



State of Oregon  
Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900

# Application for Instream Lease

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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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

Optional Identification by Lessor/Lessee: 2026 Mitigation lease  
Lease Application Number (assigned by WRD): IL-833/MP-106

This Lease is between:

**Lessor #1:**

Name City of Redmond  
Mailing address PO Box 726  
City, State, Zip Code Redmond, OR 97756  
Telephone number \_\_\_\_\_  
Email address patd@ci.redmond.or.us

**Lessor #2, 3, etc.**

Central Oregon Irrigation District  
1055 SW Lake Ct  
Redmond, OR 97756  
541-548-6047  
Email: lauraw@coid.org

The water right to be leased is located in Deschutes County.

**Lessee (if different than Oregon Water Resources Department):**

Name Deschutes Water Exchange Mitigation Bank  
Mailing address 700 NW Hill  
City, State, Zip Code Bend, OR 97701  
Telephone number 541-382-5186  
Email address gen@deschutesriver.org

**Trustee:**

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
(503) 986-0900

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**MAY 18 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

### ~I~ Water Right Holder and Water Right Information

1.1 Lessor #1 is the water right holder, or authorized agent for water right holder of the property located at: Township \_\_\_\_\_ S, Range \_\_\_\_\_ E, Section \_\_\_\_\_ and Tax Lot number \_\_\_\_\_. If the water right appurtenant to these lands is also appurtenant to lands owned by others who are not included in this application, then Attachment 1 (tax lot map), needs to be included.

- 1.2 Lessor #2 is the (Check one):  
 Not applicable  
 Official representative of Central Oregon Irrigation District, the irrigation district which conveys water to the subject water rights.  
 Another party with an interest in the subject water rights representing \_\_\_\_\_.

- 1.3 For the water right(s) being leased, list all water rights appurtenant to the same lands. Indicate if there are any supplemental or overlying rights.

Certificate No. 76358 & 76714

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program.  Yes  No

1.5 **Water Rights Proposed to be Leased Instream.**

The first right to be leased identified in Section 1.3 is further described as follows:

Certificate No.: 76358

Priority date: October 31, 1900 & December 31, 1907 Type of use: Irrigation

Legal Season of Use: April 1 to November 1

Is the entire water right certificate being leased?  Yes  No

If no, list the acres of the subject water right by legal description of township, range, section, and  $\frac{1}{4}$   $\frac{1}{4}$  which will be dried up as part of this lease, and include a map (Attachment 2) showing the lands which will not receive water.

Place of use: T \_\_\_ S, R \_\_\_ E, Section \_\_, \_\_\_  $\frac{1}{4}$  \_\_\_  $\frac{1}{4}$  - \_\_\_\_\_ acres to be leased

Enter additional places of use here, using format above:

See attached Exhibit A

Page \_\_\_\_\_ (Identify page number of certificate, if certificate is greater than 10 pages.)

Number of acres being leased, if for irrigation: 53.13

Acre-feet of storage, if applicable: 0

Maximum rate associated with the right to be leased (cfs): \_\_\_\_\_

October 31, 1900: Season 1: 0.664, Season 2: 0.886, Season 3: 1.169

December 2, 1907: Season 3: 0.471

(Use additional lines if there is more than one rate associated with the water right.)

Maximum duty associated with the right to be leased (ac-ft): 526.52

(Use additional lines if there is more than one duty associated with the water right.)

Conditions or other limitations, if any: None

If you need to enter another leased right, please use the additional water rights form.

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SALEM, OREGON

1.6 **Validity of rights.** Lessor(s) attests (mark one) that:

the water has been used over the past five years according to the terms and conditions of the water right certificate or as an instream water right or

the water has not been used over the past five years according to the terms and conditions of the water right certificate, however the water right is not subject to

forfeiture under ORS 540.610(2)(\_) (include necessary supporting documentation as Attachment 3).

**~II~ Instream Water Right Information**

**2.1 Public use.** This lease will increase streamflows that will benefit:

- Conservation, maintenance and enhancement of aquatic and fish life, wildlife, and fish and wildlife habitat
- Pollution abatement
- Recreation and scenic attraction

**2.2 Instream use created by lease.** The instream use to be created is described as follows:

Deschutes River  
Tributary to Columbia River in the Deschutes Basin.

Describe the point of diversion (POD) and any associated reach(es) of the instream use being created. If possible list the reach by river mile. If no reach is identified, and there is only one POD listed on the certificate, the lease may be processed to be protected at the POD. (If more than one POD is listed on the certificate, then the POD and any associated reach(es) must be identified): POD #11 to Lake Billy Chinook

Maximum volume in acre-feet: October 31, 1900: 289.59

Rate in cfs: October 31, 1900: Season 1: 0.365, Season 2: 0.487, Season 3: 0.902

(Use the section below to indicate a more restrictive period of use than allowed by the water right.)

**Conditions to prevent injury, if any:**

- None
- The instream flow will be allocated on a daily average basis up to the described rate from April 1 through October 26.
- Other (describe): \_\_\_\_\_

If you need to enter more instream uses, please use the additional water rights form.

**2.3 Term of lease.** This lease shall terminate on October 31, 2011.

**2.4 Flow protection.** The Trustee will regulate use of water from the source, subject to prior appropriation and the agency enforcement guidance, to assure the water is delivered to the point of diversion, and through the reach past junior downstream users, so long as flow is sufficient to meet the demand under priority date of the new instream use (see Section 2.2). As part of regulation activities the watermaster or a designee has access to the point of diversion and place of use for the water rights involved in this lease. No party is required to continuously measure the flow of the waterway described in Section 2.2.

