENOTES MEASURED AND RECORD DATA, TOWN CENTER AT WOODBURN, VOL. 45, PG 72 BOTP
- IMP. DENOTES IRON ROD FOUND
- P.P. DENOTES PARTITION PLAT
- MCSR DENOTES MARION COUNTY SURVEY RECORDS
- R.O.W. DENOTES RIGHT OF WAY
- DENOTES 10 FOOT WIDE PUBLIC UTILITY EASEMENT
- DENOTES ROADWAY CENTERLINE
- P.U.E. DENOTES PUBLIC UTILITY EASEMENT INCLUDING MAINTENANCE EASEMENT FOR BLOCK WALL
- BOTP BOOK OF TOWN PLATS

REFERENCE SURVEYS:

MCSR 34322, MCSR 36038, MCSR 31257, MCSR 32206
MCSR 21246, MCSR 35596, MCSR 33922
PARTITION PLAT 2002-10
MONTEBELLO 1 (OK44, PG 38 BOTP)
MONTEBELLO 2 (OK44, PG 108 BOTP)
TOWN CENTER AT WOODBURN
PLAT (VOL 45, PG 72 BOTP)

REGISTERED
PROFESSIONAL
LAND SURVEYOR

George H. Wilhelm
OREGON
JULY 26, 1989
GEORGE H. WILHELM
2413

RENEWS 7/1/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
P.O. BOX 961, WOODBURN, OREGON 97071
PH. (503) 981-3181 • FAX (503) 981-8392

UNPLATTED BOOK 286; PAGE 1561
N89°29'01"W 1289.18' (MGR) - BASIS OF BEARINGS

TRACT A - 1" RESERVE STRIP EXCEPT AT CLEMSON ST & WILLAMETTE ST

LINFIELD AVENUE

REED AVENUE

CLEMSON STREET

OXFORD STREET

S89°27'53"E 770.54' (MGR)

LOT 1

WATER RESOURCES DEPT
SALEM, OREGON
AUG 26 2008

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Description: Marion, OR Plat Map 46.72 Page: 2 of 3
Order: deb Comment:

MONTEBELLO 3

CITY OF WOODBURN PLANNING DECISION:
SUBDIVISION 03-01; AUGUST 14, 2003
SURVEYED: JANUARY 23, 2007

A REPLAT OF LOT 2, TOWN CENTER AT WOODBURN - LOCATED IN THE
NW 1/4 OF SECTION 13; TOWNSHIP 5 SOUTH; RANGE 2 WEST,
WILLAMETTE MERIDIAN; CITY OF WOODBURN, MARION COUNTY, OREGON

PAGE 2 OF 3



MONTEBELLO 2 REEL 2006 PAGE 378

MONTEBELLO 2
REEL 2006 PAGE 378

NORTH
1"=50'

CURVE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	240.18'	540.00'	25°29'00"	238.20'	N14°20'15"E
C2	5.90'	503.00'	0°40'20"	5.90'	N00°54'48"E
C3	80.40'	503.00'	9°09'28"	80.31'	N02°29'42"E
C4	146.36'	503.00'	16°40'19"	145.85'	N18°44'35"E
C5	40.68'	20.00'	116°32'38"	34.07'	S21°11'34"E
C6	22.15'	20.00'	63°27'22"	21.94'	N58°48'26"E
C7	31.50'	20.00'	90°15'10"	28.35'	N44°20'18"W
C8	31.33'	20.00'	89°44'30"	28.22'	S45°39'32"W
C9	45.48'	58.00'	44°56'47"	44.33'	S68°03'53"W
C10	45.36'	58.00'	44°48'47"	44.22'	S23°11'36"W
C11	45.36'	58.00'	44°48'44"	44.22'	S21°37'09"E
C12	52.25'	58.00'	61°29'46"	58.31'	N74°46'25"W
C13	58.27'	58.00'	57°33'58"	55.85'	N45°41'43"E
C14	25.70'	20.00'	73°37'02"	23.17'	S53°43'16"W
C15	31.51'	20.00'	90°15'30"	28.35'	S44°20'28"E
C16	31.32'	20.00'	89°43'42"	28.22'	N45°39'08"E
C17	31.44'	20.00'	90°03'39"	28.30'	S44°27'12"E
C18	31.33'	20.00'	89°44'50"	28.22'	S45°39'42"W
C19	31.51'	20.00'	90°15'30"	28.35'	S44°20'28"E
C20	31.33'	20.00'	89°44'30"	28.22'	S45°39'32"W
C21	31.51'	20.00'	90°16'18"	28.35'	N44°20'52"E
C22	31.51'	20.00'	90°15'30"	28.35'	S44°20'28"E
C23	31.51'	20.00'	90°15'30"	28.35'	S44°20'28"E
C24	31.32'	20.00'	89°43'42"	28.22'	S45°39'08"E
C25	78.30'	50.00'	89°43'48"	70.54'	N45°39'11"E
C26	78.77'	50.00'	90°15'30"	70.87'	S44°20'28"E

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature]

OREGON
JULY 20, 1980
GEORGE H. WILHELM
2413

RENEWS 7/1/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
P.O. BOX 501 WOODBURN, OREGON 97071
PH. (503) 981-2101 • FAX (503) 981-8925

MONTEBELLO 3

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 03-01; AUGUST 14, 2003
A REPLAT OF LOT 2, TOWN CENTER AT WOODBURN - LOCATED IN THE
NW 1/4 OF SECTION 13; TOWNSHIP 5 SOUTH; RANGE 2 WEST, WILLAMETTE
MERIDIAN; CITY OF WOODBURN, MARION COUNTY, OREGON
SURVEYED: JANUARY 23, 2007

H46-72

PAGE 3 OF 3

PLAT RESTRICTIONS

1. LOTS CREATED HEREON ARE SUBJECT TO COVENANTS, CONDITIONS AND RESTRICTIONS RECORDED IN REEL 2053 PAGE 105 OF MARION COUNTY DEED RECORDS.
2. THIS PLAT IS SUBJECT TO A "SEWER DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED SEPTEMBER 5, 1991 IN REEL 981, PAGE 497, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
3. THIS PLAT IS SUBJECT TO A "DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED DECEMBER 10, 1991 IN REEL 906, PAGE 496, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
4. THE PLAT OF TOWN CENTER AT WOODBURN CREATED A 5 FOOT WIDE PUBLIC UTILITY EASEMENT ALONG EVERGREEN ROAD THAT EASEMENT IS WITHIN THE 10 FOOT WIDE PUBLIC UTILITY EASEMENT CREATED IN THIS PLAT.
5. A 60 FOOT WIDE STORM AND SANITARY SEWER EASEMENT FOR THE BENEFIT OF CITY OF WOODBURN LIES WITHIN THE OXFORD ROAD RIGHT-OF-WAY.

APPROVALS AND ACCEPTANCE OF DEDICATION

Jim Allen 10-15-07
WOODBURN COMMUNITY DEVELOPMENT DIRECTOR
CASE NO. SUBDIVISION 03-01
Kim Allen 10-15-07
ENGINEER, CITY OF WOODBURN

APPROVALS

Mark Riggins 10/22/2007
MARION COUNTY SURVEYOR
Richard K. Krieger by Maria J. Sams 11/22/2007
MARION COUNTY ASSESSOR
William J. Allen 11-21-07
CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS

* * * * *
TAXES HAVE BEEN PAID THROUGH
(DATE) June 30, 2008

Richard K. Krieger by Sharon Busch Nov 27, 2007
MARION COUNTY TAX COLLECTOR

* * * * *
STATE OF OREGON)
COUNTY OF MARION) S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 23RD DAY OF November 2007 AT 1:55 O'CLOCK AM AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS, IN VOLUME H46 AT PAGE 72 IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2053 AT PAGE 104
BILL BURGESS / MARION COUNTY CLERK
BY: Tam Holm
DEPUTY COUNTY CLERK

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT MONTEBELLO ESTATES I, LLC, A CALIFORNIA LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER THE STATE OF CALIFORNIA, AND ITS OFFICER HEREON UNDERSIGNED, SCHYLER J. ETO, MEMBER, BEING THE HEREON UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE SURVEYOR'S CERTIFICATE HEREON AND DESIRING TO DISPOSE OF THE SAME IN LOTS HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED IN THE NAME TO BE KNOWN AS "MONTEBELLO 3". WE DO HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREET RIGHT OF WAY AS SHOWN ON THE PLAT AND WE DO HEREBY GRANT TO THE PUBLIC ALL UTILITY EASEMENTS AS SHOWN AND/OR DESCRIBED.

THIS PLAT CONFORMS TO THE PROVISIONS OF CHAPTER 92, OREGON REVISED STATUTES, AND HAS RESTRICTIONS AS SHOWN HEREON.

Schyler J. Eto
SCHYLER J. ETO, MEMBER, MONTEBELLO ESTATES I, LLC

ACKNOWLEDGEMENT:

STATE OF CALIFORNIA)
COUNTY OF SAN JOAQUIN) S.S.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME Teresa A. Mustin (DATE) 7/6/07
BY SCHYLER J. ETO, MEMBER, MONTEBELLO ESTATES I, LLC.

Teresa A. Mustin
NOTARY SIGNATURE
2/19/2009
MY COMMISSION EXPIRES
1554039
COMMISSION NUMBER

CONSENT AFFIDAVIT

A SUBDIVISION PLAT CONSENT AFFIDAVIT BY STEERING SAVINGS BANK, A WASHINGTON STATE CHARTERED BANK, ITS SUCCESSORS AND/OR ASSIGNS, BENEFICIARY UNDER DEED OF TRUST RECORDED MAY 26, 2006 IN BOOK 2853, PAGE 275 OF MARION COUNTY DEED RECORDS, HAS BEEN EXECUTED AND RECORDED IN REEL 2053 PAGE 103, MARION COUNTY DEED RECORDS.

SURVEYOR'S CERTIFICATE:

I, GEORGE WILHELM, SAY THAT I HAVE CORRECTLY SURVEYED LOT 2 OF THE TOWN CENTER AT WOODBURN PLAT (VOLUME 45, PAGE 72 OF MARION COUNTY SUBDIVISION RECORDS) LOCATED IN THE NW 1/4 OF SECTION 13; TOWNSHIP 5 SOUTH; RANGE 2 WEST; WILLAMETTE MERIDIAN; CITY OF WOODBURN, MARION COUNTY, OREGON WITH ALL MONUMENTS FOUND OR PROPERLY SET. AT THE INITIAL POINT I SET A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413". THE BOUNDARY IS FURTHER DESCRIBED AS FOLLOWS:
BEGINNING AT THE INITIAL POINT, A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413". THE NORTHWEST CORNER OF SAID LOT 2; THENCE SOUTH 89°27'43" EAST 770.54 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2 TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413" AT THE SOUTHEAST CORNER OF LOT 2; TOWN CENTER AT WOODBURN; THENCE SOUTH 89°29'31" EAST 284.97 FEET ALONG THE NORTHERLY LINE OF SAID LOT 2 TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413"; THENCE SOUTH 0°44'03" WEST 260.30 FEET ALONG THE EASTERLY LINE OF SAID LOT 2 AND THE WESTERLY BOUNDARY OF MONTEBELLO 2 TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413"; THENCE SOUTH 89°37'49" EAST 39.82 FEET ALONG A NORTHERLY LINE OF SAID LOT 2 AND THE BOUNDARY OF MONTEBELLO 2 TO A POINT; THENCE SOUTH 0°45'45" WEST 454.76 FEET ALONG THE EASTERLY LINE OF SAID LOT 2 AND THE WESTERLY BOUNDARY OF MONTEBELLO 2 TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413"; THENCE NORTH 89°29'31" WEST 1288.18 FEET ALONG THE SOUTHERLY LINE OF SAID LOT 2 TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 0°34'38" EAST 203.70 FEET ALONG THE EASTERLY RIGHT OF WAY OF EVERGREEN ROAD AND THE WESTERLY LINE OF SAID LOT 2 TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413"; THENCE ALONG THE WESTERLY LINE OF SAID LOT 2 A DISTANCE OF 232.66 FEET ALONG THE ARC OF A CURVE TO THE RIGHT WITH A RADIUS OF 503.00 FEET, A DELTA ANGLE OF 26°30'07", AND A CHORD BEARING AND DISTANCE OF NORTH 13°49'41" EAST 230.56 FEET TO A 5/8" IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "WILHELM ENG. OR LS 2413" IN THE EASTERLY RIGHT OF WAY OF EVERGREEN ROAD; THENCE NORTH 27°04'45" EAST 320.85 FEET ALONG THE EASTERLY RIGHT OF WAY OF EVERGREEN ROAD AND THE WESTERLY LINE OF SAID LOT 2 TO THE INITIAL POINT.

SAID LOT 2 CONTAINS 20.03 ACRES MORE OR LESS.

AS PER O.R.S. 92.070 (2), I GEORGE W. WILHELM ALSO SAY THAT THE POST MONUMENTATION WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 DAYS FOLLOWING COMPLETION OF THE IMPROVEMENTS OR WITHIN 2 YEARS FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST IN ACCORDANCE WITH O.R.S. 92.060.

NARRATIVE:

THE PURPOSE OF THIS PLAT IS TO REPLAT LOT 2 OF THE PLAT OF TOWN CENTER AT WOODBURN IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 03-01.

I FOUND EXISTING MONUMENTATION AS SHOWN ON THIS PLAT AT THE CORNERS OF LOT 2, AT THE BEARINGS AND DISTANCES SHOWN ON THE TOWN CENTER AT WOODBURN PLAT. I HAD THE 5/8 INCH IRON ROD AT THE SOUTH EAST AND SOUTH WEST CORNER OF SAID LOT 2 TO ESTABLISH THE BASIS OF BEARINGS IN AGREEMENT WITH THE PLAT OF TOWN CENTER AT WOODBURN. I THEN SUBDIVIDED LOT 2 OF THE TOWN CENTER AT WOODBURN PLAT INTO 88 LOTS AND TRACT "A" AND MONUMENTED THE CORNERS IN AGREEMENT WITH THE WOODBURN PLANNING COMMISSION ACTION SUBDIVISION 03-01 AS SHOWN.

INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.R.S. 92.070, THE INTERIOR CORNERS OF THIS SUBDIVISION HAVE BEEN CORRECTLY SET WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IT IS RECORDED IN REEL _____ PAGE _____ OF MARION COUNTY DEED RECORDS.

MARION COUNTY SURVEYOR

DATE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

George H. Wilhelm
OREGON
JULY 26, 1980
GEORGE H. WILHELM
2412
RENEWS 7/1/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING * DESIGN * SURVEY
P.O. BOX 501 WOODBURN, OREGON 97071
PH: (503) 981-3101 * FAX (503) 981-8925

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SALEM, OREGON

10-13-03

45-72

PAGE 1 OF 3

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14: TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02

DATE OF SURVEY, DECEMBER 17, 2002

DETAIL "E"

LEGEND

- DENOTES 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- ✕ DENOTES POST-MONUMENTATION 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- ▲ DENOTES FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- DENOTES FOUND 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED "CES NM"
- DENOTES MONUMENT FOUND AS NOTED
- () DENOTES RECORD DATA, AS NOTED
- (MEAS) DENOTES MEASURED AND RECORD DATA
- IPF DENOTES IRON ROD FOUND
- IPF DENOTES IRON PIPE FOUND
- YPC DENOTES YELLOW PLASTIC CAP
- P.P. DENOTES PARTITION PLAT
- C.S. DENOTES MARION COUNTY SURVEY RECORDS
- P.U.E. DENOTES PUBLIC UTILITY EASEMENT
- R.O.W. DENOTES RIGHT OF WAY
- DENOTES PUBLIC UTILITY EASEMENT
- DENOTES ROADWAY CENTERLINE

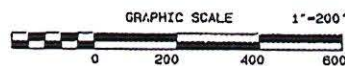
CENTERLINE CURVE TABLE					
CURVE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	135.62	2072.90	3°46'04"	135.79	S33°59'44"W
C2	36.01	1491.37	1°20'47"	36.01	S32°13'40"W
C3	72.57	1491.37	2°38'45"	72.56	S34°27'55"W
C4	249.78	540.00	38°30'07"	247.50	S13°49'41"W
C5	644.03	1000.00	23°49'46"	640.01	N30°50'54"E
C6	413.31	1500.00	15°16'40"	412.08	S58°21'07"W
C7	124.54	250.00	3°22'44"	122.14	S71°48'56"W

PROPERTY LINE CURVE TABLE					
LINE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING
C1	135.62	2072.90	3°46'04"	135.79	N34°03'31"E
C2	36.01	1491.37	1°20'47"	36.01	N64°41'29"E
C3	72.57	1491.37	2°38'45"	72.56	N67°00'38"E
C4	249.78	540.00	38°30'07"	247.50	N69°10'33"W
C5	644.03	1000.00	23°49'46"	640.01	N69°10'33"W
C6	413.31	1500.00	15°16'40"	412.08	N69°10'33"W
C7	124.54	250.00	3°22'44"	122.14	N69°10'33"W
C8	44.27	25.00	102°23'11"	38.98	N87°00'38"E
C9	31.43	20.00	60°03'08"	28.30	N89°10'33"W
C10	31.40	20.00	89°58'24"	28.27	S49°02'07"W
C11	51.93	280.00	18°48'39"	51.51	N81°30'25"W
C12	81.81	180.00	18°57'05"	80.93	N81°13'17"E
C13	88.88	220.00	24°11'25"	82.20	N85°11'48"W
C14	43.15	200.00	11°14'19"	43.00	N92°54'40"W
C15	30.50	25.00	90°03'49"	30.37	S44°29'28"E
C16	30.24	25.00	89°58'15"	30.34	N45°30'03"E
C17	268.60	577.00	26°36'07"	264.52	S13°49'41"W
C18	252.50	500.00	26°39'07"	250.50	S13°49'41"W
C19	1025.70	1513.00	29°50'25"	1012.77	N40°38'14"E
C20	250.17	1000.00	10°38'34"	249.77	N32°19'18"E
C21	308.05	1287.00	11°02'29"	305.53	N43°00'04"E
C22	39.30	25.00	60°18'53"	39.44	S03°08'22"W
C23	37.23	25.00	60°18'51"	33.89	N64°10'18"W
C24	324.78	1042.00	13°10'58"	320.08	S69°02'07"W
C25	47.87	1513.00	1°48'47"	47.87	N67°00'38"E
C26	238.18	1587.00	12°12'31"	237.62	N74°39'00"E
C27	37.91	30.00	75°07'53"	26.76	N40°47'17"E
C28	211.94	1173.00	12°11'30"	211.34	N74°39'00"E
C29	34.27	20.00	68°57'24"	35.29	S00°34'50"E

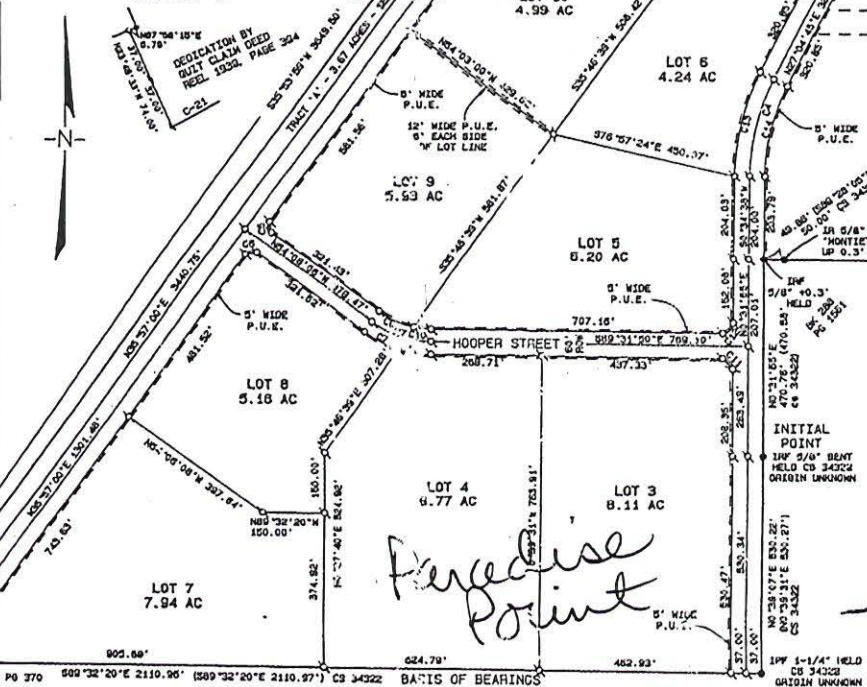
REFERENCE SURVEYS

CS 34322, CS 36030, CS 31237, CS 32206
CS 21248, CS 30690, 33822
PARTITION PLAT 02-17, PARTITION PLAT 02-24
PARTITION PLAT 00-05, PARTITION PLAT 91-17
PARTITION PLAT 2002-19
MONTEBELLO 1 PLAT (BK 44, PG 30 BOTP)
MONTEBELLO 2 PLAT (BK 44, PG 100 BOTP)

1 1/2" 5/8" WITH ALUMINUM
CAP STAMPED CLAIM G
WHOFF (CS 21248) HELD



DETAIL "B"



SEE
DETAIL
"A"

DETAIL "C"

DETAIL "A" SCALE: 1" = 100'

DETAIL "D"

REGISTERED
PROFESSIONAL
LAND SURVEYOR

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
P.O. BOX 501 WOODBURN, OREGON 97067
PH. (503) 981-3181 • FAX (503) 981-1025

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RECEIVED

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12, THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON
CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

SURVEYOR'S CERTIFICATE:

I, GEORGE WILHELM, SAY THAT I HAVE CORRECTLY SURVEYED THE LAND HEREIN REPRESENTED AS SHOWN ON THIS PLAT WITH ALL MONUMENTS FOUND OR PROPERLY SET. AT THE INITIAL POINT I FOUND A BENT 5/8" IRON ROD WHICH MARKS THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90. THE BOUNDARIES OF THE LAND HEREIN REPRESENTED ARE DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90, AND THE M. LORE DONATION LAND CLAIM NO. 61, IN SECTIONS 12, 13 AND 14, TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.78 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 308, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°29'01" EAST, 1209.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.78 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.82 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 280.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 284.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION, 721.88 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939, PAGE 394, SAID CURVE HAVING A RADIUS OF 1513.00 FEET, A DELTA ANGLE TO THE LEFT OF 1°40'47", AN ARC LENGTH OF 47.87 FEET, A CHORD BEARING OF SOUTH 67°05'51" WEST, AND A CHORD LENGTH OF 47.87 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 22°40'33" WEST, 74.00 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 07°50'15" EAST, 5.79 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°39'08" WEST ALONG SAID REEL AND PAGE, 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'08" EAST, ALONG SAID REEL AND PAGE, 89.20 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°33'31" WEST ALONG SAID REEL AND PAGE, 211.59 FEET TO A 5/8" IRON ROD; THENCE NORTH 84°02'25" WEST ALONG SAID REEL AND PAGE, 340.10 FEET TO A 5/8" IRON ROD; THENCE NORTH 8°32'30" WEST ALONG SAID REEL AND PAGE, 123.27 FEET TO A 5/8" IRON ROD IN THE SOUTH LINE OF PARTITION PLAT 92-17; THENCE NORTH 89°31'48" WEST ALONG THE SOUTH LINE OF SAID PARTITION 361.25 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 92-17, MARION COUNTY DEED RECORDS; THENCE SOUTH 39°33'19" WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 A DISTANCE OF 240.32 FEET TO A 5/8" IRON ROD IN THE WEST LINE OF THE A. DUBOIS DCL NO. 90; THENCE NORTH 0°32'25" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 A DISTANCE OF 50.76 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5; THENCE SOUTH 39°33'19" WEST, ALONG SAID POINT OF WAY LINE OF THE A. DUBOIS DCL NO. 90 WITH AN ALIGNMENT OF 1/2" IRON ROD AT THE SOUTHWEST CORNER OF REEL 882, PAGE 308, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°32'20" EAST, 2110.95 FEET TO A 1-1/4" IRON PIPE AT THE SOUTHEAST CORNER OF RL 882, PG 308; THENCE NORTH 0°39'07" EAST, 530.22 FEET TO THE INITIAL POINT.

AND ALSO TO INCLUDE A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90 AND THE M. LORE DONATION LAND CLAIM NO. 61 IN SECTIONS 12 AND 13, TOWNSHIP 5 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.78 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 308, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°29'01" EAST, 1209.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.78 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.82 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 280.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 284.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION, 721.88 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939, PAGE 394, SAID CURVE HAVING A RADIUS OF 1513.00 FEET, A DELTA ANGLE TO THE LEFT OF 1°40'47", AN ARC LENGTH OF 47.87 FEET, A CHORD BEARING OF SOUTH 67°05'51" WEST, AND A CHORD LENGTH OF 47.87 FEET TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 22°40'33" WEST, 74.00 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 07°50'15" EAST, 5.79 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°39'08" WEST ALONG SAID REEL AND PAGE, 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'08" EAST ALONG SAID REEL AND PAGE, 89.20 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°33'31" WEST ALONG SAID REEL AND PAGE, 211.59 FEET TO A 5/8" IRON ROD; THENCE NORTH 84°02'25" WEST ALONG SAID REEL AND PAGE, 340.10 FEET TO A 5/8" IRON ROD; THENCE NORTH 8°32'30" WEST ALONG SAID REEL AND PAGE, 123.27 FEET TO A 5/8" IRON ROD IN THE SOUTH LINE OF PARTITION PLAT 92-17; THENCE NORTH 89°31'48" WEST ALONG THE SOUTH LINE OF SAID PARTITION 361.25 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 92-17, MARION COUNTY DEED RECORDS; THENCE SOUTH 39°33'19" WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 A DISTANCE OF 240.32 FEET TO A 5/8" IRON ROD IN THE WEST LINE OF THE A. DUBOIS DCL NO. 90; THENCE NORTH 0°32'25" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 A DISTANCE OF 50.76 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5; THENCE SOUTH 39°33'19" WEST, ALONG SAID POINT OF WAY LINE OF THE A. DUBOIS DCL NO. 90 WITH AN ALIGNMENT OF 1/2" IRON ROD AT THE SOUTHWEST CORNER OF REEL 882, PAGE 308, MARION COUNTY DEED RECORDS; THENCE SOUTH 89°32'20" EAST, 2110.95 FEET TO A 1-1/4" IRON PIPE AT THE SOUTHEAST CORNER OF RL 882, PG 308; THENCE NORTH 0°39'07" EAST, 530.22 FEET TO THE INITIAL POINT.

THE TRACTS HEREIN DESCRIBED CONTAIN A TOTAL OF 120.23 ACRES MORE OR LESS.

AS PER O.R.S. 92.070 (2), I, GEORGE WILHELM, ALSO SAY THAT THE POST-MONUMENTATION WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE SIDEWALK IMPROVEMENTS OR WITHIN 3 YEARS FOLLOWING THE ORIGINAL PLAT RECORDATION, WHICHEVER COMES FIRST IN ACCORDANCE WITH O.R.S. 92.060.

NARRATIVE:

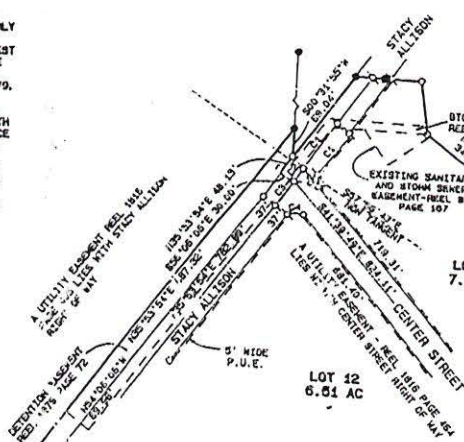
THE PURPOSE OF THIS PLAT IS TO MONUMENT THE PLAT OF TOWN CENTER AT WOODBURN IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.