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**~III~ Other Information**

**3.1 Accuracy.** The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and complete. If after the lease order is signed, any information is determined to be false, the

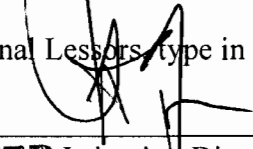
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SALEM, OREGON

lease order may be modified or terminated. The lease only exercises the water rights being leased, for the term of the lease. It shall not be construed to overcome any claim that the water right may otherwise be subject to forfeiture for nonuse pursuant to ORS 540.610 during the period of time prior to the execution of the lease.

- 3.2 Lease.** Lessor(s) and Lessee(s) agree to lease the water rights listed in Section(s) 1.5 for instream use for the term of this lease through Lessee to the Trustee, the Oregon Water Resources Department, pursuant to the provisions of ORS 537.348(2) and OAR 690-077.
- 3.3 Precedent.** If a right which has been leased is later proposed to be leased again or transferred to an instream use under ORS 537.348 and OAR 690-077 a new injury review shall be required, and a prior lease shall not set a precedent for the amount of water to be leased or transferred instream.
- 3.4 Suspension of original use.** During the period of the lease, the water right holder agrees to suspend use of water allowed under the subject water rights and under any water right that is supplemental to the subject water rights.
- 3.5 Termination provision.**
- For multiyear leases, the Lessor(s) shall have the option of terminating the lease each year with written notice to the Department. The lease may be terminated at any time during the calendar year. However, if the termination request is received less than 30-days prior to the period of allowed instream use or after the period of allowed use has begun for the water right(s) being leased, water may not be used under the right(s) leased until the following calendar year, unless the Director determines that enlargement would not occur. The Department may also require:
    - Written notice to the Department with original signatures;
    - Consent by all parties to the lease; and/or
    - Written notice to the Watermaster's office.
  - For multiyear leases, the lessor shall not have the option of terminating the lease, without consent by all parties to the lease.
- 3.6 Modification to prevent injury.** Allocation of water to the instream use described in Section 2.2 during the term of this lease is not reasonably expected to cause injury to other rights to use water from the same source. If injury is found after this lease is signed, the lease may be modified or terminated to prevent injury.
- 3.7 Fees.** Pursuant to ORS 536.050, the following fee is included:
- \$200 for an application with four or more landowners or four or more water rights.
  - \$100 for all other applications.

Lessor #1:  Date: 3-21-07  
City of Redmond *Water Division Mgr.*

For additional Lessors, type in space for signature and date

Lessor #2:  Date: 22 March, 2007  
**RECEIVED** Irrigation District

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Lessee: Genevieve Hubert  
Deschutes Water Exchange Mitigation Bank

Date: 17, May 2007

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EXHIBIT "A"

CITY OF REDMOND - QUITCLAIMED RIGHTS  
2007 INSTREAM LEASE

PRIMARY CERTIFICATE 76358  
SUPPLEMENTAL CERTIFICATE 76714

TRS	QQ	TL	# ACRES	TYPE	POD #	PAGE #	QUITCLAIM #
15-13-03	SW NW	1302	0.70	IRRIG	11	30	2007-11568*
15-13-03	SW NW	1300RD	1.50	IRRIG	11	30	2007-11568*
15-13-04	NE NE	700RD	0.78	IRRIG	11	30	2007-11568**
15-13-17	NE NE	100	1.00	IRRIG	11	37	2007-11566***
15-13-17	NE NE	101	27.00	IRRIG	11	37	2007-11566
15-13-17	SE NE	1502	13.20	IRRIG	11	37	2007-11566****
15-13-29	NE NW	100	0.75	IRRIG	11	41	2006-64037
15-13-29	NE NW	101	4.40	IRRIG	11	41	2006-64037
15-13-29	NE NW	102	3.80	IRRIG	11	41	2006-64037

53.13 TOTAL ACRES

\*Since HB3111, original TL1300 has been split leaving 13.80 acres W/R on TL1300, creating TL1302 with 0.70 ac W/R and TL1300RD with 1.50 acres W/R.

\*\*Since HB3111, a lot line adjustment occurred to incorporate a roadway. 0.78 acres W/R being appurtenant to TL700RD and 2.22 acres remaining on TL700.

\*\*\*Since HB3111, 0.50 acres W/R have been transferred off on T-8485, leaving 1.00 acres W/R.

\*\*\*\*Since HB3111, 13.20 acres W/R has been quitclaimed to City of Redmond on above Quitclaim number, and 4.30 acres W/R were previously quitclaimed to COID.