I FOUND AND HELD A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 AND THE SOUTH LINE OF REEL 882, PAGE 308, MARION COUNTY DEED RECORDS AND A 1 1/4" IRON PIPE AT THE SOUTHWEST CORNER OF RL 882, PG 308 TO ESTABLISH THE SOUTH LINE AND THE BASIS OF BEARINGS IN AGREEMENT WITH CS 34322. I FOUND AND HELD, AT THE SPIN, A BENT 5/8" IRON ROD AT THE INITIAL POINT AND ANGLE POINT IN THE MOST SOUTHERLY EAST LINE. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90 AT AN ANGLE POINT IN THE BOUNDARY OF REEL 882, PAGE 308, MARION COUNTY DEED RECORDS. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.). I FOUND AND HELD A 5/8" IRON ROD IN THE SOUTH LINE OF LOT 118, MONTEBELLO 2 (SAID POINT HAS SINCE BEEN DISTURBED BY CONCRETE FOR A FENCE CORNER). I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID LOT 118. I FOUND AND HELD A 5/8" IRON ROD AT THE NORTHWEST CORNER OF LOT 118 IN THE SOUTH LINE OF PARTITION PLAT 2002-19. I FOUND AND HELD 5/8" IRON RODS AT THE SOUTHWEST AND NORTHWEST CORNERS OF PARTITION PLAT 2002-19. I EXTENDED THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD USING CURVE PARAMETERS FROM PARTITION PLAT 2002-19 AND MONTEBELLO 1 (VOL. 44, PG. 30 B.T.P.) IN AGREEMENT WITH A QUIT CLAIM DEED FOR RIGHT OF WAY DEDICATION RECORDED IN RL 1939 PG 394, MARION COUNTY DEED RECORDS. I FOLLOWED SAID QUIT CLAIM DEED AND MONUMENTED THE NORTHERLY AND SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD AT BEARINGS AND DISTANCES AS SHOWN. I FOUND AND HELD 5/8" IRON RODS ALONG THE SOUTHWESTERLY BOUNDARY OF RL 1879, PG 71 TO ESTABLISH THE NORTH AND EASTERLY BOUNDARY. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AT THE MOST NORTHERLY WEST CORNER OF THIS PLAT. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTH END OF STACY ALLISON IN THE NORTH LINE OF THIS PLAT. I THEN USED THE NORTH WEST CORNER AND THE 5/8" IRON ROD IN THE NORTH LINE TO REESTABLISH THE NORTH WEST CORNER OF REEL 1879, PG 71 AT RECORD DISTANCE AS SHOWN. I USED SAID NORTH WEST CORNER AND A 5/8" IRON ROD IN THE SOUTHWESTERLY LINE OF RL 1879 PG 71 TO REESTABLISH AN ANGLE POINT AT THE SOUTHWEST CORNER OF RL 1879 PG 71 USING A DISTANCE - DISTANCE INTERSECTION AND RECORD (CS 36030) DATA. I FOUND AND HELD A 5/8" IRON ROD 87.60' 835°53'09" OF THE A. DUBOIS DCL NO. 90 AND THE 5/8" IRON ROD AT THE SOUTHWEST CORNER OF THIS PLAT TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 IN AGREEMENT WITH CS 34322 AND 21240. I FOUND HELD FOR THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90 A 1/2" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 91-117. I HELD SAID 1/2" IRON ROD AND THE INITIAL POINT TO ESTABLISH THE WEST LINE OF THE A. DUBOIS DCL NO. 90. I THEN INTERSECTED THE DCL LINE AND THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 TO ESTABLISH THE NORTHWEST CORNER OF THIS PLAT.

I HELD THE 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND USED THE BEARING OF INTERSTATE 5 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND THE ANGLE POINT AT THE DCL LINE.

I FOUND AND HELD MONUMENTS (5/8" IRON RODS) IN THE SOUTHERLY BOUNDARY OF REEL 1879, PAGE 71 TO ESTABLISH THE WEST AND NORTH LINE OF LOT 14 (THE "ADDITIONAL TRACT" WHICH IS A PART OF THIS PLAT). I FOUND AND HELD 5/8" IRON RODS AT THE NORTHWEST AND NORTHEAST CORNERS OF PARTITION PLAT 2002-19 TO ESTABLISH THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD, THE SOUTH LINE OF LOT 14. I HELD THE SOUTHEAST CORNER OF REEL 1879, PAGE 71 AND A 20.00 FOOT PERPENDICULAR OFFSET FROM A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 1 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF LARSON AND THE EAST LINE OF LOT 14 AS SHOWN. I SET 5/8" IRON RODS WITH VPC AT THE INTERSECTION OF THE EASTERLY AND SOUTHERLY LINE OF LOT 14 AND A 20.00 FOOT RADIUS FILLET AS SHOWN ON DETAIL D IN AGREEMENT WITH A QUIT CLAIM DEED RECORDED ON REEL 1879, PAGE 74. I USED A BEARING PARALLEL WITH THE NORTHEASTERLY LINE OF LOT 13 TO ESTABLISH THE SOUTHEASTERLY LINE OF LOT 14. I SET A 5/8" IRON ROD WITH VPC AT THE INTERSECTION OF SAID SOUTHEASTERLY LINE AND THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD IN AGREEMENT WITH CS 36030 AS SHOWN.

THE NEW LOTS WERE ESTABLISHED AT THE BEARINGS AND DISTANCES, AS SHOWN ON THE MAP IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.



REGISTERED
PROFESSIONAL
LAND SURVEYOR

GEORGE WILHELM
23.10.1960
OREGON REG. # 2413

RENEWED 7/17/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
PH. (503) 581-3181 • FAX (503) 581-8925
P.O. BOX 561 WOODBURN, OREGON 97071

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WATER RESOURCES DEPT
SALEM, OREGON

45-72

PAGE 3 OF 3

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT CAPITAL DEVELOPMENT COMPANY, INC. A WASHINGTON CORPORATION INCORPORATED AND EXISTING UNDER THE STATE OF WASHINGTON, AND ITS OFFICER HEREON UNDERSIGNED, ROBERT BLUME, PRESIDENT/C.E.O., BEING THE HEREON UNDERSIGNED OWNERS OF THE LAND DESCRIBED IN THE SURVEYORS CERTIFICATE HEREON AND DESIRING TO DISPOSE OF THE SAME IN LOTS HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED IN THE NAME TO BE KNOWN AS "TOWN CENTER AT WOODBURN". WE DO HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREET RIGHT OF WAY AS SHOWN ON THE PLAT AND WE DO HEREBY GRANT TO THE PUBLIC ALL UTILITY EASEMENTS AS SHOWN AND/OR DESCRIBED.

THIS PLAT CONFORMS TO THE PROVISIONS OF CHAPTER 33, OREGON REVISED STATUTES, AND HAS RESTRICTIONS AS SHOWN HEREON.

Robert L. Blume

ROBERT BLUME, PRESIDENT/C.E.O.

ACKNOWLEDGEMENT:

STATE OF WASHINGTON)
COUNTY OF THURSTON) S.S.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME December 23, 2003 (DATE) BY ROBERT BLUME, PRESIDENT AND C.E.O. OF CAPITAL DEVELOPMENT COMPANY, INC. OF LACEY, WASHINGTON. SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID ROBERT BLUME DOES HEREBY ACKNOWLEDGE SAID EXECUTION OF THIS DOCUMENT TO BE A FREE ACT AND DEED.

Robert J. Terhune

NOTARY SIGNATURE

ROBERT J. TERHUNE
NOTARY PUBLIC FOR WASHINGTON

FEB 6, 2006

MY COMMISSION EXPIRES



APPROVALS AND ACCEPTANCE OF DEDICATION

James M. Miller Sept. 2, 2004
WOODBURN COMMUNITY DEVELOPMENT DIRECTOR
CASE NO. SUBDIVISION 02-02
DATE

Jeff Twinn Sept. 2, 2004
ENGINEER, CITY OF WOODBURN
DATE

INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.H.S. 97.276, THE INTERIOR CORNER AND CENTERLINE POINTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY MARKED WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN REEL _____ PAGE _____ OF THE MARION COUNTY DEED RECORDS.

MARION COUNTY SURVEYOR

PLAT RESTRICTIONS

- (1) THIS PLAT IS SUBJECT TO A "SEWER DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED SEPTEMBER 5, 1991 IN REEL 881, PAGE 497, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (2) THIS PLAT IS SUBJECT TO A "DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED DECEMBER 10, 1991 IN REEL 881, PAGE 498, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (3) SEVERAL WETLAND AREAS ARE LOCATED WITHIN THE PLAT. THE AREAS ARE "INSIGNIFICANT" AND WILL BE MITIGATED BY PURCHASE OF WETLAND CREDITS.
- (4) TRACT "A" IS A NONBUILDABLE AREA SET ASIDE FOR STORM WATER DETENTION. IT WILL ULTIMATELY BE DEED TO THE CITY OF WOODBURN OR A LOCAL DRAINAGE IMPROVEMENT DISTRICT AND USED FOR DETENTION AND TREATMENT OF STORM WATER FOR THE BENEFIT OF "PHASE A" A 200 ACRE DRAINAGE BASIN AS DEFINED BY THE CITY OF WOODBURN STORM DRAINAGE MASTER PLAN.
- (5) SEVERAL EASEMENTS FOR THE BENEFIT OF THE CITY OF WOODBURN INCLUDING: UTILITY EASEMENT RECORDED REEL 1818 PAGE 483; UTILITY EASEMENT RECORDED REEL 1818 PAGE 484; UTILITY EASEMENT RECORDED REEL 1818 PAGE 485 ARE LOCATED IN THE DEDICATED PUBLIC HIGHWAY OF THIS PLAT IN TRACT "A".
- (6) PORTLAND GENERAL ELECTRIC HAS A BLANKET EASEMENT FOR SERVICE TO THE PROPERTY AS RECORDED AUGUST 10, 1991 IN BOOK 431, PAGE 538, MARION COUNTY DEED RECORDS. THE EASEMENT IS NOT LOCATEABLE AND A REQUEST FOR RELEASE HAS BEEN MADE. PORTLAND GENERAL ELECTRIC WILL SERVE THE AREA USING PUBLIC HIGHWAY OF WAY AND PUBLIC UTILITY EASEMENTS LOCATED ON THE PLAT.

APPROVALS

Mark Rasmussen 9/29/04
MARION COUNTY SURVEYOR
DATE

Donna J. Edwards 10-12-04
CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS
DATE

* * * * *

TAXES HAVE BEEN PAID THROUGH

(DATE) 6-30-05

Donna J. Edwards 10-12-04
MARION COUNTY TAX COLLECTOR
DATE

* * * * *

STATE OF OREGON)
COUNTY OF MARION) S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 13th DAY OF October, 2003 AT 11:53 O'CLOCK AM AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS IN VOLUME 45 AT PAGE 72. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2388 AT PAGE 258.
PHILIP MILES
MARION COUNTY CLERK CHIEF DEPUTY

BY: Janet Tate
DEPUTY COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR

George H. Wilhelm
OREGON
JULY 28, 1989
GEORGE H. WILHELM
2413
RENEWS 7/1/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
PH. (503) 981-3101 * FAX (503) 981-8825
P.O. BOX 581 WOODBURN, OREGON 97071

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WATER RESOURCES DEPT
SALEM, OREGON



First American

First American Title Insurance Company of Oregon
280 Liberty St SE, Ste 100
Salem, OR 97301
Phn - (800)742-2414
Fax - (866)849-3065

MARION COUNTY TITLE UNIT

FAX (866)849-3065

Title Officer: **Debbie Filson**
(800)742-2414
dfilson@firstam.com

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AUG 26 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

LIMITED LOT BOOK SERVICE

Don Knauer
P.O. Box 5416
Salem, OR 97304

Order No.: 7089-1271164
August 25, 2008

Attn:
Phone No.: (503)585-8474 - Fax No.:
Email:

Re:

Fee: \$150.00

We have searched our Tract Indices as to the following described property:

LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 AND 14 TOWN CENTER AT WOODBURN, MARION
COUNTY, OREGON. (PLAT 45-72)

and as of December 31, 2003 at 8:00 a.m.

We find that the last deed of record runs to

Pioneer Trust Bank, N.A. which was formerly known as Pioneer Trust Company as Trustee and Pioneer
Trust Bank, N.A. which was formerly known as Pioneer Trust Company

We also find the following apparent encumbrances:

1. Contract of Sale, including the terms and conditions thereof, as disclosed in Memorandum of Sale
Agreement
Vendor: Pioneer Trust Bank, N.A. which was formerly known as Pioneer
Trust Company, as Trustee and Pioneer Trust Bank, N.A. which
was formerly known as Pioneer Trust Company
Vendee: Capital Development Company, a Washington Corporation
Recorded: September 9, 1991
Recording Information: Reel 882, Page 388, Film Records

We have also searched our General Index for Judgments and State and Federal Liens against the
Grantee(s) named above and find:

NONE

We also find the following unpaid taxes and city liens: NONE

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, rechecks or other services.

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TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14: TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02

DATE OF SURVEY, DECEMBER 17, 2002

DETAIL "E"

LEGEND

- DENOTES 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- ✕ DENOTES POST-MONUMENTATION 5/8" X 30" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- ▲ DENOTES FOUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM ENG OR LS 2413"
- DENOTES FOUND 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED "CES NM"
- DENOTES MONUMENT FOUND AS NOTED
- () DENOTES RECORD DATA, AS NOTED.
- (MGR) DENOTES MEASURED AND RECORD DATA
- IRF DENOTES IRON ROD FOUND
- IRPF DENOTES IRON PIPE FOUND
- YPC DENOTES YELLOW PLASTIC CAP
- P.P. DENOTES PARTITION PLAT
- C.S. DENOTES MARION COUNTY SURVEY RECORDS
- P.U.E. DENOTES PUBLIC UTILITY EASEMENT
- R.O.W. DENOTES RIGHT OF WAY
- DENOTES PUBLIC UTILITY EASEMENT
- DENOTES ROADWAY CENTERLINE



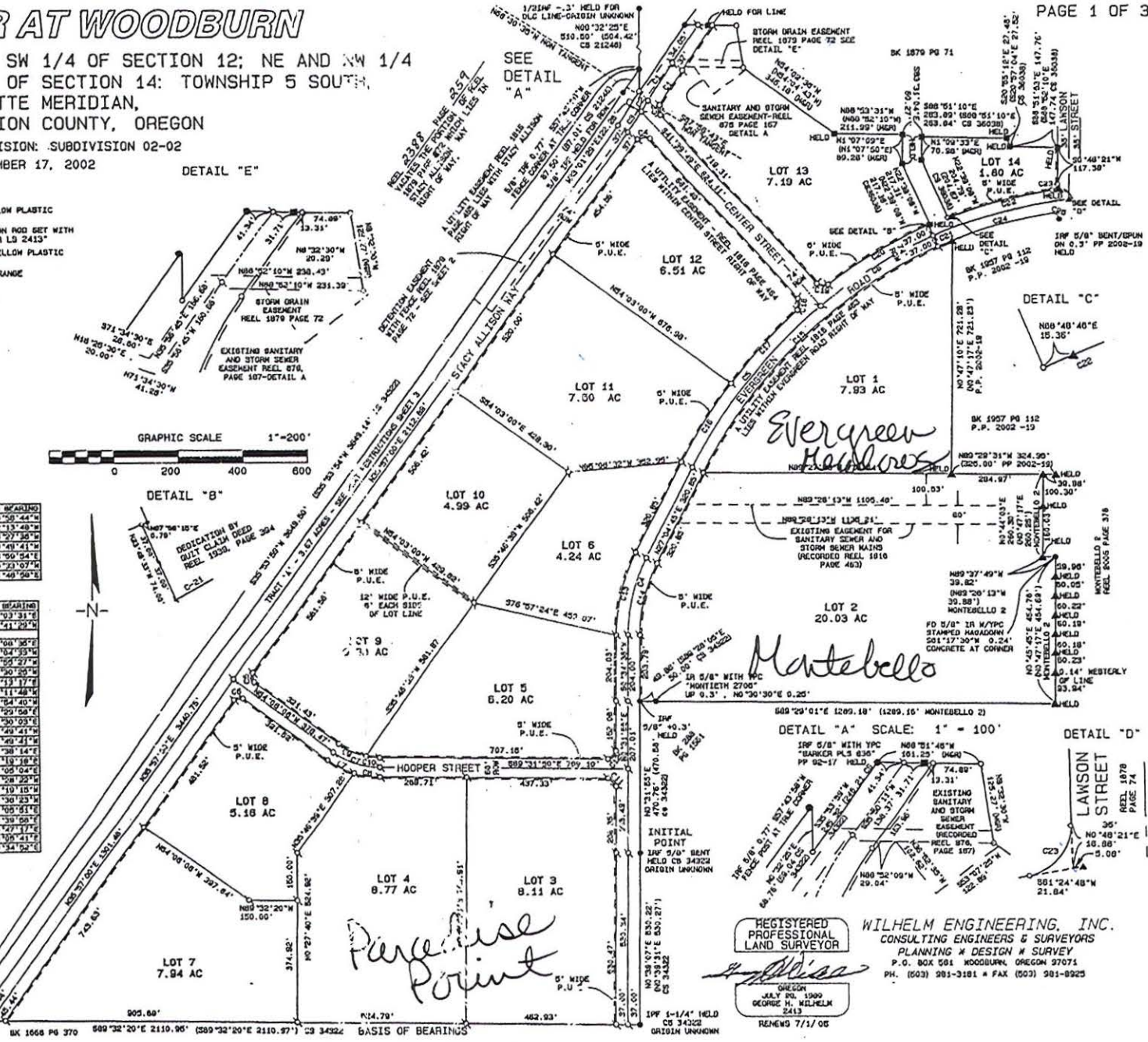
CENTERLINE CURVE TABLE									
CHANCE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING	CHORD	CHORD BEARING	CHORD	CHORD BEARING
C1	135.62	2072.00	2°46'54"	135.79	S83°50'44"E				
C2	36.51	1491.37	1°28'47"	36.51	S52°13'48"E				
C3	72.07	1491.37	2°58'49"	72.07	S54°27'50"E				
C4	249.78	340.00	28°30'01"	247.95	S13°49'41"E				
C5	644.85	1000.00	23°49'46"	640.01	N38°50'54"E				
C6	413.51	1950.00	15°18'40"	413.28	S78°50'07"E				
C7	154.50	250.00	35°29'44"	152.14	S71°49'58"E				

PROPERTY LINE CURVE TABLE									
LINE	ARC	RADIUS	DELTA	CHORD	CHORD BEARING	CHORD	CHORD BEARING	CHORD	CHORD BEARING
C1	126.30	2072.00	3°23'21"	126.33	N34°03'31"E				
C2	37.24	29.00	73°08'40"	30.27	N04°41'29"E				
C3	44.67	23.00	102°23'11"	39.88	N87°08'30"E				
C4	31.43	20.00	90°03'08"	28.50	N03°04'53"E				
C5	31.40	20.00	89°56'54"	18.22	S89°05'27"E				
C6	81.25	260.00	18°48'50"	81.01	N63°50'20"E				
C7	81.27	390.00	18°37'04"	80.93	N61°13'17"E				
C8	80.88	220.00	24°11'29"	82.20	N66°11'48"E				
C9	43.10	290.00	11°14'10"	43.09	N93°24'40"E				
C10	30.30	23.00	90°03'45"	30.37	S44°03'58"E				
C11	39.24	190.00	89°58'16"	35.34	N45°30'03"E				
C12	206.00	577.00	26°30'03"	204.82	S13°49'41"E				
C13	232.00	303.00	28°30'07"	230.59	S13°49'41"E				
C14	1032.70	1513.00	39°06'28"	1012.77	N48°08'14"E				
C15	200.10	1587.00	10°28'34"	200.77	N32°19'18"E				
C16	306.00	1267.00	11°32'29"	305.29	N43°05'04"E				
C17	39.30	25.00	90°16'53"	39.44	S03°28'22"E				
C18	37.23	25.00	89°18'01"	33.89	N04°19'15"E				
C19	244.78	1587.00	13°10'08"	243.69	N03°04'53"E				
C20	47.87	1513.00	1°48'47"	47.87	N67°05'51"E				
C21	234.18	1587.00	12°12'31"	232.65	N74°39'06"E				
C22	37.01	30.00	75°07'43"	35.70	N40°27'17"E				
C23	211.84	1513.00	12°11'52"	211.24	N72°00'41"E				
C24	44.37	30.00	88°27'24"	30.20	S20°34'52"E				

REFERENCE SURVEYS

CS 34322, CS 36050, CS 31257, CS 32298
CS 21240, CS 30050, 33822
PARTITION PLAT 92-17, PARTITION PLAT 92-24
PARTITION PLAT 90-05, PARTITION PLAT 91-117
MONTICELLO 1 PLAT (DK 44, PG 38 DOWP)
MONTICELLO 2 PLAT (DK 44, PG 108 DOWP)

INF 5/8" WITH ALUMINUM
CAP STAMPED CLARK &
GROFF (CS 21240) HELD



45 - 72

PAGE 1 OF 3

10-13-03-04

Page Use Point

REGISTERED
PROFESSIONAL
LAND SURVEYOR

WILHELM ENGINEERING & SURVEYORS, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
P.O. BOX 561 WOODBURN, OREGON 97071
PH. (503) 981-3181 & FAX (503) 981-8925

JULY 20, 1990
GEORGE H. WILHELM
2413

RENEW 7/1/05

RECEIVED
AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON
CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

SURVEYOR'S CERTIFICATE:

I, GEORGE WILHELM, SAY THAT I HAVE CORRECTLY SURVEYED THE LAND HEREIN REPRESENTED AS SHOWN ON THIS PLAT WITH ALL MONUMENTS FOUND OR PROPERLY SET. AT THE INITIAL POINT I FOUND A BENT 5/8" IRON ROD WHICH MARKS THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90. THE BOUNDARIES OF THE LAND HEREIN REPRESENTED ARE DESCRIBED AS FOLLOWS:

A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90, AND THE M. LORE DONATION LAND CLAIM NO. 61, IN SECTIONS 12, 13 AND 14; TOWNSHIP 5 SOUTH, RANGE 2 WEST; WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.70 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 304, MARION COUNTY DEED RECORDS; THENCE SOUTH 00°29'01" EAST, 1209.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (VOL. 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.78 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.62 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 260.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 284.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION 721.20 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939 PAGE 304, A QUIT CLAIM DEED FOR ROADWAY DEDICATION; THENCE ALONG A CURVE ON THE SOUTHERLY LINE OF SAID EVERGREEN ROAD, THENCE NORTH 67°56'15" EAST, 5.72 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°29'08" WEST ALONG SAID REEL AND PAGE, 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'09" EAST, ALONG SAID REEL AND PAGE, 80.28 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°33'31" WEST ALONG SAID REEL AND PAGE, 211.98 FEET TO A 5/8" IRON ROD; THENCE NORTH 64°00'50" WEST ALONG SAID REEL AND PAGE, 340.10 FEET TO A 5/8" IRON ROD; THENCE NORTH 0°32'30" WEST ALONG SAID REEL AND PAGE, 125.27 FEET TO A 5/8" IRON ROD IN THE SOUTH LINE OF PARTITION PLAT 02-17; THENCE NORTH 00°51'45" WEST ALONG THE SOUTH LINE OF SAID PARTITION 101.25 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 02-17, MARION COUNTY DEED RECORDS; THENCE SOUTH 30°53'59" WEST, ALONG THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 A DISTANCE OF 245.32 FEET TO 5/8" IRON ROD IN THE WEST LINE OF THE A. DUBOIS DCL NO. 90; THENCE NORTH 0°28'12" EAST, ALONG THE WESTERLY LINE OF SAID DCL NO. 90 A DISTANCE OF 68.76 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5; THENCE SOUTH 30°53'59" WEST, ALONG SAID RIGHT-OF-WAY 2649.00 FEET TO A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE SOUTHWEST CORNER OF REEL 882, PAGE 304 MARION COUNTY DEED RECORDS; THENCE SOUTH 89°52'20" EAST, 2110.90 FEET TO A 1-1/4" IRON PIPE AT THE SOUTHEAST CORNER OF REEL 882, PAGE 306; THENCE NORTH 0°38'07" EAST, 530.22 FEET TO THE INITIAL POINT.

AND ALSO TO INCLUDE A TRACT OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 90 AND THE M. LORE DONATION LAND CLAIM NO. 61 IN SECTIONS 12 AND 13, TOWNSHIP 5 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INITIAL POINT, A BENT 5/8" IRON ROD, THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 90, IN SAID TOWNSHIP AND RANGE, AND BEARING THENCE NORTH 0°31'05" EAST ALONG THE WESTERLY LINE OF SAID DCL NO. 90 470.70 FEET TO A 5/8" IRON ROD, AT AN ANGLE POINT IN REEL 882, PAGE 304, MARION COUNTY DEED RECORDS; THENCE SOUTH 00°29'01" EAST, 1209.10 FEET TO A 5/8" IRON ROD THE SOUTHWEST CORNER OF MONTEBELLO 2 (BOOK 44, PG. 108 B.T.P.); THENCE NORTH 0°45'40" EAST, ALONG THE WESTERLY LINE OF MONTEBELLO 2 A DISTANCE OF 454.78 FEET TO A POINT; THENCE NORTH 89°37'49" WEST ALONG THE SOUTH LINE OF LOT 118, MONTEBELLO 2 A DISTANCE OF 39.62 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF LOT 118; THENCE NORTH 0°44'03" EAST ALONG THE WEST BOUNDARY OF MONTEBELLO 2 A DISTANCE OF 260.30 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 2 IN THE SOUTH LINE OF PARTITION PLAT 2002-19; THENCE NORTH 89°29'31" WEST ALONG THE SOUTH LINE OF PARTITION PLAT 2002-19 A DISTANCE OF 284.97 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 2002-19; THENCE NORTH 0°47'10" EAST ALONG THE WEST LINE OF SAID PARTITION 721.20 FEET TO A 5/8" IRON ROD AT THE NORTHWEST CORNER OF PARTITION PLAT 2002-19 AND THE SOUTHERLY RIGHT-OF-WAY LINE OF EVERGREEN ROAD AND REEL 1939 PAGE 304, A QUIT CLAIM DEED FOR ROADWAY DEDICATION; THENCE ALONG A CURVE ON THE SOUTHERLY LINE OF SAID EVERGREEN ROAD AND REEL 1939, PAGE 304, SAID CURVE HAVING A RADIUS OF 1513.00 FEET, A DELTA ANGLE TO THE LEFT OF 1°48'47", AN ARC LENGTH OF 47.87 FEET, TO A POINT IN THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE NORTH 23°40'33" WEST, 74.00 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF SAID EVERGREEN ROAD; THENCE NORTH 67°56'15" EAST, 5.72 FEET TO A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF REEL 1879, PAGE 71, MARION COUNTY DEED RECORDS; THENCE NORTH 22°29'08" WEST ALONG SAID REEL AND PAGE 217.31 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°07'09" EAST ALONG SAID REEL AND PAGE 80.28 FEET TO A 5/8" IRON ROD; THENCE SOUTH 89°33'31" WEST ALONG SAID REEL AND PAGE 211.98 FEET TO A 5/8" IRON ROD AT AN ANGLE POINT IN THE SOUTH LINE OF REEL 1879 PAGE 71 AT THE BEGINNING OF THE ADDITIONAL TRACT HEREIN DESCRIBED THENCE SOUTH 89°51'50" EAST ALONG THE SOUTH LINE OF SAID REEL AND PAGE 203.80 FEET TO A 5/8" IRON ROD; THENCE SOUTH 20°55'32" EAST ALONG THE SOUTH LINE OF SAID REEL AND PAGE 27.48 FEET TO A 5/8" IRON ROD; THENCE SOUTH 00°51'53" EAST ALONG THE SOUTH LINE OF SAID REEL AND PAGE 147.76 FEET TO A 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF LANSON STREET; THENCE SOUTH 0°48'21" WEST A LONG SAID WESTERLY RIGHT-OF-WAY 137.30 FEET TO A 5/8" IRON ROD; THENCE ALONG A CURVE OF RADIUS 20.00 FEET, DELTA ANGLE 79°57'33" RIGHT, ARC LENGTH 27.91 FEET, CHORD BEARING SOUTH 40°47'17" WEST, AND CHORD LENGTH 25.70 FEET TO A 5/8" IRON ROD IN THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD; THENCE ALONG THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD, A CURVE OF RADIUS 1067.00 FEET, A DELTA ANGLE OF 12°2'31" LEFT, AN ARC LENGTH OF 330.10 FEET, A CHORD BEARING SOUTH 74°30'19" WEST, AND A CHORD LENGTH OF 337.52 FEET; THENCE NORTH 22°30'08" WEST ALONG THE SOUTH EASTERLY LINE OF SAID REEL AND PAGE 204.70 FEET TO A 5/8" IRON ROD; THENCE NORTH 1°09'33" EAST ALONG THE SOUTHEASTERLY LINE OF SAID REEL AND PAGE 70.90 FEET TO A 5/8" IRON ROD AT THE POINT OF BEGINNING FOR THE ADDITIONAL TRACT HEREIN DESCRIBED.

THE TRACTS HEREIN DESCRIBED CONTAIN A TOTAL OF 120.23 ACRES MORE OR LESS.

AS PER O.R.S. 92.079 (2), I, GEORGE WILHELM ALSO SAY THAT THE POST-MONUMENTATION WITHIN THIS SUBDIVISION WILL BE ACCOMPLISHED WITHIN 90 CALENDAR DAYS FOLLOWING THE COMPLETION OF THE SIDEWALK IMPROVEMENTS OR WITHIN 2 YEARS FOLLOWING THE ORIGINAL PLAT RECONSTRUCTION, WHICHEVER COMES FIRST IN ACCORDANCE WITH O.R.S. 92.080.

NARRATIVE:

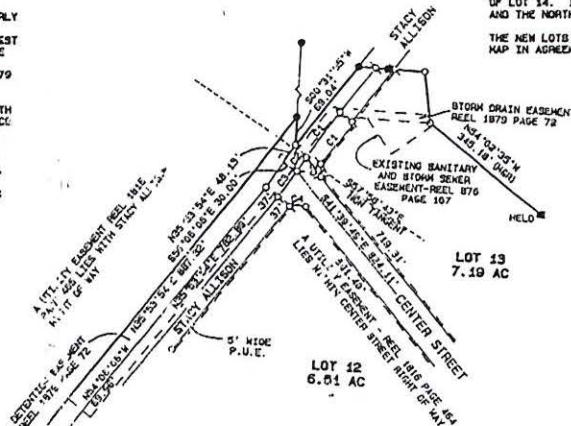
THE PURPOSE OF THIS PLAT IS TO MONUMENT THE PLAT OF TOWN CENTER AT WOODBURN IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.

I FOUND AND HELD A 5/8" IRON ROD WITH AN ALUMINUM CAP AT THE INTERSECTION OF THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 AND THE SOUTH LINE OF REEL 882, PAGE 304, MARION COUNTY DEED RECORDS AND A 1-1/4" IRON PIPE AT THE SOUTH EAST CORNER OF REEL 882, PAGE 304 TO ESTABLISH THE SOUTH LINE AND THE BASIS OF BEARINGS IN AGREEMENT WITH CS 34322. I FOUND AND HELD, AT THE SPIN, A BENT 5/8" IRON ROD AT THE INITIAL POINT AND ANGLE POINT IN THE MOST SOUTHERLY EAST LINE. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90 AT AN ANGLE POINT IN THE BOUNDARY OF REEL 882, PAGE 304, MARION COUNTY DEED RECORDS. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF MONTEBELLO 2 (BK 44, PG 108 B.T.P.). I FOUND AND HELD A 5/8" IRON ROD IN THE SOUTH LINE OF LOT 118, MONTEBELLO 2 (SAID POINT HAS SINCE BEEN DISTURBED BY CONCRETE FOR A FENCE CORNER). I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID LOT 118. I FOUND AND HELD A 5/8" IRON ROD AT THE NORTHWEST CORNER OF LOT 110 IN THE SOUTH LINE OF PARTITION PLAT 2002-19. I FOUND AND HELD 5/8" IRON ROD AT THE SOUTHWEST AND NORTHWEST CORNERS OF PARTITION PLAT 2002-19. I EXTENDED THE SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD USING CURVE PARAMETERS FROM PARTITION PLAT 2002-19 AND MONTEBELLO 1 (VOL. 44, PG 38 B.T.P.) IN AGREEMENT WITH A QUIT CLAIM DEED FOR RIGHT OF WAY DEDICATION RECORDED IN REEL 1939 PG 304, MARION COUNTY DEED RECORDS. I FOLLOWED SAID QUIT CLAIM DEED AND MONUMENTED THE NORTHERLY AND SOUTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD AT BEARINGS AND DISTANCES AS SHOWN. I FOUND AND HELD 5/8" IRON RODS ALONG THE SOUTHWESTERLY BOUNDARY OF BK 1879, PG 71 TO ESTABLISH THE NORTH AND EASTERLY BOUNDARY. I FOUND AND HELD A 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AT THE MOST NORTHERLY WEST CORNER OF THIS PLAT. I FOUND AND HELD A 5/8" IRON ROD AT THE SOUTH END OF STACY ALLISON IN THE NORTH LINE OF THIS PLAT. I THEN USED THE NORTH WEST CORNER AND THE 5/8" IRON ROD IN THE NORTH LINE TO REESTABLISH THE NORTH WEST CORNER OF REEL 1879, PG 71 AT RECORD DISTANCE AS SHOWN. I USED SAID NORTH WEST CORNER AND A 5/8" IRON ROD IN THE SOUTHWESTERLY LINE OF REEL 1879 PG 71 TO REESTABLISH AN ANGLE POINT AT THE SOUTHERLY WEST CORNER OF REEL 1879 PG 71 USING A DISTANCE - DISTANCE INTERSECTION AND RECORD (CS 30030) DATA. I FOUND AND HELD A 5/8" IRON ROD 87.00' 83°53'15" W OF THE A. DUBOIS DCL NO. 90 AND THE 5/8" IRON ROD AT THE SOUTHWEST CORNER OF THIS PLAT TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 IN AGREEMENT WITH CS 34322 AND 21240. I FOUND AND HELD FOR THE WESTERLY LINE OF THE A. DUBOIS DCL NO. 90 A 1/2" IRON ROD AT THE SOUTHWEST CORNER OF PARTITION PLAT 91-117. I HELD SAID 1/2" IRON ROD AND THE INITIAL POINT TO ESTABLISH THE WEST LINE OF THE A. DUBOIS DCL NO. 90. I THEN INTERSECTED THE DCL LINE AND THE WESTERLY RIGHT-OF-WAY OF INTERSTATE 5 TO ESTABLISH THE NORTHWEST CORNER OF THIS PLAT.

I HELD THE 5/8" IRON ROD IN THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND USED THE BEARING OF INTERSTATE 5 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF STACY ALLISON WAY AND THE ANGLE POINT AT THE DCL LINE.

I FOUND AND HELD MONUMENTS (5/8" IRON RODS) IN THE SOUTHERLY BOUNDARY OF REEL 1879, PAGE 71 TO ESTABLISH THE WEST AND NORTH LINE OF LOT 14 (THE "ADDITIONAL TRACT" WHICH IS A PART OF THIS PLAT). I FOUND AND HELD 5/8" IRON RODS AT THE NORTHWEST AND NORTHWEST CORNERS OF PARTITION PLAT 2002-19 TO ESTABLISH THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD, THE SOUTH LINE OF LOT 14. I HELD THE SOUTHWEST CORNER OF REEL 1879, PAGE 71 AND A 5.00 FOOT PERPENDICULAR OFFSET FROM A 5/8" IRON ROD AT THE NORTHWEST CORNER OF MONTEBELLO 1 TO ESTABLISH THE WESTERLY RIGHT-OF-WAY OF LANSON AND THE EAST LINE OF LOT 14 AS SHOWN. I SET 5/8" IRON RODS WITH VPC AT THE INTERSECTION OF THE EASTERLY AND SOUTHERLY LINE OF LOT 14 AND A 20.00 FOOT RADIUS FILLET AS SHOWN ON DETAIL D IN AGREEMENT WITH A QUIT CLAIM DEED RECORDED ON REEL 1879, PAGE 74. I USED A BEARING PARALLEL WITH THE NORTHEASTERLY LINE OF LOT 13 TO ESTABLISH THE SOUTHERLY LINE OF LOT 14. I SET A 5/8" IRON ROD WITH VPC AT THE INTERSECTION OF SAID SOUTHEASTERLY LINE AND THE NORTHERLY RIGHT-OF-WAY OF EVERGREEN ROAD IN AGREEMENT WITH CS 30030 AS SHOWN.

THE NEW LOTS WERE ESTABLISHED AT THE BEARINGS AND DISTANCES, AS SHOWN ON THE MAP IN AGREEMENT WITH THE CITY OF WOODBURN PLANNING ACTION CASE NO. SUBDIVISION 02-02.



REGISTERED
PROFESSIONAL
LAND SURVEYOR
GEORGE WILHELM
2413
RENEW 7/1/08

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
PH. (503) 981-3181 & FAX (503) 981-9525
P.O. BOX 561 WOODBURN, OREGON 97071

RECEIVED

AUG 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

45-72

PAGE 3 OF 3

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; THE NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14;
TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02

DATE OF SURVEY, DECEMBER 17, 2002

DECLARATION:

KNOW ALL MEN BY THESE PRESENTS THAT CAPITAL DEVELOPMENT COMPANY, INC. A WASHINGTON CORPORATION INCORPORATED AND EXISTING UNDER THE STATE OF WASHINGTON, AND ITS OFFICER HEREON UNDERSIGNED, ROBERT BLUME, PRESIDENT/C.E.O., BEING THE HEREON UNDERSIGNED OWNER OF THE LAND DESCRIBED IN THE SURVEYORS CERTIFICATE HEREON AND DESIRING TO DISPOSE OF THE SAME IN LOTS HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED IN THE NAME TO BE KNOWN AS "TOWN CENTER AT WOODBURN". HE DO HEREBY DEDICATE TO THE PUBLIC AS PUBLIC WAYS FOREVER ALL STREET RIGHT OF WAY AS SHOWN ON THE PLAT AND HE DO HEREBY GRANT TO THE PUBLIC ALL UTILITY EASEMENTS AS SHOWN AND/OR DESCRIBED.

THIS PLAT CONFORMS TO THE PROVISIONS OF CHAPTER 22, OREGON REVISED STATUTES, AND HAS RESTRICTIONS AS SHOWN HEREON.

Robert Blume

ROBERT BLUME, PRESIDENT/C.E.O.

ACKNOWLEDGEMENT:

STATE OF WASHINGTON)
COUNTY OF THURSTON) S.S.

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME December 23, 2003 (DATE) BY ROBERT BLUME, PRESIDENT AND C.E.O. OF CAPITAL DEVELOPMENT COMPANY, INC. OF LACEY, WASHINGTON. SAID INSTRUMENT WAS SIGNED ON BEHALF OF SAID CORPORATION BY AUTHORITY OF ITS BOARD OF DIRECTORS, AND SAID ROBERT BLUME DOES HEREBY ACKNOWLEDGE SAID EXECUTION OF THIS DOCUMENT TO BE A FREE ACT AND DEED.

Robert J. Terhune

NOTARY SIGNATURE

ROBERT J. TERHUNE
NOTARY PUBLIC FOR WASHINGTON

FEB 6, 2006

MY COMMISSION EXPIRES



APPROVALS AND ACCEPTANCE OF DEDICATION

James Miller Sept. 2, 2004
WOODBURN COMMUNITY DEVELOPMENT DIRECTOR
CASE NO. SUBDIVISION 02-02

Steve Tiwari SEPT. 2, 2004
ENGINEER, CITY OF WOODBURN

INTERIOR CORNER MONUMENTATION

IN ACCORDANCE WITH O.H.S. 02.070, THE INTERIOR CORNERS AND CENTERLINE POINTS OF THIS SUBDIVISION HAVE BEEN CORRECTLY MARKED WITH THE PROPER MONUMENTS. AN AFFIDAVIT HAS BEEN PREPARED REGARDING THE SETTING OF SAID MONUMENTS AND IS RECORDED IN REEL _____ PAGE _____ OF THE MARION COUNTY DEED RECORDS.

MARION COUNTY SURVEYOR

PLAT RESTRICTIONS

- (1) THIS PLAT IS SUBJECT TO A "BENCH DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED DECEMBER 10, 1991 IN REEL 561, PAGE 487, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (2) THIS PLAT IS SUBJECT TO A "DEVELOPMENT AGREEMENT" INCLUDING THE TERMS AND PROVISIONS THEREOF AS RECORDED DECEMBER 10, 1991 IN REEL 506, PAGE 486, MICROFILM RECORDS FOR MARION COUNTY, OREGON.
- (3) SEVERAL SMALL WETLAND AREAS ARE LOCATED WITHIN THE PLAT. THE AREA IS "SIGNIFICANT" AND WILL BE MITIGATED BY PURCHASE OF WETLAND CREDITS.
- (4) TRACT "A" IS A NONBUILDABLE AREA SET ASIDE FOR STORM WATER DETENTION. IT WILL ULTIMATELY BE DEDEDICATED TO THE CITY OF WOODBURN OR A LOCAL DRAINAGE IMPROVEMENT DISTRICT AND USED FOR DETENTION AND TREATMENT OF STORM WATER FOR THE BENEFIT OF "ED-A," A 200 ACRE DRAINAGE BASIN AS DEFINED BY THE CITY OF WOODBURN STORM DRAINAGE MASTER PLAN.
- (5) SEVERAL EASEMENTS FOR THE BENEFIT OF THE CITY OF WOODBURN INCLUDING: UTILITY EASEMENT RECORDED REEL 1818 PAGE 402; UTILITY EASEMENT RECORDED REEL 1815 PAGE 404; UTILITY EASEMENT RECORDED REEL 1818 PAGE 405 ARE LOCATED IN THE DEDICATED PUBLIC RIGHT OF WAY OF THIS PLAT OR IN TRACT "A".
- (6) PORTLAND GENERAL ELECTRIC HAS A BLANKET EASEMENT FOR SERVICE TO THE PROPERTY RECORDED AUGUST 27, 1994 IN BOOK 421, PAGE 538, MARION COUNTY DEED RECORDS. THE EASEMENT IS NOT LOCATEABLE AND A REQUEST FOR RELEASE HAS BEEN MADE. PORTLAND GENERAL ELECTRIC WILL SERVE THE AREA USING PUBLIC RIGHT OF WAY AND PUBLIC UTILITY EASEMENTS CREATED ON THE PLAT.

APPROVALS

Mark Rasmussen 9/29/04
MARION COUNTY SURVEYOR
Douglas J. Ebner 10-12-04
MARION COUNTY ASSESSOR
Philip M. Lile 10-12-04
CHAIRPERSON OR VICE-CHAIRPERSON
MARION COUNTY BOARD OF COMMISSIONERS

* * * * *

TAXES HAVE BEEN PAID THROUGH

(DATE) 6-30-05
David Charles Edwards 10-12-04
MARION COUNTY TAX COLLECTOR

* * * * *

STATE OF OREGON)
COUNTY OF MARION) S.S.

I DO HEREBY CERTIFY THAT THE ATTACHED SUBDIVISION PLAT WAS RECEIVED FOR RECORDING ON THE 13th DAY OF October, 2003 AT 11:53 O'CLOCK AM AND RECORDED IN THE MARION COUNTY BOOK OF TOWN PLATS, IN VOLUME 45 AT PAGE 72. IT IS RECORDED IN MARION COUNTY DEED RECORDS IN REEL 2388 AT PAGE 258.
PHILIP MILE*
MARION COUNTY CLERK CHIEF DEPUTY

BY: James Tate
DEPUTY COUNTY CLERK

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
JULY 20, 1990
GEORGE H. WILHELM
2413

RENEWS 7/1/06

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING * DESIGN * SURVEY
PH. (503) 581-3101 * FAX (503) 901-8925
P.O. BOX 581 WOODBURN, OREGON 97071

MEMORANDUM OF SALE AGREEMENT

REEL
882

PAGE
388

THIS MEMORANDUM OF SALE AGREEMENT, executed effective
September 6, 1991, is by and between

PIONEER TRUST BANK, N.A., which was formerly known as PIONEER TRUST COMPANY, as Trustee, and PIONEER TRUST BANK, N.A., which was formerly known as PIONEER TRUST COMPANY, as Seller, and

CAPITAL DEVELOPMENT COMPANY, INC., a Washington corporation, as Buyer.

The Seller has agreed to sell, and convey to the Buyer, and the Buyer has taken possession of and has agreed to purchase and pay for the following described real property:

(see attached Exhibit A)

in accordance with the terms and provisions of a separate Sale Agreement of even date.

WARNING. THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. 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 APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

Until a change is requested, all tax statements shall be sent to the following address:
No change.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$2,211,123.11.

Duly executed in duplicate.

PIONEER TRUST BANK, N.A.,
as Trustee, and PIONEER
TRUST BANK, N.A.

By [Signature]
Its Chairman

SELLER

CAPITAL DEVELOPMENT
COMPANY, INC.

By [Signature]
Its President

BUYER

1 - MEMORANDUM OF SALE AGREEMENT
JGH/mbt/HO6347.003/price2.agt

RECEIVED

AUG 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

SEP 9 1991

62512-8/

Marion County, Oregon - ss.

On this 6 day of September, 1991, personally appeared STUART LAMPTON and, being duly sworn, did say that he is the MANAGER of PIONEER TRUST BANK, N.A. and that he executed the foregoing instrument for and on behalf of said corporation by authority of its board of directors and he acknowledge the instrument to be its voluntary act and deed.

Before me:

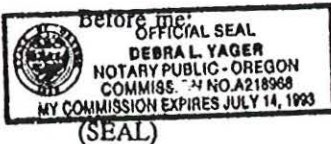


Elizabeth G. Steinberg
Notary Public for Oregon

My commission expires: 5/12/96

Marion County, Oregon - ss.

On this 6th day of September, 1991, personally appeared Robert L. Blume and, being duly sworn, did say that he is the President of CAPITAL DEVELOPMENT COMPANY, INC. and that he executed the foregoing instrument for and on behalf of said corporation by authority of its board of directors and he acknowledge the instrument to be its voluntary act and deed.



Debra L. Yager
Notary Public for Oregon

My commission expires: 7/14/93

AFTER RECORDING RETURN TO:

Key - Woodburn

2 - MEMORANDUM OF SALE AGREEMENT
JGH/mba/HO6347.003/drce2.sgt

SEP 9 1991

RECEIVED
AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

A parcel of land lying in the A. Dubois Donation Land Claim No. 98, and the M. Lore Donation Land No. 61, in Sections 12, 13 and 14, Township 5 South, Range 2 West of the Willametta Meridian, Marion County, Oregon, said parcel being more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Southwest corner of the A. Dubois Donation Land Claim No. 98, in said Township and Range and running thence South 00° 39' 31" West 530.27 feet to a 1/4 inch iron pipe; thence North 89° 32' 20" West 2110.97 feet to a point on the Easterly right of way line of Interstate Highway 5; thence along said right of way line North 35° 53' 54" East 3649.14 feet to a point on the Westerly line of said Donation Land Claim No. 98; thence along said Donation Land Claim line South 00° 31' 65" West 69.04 feet; thence continuing along said Easterly right of way line North 35° 57' 00" East 246.21 feet; thence South 88° 51' 55" East 1349.22 feet; thence North 00° 40' 55" East 27.96 feet to a point on the Southerly line of West Hayes Street; thence along said Southerly line South 88° 51' 55" East 828.17 feet to a point on the Westerly line of Evergreen Road; thence along said Westerly line South 00° 47' 17" West 2111.00 feet to a 5/8 inch iron rod; thence North 89° 28' 13" West 2110.60 feet to a point on first said Westerly line of said Donation Land Claim No. 98; thence along said Westerly line South 00° 31' 55" West 470.58 feet to the point of beginning, all in Marion County, Oregon.

Real Property Tax Account No.: 44159-000 (includes additional property;
44155-000

Situs Address as disclosed by Marion County Tax Roll: NONE SHOWN

SEP 9 1991

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AUG 26 2008
WATER RESOURCES DEPT
SALEM, OREGON

Legal
Includes Town Center at Woodburn
and includes Additional property.

STATE OF OREGON

County of Marion

I hereby certify that
the within was received
and duly recorded by
me in Marion County
records:

Fee \$ 45-

Hand Returned ☒
To Key

REEL
882

PAGE
388

SEP 9 11 43 AM '91

ALAN H. DAVIDSON
MARION COUNTY CLERK

BY SE DEPUTY



Oregon

Theodore R. Kulongoski, Governor

T-10534

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

August 13, 2008

Don Knauer
PO Box 5416
Salem, OR 97304

REFERENCE: Transfer Applications T-10532, T-10533, T-10535 and Ground
Water Registration Modification T-10534

Dear Mr. Knauer:

During our telephone conversation on August 8, 2008, you requested the Department's statutory authority to ask for copies of recorded quit claim deeds if pursuing reports of ownership and lien information prepared as of the date of the quit claim deeds. I am currently researching the basis for the Department's position on the importance of recorded water right conveyance agreements and will follow up with a letter in the near future.

In the meantime, please place your request to the title company for reports of ownership and lien information on hold until you receive the Department's follow up letter mentioned above.

Thank you for your cooperation in this matter. Please don't hesitate to contact me by telephone at 503-986-0880 or be e-mail at Lisa.J.Jaramillo@ wrd.state.or.us if you have any further questions or concerns.

Sincerely,

Lisa J. Jaramillo
Transfer Section
Field Services Division

cc: Mike McCord, Watermaster Dist. #16
Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503
GSI Water Solutions, Inc., Attn: Jeff Barry, 55 SW Yamhill Street, Suite 400, Portland, OR 97204





Capital Development Company

RECEIVED

AUG 01 2008

WATER RESOURCES DEPT
SALEM, OREGON

July 29, 2008

Ms. Lisa Jaramillo
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem, Oregon 97301-1271

Subject: Transfer T-10532 thru T-10535

Dear Ms. Jaramillo,

Pursuant to your letter dated July 22, 2008 to Don Knauer, Capital Development Company consents to the proposed modification (T-10534) for the portion of the groundwater registration claim (located on Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon) that is NOT included on the map attached to the July 16, 2007 Water Rights Purchase Agreement. Furthermore Capital Development consents to any other modification described in the transfer applications submitted by Mr. Knauer.

Please contact me at (360)-491-6850 if you have any questions.

Sincerely,

John Donaldson
Senior Vice President

CC: Jeff Barry/GSI
Don Knauer

Lisa Jaramillo

From: Don Knauer [donknauer@comcast.net]
Sent: Tuesday, July 29, 2008 1:24 PM
To: Lisa Jaramillo
Subject: Tom DeArmond transfers T-10532 thru T-10535

Lisa,

I received your letter dated July 22, 2008 in which you say, "As you requested, a copy of the maps used to plot the deeds and.....". I am unable to identify on the maps you sent the legal descriptions in the Statutory Bargain and Sale Deed dated December 31, 2003. There are six different legal descriptions within the documents you required and I would again request a copy of the map or plot you prepared showing the different legal descriptions. Thank you.

Don Knauer

7/30/2008

DON KNAUER / Water Right Consultation and Water Right Surveys
PO Box 5416 Salem OR 97304 phone & fax: 503-585-8474 cell: 503-508-7862

July 28, 2008

Lisa Jaramillo, Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re: Transfers T-10532 thru T-10535

Dear Ms. Jaramillo,

In your most recent letter in regards to information required by you prior to completing processing of the transfers, you have required copies of quit claim deeds and a statutory special warranty deed which have been filed at the Marion County deed records.

Is your position the "unrecorded" deeds are not valid until recorded at the County? What statutory authority would lead you to that position?

Sincerely,



Don Knauer

C: Tom DeArmond
Jeff Barry

RECEIVED
JUL 29 2008
WATER RESOURCES DEPT.
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

July 22, 2008

DON KNAUER
PO BOX 5416
SALEM, OR 97304

REFERENCE: Required Reports of Ownership and Lien Information for Transfer Applications T-10532, T-10533 and T-10535 and Ground Water Registration Modification Application T-10534

Dear Mr. Knauer:

As we discussed during our telephone conversation on July 11, 2008, I have prepared a detailed listing to identify the appropriate dates for which the various Reports of Ownership and Lien Information should be prepared. As you requested, a copy of the maps used to plot the deeds and determine the dates for the ownership information reports is enclosed for your use. I have also identified a few other items that need further attention. Please provide the following:

OK
Rec'd
8-26-08

Land Use Information Form:

The Land Use Information Form submitted for Transfer Applications T-10532, T-10533 and T-10535 and Modification Application T-10534 (*copy enclosed*) references Tax Lot 300 in the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 29, T. 4S, R. 1W, WM. Review of the applications and maps however, indicate that the "TO" lands in Section 29 are actually located in the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$. Therefore, please submit a new land use form signed by the County that includes the NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 29, T. 4S, R. 1W, W.M.

2. Copies of Recorded Quitclaim Deeds:

Copies of several quitclaim deeds were submitted to the Department along with the applications for transfer and modification. Some of those quitclaim deeds, however, do not contain any official stamp or marking indicating that they have been properly recorded in the county deed records. Please provide a copy of the actual documents that have been recorded in Marion County's deed records (*or some other form of verification from the county indicating the documents have been recorded*) for the following quitclaim deeds:

- a. Quitclaim deed dated January 28, 2008, assigning interest in water rights appurtenant to land described as Lot 2, Town Center at Woodburn, Marion County, Oregon from Montebello Estates I, LLC to Capital Development Company;

and
- b. Quitclaim deed dated December 7, 2007, assigning interest in water rights appurtenant to land described as Lot 1, Town Center at Woodburn, Marion County, Oregon from K & R Holdings Evergreen Meadows, LLC to Capital Development Company.

3. Copy of Recorded Statutory Special Warranty Deed:

A copy of a statutory special warranty deed was submitted to the Department along with the applications for transfer and modification. The deed, however, does not contain any official stamp or marking indicating that it has been properly recorded in the county deed records. Please provide a copy of the actual document that has been recorded in Marion County's deed records (or some other form of verification from the county indicating the documents have been recorded) for the following deed:

- a. Statutory Special Warranty Deed dated January 11, 2007, in which Capital Development Company conveyed land described as Lots 5 and 6, Town Center at Woodburn, Marion County, Oregon to KWDS, LLC, but retained their interest in the water rights appurtenant to the land.