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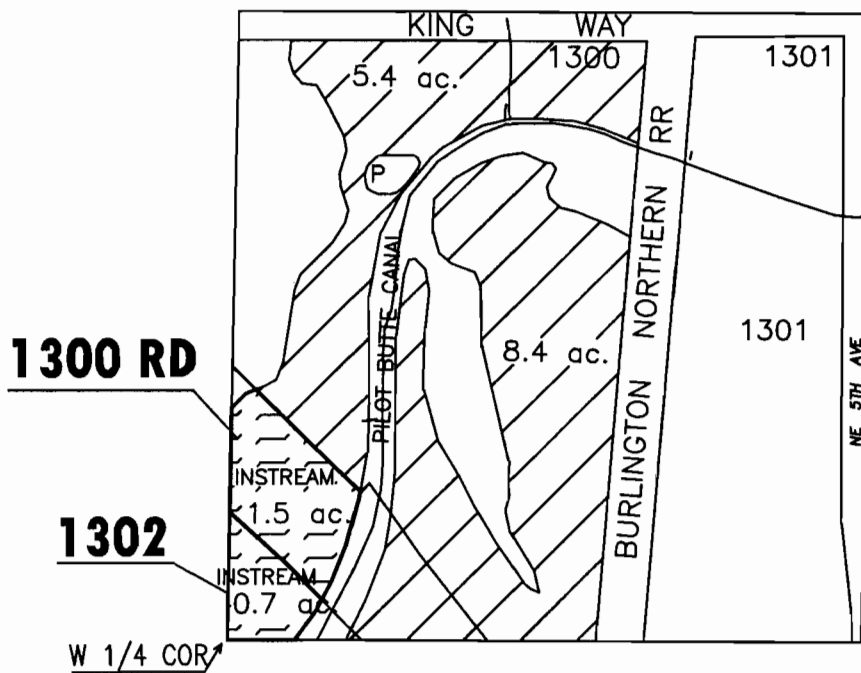
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SALEM, OREGON

**DESCHUTES COUNTY  
SEC.03 T15S. R13E. W.M.**

SCALE - 1" = 400'



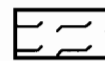
SW 1/4 OF THE NW 1/4



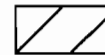
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'INSTREAM' LANDS



EXISTING WATER RIGHTS

**CENTRAL OREGON**



**IRRIGATION DISTRICT**

APPLICATION FOR 5YR INSTREAM LEASE

NAME: CITY OF REDMOND

TAXLOT #: 1302, 1300 RD

2.2 ACRES INSTREAM

DATE: 05-10-07

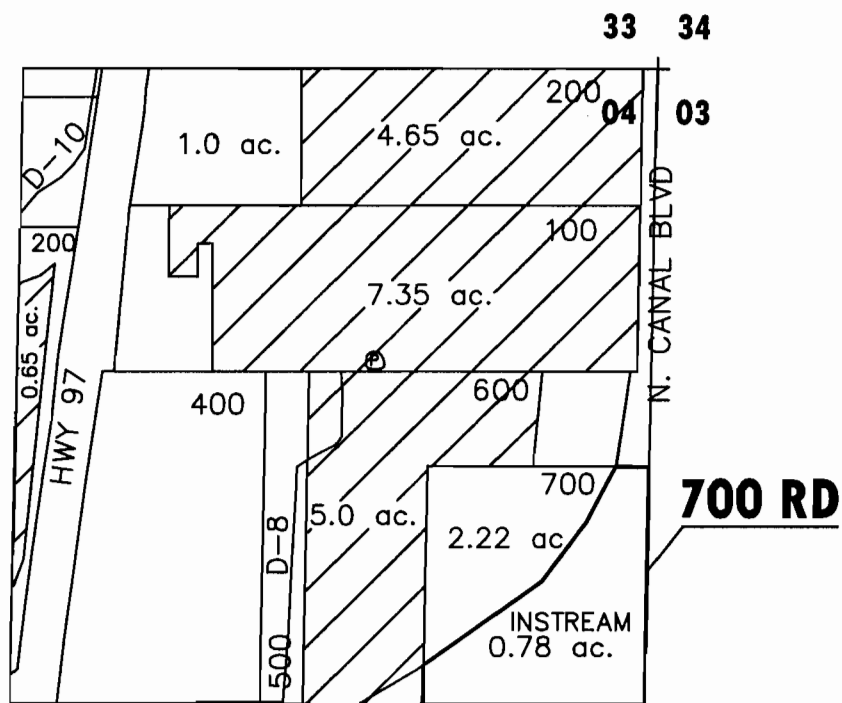
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**DESCHUTES COUNTY  
SEC.04 T15S. R13E. W.M.**

SCALE - 1" = 400'



**NE 1/4 OF THE NE 1/4**



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APPLICATION FOR 5YR INSTREAM LEASE

NAME: CITY OF REDMOND

TAXLOT #: 700 RD

0.78 ACRES INSTREAM

	EXISTING WATER RIGHTS
	'INSTREAM' LAND PARCELS
	PARCELS W/ WATER RIGHTS



DATE: 05-10-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\5YR\CITY OF REDMOND\151304\_NENE