4. Clarification of the Water Rights Purchase Agreement dated July 16, 2007:

The Water Rights Purchase Agreement dated July 16, 2007, between Capital Development Company and Tom DeArmond does not specify where the "certain valid water rights" are located. A map attached to the agreement does however, illustrate where "water rights valid for transfer" are located.

Based upon review of this information provided to the Department, it is clear that all of the "FROM" lands involved in Transfers T-10532 and T-10533 are included on the map attached to the July 16, 2007 Water Rights Purchase Agreement, and therefore can be considered as part of the agreement.

However, *only a portion* of the "FROM" lands involved in ground water registration modification T-10534 are included on the map attached to the July 16, 2007, Water Rights Purchase Agreement. The portion of the ground water registration proposed for modification that is NOT included on the map attached to the agreement is located in Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon.

Therefore, please provide either of the following for Ground Water Registration Modification Application T-10534:

- a. An amended Water Rights Purchase Agreement (or any existing written agreement) between Capital Development Company and Tom DeArmond that clearly identifies that all parts of the ground water registration claim proposed for modification that are located on any and all portions of Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon are included in the agreement;

or

- b. A written statement from Capital Development Company consenting to the proposed modification (T-10534) for the portion of the ground water registration claim (located on Lots 13 and 14, Town Center at Woodburn, Marion County, Oregon) that is NOT included on the map attached to the July 16, 2007 Water Rights Purchase Agreement.

5. **Reports of Ownership and Lien Information for T-10532, T-10533 & T-10534:**

As required by OAR 690-380-4010(5) for transfers and OAR 690-382-0700(5) for ground water registration modifications, a report of ownership and lien information for the land to which the water rights are appurtenant, prepared within the prior three months, must be submitted to the Department.

Below is a table that describes all of the "FROM" lands involved in Transfers T-10532 and T-10533, as well as Modification T-10534. The table is organized by lot number and indicates the appropriate date for which the Report of Ownership and Lien Information should be prepared for each lot number and identifies the associated transfer and/or modification application(s).

Lot Number (within Town Center at Woodburn, Marion Co., OR)	ROLI to be Prepared for the Date Specified Below	Transfer Number (involves land within the specified Lot Number)
1	12-7-07	T-10533 & T-10534
2	1-28-08	T-10533 & T-10534
3	12-31-03	T-10532
4	12-31-03	T-10532
5	12-31-03	T-10532
6	12-31-03	T-10532 & T-10533
7	12-31-03	T-10532
8	12-31-03	T-10532
9	12-31-03	T-10532
10	12-31-03	T-10532
11	12-31-03	T-10532 & T-10533
12	12-31-03	T-10532, T-10533 & T-10534
13	12-31-03	T-10534
14	12-31-03	T-10534

6. **Report of Ownership and Lien Information for T-10535:**

As required by OAR 690-380-4010(5) for transfers, a report of ownership and lien information for the land to which the water rights are appurtenant, prepared within the prior three months, must be submitted to the Department.

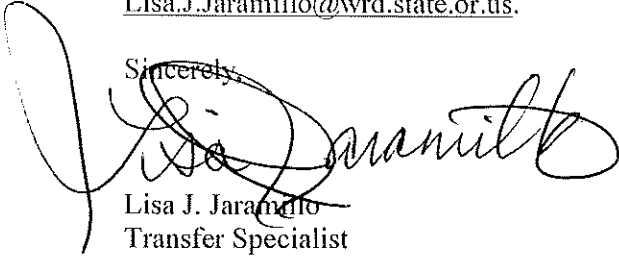
Below is a table that describes all of the "FROM" lands involved in Transfers T-10535. The table is arranged by township, range, section, quarter-quarter section and tax lot. (*A copy of the county tax lot maps used to determine the "FROM" lands are enclosed for your reference.*)

Twp	Rng	Mer	Sec	¼ ¼	Tax Lot Number
4 S	1 W	WM	29	NE SW	300
4 S	1 W	WM	29	NW SW	
4 S	1 W	WM	29	SW SW	
4 S	1 W	WM	32	NW NW	
4 S	1 W	WM	30	NE SE	900
4 S	1 W	WM	30	SE SE	
4 S	1 W	WM	31	NW NE	100
4 S	1 W	WM	31	NW NE	200
4 S	1 W	WM	31	NW NE	300

Please submit the requested materials to the Department by **Tuesday, August 12, 2008**. If we do not receive the requested items by that date, a Preliminary Determination *may* be issued denying the applications.

If you have any questions, please feel free to contact me by telephone at (503) 986-0880 or by e-mail at Lisa.J.Jaramillo@wrd.state.or.us.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read "Lisa J. Jaramillo". The signature is written over the word "Sincerely," and extends to the right.

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: Thomas DeArmond, 11463 Broadacres Road NE, Hubbard, OR 97032
Capital Development Corp., Attn: John R. Donaldson, 711 Sleater-Kinney Road SE, Lacey, WA 98503

DON KNAUER / Water Right Consultation and Water Right Surveys
PO Box 5416 Salem OR 97304 phone & fax: 503-585-8474 cell: 503-508-7862

July 11, 2008

Lisa Jaramillo, Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re: T-10534

Dear Ms. Jaramillo,

Though not originally requested in your letter of June 11, 2008 but due to your request by telephone this afternoon, I am sending copies of the "exemptions" form the Statutory Bargain and Sale Deed dated 12-31-2003. As I explained to you on the telephone, there is no deed for the last exemption Montebello 1&2. You will find those subdivisions shown on the Marion County Tax Assessor plat.

I am requesting a copy of the map, when finished, you use to plot the deeds. It will help me to insure I know exactly what you are requesting in the way of water right transfer agreements and owners and lien holders.

Sincerely,



Don Knauer

Enc

Copy without enc: Tom DeArmond
Jeff Berry

RECEIVED

JUL 14 2008

WATER RESOURCES DEPT.
SALEM, OREGON

T-10532

Reel
2260

Page
106

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

GRANTOR'S NAME
Pioneer Trust Bank, N.A.

GRANTEE'S NAME
Capital Development Company

SEND TAX STATEMENTS TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98509

AFTER RECORDING RETURN TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98509

RECEIVED

JUL 14 2008

WATER RESOURCES DEPT.
SALEM, OREGON

RECEIVED

FEB 12 2008

WATER RESOURCES DEPT
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN and SALE DEED

Fidelity National Title

PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, as TRUSTEE and PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, Grantor, conveys to

Capital Development Company, A Washington corporation, Grantee, the following described real property, situated in the County of Marion, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

VACATING ANY AND ALL RIGHTS TO EASEMENT AND MAINTENANCE AGREEMENT RECORDED 1/2/75 IN REEL 6, PAGE 1218;

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED September 9, 1991, in Book 882, Page 388, Marion County, Oregon.
(See ORS 93.030)

DATED: December 31, 2003

Pioneer Trust Bank, N.A.

By: Susan I. Cobb
Trust officer

STATE OF OREGON
COUNTY OF Marion

This instrument was acknowledged before me on

January 2, 2004
by Susan I. Cobb
as Trust Officer
of Pioneer Trust Bank, N.A.

NOTARY PUBLIC FOR OREGON
MY COMMISSION EXPIRES: March 27, 2005



EXHIBIT ONE

A parcel of land lying in the A. Dubois Donation Land Claim No. 98, and the M. Lore Donation Land Claim No. 61, in Sections 12, 13 and 14, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Southwest corner of the A. Dubois Donation Land Claim No. 98, in said Township and Range and running thence South 00°39'31" West 530.27 feet to a 1/4 inch iron pipe; thence North 89°32'20" West 2110.97 feet to a point on the Easterly right of way line of Interstate Highway 5; thence along said right of way line North 35°53'54" East 3649.14 feet to a point on the Westerly line of said Donation Land Claim No. 98; thence along said Donation Land Claim line South 00°31'65" West 69.04 feet; thence continuing along said Easterly right of way line North 35°57'00" East 246.21 feet; thence South 88°51'55" East 1349.22 feet; thence North 00°40'55" East 27.96 feet to a point on the Southerly line of West Hayes Street; thence along said Southerly line South 88°51'55" East 828.17 feet to a point on the Westerly line of Evergreen Road; thence along said Westerly line South 00°47'17" West 2111.00 feet to a 5/8 inch iron rod; thence North 89°28'13" West 2110.60 feet to a point on first said Westerly line of said Donation Land Claim No. 98; thence along said Westerly line South 00°31'55" West 470.58 feet to the point of beginning, all in Marion County, Oregon.

✓ EXCEPTING THEREFROM that portion described in Deed to Capital Develop., recorded January 18, 2001 in Reel 1744, Page 496.

✓ ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 21, 2001 in Reel 1879, Page 70.

✓ ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 26, 2001 in Reel 1880, Page 327.

✓ ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded April 25, 2002 in Reel 1934, Page 297.

✓ ALSO EXCEPTING THEREFROM that portion lying within the exterior boundary lines of MONTEBELLO 1 and MONTEBELLO 2.

KNOW ALL MEN BY THESE PRESENTS, That Pioneer Trust Bank, N.A., as Trustee
and Pioneer Trust Bank, N.A., hereinafter called grantor,
for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Capital Development Company,
hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the
tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County
of Marion, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT A & B

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$partial release
 (However, the actual consideration consists of or includes other property or value given or promised which is
 the whole consideration (indicate which). (The sentence between the symbols®, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 16 day of January, 19XX2000 if a corporate grantor, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 31.001.

Pioneer Trust Bank, N.A., Trustee and
Pioneer Trust Bank, N.A.

BY: [Signature] Vice President

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on _____, 19____.

by

This instrument was acknowledged before me on January 18, 2008.

by **Nes Bouché**



OFFICIAL SEAL
BONNIE BEAL
 NOTARY PUBLIC - OREGON
 COMMISSION NO. 332633
 MY COMMISSION EXPIRES JUNE 8, 2004

My commission expires _____

Pioneer Trust Bank, N.A.
PO Box 2305
Salem OR 97308
Grantor's Name and Address

Capital Development Company
PO Box 3487
Lacey WA 98503-1124
Company is Major and Active

After mailing return to (Name, Address, Zip):
Pioneer Trust Bank, N.A.
PO Box 2305
Salem, OR 97308

NO CHANGE

STATE OF OREGON,

County of _____
I certify that the within instrument was received for record on the _____ day of _____ 19____

at o'clock M., and recorded
in book/reel/volume No. on
page or as tee/tile/instru-
ment/microfilm/reception No.
Record of Deeds of said County.
Witness my hand and seal of
County affixed.

NAME _____ TITLE _____

By _____ Deputy _____

1744/ATS. SEE NEXT PAGE!
0496

RECEIVED

JUL 14 2008

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

A Parcel of land situate in the A. Dubois Donation Land Claim No. 98 in the Southeast ¼ and the Southwest ¼ of Section 12; Township 5 South; Range 2 West; Willamette Meridian, City of Woodburn, Marion County, Oregon more particularly described as follows:

Commencing at 5/8 inch iron at the southwest corner of the A. Dubois Donation Land Claim No. 98 in Section 13; Township 5 South; Range 2 West; Willamette Meridian; thence North 00°31'55" East 470.58 feet; thence South 89°28'00" East 2114.27 feet to an iron rod in the westerly right of way of Evergreen Road, before 1999 vacation; thence North 00°47'18" East along said right of way 1999.92 feet to a point in the westerly right of way of Evergreen Road the TRUE POINT OF BEGINNING; thence along the Evergreen right of way 654.50 feet along the arc of a curve to the right with a radius of 488.00 feet, a central angle of 76°50'41" and with a chord bearing of South 52°21'57" West and a chord length of 606.54 feet; thence along Evergreen right of way North 89°12'43" West 85.76 feet; thence along the Evergreen right of way 167.22 feet along the arc of a curve to the left with a radius of 1587.00 feet, a central angle of 06°02'14" and with a chord bearing of South 87°46'14" West and a chord length of 167.15 feet; thence along the Evergreen and Lawson right of way 33.54 feet along the arc of a curve to the right with a radius of 20.00 feet, a central angle of 96°05'02" and with a chord bearing of North 47°12'22" West and a chord length of 29.75 feet; thence North 00°50'09" East along the easterly right of way of Lawson Street 453.28 feet to the intersection of the south right of way of West Hayes Street; thence South 88°52'09" East along the south right of way of West Hayes Street 121.30 feet to an 5/8 inch iron rod; thence North 00°40'23" East along the south right of way of West Hayes Street 28.09 feet to a 5/8 inch iron rod; thence South 88°52'13" East along the south right of way of West Hayes Street 628.17 feet to a 5/8 inch iron rod; thence South 88°49'26" East along the south right of way of West Hayes Street 13.00 feet to a 5/8 inch iron rod in the westerly right of way of Evergreen Road; thence along the Evergreen Road right of way 111.96 feet along the arc of a curve to the right with a radius of 488.00 feet, a central angle of 13°08'43" and with a chord bearing of South 07°22'15" West and a chord length of 111.72 feet to the TRUE POINT OF BEGINNING.

Said Parcel contains 7.34 acres, more or less.

R14791 = 05-2W-13-00200
1708-0549,0550

TKS: R327952 = 05-2W-12C-01700
7.34 AC. NET

TKS: R327953 = 05-2W-12C-01800
17.89 AC. NET

LVS: R14791 = 05-2W-13-00200
100.19 AC. NET

JAN 18 2007

1744
0496

EXHIBIT B

A PARCEL OF LAND SITUATE IN THE A. DUBOIS DONATION LAND CLAIM NO. 98, AND THE M. LORE DONATION LAND NO. 61, IN SECTIONS 12 AND 13; TOWNSHIP 5 SOUTH; RANGE 2 WEST; WILLAMETTE MERIDIAN, MARION COUNTY, OREGON. SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8" IRON ROD MARKING THE SOUTHWEST CORNER OF THE A. DUBOIS DONATION LAND CLAIM NO. 98, IN SAID TOWNSHIP AND RANGE; THENCE NORTH 00°31'55" EAST 470.58 FEET; THENCE SOUTH 89°28'00" EAST 50.00 FEET; THENCE SOUTH 89°28'00" EAST 2064.28 FEET TO AN IRON ROD IN THE WESTERLY RIGHT OF WAY OF EVERGREEN ROAD, BEFORE 1999 VACATION; THENCE NORTH 00°41'18" EAST ALONG SAID RIGHT OF WAY 762.74 FEET TO AN IRON ROD THE TRUE POINT OF BEGINNING; THENCE NORTH 89°12'43" WEST 92.21 FEET TO A POINT; THENCE SOUTH 74°35'03" WEST 52.07 FEET TO A POINT; THENCE NORTH 89°10'27" WEST 521.43 FEET TO A POINT; THENCE SOUTH 79°24'20" WEST 61.20 FEET TO A POINT; THENCE NORTH 89°12'43" WEST 100.12 FEET TO A POINT; THENCE NORTH 00°47'17" EAST 594.33 FEET TO A POINT; THENCE SOUTH 89°12'43" EAST 6.55 FEET TO A POINT; THENCE NORTH 00°47'17" EAST 183.21 FEET TO A POINT; THENCE NORTH 00°50'09" EAST 83.51 FEET TO A POINT; THENCE 255.14 FEET ALONG A CLOCKWISE CURVE TO THE RIGHT WITH A RADIUS OF 1587.00 FEET, A DELTA ANGLE OF 9°12'41", A CHORD LENGTH OF 254.87 FEET WITH A BEARING OF NORTH 86°11'01" EAST TO A POINT; THENCE SOUTH 89°12'43" EAST 85.76 FEET TO A POINT; THENCE 654.50 FEET ALONG A COUNTER CLOCKWISE CURVE TO THE LEFT WITH A RADIUS OF 488.00 FEET, A DELTA ANGLE OF 76°50'41", A CHORD LENGTH OF 606.54 FEET WITH A BEARING OF NORTH 52°21'57" EAST TO A POINT IN THE WESTERLY RIGHT OF WAY OF EVERGREEN ROAD, BEFORE 1999 VACATION; THENCE SOUTH 00°41'18" WEST ALONG SAID WESTERLY RIGHT OF WAY 188.48 TO A POINT; THENCE ALONG THE RIGHT OF WAY AS VACATED IN 1999, 39.67 FEET ALONG THE ARC OF A COUNTER CLOCKWISE CURVE TO THE LEFT WITH A RADIUS OF 562.00 FEET, A DELTA ANGLE OF 4°02'38", A CHORD LENGTH OF 39.66 FEET WITH A BEARING OF NORTH 30°58'25" EAST TO A POINT IN THE WESTERLY RIGHT OF WAY OF EVERGREEN ROAD, AFTER 1999 VACATION; THENCE SOUTH 00°41'18" WEST ALONG SAID RIGHT OF WAY 1077.98 FEET TO A POINT; THENCE NORTH 89°12'43" WEST 20.00 FEET TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 779098 SQUARE FEET MORE OR LESS.

TOTAL P.02

JAN 18 2001

1744
0496

RECEIVED

JUL 14 2008

WATER RESOURCES DEPT.
SALEM, OREGON

NM

REEL
1879 PAGE
70

Pioneer Trust Bank, N.A.
 PO Box 2305
 Salem OR 97305
 Capital Development Company
 PO Box 3487
 Lacey WA 98503
 After recording, return to (Name, Address, Zip):
 Pioneer Trust Bank, N.A.
 PO Box 2305
 Salem OR 97308
 Until requested otherwise, send all tax statements to (Name, Address, Zip):
 NO CHANGE

SPACE RESERVED
FOR
RECORDER'S USESTATE OF OREGON,
County of _____ } ss.

I certify that the within instrument was
 received for record on _____
 at _____ o'clock _____ M., and recorded in
 book/reel/volume No. _____ on page _____
 and/or as fee/file/instrument/microfilm/reception
 No. _____, Records of said County.

Witness my hand and seal of County affixed.

NAME _____ TITLE _____
 By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Pioneer Trust Bank, N.A., as Trustee
 and Pioneer Trust Bank, N.A.
 hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto
Capital Development Company, a Washington Corporation
 hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, heredi-
 cuments and appurtenances thereto belonging or in any way appertaining, situated in Marion County,
 State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT A

SEE NEXT PAGE!

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is 5 partial release. However, the
 actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☒ the whole (indicate
 which) consideration. (The sentence between the symbols ☐ and ☒, if not applicable, should be deleted. See ORS 93.030)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be
 made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on December 19, 2001, if
 grantor 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.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN
 THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGU-
 LATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON
 ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPRO-
 PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES
 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
 PRACTICES AS DEFINED IN ORS 33.930

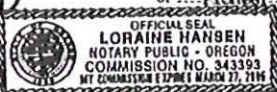
Pioneer Trust Bank, N.A., as Trustee
 and Pioneer Trust Bank, N.A.

[Signature]
 Vice President

STATE OF OREGON, County of Marion) ss.

This instrument was acknowledged before me on _____

by _____

This instrument was acknowledged before me on December 21, 2001by Wes Bouchoas Vice Presidentof Pioneer Trust Bank, N.A.

Lorraine Hansen
 Notary Public for Oregon
 My commission expires March 27, 2004

RECEIVED
 JUL 14 2008
 WATER RESOURCES DEPT.
 SALEM, OREGON

EXHIBIT "A"

A PARCEL OF LAND SITUATED IN THE A. DUBOIS DONATION LAND CLAIM NO. 98, AND THE M. LORE DONATION LAND CLAIM NO. 61, IN SECTION 12, TOWNSHIP 5 SOUTH, RANGE 2 WEST, WILLAMETTE MERIDIAN, MARION COUNTY, OREGON, SAID PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH ROD WITH YELLOW PLASTIC CAP INCRIBED "BARKER PLS 636" FOR THE SOUTHWEST CORNER OF SAID PARCEL 1 AS RECORDED IN PARTITION PLAT NO. 1992-17, MARION COUNTY DEED RECORDS, SALEM, OREGON, THENCE CONTINUING ALONG THE SOUTH LINE OF SAID PARCEL 1, SOUTH 88° 52' 10" EAST A DISTANCE OF 161.26 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 88° 52' 10" EAST A DISTANCE OF 996.15 FEET TO A POINT IN THE WESTERLY RIGHT-OF-WAY LINE OF HARVARD DRIVE; THENCE CONTINUING ALONG SAID WESTERLY RIGHT-OF-WAY LINE, SOUTH 00° 45' 25" WEST A DISTANCE OF 351.58 FEET; THENCE LEAVING SAID WESTERLY RIGHT-OF-WAY LINE, NORTH 88° 52' 10" WEST A DISTANCE OF 147.74 FEET; THENCE NORTH 20° 57' 04" WEST A DISTANCE OF 27.52 FEET; THENCE NORTH 88° 52' 10" WEST A DISTANCE OF 263.84 FEET; THENCE SOUTH 01° 07' 50" WEST A DISTANCE OF 70.98 FEET; THENCE SOUTH 22° 39' 46" EAST A DISTANCE OF 204.87 FEET TO A POINT OF A NON-TANGENTIAL CURVATURE, SAID POINT BEING IN THE NORTHERLY RIGHT-OF-WAY LINE OF THE FUTURE EXTENSION OF EVERGREEN ROAD; THENCE CONTINUING ALONG SAID NORTHERLY RIGHT-OF-WAY LINE, ALONG THE ARC OF A 1587.00 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 02° 09' 59" AN ARC DISTANCE OF 60.00 FEET (THE LONG CHORD OF WHICH BEARS SOUTH 67° 28' 34" WEST A DISTANCE OF 60.00 FEET) TO A POINT OF NON-TANGENCY; THENCE LEAVING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH 22° 39' 46" WEST A DISTANCE OF 217.36 FEET; THENCE NORTH 01° 07' 50" EAST, A DISTANCE OF 89.26 FEET; THENCE NORTH 88° 52' 10" WEST A DISTANCE OF 211.99 FEET; THENCE NORTH 54° 04' 43" WEST A DISTANCE 345.18 FEET; THENCE NORTH 08° 32' 30" WEST A DISTANCE OF 125.27 FEET TO THE TRUE POINT OF BEGINNING.

R14791 = 05.2W.13.00200
1708-0549

SAT. CONT. ↓

TKS: R330170 = 05.2W.12C.01900
7.11 AC. NET

Hrd/414410 12/17/01

LVS: R14791 = 05.2W.13.00200
92.30 AC. NET

DO 1879-0071 NEXT!

1879-
0070

Pioneer Trust Bank, N.A.
 PO Box 2305
 Salem OR 97308
 Grantor's Name and Address
 Capital Development Company
 PO Box 3487
 Jacey WA 98503-1124
 Grantor's Name and Address
 After recording, return to filer, Address, Zip
 Pioneer Trust Bank, N.A.
 PO Box 2305
 Salem OR 97308
 Both requested attention, state all tax statements to filer, Address, Zip
 NO CHANGE

REEL PAGE
 1880 327

STATE OF OREGON,
 County of _____ ss.

I certify that the within instrument was received for record on _____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.
 Witness my hand and seal of County affixed.

NAME TITLE
 By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Pioneer Trust Bank, N.A., as Trustee, and Pioneer Trust Bank, N.A., hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Capital Development Company, a Washington Corporation, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Marion County, State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT A

R14791 = 05 2W 13-00200
 695-0381 763-0543 882-0388
 1708-0549, 0550

TK5: R 330225 = 05 2W 12CD-02299
 6.3959 AC

Lvs: R 14791 = 05 2W 13-00200
 85.90 AC

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.
 The true and actual consideration paid for this transfer, stated in terms of dollars, is \$partial release. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.031)
 In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.
 IN WITNESS WHEREOF, the grantor has executed this instrument on December 19, 2001; if grantor 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.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.900.

Pioneer Trust Bank, N.A., Trustee
 and Pioneer Trust Bank, N.A.
 BY: *[Signature]*
 Vice President

STATE OF OREGON, County of Marion _____ ss.
 This instrument was acknowledged before me on _____
 by _____
 This instrument was acknowledged before me on December 19, 2001
 by New Douche
 as Vice President
 of Pioneer Trust Bank, N.A.



[Signature: Loraine Hansen]
 Notary Public for Oregon
 My commission expires March 27, 2005

DEC 26 2001

SEE

1880
-0327

A.T.S.

SEE NEXT

RECEIVED
 JUL 14 2008
 WATER RESOURCES DEPT.
 SALEM, OREGON

EXHIBIT A

LEGAL DESCRIPTION-BOUNDARY WITH EVERGREEN RIGHT-OF-WAY

RM2 PROPERTY

A parcel of land situate in the A. Dubois Donation Land Claim No. 61 S.W. ¼ of section 12, N.W. ¼ of section 13, Township 5 South, Range 2 West, Willamette Meridian, Marion County, City of Woodburn, Oregon, said parcel is more particularly described as follows:

Commencing at a 5/8" iron rod at the Northwest corner of Lot 52, Montebello 1 (Volume 44, Page 38 Marion County Book of Town Plats), in said Township and Range the True Point of Beginning; Thence South 89°12'43" East along the northerly line of Lot 52 a distance of 6.55 feet to a point in the west right-of-way of Harvard Drive; thence North 0°47'17" East along the westerly right-of-way of Harvard Drive and the westerly boundary of Montebello 1 a distance of 183.21 feet to a point; thence North 0°50'09" East along the westerly boundary of Montebello 1 a distance of 83.51 feet to a point in the northerly right-of-way of Evergreen Road; thence 344.70 feet along the northerly right-of-way of the Evergreen Road a counterclockwise curve to the left with a radius of 1587.00 feet a delta angle of 12°26'41" a chord length 344.02 feet and a chord bearing of South 75°21'20" West to a point; Thence South 0°47'17" West, a distance of 801.16 feet to a point; Thence South 89°28'13" East a distance of 325.00 feet; Thence North 0°47'17" East a distance of 624.52 feet to the point of Beginning.

Said parcel contains 278604 square feet (6.40 acres), more or less.

DEC 26 2001

1880
-0327

Pioneer Trust Bank, N.A. PO Box 2305 Salem OR 97308 Capital Development Company PO Box 3487 Lacey WA 98509 After recording, return to (Name, Address, Zip): Pioneer Trust Bank, N.A. PO Box 2305 Salem OR 97308 (Do not request otherwise, send all tax statements to (Name, Address, Zip): No Change	REEL 1934 PAGE 297 STATE OF OREGON, County of _____ ss. I certify that the within instrument was received for record on _____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County. Witness my hand and seal of County affixed. By _____, Deputy.
--	---

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Pioneer Trust Bank, N.A., as Trustee and Pioneer Trust Bank, N.A., hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Capital Development Company, a Washington Corporation, hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, situated in Marion County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

R 14791 = 05 2W 13 00200
 695-0831 783-0543 882-0388

TNS: R 330646 = 05 2W 13 00201
 14.8875 AC.

LVS: R 14791 = 05 2W 13 00200
 71.01 AC.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ PARTIAL RELEASE. However, the actual consideration consists of or includes other property or value given or promised which is ☐ part of the ☐ the whole (indicate which) consideration. (The sentence between the symbols ☐, if not applicable, should be deleted. See ORS 93.030)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on April 12, 2002; if grantor 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.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.50.

BY: *[Signature]*
 Pioneer Trust Bank, N.A., Trustee
 and Pioneer Trust Bank, N.A.
 Vice President

STATE OF OREGON, County of Marion ss.
 This instrument was acknowledged before me on _____
 by _____
 This instrument was acknowledged before me on April 12, 2002
 by Wes Douche
 as Vice President
 of Pioneer Trust Bank, N.A.



Lorraine Hansen
 Notary Public for Oregon
 My commission expires March 27, 2005

A.T.S.

RECEIVED

JUL 14 2008

WATER RESOURCES DEPT.
 SALEM, OREGON

EXHIBIT "ONE"

A tract of land situate in the A. Dubois Donation Land Claim No. 98, and the M. Lore Donation Land Claim No. 61, in Section 13, Township 5 South, Range 2 West, Willamette Meridian, Marion County, Oregon, City of Woodburn, Oregon, said tract is more particularly described as follows:

Commencing at a 5/8" iron rod marking the Southwest corner of the A. Dubois Donation Land Claim No. 98, in said Township and Range; thence North 00° 31' 55" East a distance of 470.58 feet; thence South 89° 28' 00" East, a distance of 2134.28 feet to a point in the West right of way of Evergreen Road after the 1999 Vacation (reel 1848, page 740); thence North 0° 41' 18" East, a distance of 767.65 feet along the West right of way of said Evergreen road to a 5/8" iron rod, the Southeast corner of Montebello 1 (Volume 44, Page 38, Marion County Book of Town Plats) the initial point; thence South 00° 41' 18" West, a distance of 767.65 feet along said vacated West right of way of Evergreen Road to a point; thence North 89° 28' 00" West, a distance of 845.11 feet to a point; thence North 00° 47' 17" East, a distance of 454.69 feet to a point; thence North 89° 28' 13" West, a distance of 39.88 feet to a point; thence North 00° 47' 17" East, a distance of 260.26 feet to a point; thence South 89° 28' 13" East, a distance of 39.88 feet to a point; thence North 00° 47' 17" East, a distance of 30.19 feet to a 5/8" rod at the Southwest corner of the boundary for Montebello 1 (Volume 44, Page 38 of the Marion County Book of Town Plats); thence along the South line of said Montebello 1, South 89° 12' 43" East, a distance of 100.12 feet to a 5/8" iron rod; thence North 79° 24' 20" East, a distance of 61.20 feet to a 5/8" iron rod; thence South 89° 10' 27" East, a distance of 521.43 feet to a 5/8" iron rod; thence North 74° 35' 03" East, a distance of 52.07 feet to a 5/8" iron rod; thence South 89° 12' 43" East, a distance of 112.21 feet to a 5/8" iron rod at the Southeast corner of said Montebello 1 the initial point.

52W1386
SEG

APR 25 2002

1934
0297

July 3, 2008

Lisa Jaramillo, Transfer Specialist
Oregon Water Resources Department
725 Summer Street NE Suite A
Salem Oregon 97301-1271

Re: T-10534

Dear Mrs. Jaramillo,

In response to your letter of June 11, 2008 requesting information about the location of the well listed in GR-53 involved in the transfer, I offer the following.

The groundwater registration form and map was prepared by the land owner John N. Hooper and filed with WRD December 2, 1959. He listed the well depth at 140' and the location of the well and place of use by $\frac{1}{4}$ $\frac{1}{4}$ section. Section 12 was not surveyed by the GLO. The section was protracted on a map and corners were not established in the field. All of the place of use and well is located within the DuBois DLC 98 which was originally surveyed by the Government Land Office and monuments placed at the corners.

Application G-5331 by John Hooper (Pioneer Trust Co.) was final proof surveyed by R.G. Mucken 8/3/1976 who was a surveyor for WRD. Mr. Mucken lists the well depth at "appro 150' deep". He ties the well location to the SW corner of DLC 98 which was surveyed and monumented by the GLO.

I believe the survey data supplied by the WRD surveyor is likely more reliable than that of the farmer. Based on the above information, I believe the transfer application map best describes the location of the well covered by GR-53.

Sincerely,


Don Knauer

C: Tom DeArmond

RECEIVED
JUL 07 2008
WATER RESOURCES DEPT.
SALEM, OREGON

Lisa Jaramillo

From: Don Knauer [donknauer@comcast.net]
Sent: Wednesday, July 02, 2008 2:50 PM
To: Dorothy Pedersen; Lisa Jaramillo
Cc: Tom DeArmond
Subject: Tom DeArmond transfers T-10532 and up

Dorothy & Lisa,

I am working on the items you requested in your letters of June 11, 2008. We are in the process of getting the title insurance co. report of ownership. This is to let you know that we may not have the report by the July 14, 2008 date you set. We ask that if we do not make that date you allow a week or so more to comply.
Thanks for your consideration.

Don Knauer

11/4/2008



Oregon

Theodore R. Kulongoski, Governor

June 11, 2008

Water Resources Department

North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

Thomas H. DeArmond
11463 Broadacres Road NE
Hubbard, OR 97032

SUBJECT: Ground Water Registration Modification Application T-10534

Enclosed, please find a draft of our Preliminary Determination regarding Ground Water Registration Modification Application T-10534. The document reflects the Department's conclusion that, based on the information currently available, recognition of the ground water registration modification will be approved. This draft is intended to provide you with an opportunity to comment on our findings and conclusions should you wish to do so. Please review the draft carefully to evaluate whether the document is consistent with your intent in seeking the ground water registration modification, and whether you agree with the proposed action.

Additionally, upon review of Application T-10534, the Department discovered a discrepancy between Ground Water Registration Application GR-53 (Certificate GR-45) and the application and associated map for modification of the registration (T-10534). The discrepancy pertains to the location of the existing point of appropriation claimed under the registration. Please review the inconsistency, described as follows, and provide additional information to the Department as may be appropriate:

1. **Application Map for Ground Water Registration Modification Application T-10534**

The location of the original point of appropriation, as described in Application GR-53 (Certificate GR-45), is situated 600 feet north and 900 feet west from the SE corner of the SW $\frac{1}{4}$ of Section 12, being within the SE $\frac{1}{4}$ SW $\frac{1}{4}$, Section 12, T. 5 south, R. 2 west, W.M.

Ground Water Registration Modification Application T-10534 and the associated application map describe the location of the original point of appropriation under Application GR-53 (Certificate GR-45) as being 1540 feet north and 1070 feet east of the SW corner of DLC 98, within the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 12, T. 5 south, R. 2 west, W.M.

Taking the different reference points into consideration, the survey coordinates provided with the registration modification application (T-10534) result in a point that is approximately 500 feet southeast of the point described in the ground water registration claim Application GR-53 (Certificate GR-45).

Please explain why these points differ. If the location described in Application GR-53 (Certificate GR-45) is correct, then application T-10534 and the associated application map need to be amended accordingly. However, if you believe the location described in Ground Water Registration Modification Application T-10534 and the associated application map is actually the location at which the original point of appropriation has always been located, then a statement explaining how that determination was made must be supplied to the Department.

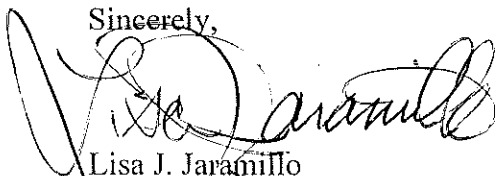
At this time, you must submit a report of ownership and lien information for the lands to which the water right(s) are appurtenant (the FROM lands) that has been prepared within the last three months by a title company, as required by OAR 690-382-0700(5). You will need to submit a notarized statement of consent from any landowner listed in the report who is not already included in the transfer application. If there are additional lienholders identified in the report that have not previously been notified of the transfer, you must send notice of the transfer to them, and submit copies of each such notice to the Department to document that each lienholder has been informed of the transfer. *(Please note that the Department's review of quit claims and/or water right purchase agreements submitted with the modification application indicate that additional consent may be necessary.)*

Furthermore, because the new points of appropriation are more than ¼ mile from the original point of appropriation and because of the change in character of use, the applicant is responsible for publishing notice of the ground water registration modification in a local newspaper having a general circulation in the area of the water right. *The notice must be published at least once a week for three consecutive weeks.* We will provide a copy of the required notice to you upon issuance of the Preliminary Determination.

Issuance of the Preliminary Determination will occur shortly after we receive both your response and the report of ownership and lien information. If we do not receive your response and the report by **Friday, July 11, 2008**, a Preliminary Determination may be issued denying the application. You may provide your response in writing or via e-mail.

Please do not hesitate to contact me at 503-986-0880 or Lisa.J.Jaramillo@wrd.state.or.us if I may be of assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Lisa J. Jaramillo', is written over a faint, larger version of the same signature.

Lisa J. Jaramillo
Transfer Specialist
Field Services Division

cc: GR Modification T-10534
Mike McCord, Watermaster District #16
Don Knauer, PO Box 5416, Salem, OR 97304

enc

**BEFORE THE WATER RESOURCES DEPARTMENT
OF THE
STATE OF OREGON**

In the Matter of Ground Water
Registration Modification Application
T-10534, Marion County

)
)
)
)
)
)
)

D R A F T
PRELIMINARY DETERMINATION
PROPOSING TO APPROVE
RECOGNITION OF A MODIFICATION
IN POINT OF APPROPRIATION, PLACE
OF USE AND CHARACTER OF USE

Authority

ORS 537.610, 537.705 and 540.505 to 540.580 establish the process in which the holder of a certificate of registration may submit a request for recognition of modifications to the place of use, character of use or point of appropriation under a ground water certificate of registration.

OAR Chapter 690, Divisions 382 and 380 implement the statutes and provide the Department's procedures and criteria for evaluating ground water registration modification applications.

Applicant

THOMAS H. DEARMOND
11463 BROADACRES ROAD NE
HUBBARD, OR 97032

Agent

DON KNAUER
PO BOX 5416
SALEM, OR 97304

Findings of Fact

Background

1. On February 12, 2008, Thomas H. DeArmond filed a ground water registration modification application to modify the point of appropriation, place of use and character of use under Registration Application GR-53 (Certificate of Registration GR-45). The Department assigned the application number T-10534.
2. On February 27, 2008, Registration Application GR-53 (Certificate of Registration GR-45) was assigned from John N. Hooper to Capital Development Company.
3. The portion of the ground water registration to be modified is as follows:
Registration: Application GR-53 (Certificate of Registration GR-45), in the name of John N. Hooper (*assigned to Capital Development Company*)
Use: IRRIGATION of 39.2 ACRES
Tentative Priority Date: MAY 1950
Quantity: 196.0 GALLONS PER MINUTE (GPM)
Source: A WELL, in the Willamette Basin

Original Point of Appropriation:

Twp	Rng	Mer	Sec	¼ ¼	Survey Coordinates
5 S	2 W	WM	12	SE SW	Pump Well – 600 feet North and 900 feet West of the SE corner of the SW ¼ of Section 12

Original Place of Use:

IRRIGATION					
Twp	Rng	Mer	Sec	¼ ¼	Acres
5 S	2 W	WM	12	SE SW	23.1
5 S	2 W	WM	13	NE NW	16.1
TOTAL:					39.2

4. Application T-10534 proposes to modify the point of appropriation under the ground water registration. The proposed new points of appropriation, located approximately 3.5 miles northeast from the original well, are located as follows:

Twp	Rng	Mer	Sec	¼ ¼	DLC	Survey Coordinates
4 S	1 W	WM	30	SE SE	59	Well 2 – 1000 feet North and 50 feet West from the SE corner of Section 30
4 S	1 W	WM	31	NE NE	59	Well 1 – 607 feet North and 812 feet West from the SE corner of DLC 59
4 S	1 W	WM	31	NE NE	59	Well 3 – 220 feet North and 400 feet West from the SE corner of DLC 59

5. Application T-10534 proposes to modify the character of use under the ground water registration to NURSERY USE.
6. Application T-10534 proposes to modify the place of use under the ground water registration to:

NURSERY USE						
Twp	Rng	Mer	Sec	¼ ¼	DLC	Acres
4 S	1 W	WM	29	NW SW	---	11.2
4 S	1 W	WM	29	NW SW	59	0.3
4 S	1 W	WM	29	SW SW	---	13.1
4 S	1 W	WM	29	SW SW	59	0.7
4 S	1 W	WM	30	NE SE	---	1.4
4 S	1 W	WM	30	NE SE	59	4.0
4 S	1 W	WM	30	SE SE	59	8.5
TOTAL:						39.2

7. The proposed place of use, described in Finding of Fact #6, is already covered by water right Certificate 83086 and water use Permit G-16181 for irrigation purposes. Water under the incoming ground water registration on these lands will be used for nursery uses.

8. Transfer Application T-10535, being processed concurrently with modification application T-10534, proposes to change the character of use under Certificate 83086 to nursery use.
9. The lands from which Ground Water Registration GR-53 (Certificate GR-45) is proposed to be moved are also covered by Water Right Certificate 44644, which allows supplemental irrigation. While Certificate 44644 is not being moved to the same proposed place of use as Ground Water Registration GR-53 (Certificate GR-45), it is proposed to be moved concurrently to a like primary right under Transfer Application T-10533; which is being processed concurrently with modification application T-10534.
10. Notice of the application for ground water registration modification was published on February 19, 2008, pursuant to OAR 690-382-0600. No comments were filed in response to the notice.

Review Criteria for Ground Water Registration Modification Applications [OAR 690-382-0700(2)]

11. Because of the change in character of use from irrigation to nursery use, the proposed modification could result in enlargement if not limited to the maximum rate of water claimed and to a specified annual volume of water and period of use. However, as conditioned below (*see Condition #6*), the proposed changes would not result in enlargement of the right.
12. The proposed modifications would not result in a state Scenic Waterway not receiving previously available water during periods in which streamflows are less than the quantities determined by the Department to be necessary to meet the requirements of ORS 390.835.
13. The proposed modifications would not result in injury to other water rights.

Determination and Proposed Action

The modifications in point of appropriation, place of use and character of use proposed in Application T-10534 appear to be consistent with the requirements of ORS 537.610, 537.705, 540.505 to 540.580 and OAR 690-382-1000, and will be recognized provided that protests are not filed pursuant to OAR 690-382-0900 and that concurrent changes to layered rights proposed under Transfer Applications T-10535 and T-10533 are approved.

If Ground Water Registration Modification Application T-10534 is recognized, the final order will include the following:

1. *The modifications to Registration Application GR-53 (Certificate of Registration GR-45) proposed in Application T-10534 are recognized. Recognition of the modifications shall not be construed as a final determination of the right to appropriate ground water under the certificate of registration or modification. Such a determination will occur in an adjudication proceeding under ORS 537.670 to 537.695.*
2. *The use of the water is restricted to beneficial use at the place of use described, and is subject to all other conditions and limitations contained in Registration Application GR-53 (Certificate of Registration GR-45) and any related decree.*

3. *Water shall be acquired from the same aquifer (water source) as the original point of appropriation.*
4. *For the portion of the ground water registration modified herein, water shall no longer be appropriated from the original point of appropriation as part of this ground water certificate of registration.*
5. *The quantity of water diverted at the new points of appropriation shall not exceed the quantity of water lawfully available at the original point of appropriation for the portion of the ground water registration modified herein.*
6. *The use of water for Nursery Use under the portion of Registration Application GR-53 (Certificate of Registration GR-45) modified herein, shall be limited to a rate of 196.0 gallons per minute and shall not exceed a total volume of 98.0 acre feet during the time period March 1 through October 31 of each year.*
7. *For the portion of the ground water registration modified herein, water shall no longer be appropriated for the former character of use as part of this ground water certificate of registration.*
8. *The former place of use for the portion of the ground water registration modified herein shall no longer receive water as part of the ground water certificate of registration.*
9. *Prior to diverting water at the new point of appropriation, the water user shall install and maintain an in-line flow meter or other suitable device for measuring and recording the quantity of water appropriated. The type and plans of the measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.*

Dated at Salem, Oregon this _____ day of _____ 2008.

DRAFT

Phillip C. Ward, Director

This draft Preliminary Determination was prepared by Lisa J. Jaramillo. If you have any questions about the information in this draft preliminary determination, you may reach me at (503) 986-0880 or Lisa.J.Jaramillo@wrd.state.or.us.



Oregon

Theodore R. Kulongoski, Governor

GW

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

INTEROFFICE MEMO

FORWARD TO:

Lisa Saramillo
FIELD PROCESSOR WORKING ON THIS TRANSFER

DATE: 2/19/08
due 3/19/08

FROM:

X WATERMASTER, DISTRICT # _____
GROUNDWATER SECTION

(SIGNATURE)

[Signature]
signed by injury reviewer

date signed 4/28/2008

SUBJECT: WATER RIGHT TRANSFER # T-10534 GR-53

A change in: POU POD POA USE of water.

In the name(s) of Thomas DeArmond

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY
right. see attached memo

WOULD RESULT IN INJURY* to an existing water

*The approval of this transfer application would result in injury to other water rights because

The existing right may not be valid because

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) See attached map.

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

- ✓ (1) PRIOR to the diverting of water at the new point of diversion . . .
See proposed water-use reporting condition in attached memo.
- _____ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.

wmtrans.frm

Interoffice Memorandum

April 28, 2008

To: Water Rights
From: Karl Wozniak
Subject: Ground Water Review of Transfers T-10532, 10533, 10534, and 10535, Tom DeArmond

Findings

The proposed points of appropriation (POAs) produce from the same aquifer as the authorized POAs.

The transfer is unlikely to result in injury to existing rights.

Recommended Conditions

Large water use reporting condition, with a totalizing meter on each well, for all POAs that are authorized by any orders approving these transfers.

Discussion

The proposed transfers have the net effect of moving about 2.44 cfs of alluvial ground water production from 3 wells just west of the City of Woodburn to 7 existing wells that are about 1.5 miles west of Hubbard, about 3.5 miles north-northeast of the authorized POAs (see attached map). All of the proposed POAs are listed on a number of other water rights. The general hydrogeology is similar throughout the area encompassed by both sets of wells. The area is underlain by over 1000 feet of alluvial and lacustrine sediments, the upper 100 feet of which is largely composed of silt and clay of the Willamette Silt. Older sediments beneath the Willamette Silt, historically referred to as the Troutdale aquifer, are predominantly clay and silt but sand and gravel beds of various thickness can be found to depths of at least 300 feet. The lateral continuity of the sand and gravel beds is poorly understood. Except for MARI 60942, all of the authorized and all of the proposed POAs produce from sand and gravel beds that occur between elevations of about -10 to 40 feet (see attached cross section). MARI 60942 is open to deeper water-bearing sands and gravels that occur at elevations between about -60 and -120 feet below sea level (depths of about 243-302 feet). This is probably the same set of sand and gravel beds that is open in MARI 55251, a production well for the City of Hubbard.

General experience indicates that the heads are not substantially different throughout the column of sediments (see attached plot). This suggests that the natural vertical connection between the various water-bearing sands is relatively efficient and that the alluvial system can be effectively treated as a single aquifer system. Well MARI 60942 may be an exception to this generality as

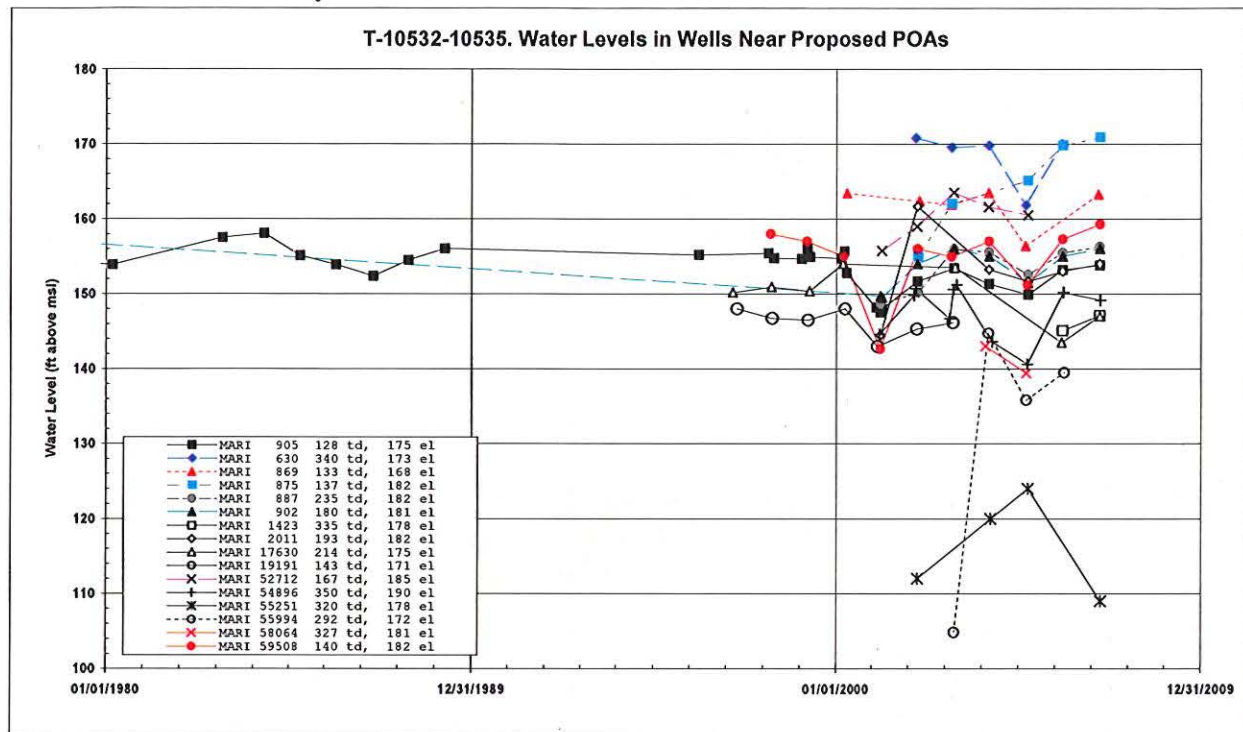
the static water level reported on the well log (72.2 feet) indicates a head of about 111 feet, which is about 45 feet lower than the heads in the other proposed POAs. However, a large fraction of this difference can probably be attributed to seasonal variation as the water level on well log MARI 60942 was measured on June 27, 2007 whereas water levels for the other wells on the attached plot were generally measured in March. Water-level reporting for MARI 60942 would clarify these head relationships but a reporting condition is not recommended for these transfers as annual water-level reporting is already required for MARI 60942 as a condition on permit G-16181.

Ground-water levels in the area around the proposed POAs appear to be stable (see attached plots). Seasonal fluctuations appear to be about 40 feet whereas the saturated thickness of the aquifer is many hundreds of feet. These facts suggest that the transfer is unlikely to result in injury to existing rights.

Water right files and other Departmental records indicate that the authorized and proposed POAs correspond to the well logs in the following table. In a number of cases, the applicant reports a different well log than the one indicated by Departmental records. In all of these cases the discrepancy is unimportant as the corresponding depth and well construction is similar for each pair of logs.

Water Right	Owner's Well Number	Well Logs per OWRD Records	Well Logs per Transfer Application
<u>Existing POAs</u>			
Certificate 39802		MARI 2435/2436	MARI 2461
Certificate 44644		MARI 2447	MARI 2435
GR-53		MARI 2433	None
Certificate 83086	OWRE 1	MARI 59508	None
Certificate 83086	OWRE 2	MARI 875	MARI 59508
<u>Proposed POAs</u>			
	Well 1	MARI 887	MARI 887
	Well 2	MARI 902/55762	MARI 902
	Well 8	MARI 2011	MARI 2011
	OWRE 1	MARI 59508	MARI 875
	OWRE 2	MARI 875	MARI 59508
	OWRE 3	MARI 60942	MARI 60942