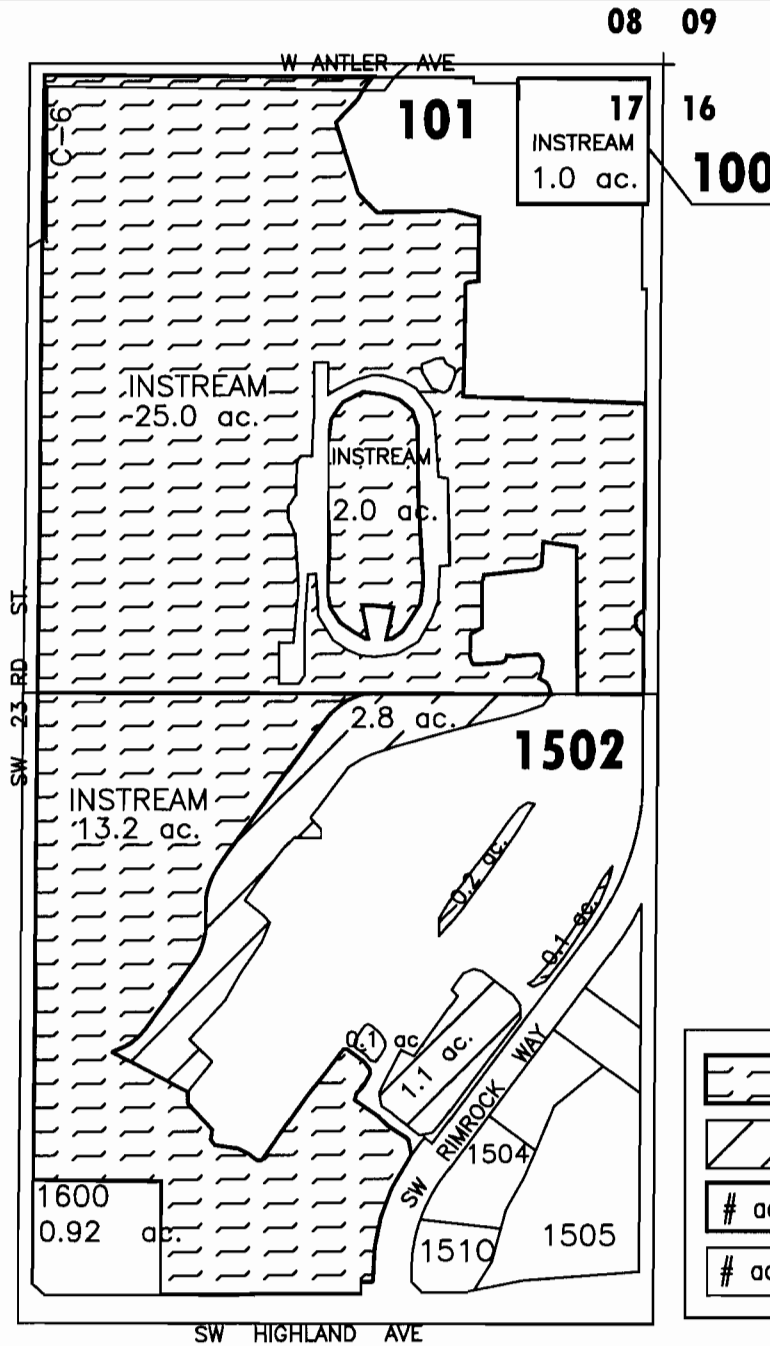


# DESCHUTES COUNTY SEC. 17 T15S. R13E. W.M.

SCALE - 1" = 400'







NE 1/4 OF THE NE 1/4; SE 1/4 OF THE NE 1/4



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-  'INSTREAM' LANDS
-  EXISTING WATER RIGHTS
-  '# ac.' 'INSTREAM' LAND PARCELS
-  '# ac.' PARCELS W/ WATER RIGHTS



APPLICATION FOR 5YR INSTREAM LEASE

NAME: CITY OF REDMOND

TAXLOT #: 100, 101, 1502      41.2 ACRES INSTREAM

DATE: 05-10-07

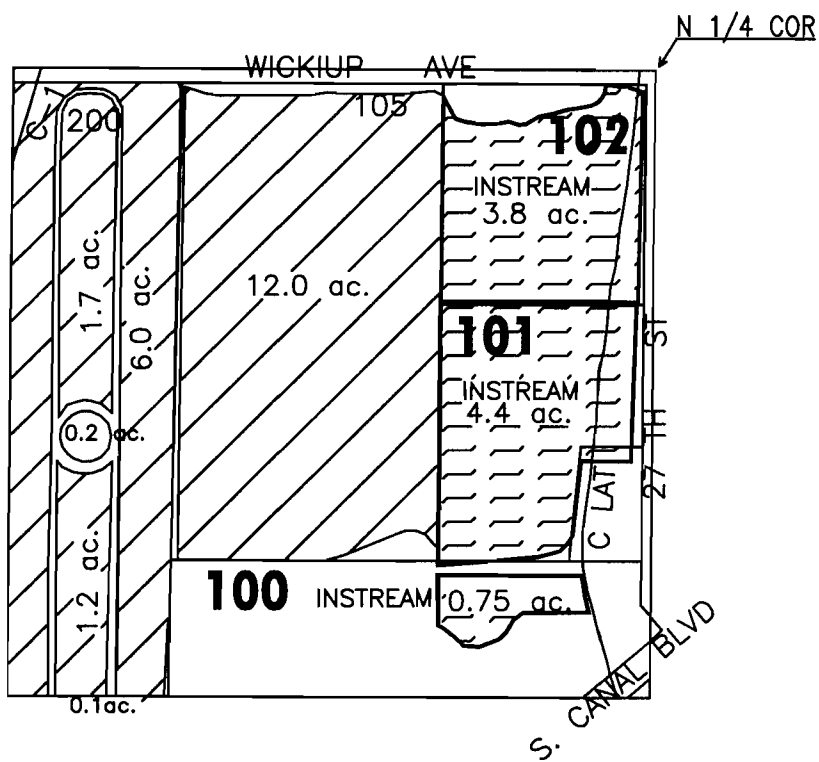
FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\5YR\CITY OF REDMOND\151317\_NE

**DESCHUTES COUNTY  
SEC.29 T15S. R13E. W.M.**

SCALE - 1" = 400'



**NE 1/4 OF THE NW 1/4**



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	'INSTREAM' LANDS
	EXISTING WATER RIGHTS



APPLICATION FOR 5YR INSTREAM LEASE

NAME: CITY OF REDMOND

TAXLOT #: 100, 101, 102

8.95 ACRES INSTREAM

DATE: 05-10-07

FILE NO: E:\TRANSFER\INSTREAM\INSTRM07\5YR\CITY OF REDMOND\151329\_NENW



MAIL TAX STATEMENT  
TO: NO CHANGE

After Recording return to:  
Central Oregon Irrigation District  
1055 S.W. Lake Court  
Redmond, OR 97756