Water Levels in Nearby Wells



Well Location

Oregon Water Resources Department Well Log ID

Oregon Water Resources Department State Observation Well Number

Well depth, in feet below land surface

Land surface elevation, in feet above mean sea level

Primary use of well

4.00S1.00W32ADB

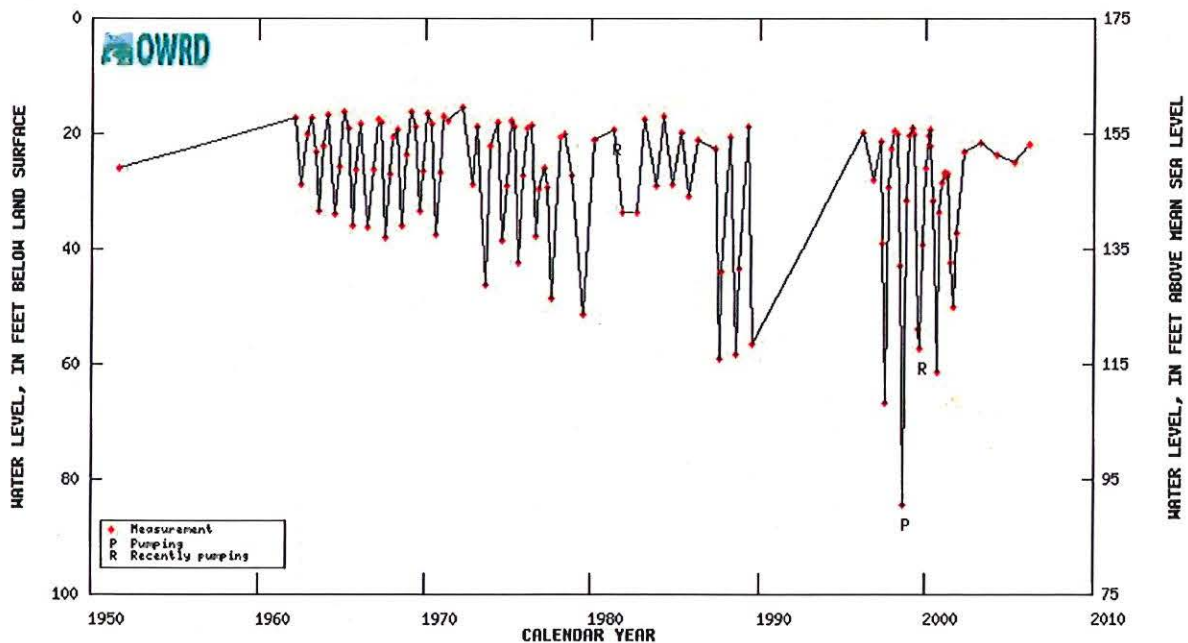
MARI 905

606

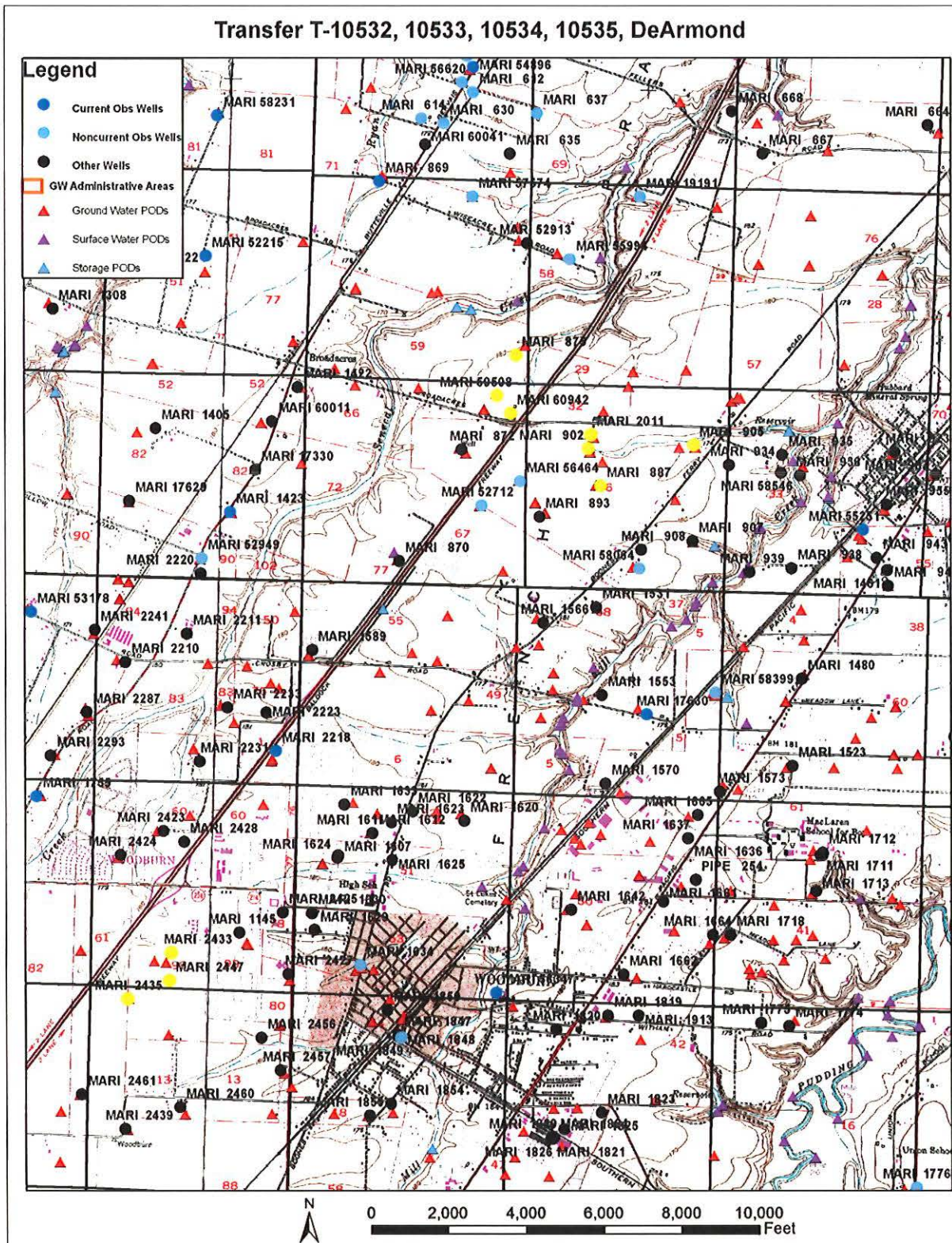
128

175

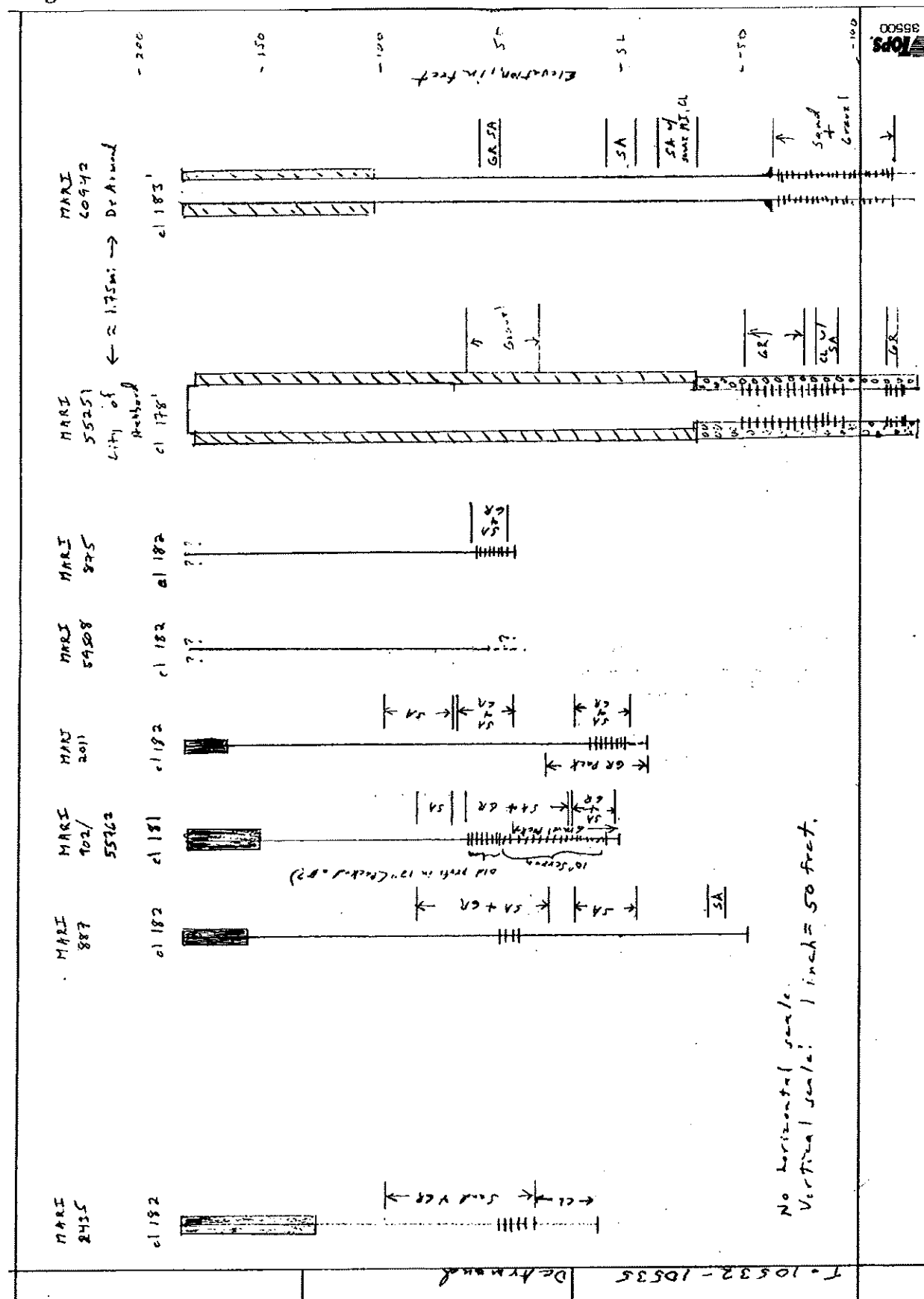
IRRIGATION



Location Map



Diagrammatic Cross Section



Lisa



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Watermaster Review Form: Water Right Transfer

Transfer Application: T-10534

Review Due Date: 3/19/08

Applicant Name: _____

Proposed Changes: ☒ POU ☐ POD ☒ POA ☐ USE ☐ OTHER

Reviewer(s): Mlm

Date of Review: Mar. 19, 2008

1. Do you have information suggesting that the water rights may be subject to forfeiture?
☐ Yes ☒ No If "Yes", describe the information and indicate if you intend to file a cancellation affidavit or if you need additional time to determine if a cancellation affidavit should be filed: _____
2. Is there a history of regulation on the source that serves the right proposed for transfer that has involved the right and downstream water rights? ☐ Yes ☒ No Generally characterize the frequency of any regulation or explain why regulation has not occurred: _____
3. Check here if it appears that downstream water rights benefit from return flows resulting from the current use of the right? ☐ If you check the box, generally characterize the locations where the return flows likely occur and list the water rights that benefit most: _____
4. Are there upstream water rights that would be affected by the proposed change?
☐ Yes ☒ No If "Yes", describe how the rights would be affected and list the rights most affected: _____
5. For POD changes and instream transfers, check here if there are channel losses between the old and new PODs or within the proposed instream reach? ☐ If you check the box, describe and, if possible, estimate the losses: _____
6. Would distribution of water for the right after the proposed change result in regulation of other water rights that would not have occurred if use of the existing right was maximized?
☐ Yes ☒ No If "Yes", explain: _____
7. For POU changes, would the original place of use continue to receive water from the same source? ☐ Yes ☒ No ☐ N/A If "Yes", explain: _____
8. For POU or USE changes, would use of the existing right at "full face value," result in the diversion of more water than can be used beneficially and without waste? ☐ Yes ☒ No If "Yes", explain: _____
9. Are there other issues not identified through the above questions? ☐ Yes ☐ No If "Yes", explain: _____
10. What alternatives may be available for addressing any issues identified above: _____

11. Have headgate notices been issued for the source that serves the right? ☐ Yes ☒ No
12. What water control and measurement conditions should be included in the transfer:

Measurement Devices	☐ Present and should be maintained.	☒ Should be required prior to diverting water.	☐ May be required in the future.
Headgates	☐ Present and should be maintained.	☐ Should be required prior to diverting water.	☐ May be required in the future.



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

Request for Assignment

By Proof of Ownership
(If Permit/Transfer Holder is not available)

If for multiple rights, a separate form and fee for each right will be required.

I, Capital Development Company
(Name of Party Requesting Assignment)

PO Box 3487 Lacey WA 98509 360-491-6850
(Mailing Address) (City) (State) (Zip) (Phone #)

- ☒ ...hereby request assignment of application/permit/transfer;
- ☐ ...hereby request assignment of a portion of application/permit/transfer;
(You must include a map showing the portion of the application/permit/transfer to be assigned.)

I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly. The Department cannot accept a copy of a tax statement.

Application # _____; Permit # _____; Transfer# _____

-OR-

GR Statement # 53; GR Certificate of Registration # 45

RECEIVED

FEB 26 2008

John N. Hooper
(Name of Permit/Transfer Holder of Record)

WATER RESOURCES DEPT
SALEM, OREGON

Woodburn Oregon
(Mailing Address) (City) (State) (Zip) (Phone #)

Note: You are required to furnish proof acceptable to the Department that notice of the assignment has been given or attempted for each identified property owner not a party to the assignment. ORS 537.220(2) Failure to submit this proof will result in the return of your request. (Proof may include but not be limited to: a copy of returned certified mailing, copy of a Death Certificate, or a court order.)

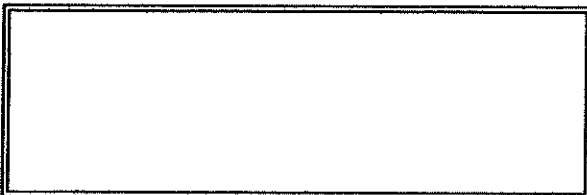
- 1) I certify that I am the current owner of the property described in this application, Permit or Certificate of Registration.
- 2) I have the legal right to request assignment under OAR 690-310-0280 and 690-320-0060.
- 3) I have not been able to contact the owner(s) of record for the above referenced application or water right.
- 4) I further certify that the information provided herein is true and correct to the best of my knowledge.

Witness my hand this 22 day of Feb, 2008.

Party Requesting Assignment Amelisea SWUP

Party Requesting Assignment Capital Development Co

DO NOT WRITE IN THIS BOX



The completed "Request for Assignment form must be submitted to the Department along with a recording fee of \$50.

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

COPY

RECEIPT # **91561**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: CAPITAL DEVELOPMENT	APPLICATION GR-53
BY: COMPANY	PERMIT _____
	TRANSFER _____

CASH: ☐ CHECK: # **142690** OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ **50.00**

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES PLA 46111	\$
OTHER: (IDENTIFY) _____	\$

0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS		RECEIVED OVER THE COUNTER	
0407 COPY & TAPE FEES	\$		\$
0410 RESEARCH FEES	\$		\$
0408 MISC REVENUE: (IDENTIFY) Assignment	\$		\$ 50.00
TC162 DEPOSIT LIAB. (IDENTIFY) _____	\$		\$
0240 EXTENSION OF TIME	\$		\$
WATER RIGHTS:		EXAM FEE	RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$		
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
OTHER (IDENTIFY) _____			

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE	\$	CARD #	
0210 MONITORING WELLS	\$	CARD #	
OTHER (IDENTIFY) _____			

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)		\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HYDRO APPLICATION		\$

TREASURY OTHER / RDX

FUND _____ TITLE _____

OBJ. CODE _____ VENDOR # _____

DESCRIPTION _____ \$ _____

RECEIPT: **91561**

DATED: **2/26/08** BY: **[Signature]**

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

Reel
2260

Page
106

GRANTOR'S NAME
Pioneer Trust Bank, N.A.

GRANTEE'S NAME
Capital Development Company

SEND TAX STATEMENTS TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98609

AFTER RECORDING RETURN TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98609

RECEIVED

FEB 26 2008

WATER RESOURCES DEPT
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN and SALE DEED

Fidelity National Title

PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, as TRUSTEE and PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, Grantor, conveys to

Capital Development Company, A Washington corporation, Grantee, the following described real property, situated in the County of Marion, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

VACATING ANY AND ALL RIGHTS TO EASEMENT AND MAINTENANCE AGREEMENT RECORDED 1/2/75 IN REEL 6, PAGE 1218;

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED September 9, 1991, in Book 882, Page 388, Marion County, Oregon.
(See ORS 93.030)

DATED: December 31, 2003

Pioneer Trust Bank, N.A.

By:

Susan I. Cobb
Trust officer

STATE OF OREGON
COUNTY OF Marion

This instrument was acknowledged before me on

January 2, 2004

by Susan I. Cobb

as Trust Officer

of Pioneer Trust Bank, N.A.

Lorraine Hansen
NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: March 27, 2005



EXHIBIT ONE

A parcel of land lying in the A. Dubois Donation land Claim No. 98, and the M. Lore Donation Land Claim No. 61, in Sections 12, 13 and 14, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Southwest corner of the A. Dubois Donation Land Claim No. 98, in said Township and Range and running thence South 00°39'31" West 530.27 feet to a 1/4 inch iron pipe; thence North 89°32'20" West 2110.97 feet to a point on the Easterly right of way line of Interstate Highway 5; thence along said right of way line North 35°53'54" East 3649.14 feet to a point on the Westerly line of said Donation Land Claim No. 98; thence along said Donation Land Claim line South 00°31'65" West 69.04 feet; thence continuing along said Easterly right of way line North 35°57'00" East 246.21 feet; thence South 88°51'55" East 1349.22 feet; thence North 00°40'55" East 27.96 feet to a point on the Southerly line of West Hayes Street; thence along said Southerly line South 88°51'55" East 828.17 feet to a point on the Westerly line of Evergreen Road; thence along said Westerly line South 00°47'17" West 2111.00 feet to a 5/8 inch iron rod; thence North 89°28'13" West 2110.60 feet to a point on first said Westerly line of said Donation Land Claim No. 98; thence along said Westerly line South 00°31'55" West 470.58 feet to the point of beginning, all in Marion County, Oregon.

EXCEPTING THEREFROM that portion described in Deed to Capital Develop., recorded January 18, 2001 in Reel 1744, Page 496.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 21, 2001 in Reel 1879, Page 70.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 26, 2001 in Reel 1880, Page 327.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded April 25, 2002 in Reel 1934, Page 297.

ALSO EXCEPTING THEREFROM that portion lying within the exterior boundary lines of MONTEBELLO 1 and MONTEBELLO 2.

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

February 19, 2008

THOMAS DeARMOND
11463 BROADACRES RD NE
HUBBARD, OR 97032

Reference: Ground Water Registration Modification 10534

On February 12, 2008 we received your application for recognition of a Ground Water Registration modification. The application was accompanied by \$500.00. Our receipt 91431 is enclosed.

By copy of this letter, we are asking the Watermaster for a report regarding the potential for injury to existing water rights which may be caused by the change.

We will notify you if additional information or corrections to the application or map are required.

If you have any questions, please call the Transfer Section, (503)986-0900.

cc: Watermaster # 16
Don Knauer, Agent, CWRE # 75
Groundwater
Files

enclosure



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

725 Summer Street NE, Suite A

Salem, OR 97301-1271

503-986-0900

FAX 503-986-0904

Notice of Application for Water Right Transfer, Temporary Transfer, or Permit Amendment 2/19/2008

The Department seeks comment on the recently-filed application listed below. Any person may comment on the application. Comments must be received by the Department within 30 days of the date of this notice. The Director may presume that the transfer would be allowed by, and compatible with comprehensive plans unless an affected local government informs the Director otherwise within 30 days of this notice.

County: MARION
Transfer: 10534
Water Right: CLAIM GR 53
Priority Date: 1950
Name: THOMAS H DEARMOND
Address: 11463 BROADACRES ROAD NE
Change: POA, POU
Source: WELL
Authorized POA: T5S,R2W, 12
Proposed POA: T4S,R1W, 31,30
Authorized POU: T5S,R2W, 12,13
Proposed POU: T4S,R1W, 29,30

The holder of a water right may apply to permanently change an existing water use subject to transfer. A transfer application may involve any of the following changes: Point of diversion or appropriation (POD; POA); Additional point of diversion or appropriation (APOD; APOA); Historic POD (HIST); Place of use (POU); Character of use (USE); Instream (ISWR); Substitution (SUB); or Exchange (EXCH).

The holder of a water right subject to transfer may request to temporarily change the place of use of the water for up to 5 years and, if necessary to convey the water, to temporarily change the point of diversion or appropriation.

The holder of a water right permit may apply to change a point of diversion (POD) or appropriation (POA) or to change the place of use (POU).

Any person who provides comments within the comment period will receive a copy of the Department's preliminary determination of whether the application should be approved or rejected after the Department has completed a review of the application and will be provided an opportunity to protest the application and preliminary determination at that time. Comments should be sent to the Transfers Section at the Department's Salem office.

ORIGINALS

Transfer Application and Map

Amendments/Revisions to Appl & Map

Receipt

Deed or Lot Book Report

Notarized Consent

Evidence of Use Affidavit

Land Use Information Form

Lien Holder Notification *(if applicable)*

Report of Ownership and Lien Info *(if applicable)*

&

Other Supporting Documentation

T - 10534
10534



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

Application for Permit Amendment or Ground Water Registration Modification

Please type or print legibly in dark ink. If your application is incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "N/A" to indicate Not Applicable. As you complete this form, please refer to notes and guidance included on the application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. TYPE OF APPLICATION

Please check **one** of the following:

☐ Permit Amendment

☒ Ground Water Registration Modification

2. APPLICANT INFORMATION

Name: Thomas H. DeArmond

First

Last

Address: 11463 Broadacres Road NE

Hubbard Oregon 97032

City

State

Zip

Phone: 503-981-0319

Home

Work

Other

Fax:

E-Mail address:

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3. AGENT INFORMATION

(The agent listed is authorized to represent the applicant in all matters relating to this application.)

Name: Don Knauer

First

Last

Address: PO Box 5416

Salem Oregon 97304

City

State

Zip

Phone: 503-508-7862

Home

Work

Other

Fax:

E-Mail address:

▪ If an agent is listed above, please check **one** of the following:

☐ Please send all correspondence to Agent. Send *copies* of correspondence to Applicant; or

☒ Please send all correspondence to Applicant. Send *copies* of correspondence to Agent.

Permit Amendments

- If you propose to amend multiple permits under this application, a separate set of pages 3 through 7 must be provided for each permit. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

Ground Water Registration Modifications

- You may propose modification of only one ground water registration per application, unless in accordance with OAR 690-382-0300(2), the ground water registrations to be modified are layered. (**NOTE:** Concurrent changes to a water right must be filed separately on a transfer application.)

4. TYPE OF AMENDMENT OR MODIFICATION PROPOSED

Please check **all** of the following that apply:

Point of Diversion or Appropriation	Place of Use	Character of Use
☒ Change (The old point of diversion or appropriation will <u>not</u> be used for the portion of the water right affected by the amendment or modification.) ☐ Additional (Both the old <u>and</u> new points of diversion or appropriation will be used for the portion of the water right affected by the amendment or modification.) <i>Not Available for Ground Water Registrations</i> ☐ Surface Water to Ground Water (A new point of appropriation will be used <u>instead of</u> the old point of diversion. The old point of diversion will <u>not</u> be used.)	☐ All of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at the current authorized location will be discontinued.) ☒ Only a portion of the Permit or Registration will be exercised at a different location than currently authorized (Use of water at a <u>portion</u> of the current authorized location will be discontinued.)	<i>Not Available for Permit Amendments</i> Change existing authorized use to the following proposed <u>new</u> use: RECEIVED FEB 12 2008 WATER RESOURCES SALEM, OREGON ☐ Irrigation ☐ Municipal ☐ Quasi-municipal ☐ Commercial ☐ Industrial ☐ Domestic (indicate number of households): _____ ☒ Other <u>Nursery Use</u>

- Reason(s) for amendment/modification(s): Land use is changing. _____

5. CURRENT PERMIT OR REGISTRATION INFORMATION

Permit or Registration to be Amended/Modified (check and complete one of the following):

☐ Permit to be Amended:	_____ Permit Number	_____ Current Completion Date of Permit
☒ Ground Water Registration to be Modified:	_____ GR 53 Ground Water Registration Number	<i>NOTE: Concurrent changes to a water right must be filed separately on a transfer application.</i>

▪ Name on Permit or Registration: John N. Hooper_____

▪ County: Marion_____

▪ Authorized Use(s) to be affected by this Amendment/Modification: irrigation

▪ Priority Date(s): _____ May 1950

If there are multiple Priority Dates identified on the Permit or Registration, any information provided on pages 4 through 7 must identify which priority date is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

▪ All Source(s) of Water to be affected by this Amendment/Modification: Well_____

Tributary to: Pudding River_____

If there are multiple Sources listed on the Permit or Registration, any information provided on pages 4 through 7 must identify which source is associated with each of the authorized and proposed points of diversion or appropriation and places of use.

For an application proposing a Change in Place of Use or Character of Use:

- Are there any other "Layered" Water Rights, Permits, or Ground Water Registrations issued for **Irrigation** purposes that are appurtenant to the same place of use as the Permit or Registration being Amended/Modified? ☒ Yes ☐ No ☐ N/A -No Change in Use or Place of Use

If "Yes", pursuant to ORS 540.510, OAR 690-380-2240 and OAR 690-382-0200, the other "layered" water uses subject to transfer **must either change concurrently or be cancelled**, except as provided in OAR 690-380-2240(5).

▪ Remarks: _____

- The following information **must be provided only** for those points of diversion or appropriation that **are involved in the permit amendment or ground water registration modification (i.e., list only the portion of the permit/registration you propose to amend/modify.)** Attach additional pages as necessary.

Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.

Location of Existing Authorized Point(s) of Diversion or Appropriation to be Changed:

(i.e., the allowed point(s) of diversion/appropriation that will be affected by the proposed amendment/modification, the "FROM" point(s) of diversion/appropriation)

If Ground Water, OWRD Well Log ID No. (or Well ID Tag No. L-____)	Source and Priority Date	Township	Range	Mer	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well	May 1950	5S	2W	W M	12	SESW	DLC98	1540'N & 1070'E of the SW cor DLC 98

- Does the permit/registration being amended/modified involve a ground water source(s)?

☒ Yes ☐ No (Surface water source only.)

If "Yes", for each authorized point of appropriation (well) involved, you must either:

A. Supply a copy of the well log(s) for each point of appropriation that is **clearly labeled** and associated with the corresponding well in the table above and on the accompanying application map.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

or

- B. If a well log is **not** available, you must describe the construction of the authorized point of appropriation by completing the table below. Attach additional copies as necessary.

Construction of Existing Authorized Point(s) of Appropriation – (Only needed if no well log is available.)

Wells in this listing must be **clearly tied** to corresponding well location(s) described in the table above and shown on the accompanying application map.

OWRD Well No. as identified in table above	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

- Government lot and donation land claim numbers must be included in the tables below **only** if the information is reflected on the existing permit or ground water registration.*

(i.e., the allowed lands that will be affected by the proposed amendment/modification, the "FROM" lands)

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6. PROPOSED PERMIT AMENDMENT OR REGISTRATION MODIFICATION

- Describe proposed changes to the permit or registration involving point(s) of diversion and/or appropriation. Survey coordinates described below should accurately correspond to the points shown on the accompanying application map. Attach additional pages as necessary.

Location of Proposed Point(s) of Diversion or Appropriation: (i.e., the "TO" point(s) of diversion/appropriation)
(NOTE: Complete this table only if a Change in Point of Diversion or Appropriation is being proposed.)

Source	Township	Range	Mer	Sec	¼ ¼ Section	Tax Lot, DLC or Gov't Lot	Survey Coordinates (coordinates from a recognized survey corner)
Well 1	4S	1W	WM	31	NE NE	DLC59	607'N & 812'W from the SE cor DLC 59
Well 2				30	SE SE	"	1000'N & 50'W from the SE cor Sec 30
Well 3				31	NE NE	"	220'N & 400'W from the SE cor DLC 59

- If there are proposed point(s) of appropriation (wells) listed in the table above, are the well(s) already constructed? ☒ Yes ☐ No ☐ N/A - No proposed well(s) listed above.

If "Yes", attach and **clearly label** the corresponding well log(s) for each proposed well, or if well log(s) are **not** available, describe the construction of the well(s) using the table below.

(NOTE: You may search for well logs on the Department's website at: www.wrd.state.or.us)

If "No", describe the anticipated construction for the proposed well(s) in the following table:

Construction of Proposed Point(s) of Appropriation or Well(s):

Well numbers in this listing must be clearly tied to corresponding well location(s) described in the table above and shown on the accompanying application map.

Well already built? (Yes/No)	If an existing well, OWRD Well Log ID No. (or Well ID Tag No. L-)	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth

7. AFFECTED DISTRICTS AND LOCAL GOVERNMENTS

- Are any of the Permit(s) or Registration(s) proposed for amendment/modification located within or served by an irrigation or other water district? ☐ Yes ☒ No
- Will any of the Permit(s) or Registration(s) be located within or served by an irrigation or other water district after the proposed amendment/modification? ☐ Yes ☒ No
- Is water for any of the Permit(s) or Registration(s) supplied under a water service agreement or other contract for stored water with a federal agency? ☐ Yes ☒ No

If "Yes", for any of the above, list the name and mailing address of the district and/or agency:

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- List the name and mailing address of all affected local governments (e.g., county, city, municipal corporation, and tribal governments within whose jurisdiction the right(s) are located).

Marion County

555 Court Street NE

Salem Oregon 97309

8. PERMIT HOLDER OF RECORD

This section is to be completed only for Permit Amendment applications.

☐ *N/A – This is a Ground Water Registration Modification application.*

- Is the applicant the permit holder of record? ☐ Yes ☐ No

If "No", the applicant must either:

A. *Be assigned as a permit holder of record by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment;*

or

- B. Submit an **Affidavit of Consent** from the permit holder of record that gives permission for the applicant to amend the permit.

I. 9. LAND OWNERSHIP

If for a Permit Amendment proposing a Change in Place of Use:

- Does the permit holder of record own or control the land **TO** which the place of use is being moved? ☐ Yes ☐ No

*If "No", the owner of the land **TO** which the place of use is being moved **must be assigned to the permit as a permit holder of record** by submitting a completed **Request for Assignment** form and the required statutory fee for an assignment.*

- Check **one** of the following:

- ☐ The permit holder of record will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to the permit holder of record.
- ☐ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

If for a Ground Water Registration Modification:

- Does the applicant own the lands **FROM** which the registration is being moved? ☐ Yes ☒ No

If "No", provide the following information:

Names of Current Landowner(s): SEE ATTACHED LIST

Address: _____
First Last

City State Zip

- Does the applicant own the lands **TO** which the registration is being moved? ☒ Yes ☐ No

If "No", provide the following information:

Names of Receiving Landowner(s): _____
First Last

Address: _____

City State Zip

- Check **one** of the following:

- ☐ The receiving landowner will be responsible for completion of the proposed changes after the final order is issued. All notices and correspondence should be sent to this landowner.