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2007-11568



\$56.00

00531093200700115680060062

02/26/2007 02:43:45 PM

D-D Cnt=1 Str=2 JS  
\$30.00 \$11.00 \$10.00 \$5.00

**QUITCLAIM DEED  
WATER CONVEYANCE AGREEMENT  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, State of Oregon, by and through its Department of Transportation, releases and quitclaims to the City of Redmond ("Grantee") all rights, title and interest in the following: By this agreement, Grantor, the owner of the lands listed in Exhibit A, release their claim and responsibility for 2.98 acres of Central Oregon Irrigation District ("COID") water rights that are ~~appurtenant to the lands listed in Exhibit A, to Grantee.~~ The water right in question is further described as a portion of Certificate # 76358, priority date of Oct. 31, 1900 and Dec. 2, 1907 and Certificate # 76714, priority date of Feb. 28, 1913, located on land commonly known as: 15-13-03 SW NW 1302 (0.70 acres irrigation); 15-13-03 SW NW 1300 RD (1.50 acres irrigation) & 15-13-04 NE NE 700 RD (0.78 acres irrigation), and more particularly described as in Exhibit A, attached, and incorporated by this reference.

Grantee and Central Oregon Irrigation District may elect to complete a transfer application and submit it to the Water Resources Department for approval of use of the water rights at a new location and/or use.

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A 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 land; and that upon completion of a transfer, by election of COID, the subject land no longer will have appurtenant water rights.

Furthermore, upon signing of this agreement, Grantee shall be liable for any district assessment or charges pertaining to the described 2.98 acres of water rights.

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim: \$3,355.00

Grantor:

Dee Linda G Jones  
State of Oregon, by and through its Department of Transportation

Date 2/1/07

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State of Oregon )  
County of Marion ) ss.

This instrument was acknowledged before me on Feb. 1 2007 by Dee Linda G. Jones as State Right of Away Manager for State of Oregon, Department of Transportation.

Eddie Burton  
Notary Public



Grantee:

Michael Patterson

Date 1/11/07

City of Redmond

State of Oregon )  
                                  ) ss.  
County of Deschutes )

This instrument was acknowledged before me on January 11, 2007 by Michael Patterson as City manager for City of Redmond.



Patricia I. Leymaster  
Notary Public

Approved: [Signature]

Date 20 Feb. 2007

Steven C. Johnson Secretary-Manager Central Oregon Irrigation District

State of Oregon )  
                                  ) ss.  
County of Deschutes )

This instrument was acknowledged before me on February 20, 2007 by Steven C. Johnson as Secretary-Manager for Central Oregon Irrigation District.



Leslie Clark  
Notary Public

**EXHIBIT A -**

**Parcel 1 - FEE**

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 15 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Brad A. Evert and Shannon R. Evert, recorded November 6, 1997 in Volume 468, Page 2615, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying Northerly of the "RERW" center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station "RERW" 4+677.992, said station being 526.012 meters South and 192.142 meters West of the Northeast Corner of Section 4, Township 15 South, Range 13 East, W.M.; thence South 48° 03' 08" East 266.136 meters; thence on a spiral curve right (the long chord of which bears South 43° 57' 40" East 149.694 meters) 150.000 meters; thence on a 350.000 meter radius curve right (the long chord of which bears South 21° 37' 42" East 171.076 meters) 172.827 meters; thence on a spiral curve right (the long chord of which bears South 0° 42' 16" West 149.694 meters) 150.000 meters; thence South 4° 47' 43" West 405.141 meters to Engineer's center line Station "RERW" 5+822.096.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
"RERW"4+750.308		"RERW"4+841.748	140.208 in a straight line to 51.816
"RERW"4+841.748		"RERW"4+885.944	51.816 in a straight line to 39.624
"RERW"4+885.944		"RERW"4+998.720	39.624 in a straight line to 35.052
"RERW"4+998.720		"RERW"5+050.536	42.672 in a straight line to 33.528
"RERW"5+050.536		"RERW"5+120.640	33.528 in a straight line to 35.052

ALSO all that portion of said property lying Southerly of said "RERW" center line.

Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), south zone.

This parcel of land contains 2.120 hectares, more or less.

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North

SEE MAP 15 13 04AD

BOULEVARD

1300  
20.39 AC

KING WAY

520.00±

370±

420.00

1302  
0.90 AC

1402

796-  
106.132-  
94.128-

DED 2005-70025  
PT OF FUTURE HWY 97 RE

4+841.748

4+885.944

4+998.720

5+050.536

5+120.640

URLINGTON NORTHERN RAILROAD

1400  
14.70 AC

1301  
10.70 AC

AT GRADE

21.30  
33.53

199.58

26.01

DED 2004-47521 998.99

5TH STREET

6  
7

A parcel of land lying in the Government Lot One (1) of Section Four (4), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, and being a portion of that property described in that Warranty Deed to John Frost and Helen L. Frost, recorded August 26, 1986, in Volume 131, Page 238 Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying Northwesterly of the "NC97" center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station "NC97" 19+999.981, said station being 28.277 meters North and 0.331 meters East of the Northeast corner of Section 4, Township 15 South, Ranger 13 East of the Willamette Meridian, Deschutes County, Oregon; thence South 0°46'05" West, 198.461 meters; thence on a spiral curve right (the long chord of which bears South 5°54'24" West, 104.662 meters) 105.00 meters; thence on a 195.000 meter radius curve right (the long chord of which bears South 28°18'43" West, 81.871 meters) 82.485 meters; thence on a spiral curve right (the long chord of which bears South 50°43'01" West, 104.662 meters) 105.00 meters; thence South 55°51'20" West, 182.198 meters to Engineers center line Station "NC97" 20+673.125.