- ☒ The applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to the applicant and applicant's agent.

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10. ATTACHMENTS

Check each of the following attachments included with this application.
The application will be returned if all required attachments are not included.

Map:

- ☒ A map meeting the requirements of OAR 690-380-3100 must be included but need **not** be prepared by a Certified Water Right Examiner.

Land Use Information Form:

- ☒ Enclosed; **or**
- ☐ Not required if **all** of the following are met:
- ① In EFU zone or irrigation district;
 - ② Change in place of use only;
 - ③ No structural changes needed, including diversion works, delivery facilities, other structures; **and**
 - ④ Irrigation only.

Water Well Reports/Well Logs:

- ☒ The application involves a change in point of appropriation or change from surface water to ground water and copies of all water well reports are attached.
- ☐ Water well reports are not available and a description of construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed is attached.
- ☐ N/A. The application does **not** involve a change in point of appropriation or a change from surface water to ground water, so water well reports are **not** required.

Fees:

- ☐ Amount enclosed: \$ _____
See the Department's Fee Schedule at www.wrd.state.or.us/OWRD/PUBS/forms.shtml or call (503) 986-0900.

For Permit Amendments Only...

Request for Assignment:

- ☐ Enclosed. The applicant is **NOT** the permit holder of record and needs to be assigned to the permit; **OR** the landowner of the proposed place of use is **NOT** the permit holder of record and needs to be assigned to the permit.
*The Request for Assignment form is available online at: www.wrd.state.or.us/OWRD/PUBS/forms.shtml ; **or***
- ☐ N/A. The applicant is the permit holder of record and owns or controls the proposed place of use; **OR** the applicant is **not** the permit holder of record but **is** supplying an Affidavit of Consent from the permit holder.

Affidavit of Consent:

- ☐ Enclosed. Because the applicant is **NOT** the permit holder of record, an Affidavit of Consent is being supplied that gives permission for the applicant to amend the permit; **or**
- ☐ N/A. Not required because the applicant is the permit holder of record.

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Before submitting your application to the Department, be sure you have:

- Answered each question completely.
- Included all the required attachments.
- Provided original signatures for all named deed holders, or other parties, with an interest in the water right.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.

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11. SIGNATURES

- **For Ground Water Registration Modification Applications only, check the appropriate one and sign the application in the signature box below:**

☒ In accordance with OAR 690-382-0400(16)(a), I (we) understand that prior to Department approval of a permanent modification and upon my receipt of a draft Preliminary Determination for the proposed modification, I (we) will be required [pursuant to OAR 690-382-0700(5)] to provide the following landownership information and evidence demonstrating that I (we) are authorized to pursue the modification:

- (a) A report of ownership and lien information that has been prepared by a title company *within the last three months*;
- (b) A copy of written notification of the proposed modification provided by the applicant to all lien holders on the subject lands unless the report of ownership and lien information shows that a water right conveyance agreement has been recorded for the subject lands. *If a water right conveyance agreement has been recorded for the subject lands, a copy of the recorded agreement and a listing of the owner(s) of the lands at the time the agreement was recorded must be submitted; and*
- (c) If the applicant is not both the person named on the ground water registration or the assignee *and* the owner of the lands to which the registration is appurtenant, as identified in the report of ownership and lien information, then either of the following must be provided:
 - A) Notarized statements consenting to the modification by all persons, other than the applicant, who are named on the ground water registration or identified as landowners in the report of ownership and lien information or who are authorized representatives of an entity to whom the interest in the water right has been conveyed as identified in a water right conveyance agreement; or
 - B) Documentation demonstrating that the applicant is authorized to pursue the modification in the absence of consent of the persons named on the ground water registration or the assignee and the owner of the lands to which the registration is appurtenant.

☐ I (we) affirm that 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. Therefore, pursuant to OAR 690-382-0400(16)(b), the applicant is NOT required to provide the above described report of ownership and lien information.

☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the ground water registration proposed for modification is appurtenant by condemnation. Documentation is provided with this application supporting this statement. Therefore, pursuant to OAR 690-382-0400(16)(c), the applicant is NOT required to provide the above described report of ownership and lien information. (NOTE: Such an entity may only apply for recognition of a modification under this subsection if it has filed a condemnation action to acquire the property and deposited the funds with the court as required by ORS 35.265.)

- **For both Permit Amendment and Ground Water Registration Modification Applications, I (we) affirm that the information contained in this application is true and accurate.**

 applicant signature	Tom DeArmond owner name (print)	2-12-08 date
 applicant signature	 name (print)	 date

Last revised: October 13, 2006

Water Right Transfer Supplemental Form B **AFFIDAVIT ATTESTING TO THE USE OF WATER**

State of ~~Oregon~~ Washington)
) ss
 County of Thurston)

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 WATER RESOURCES DEPT
 SALEM, OREGON

I, John R. Donaldson, in my capacity as Se. Vice President,
 mailing address PO Box 3487 Lacey, WA 98509 (Capital Development Co)
 telephone number (360) 491-6850, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

☒ Personal observation ☐ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼ ¼ Section	Gov't Lot or DLC	Acres (if applicable)
5	S	2	W	WM	12	SESW	98	23.1
					13	NENW	98	16.1

[Handwritten signature and stamp]

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
grass seed and hay

5. The water delivery system used to apply water as authorized by the right is described below:
50 HP elec motor, turbine pump, 3240' 6" alum main line, 5400' 3" & 4" alum handlines, 135 rainbird 30 sprinklers 11/64.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: second affidavit attesting to the use of water

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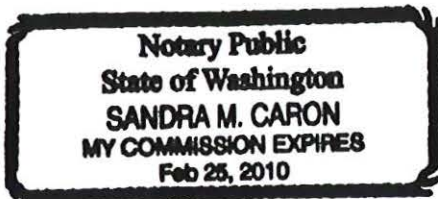
WATER RESOURCES DEPT
SALEM, OREGON

GR certificate 45 (registration GR-53)

Signature of Affiant

Date

Signed and sworn to (or affirmed) before me this 26th day of November, 2007.



Sandra M. Caron
Notary Public for Oregon

My Commission Expires: 2-25-2010

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

Water Right Transfer Supplemental Form B
AFFIDAVIT ATTESTING TO THE USE OF WATER

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FEB 12 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

State of Oregon)
) ss
County of MARION)

I, JEFF DARY, in my capacity as CURE,
mailing address 55 SW YAMHILL ST SUITE 400, PORTLAND, OR 97204
telephone number (503) 239-8799, being first duly sworn depose and say:

1. I attest that:

- ☒ Water was used during the previous five years on the entire authorized place of use of the water right proposed for transfer as described on the accompanying transfer application; or
- ☐ The water right was leased instream at some time within the last five years. The instream lease number is as follows: _____; 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.

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

- ☐ Personal observation ☒ Professional expertise

3. My knowledge is specific to the use of water at the following locations:

Township		Range		Mer	Sec	¼-¼ Section	Gov't Lot or DLC	Acres (if applicable)
5	S	2	W	WM	12	SESW	98	23.1
					13	NENW	98	16.1

(continues on reverse side)

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

4. The water right was exercised for the authorized purpose described below (e.g., crops grown):
grass seed and hay

5. The water delivery system used to apply water as authorized by the right is described below:
50 HP elec motor, turbine pump, 3240' 6" alum main line, 5400' 3" & 4" alum handlines, 135 rainbird 30 sprinklers 11/64.

6. One or more of the following documentation supporting the above statements is attached:

- ☐ Copy of a water right certificate that was issued within the last five years (not a remaining right certificate),
- ☐ Copies of receipts from sales of irrigated crops or for expenditures relating to the use of water,
- ☐ Records such as Farm Service Agency crop reports, irrigation district records, an NRCS farm management plan, or records of other water suppliers,
- ☐ Dated aerial photographs of the lands or other photographs containing sufficient detail to establish the location and date of the photograph,
- ☐ Dedicated power usage records or receipts,
- ☐ Instream lease number _____,
- ☒ Other: second affidavit attesting to the use of water

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SALEM, OREGON

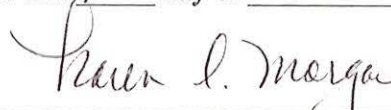
GR certificate 45 (registration GR-53)


Signature of Affiant

4/17/08
Date

Signed and sworn to (or affirmed) before me this 17th day of Jan., 2008.




Notary Public for Oregon

My Commission Expires: 11-9-2009

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



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Oregon Turf and Tree by Thomas DeArmond
Mailing Address: 18381 Boones Ferry Road NE
City: Hubbard State: Oregon Zip: 97032 Day Phone: 503-981-8873

This application is related to a Measure 37 claim. ☐ Yes ☒ No

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SALEM, OREGON

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4S	1W	30	S 1/2	8008900	Prime A / EFL	☐ Diverted ☒ Conveyed ☒ Used	
		32	NWSW	1000	Prime A / EFL	☐ Diverted ☒ Conveyed ☒ Used	
		29	SWNW	300	Prime A / EFL	☐ Diverted ☒ Conveyed ☒ Used	
		32	NE	400	Prime A / EFL	☐ Diverted ☒ Conveyed ☒ Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Marion

B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- ☐ Permit to Use or Store Water ☒ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-municipal ☐ Instream ☒ Other Nursery Use

Briefly describe: Water rights from another property will be transferred to the above listed property utilizing existing wells, pipe lines and sprinkler systems to use the water for nursery operations.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

T 10534

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 136.020.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OREGON

Name: David Epline Title: Senior Planner
Signature: [Signature] Phone: 503-588-5038 Date: 10/16/07
Government Entity: Marion County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

REGISTRATION NO. GR-53

CERTIFICATE NO. GR-45

Registration Statement

OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 708, Oregon Laws 1955.)

TO THE STATE ENGINEER OF OREGON:

I, JOHN N. Hooper

of Woodburn County of Marion

State of OREGON, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is PUMP WELL
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: ONE MILE WEST OF WOODBURN
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) 600 feet N + 900' W of SE cor of SW 1/4
(Give distance and bearing to corner of section or other legal subdivision)
being within SE 1/4 of SW 1/4 of Sec. 12 Twp. 5 Rge. 2 W
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city:

in Lot _____ Block _____ of _____
(Name of plat or addition)

County of _____
(If within city or town, give name)

3. Construction Work was begun on May 1950 was completed on May 1950
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on 30th May 1950
(Date)

since which time the water has been used During the Summer months
(Continuously or intermittently)

from 1950 to 1955
(Date) (Date)

4. Quantity of water claimed and used is 300 gallons per minute; _____ acre
feet per year.

5. Purpose or Purposes for which water is used IRRIGATION
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 140 feet. Type DRILLED
(Dug or drilled)

diameter 3 inches. Elevation of ground at well site 180 feet, mean sea level,
(As near as known)

Depth to water table 15 feet.

7. Capacity of Well: 550 g.p.m. with 86 feet drawdown.

_____ g.p.m. with _____ feet drawdown.

Date of test: May 1950

If Flowing Well: Measured discharge _____ g.p.m. on _____
(Date)

Shut-in pressure at ground surface _____ lbs. per sq. in. on _____
(Date)

Water is controlled by _____
(Cap, valve, etc.)

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SALEM, OREGON

FROM

10534

8. Casing: (Give diameter, commercial specifications and depth below ground surface of each casing size.)

8" inch diameter from 0 to 140 feet
 inch diameter from to feet
 inch diameter from 0 to feet
 inch diameter from to feet

Describe and show depth of shoe, plug, adapter, liner or other details:

9. Perforated Casings or Screens:

Torch cut slots from 28' to 30'
 (Number per foot and size of perforations, or describe screen)
 from 84' to 88'
 from 100' to 111'
 from 125' to 140'

10. Log of Well: (Describe each stratum or formation clearly, indicate if water bearing, and give thickness and depth as indicated.)

MATERIAL	Thickness (Feet)	Depth to Bottom (Feet)
Clay	28'	28'
Sand	2'	30'
Clay	54'	84'
Sand	4'	88'
Clay	21'	109'
Sand	2'	111'
Sand Stone	11'	122'
Rock	3'	125'
Sand & Gravel	15'	140'

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 SALEM, OREGON

GR-45 A

Coleman - Rotary

- Dimensions: Length ft. Minimum depth ft. Maximum depth ft.

12. Tunnel: Type of lining

Position of water bearing stratum with reference to portal of tunnel

13. Pumping Equipment:

- (b) Motor 15 Hp. Ingersoll Rand
(Type and horsepower)

- [illegible]

1.0534 GR-45B

Scale: 2" = 1 Mile

County of _____

John K. Hooper
(Signature of Restaurant)

Subscribed and sworn to before me this 2nd day of December, 1955

My commission expires Sept. 27, 1958

(SEAL)

CERTIFICATE OF REGISTRATION

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 2nd day of December 1955, at 11:35 o'clock P. M. and has been duly recorded in said office in Book No. 1 of Registration Statements on page 45.

Construction shall be completed by 1958, and the water completely applied to beneficial use by October 1st, 1958.

Witness my hand this 24th day of February, 1956

ry, 1956
Lewis A. Stanley
(State Engineer)

Bv

: (Deputy

10534 GR-45 C

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 75918

START CARD # 163498

(1) LAND OWNER

Owner Well I.D. OWRES

First Name Tom Last Name DeArmond
Company Oregon Turf & Trees
Address 18381 Boones Ferry Rd. NE
City Hubbard State OR Zip 97032

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD

☐ Rotary Air ☐ Rotary Mud ☒ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other

(4) PROPOSED USE ☐ Domestic ☒ Irrigation ☐ Community
☐ Industrial/ Commercial ☐ Livestock ☐ Dewatering
☐ Thermal ☐ Injection ☐ Other

(5) BORE HOLE CONSTRUCTION Special Standard ☐ (Attach copy)

Depth of Completed Well 306.66 ft.

BORE HOLE			SEAL			Amt	sacks/ lbs
Dia	From	To	Material	From	To		
20	0	6	Bentonite Chips	0	6	10	S
20	6	80	Cement	6	80	86	S
16	80	308					

How was seal placed: Method ☐ A ☐ B ☒ C ☐ D ☐ E

☐ Other

Backfill placed from ft. to ft. Material

Filter pack from 246.66 ft. to 306.66 ft. Material gravel Size 4/10

Explosives used: ☐ Yes Type Amount

(6) CASING/LINER

Casing	Liner	Dia	+	From	To	Gauge	Std	Pisto	Wild	Thrd
☒	☒	16	☒	1	244.62	.375	☒	☒	☒	☒
☒	☒	12	☒	1.75	246.66	.250	☒	☒	☒	☒
☒	☒	12	☒	300.66	306.66	.250	☒	☒	☒	☒

Shoe ☒ Inside ☐ Outside ☐ Other Location of shoe(s) 244.62

Temp casing ☐ Yes Dia From To

(7) PERFORATIONS/SCREENS

Perforations Method

Screens Type v wire Material stainless steel

Perf/	Casing/	Screen	Dia	From	To	Scr/slot	Slot	# of	Tele/
Screen	Liner					width	length	slots	pipe size
Screen		12	246.66	275.66	.07				12
Screen		12	275.66	300.66	.125				12

(8) WELL TESTS: Minimum testing time is 1 hour

☒ Pump ☐ Baller ☐ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1,175	38.6	110	1
1,175	42	114	3
1,175	42.3	114	4

Temperature 53 °F Lab analysis ☐ Yes By

Water quality concerns? ☐ Yes (describe below)

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County MARION Twp 4 S N/S Range 1 W E/W WM

Sec 32 NW 1/4 of the NW 1/4 Tax Lot 900

Tax Map Number Lot

Lat " or DMS or DD
Long " or DMS or DD

☒ Street address of well ☐ Nearest address

10333 Broadacres Rd. NE Hubbard, OR 97032

(10) STATIC WATER LEVEL

Existing Well / Predeepening	Date	SWL (psi)	+	SWL (ft)
Completed Well	<u>06-27-2007</u>		☒	<u>72.2</u>
Flowing Artesian?	☐	Dry Hole?	☐	

WATER BEARING ZONES

Depth water was first found 123

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
11-14-2006	123	132	10		☒	40
11-17-2006	176	189	25		☒	40
12-04-2006	199	214	30		☒	40
12-19-2006	246	302	3,000		☒	40

(11) WELL LOG

Ground Elevation

Material	From	To
Topsoil & large gravel	0	1
Clay brown hard	1	8
Clay gray soft, silty	8	74
Clay dark gray	74	81
Sand black fine & silt	81	91
Clay silty dark gray	91	96
Sand & clay gray	96	110
Clay gray silty	110	113
Clay green & gray, sticky	113	123
Cemented sand & gravel	123	150
Clay gray & green, sandy	132	150
Clay blue sticky	150	154
Clay green sticky	154	159
Clay green	159	167
Clay gray soft	167	176
Sand & clay gray, cemented	176	186
Sand	186	189
Clay gray, soft	189	199
Sand and clay	199	210

Date Started 10-23-2006

Completed 08-27-2007

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date 9/24/07

Password: (if filing electronically)

Signed [Signature]

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 783 Date 09-13-2007

Password: (if filing electronically)

Signed [Signature]

Contact Info (optional) Grossen Well Drilling (503)982-2060

ORIGINAL - WATER RESOURCES DEPARTMENT

THIS REPORT MUST BE SUBMITTED TO THE WATER RESOURCES DEPARTMENT WITHIN 30 DAYS OF COMPLETION OF WORK

Form Version: 0.88

T 10534

START CARD # 163498

#7 Perforations/Screens: 306'8" (306.66) Bottom plate & lift bail.

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SALEM, OREGON

DEARMONS

OWBZ- well #2

WELL #2 CONSTRUCTION INFORMATION

The well was constructed by a previous land owner.

The well is approximately 130' in depth.

There is a 12" steel casing at land surface.

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SALEM, OREGON

T 10534

ORIGINAL
File Original, and
Duplicate with the
STATE ENGINEER,
SALEM, OREGON

WATER WELL DRILLERS REPORT STATE OF OREGON

Do Not State Well No. 4/1W-20R-1
Fill In State Permit No. 460

(1) OWNER:

Name James C. Owen
Address Lat 1 Hubbard, Oreg.

(2) LOCATION OF WELL:

County MARION Owner's number, if any—
R. F. D. or Street No. ROUTE 1
Bearing and distance from section or subdivision corner

(3) TYPE OF WORK (check):

Well ☒ Deepening ☐ Reconditioning ☐ Abandon ☐
Abandonment, describe material and procedure in Item 11.

(4) PROPOSED USE (check):

Domestic ☐ Industrial ☐ Municipal ☐
Irrigation ☒ Test Well ☐ Other ☐

(5) EQUIPMENT:

Rotary ☐
Cable ☒
Dug Well ☐

(6) CASING INSTALLED:

Threaded ☐ Welded ☒

FROM	ft. to	ft.	Diam.	Gage or Wall	Diameter of Bore	from ft.	to ft.
0	134	10	10	7/8			
"	"	"	"	"		"	"
"	"	"	"	"		"	"
"	"	"	"	"		"	"
"	"	"	"	"		"	"
"	"	"	"	"		"	"
Type and size of shoe or well ring 2 in					Size of gravel:		
Describe joint							

(7) PERFORATIONS:

Type of perforator used Cutting torch
SIZE of perforations 2 1/2 in. length, by 4 in.
FROM 121 ft. to 134 ft. 3 perf per foot 10 No. of rows

SCREENS:

Give Manufacturer's Name, Model No. and Size

(8) CONSTRUCTION:

Was a surface sanitary seal provided? ☐ Yes ☒ No To what depth ft.
Were any strata sealed against pollution? ☐ Yes ☐ No
If yes, note depth of strata

METHOD OF SEALING

(9) WATER LEVELS:

Depth at which water was first found 119 ft.
Standing level before perforating 13 ft.
Standing level after perforating 13 ft.

Log Accepted by:

[Signed] James C. Owen Dated 5/26, 1957
Owner

(10) WELL TESTS:

Was a pump test made? ☒ Yes ☐ No If yes, by whom? STETLER
Yield: 450 gal./min. with 70 ft. draw down after " hrs.
Artesian flow " g.p.m.
Shut-in pressure " lbs. per square inch.
Ball test " g.p.m. with " ft. drawdown
Temperature of water " Was a chemical analysis made? ☐ Yes ☒ No
Was electric log made of well? ☐ Yes ☒ No

(11) WELL LOG:

Diameter of well, 10 inches.
Total depth 137 ft. Depth of completed well 134 ft.
Formation: Describe by color, character, size of material and structure, and show thickness of aquifers and the kind and nature of the material in each stratum penetrated, with at least one entry for each change of formation.
ft. to ft.
1 - 12 BROWN CLAY
12 - 74 BLUE
74 - 90 SHALE
90 - 119 BLUE CLAY
119 - 121 BLACK SAND
121 - 134 SAND & GRAVEL
134 - 137 BLUE CLAY

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WATER RESOURCES
SALEM, OREGON

Ground elevation at well site " feet above mean sea level.

Work started APRIL 1957 Completed MAY 1957

Well Driller's Statement:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

NAME EDMOND DANSKEY
(Person, firm, or corporation) (Typed or printed)

Address ROUTE 1 BOX 336

Driller's well number

[Signed] Edmond Danskey
License No. 153 Dated 3/27, 1957
(Well Driller)

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

GRANTOR'S NAME
Capital Development Company

GRANTEE'S NAME
KWDS, LLC

Until Further Notice Send Future Tax Statements To:
KWDS, LLC
P.O. Box 145
Wilsonville, OR 97070

AFTER RECORDING RETURN TO:
KWDS, LLC
P.O. Box 145
Wilsonville, OR 97070

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WATER RESOUR.
SALEM, OREGON

SPACE ABOVE FOR RECORDER'S USE

STATUTORY SPECIAL WARRANTY DEED

CAPITAL DEVELOPMENT COMPANY, a Washington Corporation, Grantor, conveys and specially warrants to KWDS, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Marion, State of Oregon,

Lots 5 & 6, Town Center at Woodburn, Marion County, Oregon

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, water rights, well or wells in or on such land together with easement rights of access to any such well, to be determined at a future date, easements, rights-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$2,495,000.00 (See ORS 93.030)

DATED: January 11, 2007

Capital Development Company, a Washington corporation

By: Robert L. Blume
Robert L. Blume, President/CEO

STATE OF WASHINGTON
COUNTY OF THURSTON

This instrument was acknowledged before me on
January 11, 2007, by Robert L. Blume as President/CEO
of Capital Development Company.

Sandra E. Burnes

Sandra E. Burnes
Notary Public for Washington
My Commission Expires: 11/19/07



STATUTORY SPECIAL WARRANTY DEED

T 10534

RECORDING REQUESTED BY
Fidelity National Title Company of Oregon

Reel
2260

Page
106

GRANTOR'S NAME
Pioneer Trust Bank, N.A.

GRANTEE'S NAME
Capital Development Company

SEND TAX STATEMENTS TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98509

AFTER RECORDING RETURN TO:
Capital Development Company
P.O. Box 3487
Lacey, WA 98509

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN and SALE DEED

Fidelity National Title

PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, as TRUSTEE and PIONEER TRUST BANK, N.A. which was formerly known as Pioneer Trust Company, Grantor, conveys to

Capital Development Company, A Washington corporation, Grantee, the following described real property, situated in the County of Marion, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

VACATING ANY AND ALL RIGHTS TO EASEMENT AND MAINTENANCE AGREEMENT RECORDED 1/2/75 IN REEL 6, PAGE 1218;

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED September 9, 1991, in Book 882, Page 388, Marion County, Oregon.
(See ORS 93.030)

DATED: December 31, 2003

Pioneer Trust Bank, N.A.

By:

Susan I. Cobb
Trust officer

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FEB 12 2008

WATER RESOURCES
SALEM, OREGON

STATE OF OREGON
COUNTY OF Marion

This instrument was acknowledged before me on

January 2, 2004

by Susan I. Cobb

as Trust Officer

of Pioneer Trust Bank, N.A.

Loraine Hansen

NOTARY PUBLIC FOR OREGON

MY COMMISSION EXPIRES: March 27, 2005



EXHIBIT ONE

A parcel of land lying in the A. Dubois Donation Land Claim No. 98, and the M. Lore Donation Land Claim No. 61, in Sections 12, 13 and 14, Township 5 South, Range 2 West of the Willamette Meridian, in the City of Woodburn, Marion County, Oregon, more particularly described as follows:

Beginning at a 5/8 inch iron rod marking the Southwest corner of the A. Dubois Donation Land Claim No. 98, in said Township and Range and running thence South 00°39'31" West 530.27 feet to a 1/4 inch iron pipe; thence North 89°32'20" West 2110.97 feet to a point on the Easterly right of way line of Interstate Highway 5; thence along said right of way line North 35°53'54" East 3649.14 feet to a point on the Westerly line of said Donation Land Claim No. 98; thence along said Donation Land Claim line South 00°31'65" West 69.04 feet; thence continuing along said Easterly right of way line North 35°57'00" East 246.21 feet; thence South 88°51'55" East 1349.22 feet; thence North 00°40'55" East 27.96 feet to a point on the Southerly line of West Hayes Street; thence along said Southerly line South 88°51'55" East 828.17 feet to a point on the Westerly line of Evergreen Road; thence along said Westerly line South 00°47'17" West 2111.00 feet to a 5/8 inch iron rod; thence North 89°28'13" West 2110.60 feet to a point on first said Westerly line of said Donation Land Claim No. 98; thence along said Westerly line South 00°31'55" West 470.68 feet to the point of beginning, all in Marion County, Oregon.

EXCEPTING THEREFROM that portion described in Deed to Capital Develop., recorded January 18, 2001 in Reel 1744, Page 496.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 21, 2001 in Reel 1879, Page 70.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded December 26, 2001 in Reel 1880, Page 327.

ALSO EXCEPTING THEREFROM that portion described in deed to Capital Development Company, recorded April 25, 2002 in Reel 1934, Page 297.

ALSO EXCEPTING THEREFROM that portion lying within the exterior boundary lines of MONTEBELLO 1 and MONTEBELLO 2.

RECEIVED

FEB 12 2008

WATER RESOURCES
SALEM, OREGON

After Recording Return To:

Capital Development Company
P.O. Box 3487
Lacey, WA 98509-3487

QUIT CLAIM DEED
WATER CONVEYANCE AGREEMENT
FOR TRANSFER OF INTEREST IN A WATER RIGHT

RECEIVED

FEB 12 2008

WATER RIGHTS
SALEM, OREGON

By this agreement, Grantor, K & R Holdings Evergreen Meadows, LLC, an Oregon limited liability company, the owner of the lands ("Lands") described as Lot 1, Town Center at Woodburn, Marion County, Oregon, for an in consideration of Ten and no/100 Dollars (\$10.00) and other goods and valuable consideration, hereby releases its claim and responsibility for 7.94 acres of water rights* that are appurtenant to the Lands, and quit claims to CAPITAL DEVELOPMENT COMPANY ("Capital"), Grantee, all rights, title and interest in the said water rights as are appurtenant to the Lands. The water rights in question are further described as a portion of Permit #G-5281, priority date of October 5, 1970, as located on land commonly known as: Marion County Tax Assessor Parcel Numbered 052W12C02000. (*Certificate No. 44644)

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the Lands that Grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject Lands, and that upon completion of a transfer, by election of Capital, the subject Land no longer will have appurtenant water rights.

Furthermore, upon signing of this agreement, Grantor shall no longer be liable for any district assessments or charges pertaining to the described 7.94 acres of water rights incurred.