The width in meters of said strip of land as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on the Westerly Side of Center Line</u>
NC97 20+218.908		NC97 20+285.964	13.716 in a straight line to 16.764
NC97 20+285.964		NC97 20+331.684	16.764 in a straight line to 23.774
NC97 20+331.684		NC97 20+385.927	23.774 in a straight line to 27.432
NC97 20+385.927		NC97 20+490.927	27.432 in a straight line to 33.528
NC97 20+490.927		NC97 20+540.472	33.528 in a straight line to 36.576

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SALEM, OREGON**

# DESCHUTES COUNTY

1" = 100'

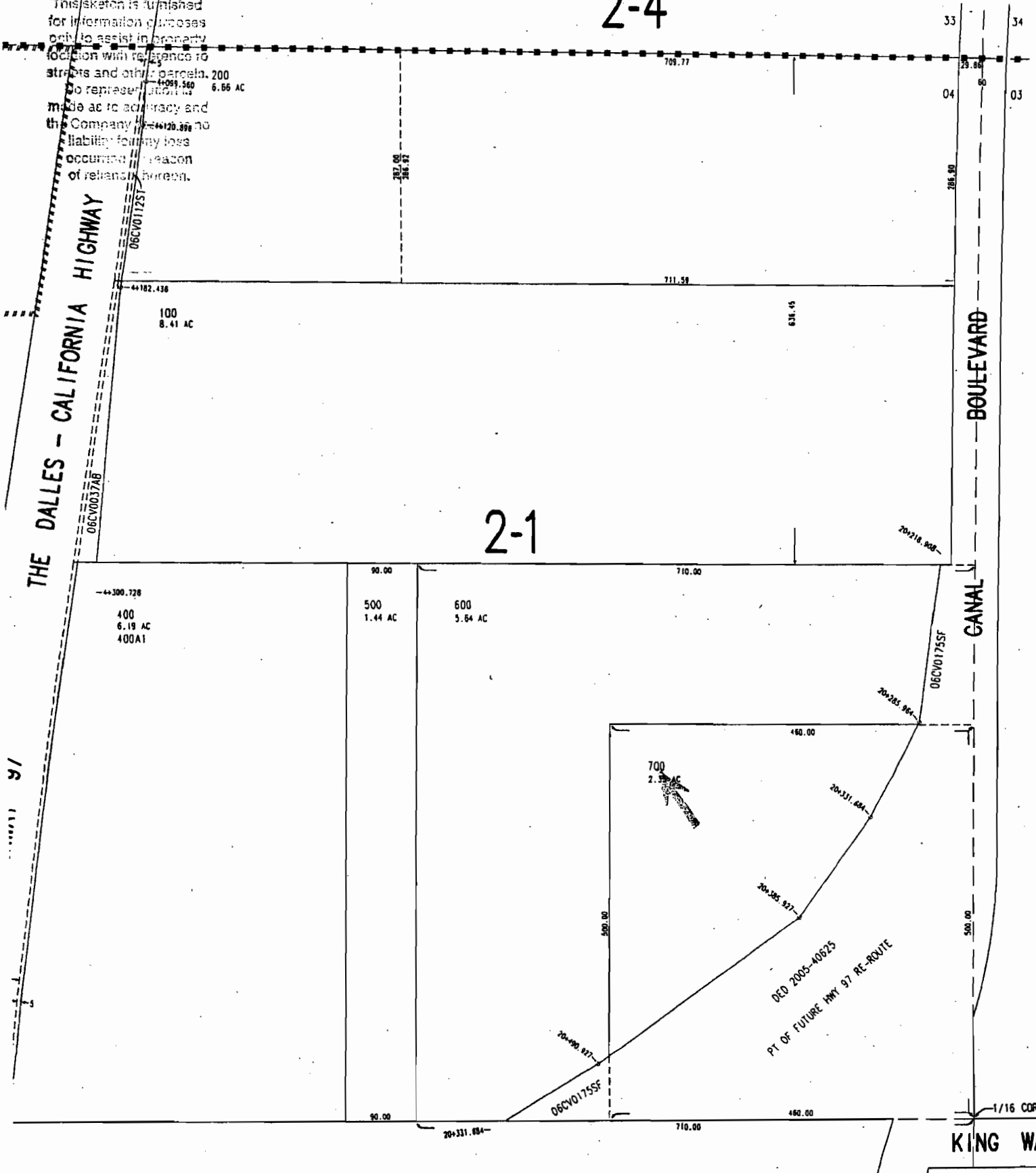


COMPLIMENTS OF  
AmenTitle

SEE MAP 14 13 33

## 2-4

This sketch is furnished for information purposes only to assist in property location with reference to streets and other parcels. 200  
Do not represent that  
made as to accuracy and  
the Company or its agents  
liability for any loss  
occurred or reason  
of reliance hereon.



## 2-1

SEE MAP 15 13 04AD

KING W



RECORDED BY:  
WESTERN TITLE & ESCROW CO.

WARRANTY DEED

JOHN FROST and HELEN L. FROST, husband and wife, Grantor, for the true and actual consideration of \$699,350.00, does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the property described as Parcel 1 on Exhibit "A" dated 2/08/2005 attached hereto and by this reference made a part hereof.

TOGETHER WITH all abutter's rights of access, if any, between The Dalles-California Highway and Grantor's remaining real property.

Grantor also grants to Grantee, its successors and assigns, a temporary easement for building demolition in order to demolish the structure and clear the debris upon the property described as Parcel 2 on Exhibit "A" dated 2/08/2005 attached hereto and by this reference made a part hereof.

IT IS UNDERSTOOD that the temporary easement rights herein granted shall terminate three (3) years from the date hereof or upon completion of the above-mentioned construction project, whichever is sooner.

IT IS ALSO UNDERSTOOD that the temporary easement herein granted does not convey any right or interest in the above-described Parcel 2, except as stated herein, nor prevent Grantor from the use of said property; provided, however that such use does not interfere with the rights herein granted.

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Map and Tax Lot #: 15-13-04AA-700

Property Address: 2931 NW Canal Blvd  
Redmond OR 97756

RECEIVED

MAY 18 2007

WATER RESOURCES DEPT  
SALEM, OREGON

RECORDED BY:  
WESTERN TITLE & ESCROW CO.

10-0043005 TO

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-40625



\$46.00

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06/28/2005 11:16:06 AM

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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

**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.**

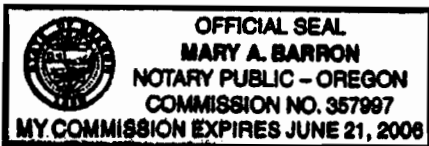
It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 13<sup>th</sup> day of JUNE, 2005.

[Signature]  
John Frost  
[Signature]  
Helen L. Frost

STATE OF OREGON, County of Deschute

Dated 13<sup>th</sup> June, 2005. Personally appeared the above named John Frost and Helen L. Frost, husband and wife, who acknowledged the foregoing instrument to be their voluntary act. Before me:



[Signature]  
Notary Public for Oregon  
My Commission expires 6/21/06

Accepted on behalf of the Oregon Department of Transportation

[Signature]

**Parcel 1 - Fee**

A parcel of land lying in the Government Lot 1 of Section 4, Township 15 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to John Frost and Helen L. Frost, recorded August 26, 1986 in Volume 131, Page 238, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying Northwesterly of the "NC97" center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station "NC97" 19+999.981, said station being 28.277 meters North and 0.331 meters East of the Northeast Corner of Section 4, Township 15 South, Range 13 East, W.M.; thence South 0° 46' 05" West 198.461 meters; thence on a spiral curve right (the long chord of which bears South 5° 54' 24" West 104.662 meters) 105.000 meters; thence on a 195.000 meter radius curve right (the long chord of which bears South 28° 18' 43" West 81.871 meters) 82.485 meters; thence on a spiral curve right (the long chord of which bears South 50° 43' 01" West 104.662 meters) 105.000 meters; thence South 55° 51' 20" West 182.198 meters to Engineer's center line Station "NC97" 20+673.125.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on the Westerly Side of Center Line
NC97 20+218.908		NC97 20+285.964	13.716 in a straight line to 16.764
NC97 20+285.964		NC97 20+331.684	16.764 in a straight line to 23.774
NC97 20+331.684		NC97 20+385.927	23.774 in a straight line to 27.432
NC97 20+385.927		NC97 20+490.927	27.432 in a straight line to 33.528
NC97 20+490.927		NC97 20+540.472	33.528 in a straight line to 36.576

TOGETHER with that portion of said property lying Southerly and Easterly of said "NC97" center line as described herein.

Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), south zone.

This parcel of land contains 1.029 hectares, more or less outside the existing right of way.

**RECEIVED**  
 MAY 18 2007  
 WATER RESOURCES DEPT  
 SALEM, OREGON

**Parcel 2 - Temporary Easement for Building Demolition (3 years or duration of Project, whichever is sooner)**

A parcel of land lying in the Government Lot 1 of Section 4, Township 15 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to John Frost and Helen L. Frost, recorded August 26, 1986 in Volume 131, Page 238, Deschutes County Records; the said parcel being that portion of said property lying between lines at right angles to the "NC97" center line of the relocated The Dalles - California Highway at Engineers Stations "NC97" 20+295.108 and "NC97" 20+331.684 and included in a strip of land variable in width, lying Westerly of said center line, which center line is described in Parcel 1.

The width in meters of said strip of land is as follows:

<u>Station</u>	<u>to</u>	<u>Station</u>	<u>Width on the Westerly Side of Center Line</u>
NC97 20+295.108		NC97 20+331.684	33.833 in a straight line to 23.774

EXCEPT therefrom Parcel 1.

This parcel of land contains 237 square meters, more or less.

H6

File 6983 070  
Map 10B-20-22

**WARRANTY DEED**

**BRAD A. EVERT and SHANNON R. EVERT, husband and wife, Grantor, for the true and actual consideration of \$715,000, does convey unto the STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION, Grantee, fee title to the property described as Parcel 1 on Exhibit "A" dated 6/27/2005 attached hereto and by this reference made a part hereof.**

Pursuant to Oregon law, ORS 374.405, there is no right of access to or from the remainder of Grantor's parcel(s) and any highway constructed on the property subject of this conveyance.

Grantor also grants to Grantee, its successors and assigns, a permanent easement for construction, reconstruction, and maintenance of irrigation facilities, and appurtenances, over, upon, and across the property described as Parcel 2 on Exhibit "A" dated 6/27/2005 attached hereto and by this reference made a part hereof.