This agreement is binding upon the heirs, executors, administrators, successors and permitted assigns of the parties to this agreement.

Situated in the County of Marion, State of Oregon.

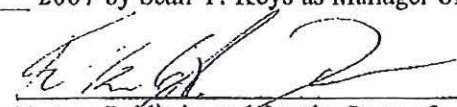
Signed December 7, 2007

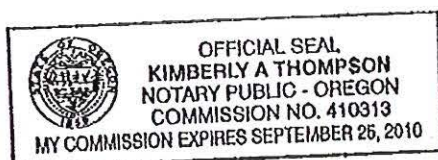

K & R Holdings Evergreen Meadows,
LLC, Grantor

STATE OF OREGON)
) ss.
COUNTY OF WASHINGTON)

This instrument was acknowledged before me on December 7th 2007 by Sean T. Keys as Manager of K & R Holdings Evergreen Meadows, LLC.

Dated: December 7, 2007


Notary Public in and for the State of
Oregon. My commission
expires: 9/25/2010



T 10534

FEB 07 2008

After Recording Return To:

Capital Development Company
P.O. Box 3487
Lacey, WA 98509-3487

**QUIT CLAIM DEED
WATER CONVEYANCE AGREEMENT
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

RECEIVED
FEB 12 2008
WATER RESOURCES DEPT
SALEM, OREGON

By this agreement, Grantor, Montebello Estates I, LLC, an California limited liability company, the owner of the lands ("Lands") described as Lot 2, Town Center at Woodburn, Marion County, Oregon, for an in consideration of Ten and no/100 Dollars (\$10.00) and other goods and valuable consideration, hereby releases its claim and responsibility for 20.03 acres of water rights that are appurtenant to the Lands, and quit claims to CAPITAL DEVELOPMENT COMPANY ("Capital"), Grantee, all rights, title and interest in the said water rights as are appurtenant to the Lands. The water right in question is further described as a portion of Permit #G-5281, priority date of _____, as located on land commonly known as: Marion County Tax Assessor Parcel Numbered 052W1301400.

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the Lands that Grantor, as owner of the subject land, approved the transfer (including a change in the place and type of use and point of diversion) of the water rights that are appurtenant to the subject Lands, and that upon completion of a transfer, by election of Capital, the subject Land no longer will have appurtenant water rights.

Furthermore, upon signing of this agreement, Grantor shall no longer be liable for any district assessments or charges pertaining to the described 20.03 acres of water rights incurred.

This agreement is binding upon the heirs, executors, administrators, successors and permitted assigns of the parties to this agreement.

Situated in the County of Marion, State of Oregon.

Signed 1/28, 2008

(Grantor)


Montebello Estates I, LLC

STATE OF CALIFORNIA)

) ss.

COUNTY OF SAN JOAQUIN)

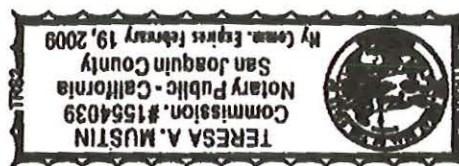
This instrument was acknowledged before me on January 28 2008 by Schyler T. Eto as authorized member of Montebello Estates I, LLC.

T 10534

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WATER RESOURCES DEPT
SALEM, OREGON



Dated: January 28 2008

of

Teresa A. Mustin
Notary Public in and for the State
California. My commission
expires: 2/19/09

WATER RIGHTS PURCHASE AGREEMENT

This Agreement is dated the 16th day of July, 2007, by and between Capital Development Company, a Washington Corporation, its successors and assigns ("Seller"), and Tom Dearmond, its successors and assigns ("Buyer").

RECITALS:

WHEREAS, Seller owns certain valid groundwater rights within the Willamette Basin, ("water rights"); and

WHEREAS, Buyer desires to purchase said water rights under the terms and conditions contained herein.

WITNESSETH:

1. Agreement to Sell and Purchase Water Rights. Seller hereby agrees to sell and convey to Buyer, and Buyer hereby agrees to purchase and acquire from Seller all of Seller's right, title and interest in and to the water rights subject to the terms of this Agreement to the extent the water rights are accepted for transfer by the Oregon Water Resources Department, State of Oregon.

2. Purchase Price and Terms. Buyer shall pay Seller One Thousand Dollars (\$1,000.00) per acre for each acre of water rights accepted by the Oregon Water Resources Department for transfer, up to a total of 109.6 acres as shown on the attached map. Such purchase price shall be based upon consumptive use. Seller has designated GSI Water Solutions, Inc. an Oregon Corporation, having its principal place of business at 55 SW Yamhill St. Suite 400, Portland, Oregon 97204 as its broker ("Broker"). Buyer shall be obligated to purchase only that portion of the water rights accepted by the Oregon Water Resources Department for transfer.

3. Warranties of Seller. Seller does hereby represent, covenant and warrant to Buyer that the following are true now and will be at closing.

(a) Authority. Seller has the full right and authority to enter into this Agreement and to consummate the transactions intended in this Agreement, and no other consent to do so is required.

(b) Title to Water Rights. Seller now has, and at closing will have, good and merchantable, fee simple title to the water rights. The water rights are free and clear of all liens, security interests, mortgages, pledges, encumbrances, ditch fees, taxes and assessments, and charges or claims of whatever nature. To the best of Seller's knowledge, the water rights are in good standing with the Oregon Water Resources Department (OWRD),

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WATER RESOURCES
SALEM, OREGON

and have not been forfeited or abandoned, and are not subject to judgment, suit, lien, receivership, or any other encumbrance whatsoever.

(c) Judgments or Litigation. Seller has no knowledge of any outstanding judgments against Seller that would in any manner affect the consummation of this transaction or constitute any cloud upon the title to the water rights- Seller has no knowledge of any pending litigation, proceedings, or investigations, or any threats of litigation, proceedings or investigations, which might result in any cloud upon the title to the water rights, or any other material change in the value of the water rights.

(d) Continued Cooperation. Seller shall, within reason, cooperate with Buyer before, during and after closing to effectuate the transactions contemplated in this Agreement including, without limitation, the execution of any documents or the taking of any action (or the restraining from taking of any action) necessary or desirable to achieve the intended results herein.

4. Conditions Precedent. All obligations of Buyer to close this transaction are subject to the fulfillment of each of the following conditions before or at closing:

(a) Seller's Compliance. Seller will have performed and complied with all agreements and conditions required herein. Seller understands and agrees that it will be necessary to execute and file certain documents with the Oregon Water Resources Department, prior to closing, and Seller agrees to sign any such documents requested for filing by Buyer.

(b) Proof of Title. Within two (2) weeks after the execution of this Agreement, Seller shall provide Buyer a land deed or other suitable document indicating that the Seller has title concerning the water rights. Seller shall take all other action necessary to provide documentation reasonably requested by Buyer to prove or support the free and clear title and validity of the water rights.

(c) Approval of the Transfer by OWRD. Prior to closing, the OWRD must verify that the water rights are valid and approve a Final Order transferring all or a portion of the water rights for transfer to the Buyer's place of use and point of diversion. If OWRD fails to give the approval, this Agreement, except as described below, shall terminate and shall be null and void, all documents shall be returned to Seller, the earnest money deposit shall be returned to Buyer and neither party shall be subject to any further obligation hereunder.

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WATER RESOURCES DEPT
SALEM, OREGON

5. Escrow.

(a) Delivery of Documents. Upon execution of this Agreement, Seller and Buyer shall, as appropriate, execute and deliver to Broker the following documents, in a form acceptable to Buyer, to be held until closing as provided herein:

- (i) Seller shall provide documentation showing that the Seller has title concerning the water rights.
- (ii) Buyer shall prepare a transfer application and provide Buyer with a copy.

(b) Earnest Money Deposit. An earnest money deposit in the amount of \$5,000 shall be deposited by Buyer with Broker within 5 business days of executing this agreement.

(c) Filing With OWRD. Upon receipt of the earnest money deposit and the documents, the Request for Transfer of Water Rights shall be filed with OWRD by the Buyer within ~~30~~ ⁷² days of executing this agreement.

(d) Fulfillment of Conditions Precedent. Upon fulfillment of the conditions precedent, the purchase price, adjusted by the number of acres accepted by OWRD for transfer, shall be paid to Seller and the documents shall be delivered to Buyer. If the conditions precedent have not been fulfilled to the satisfaction of Buyer prior to or at closing, the earnest money shall be returned to Buyer, the documents shall be returned to the Seller, this Agreement shall be null and void and of no further force and effect, and neither party shall be subject to any further obligation hereunder.

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WATER RES
SALEM, OREGON

6. Closing. Closing of this transaction shall be at the time and place as agreed by the parties.

7. Miscellaneous Provisions.

(a) Additional Documentation. Any other documentation that maybe required to close and consummate the transaction after the signing of this Agreement shall be made and delivered by the parties as required.

(b) Indemnification. Seller, Buyer, and Broker shall each indemnify and hold the other harmless from and against any and all claims, demands, causes of action, debts or liabilities arising out of or on account of any breach of any provision of this Agreement.

(c) Notices. All notices and other communications, required to be given hereunder, shall be in writing as follows:

If to Seller(s):

Name of Individual(s) or Officer:
John R. Donaldson; Sr. Vice President
Capital Development Corporation
711 Sleater-Kinney Rd. SE
Lacey, WA 98503

p: 360-491-6850
f: 360-459-8747
johnd@capdevco.com

If to Buyer(s):

Tom Dearmond
11463 Broadacres Rd.
Hubbard, OR 97032

p: (503) 981-0319
thdearmond@yahoo.com

If to Broker(s):

Jeff Barry, CWRE
GSI Water Solutions, Inc.
55 SW Yamhill St.
Suite 400
Portland, OR 97204

P: 503-239-8799
f: 503-239-8940
jbarry@gsiwatersolutions.com

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WATER RESOURCES DEPT
SALEM, OREGON

(d) Binding Effect. All of the agreements between the parties shall be binding upon and inure to the benefit of the parties, their successors, personal representative, heirs or assigns.

(e) Captions. The captions of any articles, paragraphs or sections hereof are made for convenience only and shall not control or affect the meaning or construction of any other provisions hereof.

(f) Attorney's Fees. Buyer and Seller shall be responsible for any fees or costs of their respective attorneys and consultants, and for any attorney's and consultants fees incurred by them in the enforcement of any of the terms and provisions of this Agreement, or in connection with any of the water rights or transfer process described herein.

(g) Entire Agreement. This Agreement between the parties hereto and constitutes the entire Agreement and understanding between the parties with respect to the subject matter hereof. No alteration, modification, or amendment hereto shall be valid except in writing and when signed by the parties.

8. Representations. All statements contained in this Agreement or any other instrument delivered by or on behalf of Seller as provided in this Agreement, or in connection with this transaction, will be deemed representations and warranties by Seller as provided in this Agreement. All representations, warranties, indemnities, and agreements made by Seller or Buyer in this Agreement shall survive closing.

SELLER:

Granulex SNV L.L.C. (Name of Individual(s) or Entity) LLC (Type of Entity)

BUYER:

Tom DeArmond, A (Name of Individual(s) or Entity) Individual (Type of Entity)

By: Tom DeArmond (Name & Title) 8-15-07 Date

ACKNOWLEDGEMENTS FOR CORPORATION

STATE OF Washington)
) ss.
COUNTY OF Thurston)

Subscribed and sworn to before me this 15th day of July, 2007, by John R. Donaldson, who personally appeared before me and did state that he/she is authorized to sign the above instrument by action of the Board of

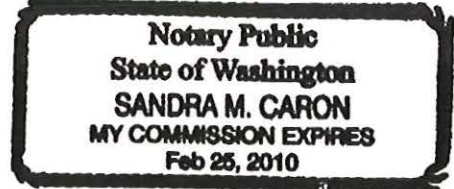
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WATER RESOURCES
SALEM, OREGON

T 10534

Directors/Trustees as memorialized in a Minute to that has been entered into the Minute Book of the company.

Sandra M. Caron
Notary

My Commission Expires: February 25, 2010
(SEAL)



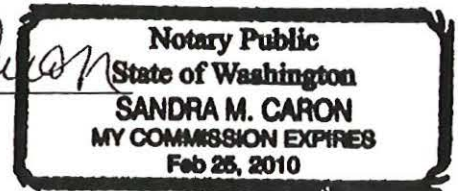
STATE OF
Washington
COUNTY OF
Thurston

)
) ss.
)

Subscribed and sworn to before me this 16th day of July, 2007, by
G. Melvin Hastings, who personally appeared before me and
did state that he/she is authorized to sign the above instrument by action of the Board of
Directors/Trustees as memorialized in a Minute to that has been entered into the Minute
Book of the company.

Sandra M. Caron
Notary

My Commission Expires: February 25, 2010
(SEAL)



ACKNOWLEDGEMENT FOR INDIVIDUAL(S)

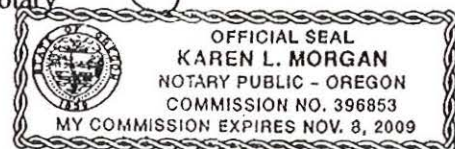
STATE OF
Oregon
COUNTY OF
Marion

)
) ss.
)

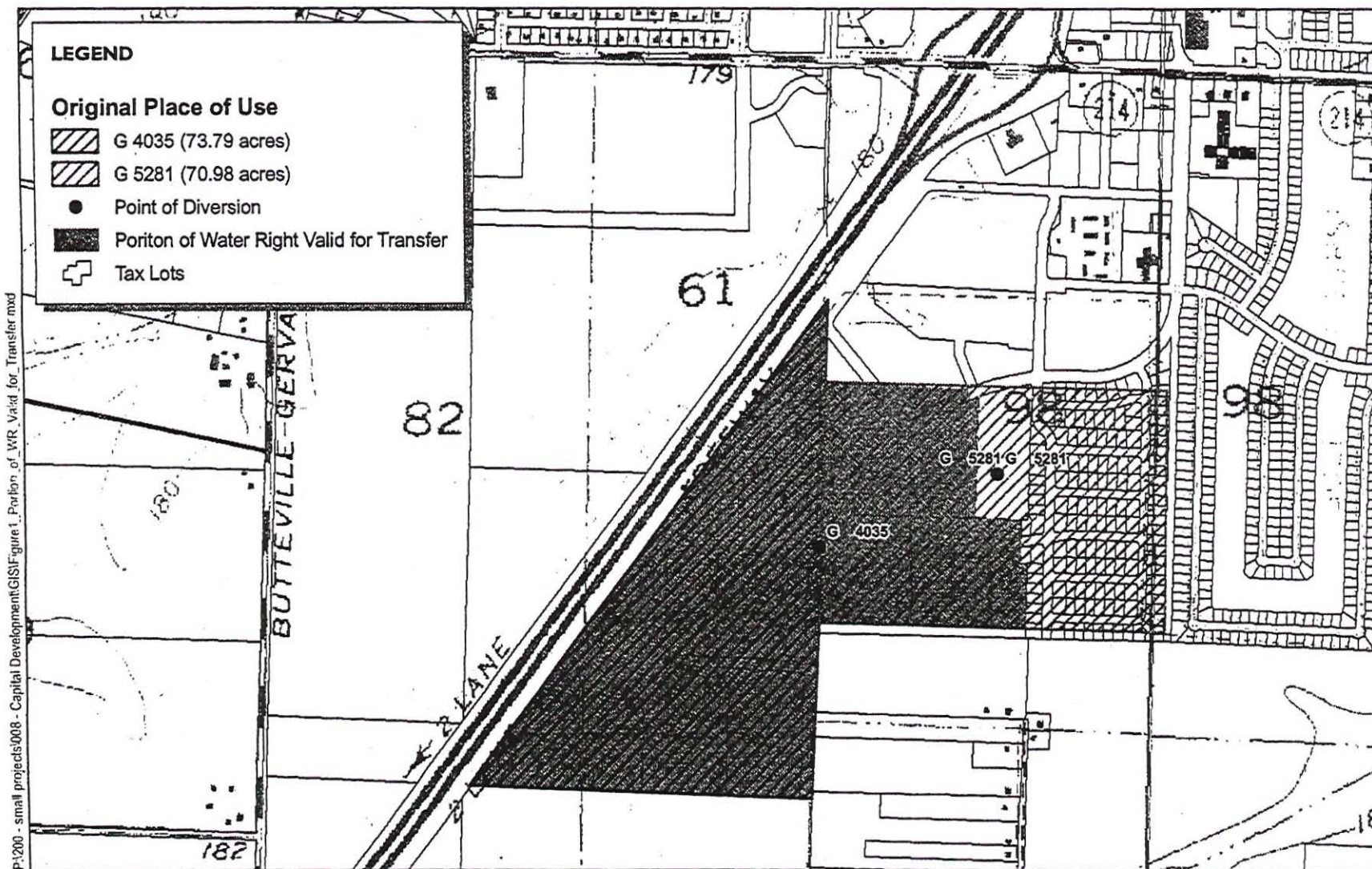
Subscribed and sworn to before me by Tom DeArmona
who appeared personally before me this 15th day of August, and who did swear,
affirm, certify, depose, and warrant that he/she/they have signed the hereinabove
instrument as his/her/their sui juris act and who is/are legally authorized to sign the
hereinabove instrument and do hereby attach documentary evidence of his/her/their
authority if acting on behalf of any fictitious legal entity of public or private law.

Karen L. Morgan
Notary

My Commission Expires: 11-8-2009
(SEAL)

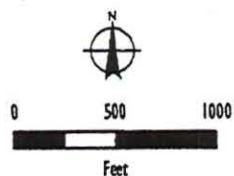


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WATER RESOURCES DEPT
SALEM, OREGON



P:\200 - small projects\008 - Capital Development\GIS\Figure 1 - Portion of WR Valid for Transfer.mxd

Map Date: 7-12-2007



Remaining acres available for transfer

Permit	Acres
G-4035	73.54
G-5281	36.12
Total	109.62

Figure 1

Water Rights Valid for Transfer

Woodburn, OR
Capital Development Corp.



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FEB 12 2008
WATER HEADQUARTERS
SALEM, OREGON

10534

45-072

TOWN CENTER AT WOODBURN

LOCATED IN THE SE AND SW 1/4 OF SECTION 12; NE AND NW 1/4 OF SECTION 13, NE 1/4 OF SECTION 14; TOWNSHIP 5 SOUTH RANGE 2 WEST, WILLAMETTE MERIDIAN, CITY OF WOODBURN, MARION COUNTY, OREGON

CITY OF WOODBURN PLANNING DECISION: SUBDIVISION 02-02
DATE OF SURVEY, DECEMBER 17, 2002

RECEIVED

FEB 12 2008

45-72

PAGE 1 OF 3

- LEGEND**
- DENOTES 5/8" X 36" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM END OR LS 3413"
 - DENOTES POST-HOLE/NOTATION 5/8" X 36" IRON ROD SET WITH YELLOW PLASTIC CAP MARKED "WILHELM END OR LS 3413"
 - △ DENOTES POUND 5/8" X 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "WILHELM END OR LS 3413"
 - DENOTES POUND 5/8" X 30" IRON ROD WITH ORANGE PLASTIC CAP MARKED "C23 88"
 - DENOTES IRONMENT FOUND AS NOTED
 - 1) DENOTES RECORD DATA, AS NOTED
 - 2) DENOTES MEASURED AND RECORD DATA
 - IMP DENOTES IRON ROD FOUND
 - IPY DENOTES IRON PIPE FOUND
 - YPC DENOTES YELLOW PLASTIC CAP
 - P.P. DENOTES PARTITION PLAT
 - C.S. DENOTES MARION COUNTY SURVEY RECORDS
 - P.U.E. DENOTES PUBLIC UTILITY EASEMENT
 - R.O.W. DENOTES RIGHT OF WAY
 - DENOTES PUBLIC UTILITY EASEMENT
 - DENOTES ROADWAY CENTERLINE

CENTERLINE CURVE TABLE

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.
1+00.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+10.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+20.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+30.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+40.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+50.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+60.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+70.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+80.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+90.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
2+00.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00

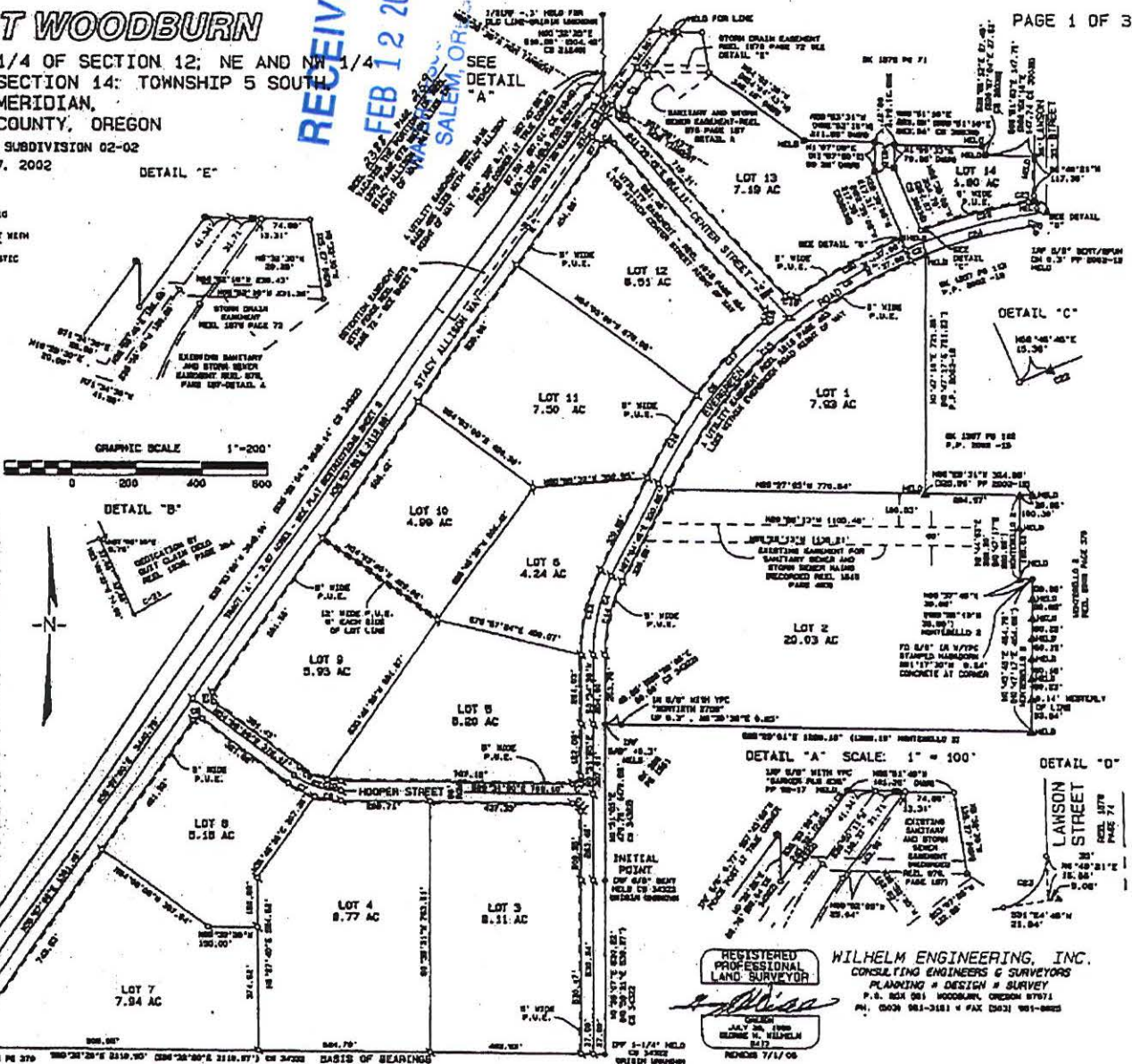
PROPERTY LINE CURVE TABLE

STATION	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.	CHORD BEARING	CHORD DIST.	ARC BEARING	ARC DIST.
1+00.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+10.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+20.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+30.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+40.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+50.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+60.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+70.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+80.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
1+90.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00
2+00.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00	N 89° 51' 12" E	100.00	89° 51' 12"	100.00

REFERENCE SURVEYS

CB 34002, CB 36006, CB 31067, CB 36208
CB 31646, CB 35606, 32002
PARTITION PLAT 89-17, PARTITION PLAT 89-04
PARTITION PLAT 90-02, PARTITION PLAT 91-17
PARTITION PLAT 90-02, 10
NORTHERN 1/4 PLAT 44, AC 38 8019
NORTHERN 1/4 PLAT 44, AC 38 8019
NORTHERN 1/4 PLAT 44, AC 38 8019

DP 5/8" WITH ALUMINUM
CAP STAMPED "CLAY &
SPEFF" SEE 820-8019



REGISTERED
PROFESSIONAL
LAND SURVEYOR

WILHELM ENGINEERING, INC.
CONSULTING ENGINEERS & SURVEYORS
PLANNING & DESIGN & SURVEY
P.O. BOX 081 WOODBURN, OREGON 97071
PH. 503.961.3181 FAX 503.961.0885

JULY 28, 1998
RECORD NO. 10
RECORD NO. 10
RECORD NO. 10

T 10534

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **91431**

725 Summer St. N.E. Ste. A
SALEM, OR 97301-4172
(503) 986-0900 / (503) 986-0904 (fax)

INVOICE # _____

RECEIVED FROM: T.H. DeArmond & Son
BY: _____

APPLICATION	
PERMIT	
TRANSFER	<u>See below</u>

CASH: ☐ CHECK: # 12471 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 3700.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES \$ _____
OTHER: (IDENTIFY) \$ _____
0243 I/S Lease _____ 0244 Muni Water Mgmt. Plan _____ 0245 Cons. Water _____

4270 WRD OPERATING ACCT

MISCELLANEOUS	<u>T-10532 - 1200.00</u>	
0407 COPY & TAPE FEES	<u>T-10533 - 1200.00</u>	\$ _____
0410 RESEARCH FEES	<u>T-10534 - 500.00</u>	\$ _____
0408 MISC REVENUE: (IDENTIFY)	<u>T-10535 - 800.00</u>	\$ _____
TC162 DEPOSIT LIAB. (IDENTIFY)		\$ _____
0240 EXTENSION OF TIME		\$ _____
WATER RIGHTS:		
0201 SURFACE WATER		\$ _____
0203 GROUND WATER		\$ _____
0205 TRANSFER		\$ _____
WELL CONSTRUCTION		
0218 WELL DRILL CONSTRUCTOR		\$ _____
LANDOWNER'S PERMIT		\$ _____
OTHER (IDENTIFY)		\$ _____

**RECEIVED
OVER THE COUNTER**

EXAM FEE
\$ _____
0202
\$ _____
0204
\$ 3700.00
EXAM FEE
\$ _____
0219
\$ _____
0220
\$ _____

RECORD FEE

\$ _____
\$ _____

LICENSE FEE

\$ _____
\$ _____

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE \$ _____ CARD # _____
0210 MONITORING WELLS \$ _____ CARD # _____
OTHER (IDENTIFY) _____

0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD) \$ _____
0231 HYDRO LICENSE FEE (FW/WRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

FUND _____ TITLE _____
OBJ. CODE _____ VENDOR # _____
DESCRIPTION _____ \$ _____

RECEIPT: **91431**

DATED: 2/12/08

BY: J. Pasalun

Distribution - White Copy - Customer, Yellow Copy - Fiscal, Blue Copy - File, Buff Copy - Fiscal

T 10534