Grantee, by virtue of this easement, shall have the right to go upon the above-described Parcel 2 for the purpose of making those certain changes in the irrigation facilities now constructed or to be constructed on said property, or property adjoining thereto, it being understood that the rights of the owner of said relocated irrigation facilities shall be the same as previously existed in that portion of the irrigation facilities which is being relocated.

IT IS UNDERSTOOD that this easement does not convey any right or interest in the above-described Parcel 2 except as stated herein.

RETURN TO AND TAX STATEMENT TO  
OREGON DEPARTMENT OF TRANSPORTATION  
RIGHT OF WAY SECTION  
355 CAPITOL STREET NE, ROOM 420  
SALEM OR 97301-3871

Map and Tax Lot #: 15-13-03-1300 & 15-13-04AD-100  
Property Address: 126 NE King Way  
Redmond, OR 97756

RECORDED BY:  
WESTERN TITLE & ESCROW CO.  
10-0222305 TD

RECEIVED  
MAY 18 2007  
WATER RESOURCES DEPT  
SALEM, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK  
2005-70025



\$46.00

10/14/2005 11:03:41 AM

9/27/2005  
Page 1 of 2 - wdpeirr  
eb/gc

D-D Cntw1 Stn3 PAM  
\$20.00 \$11.00 \$10.00 \$5.00

File 6983 070  
Map 10B-20-22

Grantor covenants to and with Grantee, its successors and assigns, that grantor is the owner of said property which is free from encumbrances, except for easements, conditions, and restrictions of record, and will warrant the same from all lawful claims whatsoever, except as stated herein.

Grantor agrees that the consideration recited herein is just compensation for the property or property rights conveyed, including any and all damages to Grantor's remaining property, if any, which may result from the acquisition or use of said property or property rights. However, the consideration does not include damages resulting from any use or activity by Grantee beyond or outside of those uses expressed herein, if any, or damages arising from any negligence.

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

**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.**

It is understood and agreed that the delivery of this document is hereby tendered and that terms and obligations hereof shall not become binding upon the State of Oregon Department of Transportation, unless and until accepted and approved by the recording of this document.

Dated this 5<sup>th</sup> day of October, 2005.

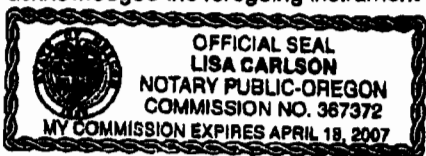
*Brad A. Evert*  
Brad A. Evert

*Shannon R. Evert*  
Shannon R. Evert

STATE OF OREGON, County of Deschutes

Dated October 5, 2005. Personally appeared the above named Brad A. Evert and Shannon R.

Evert, who acknowledged the foregoing instrument to be their voluntary act. Before me:



*Lisa Carlson*  
Notary Public for Oregon

My Commission expires April 18, 2007

Accepted on behalf of the Oregon Department of Transportation

*Mary E. Larson*

**EXHIBIT A - Page 1 of 1**

**File 6983070**  
**Drawing 108-20-22**  
**6/27/2005**

**Parcel 1 - FEE**

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 15 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Brad A. Evert and Shannon R. Evert, recorded November 6, 1997 in Volume 468, Page 2615, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying Northerly of the "RERW" center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station "RERW" 4+677.992, said station being 526.012 meters South and 192.142 meters West of the Northeast Corner of Section 4, Township 15 South, Range 13 East, W.M.; thence South 48° 03' 08" East 266.136 meters; thence on a spiral curve right (the long chord of which bears South 43° 57' 40" East 149.694 meters) 150.000 meters; thence on a 350.000 meter radius curve right (the long chord of which bears South 21° 37' 42" East 171.076 meters) 172.827 meters; thence on a spiral curve right (the long chord of which bears South 0° 42' 16" West 149.694 meters) 150.000 meters; thence South 4° 47' 43" West 405.141 meters to Engineer's center line Station "RERW" 5+822.096.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
"RERW"4+750.308		"RERW"4+841.748	140.208 in a straight line to 51.816
"RERW"4+841.748		"RERW"4+885.944	51.816 in a straight line to 39.624
"RERW"4+885.944		"RERW"4+998.720	39.624 in a straight line to 35.052
"RERW"4+998.720		"RERW"5+050.536	42.672 in a straight line to 33.528
"RERW"5+050.536		"RERW"5+120.640	33.528 in a straight line to 35.052

ALSO all that portion of said property lying Southerly of said "RERW" center line.

Bearings are based upon the Oregon Coordinate System of 1983 (1991 adjustment), south zone.

This parcel of land contains 2.120 hectares, more or less.

**RECEIVED**

**MAY 18 2007**

**WATER RESOURCES DEPT**  
**SALEM, OREGON**

**EXHIBIT A - Page 2 of 2**

**File 6983070**  
 Drawing 10B-20-22  
 8/27/2005

**Parcel 2 – Permanent Easement for Irrigation Facilities**

A parcel of land lying in the SW $\frac{1}{4}$ NW $\frac{1}{4}$  of Section 3 and the SE $\frac{1}{4}$ NE $\frac{1}{4}$  of Section 4, Township 15 South, Range 13 East, W.M., Deschutes County, Oregon and being a portion of that property described in that Warranty Deed to Brad A. Evert and Shannon R. Evert, recorded November 6, 1997 in Volume 468, Page 2615, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying Northerly of the "RERW" center line of the relocated The Dalles-California Highway which center line is described in Parcel 1.

The width in meters of said strip of land is as follows:

Station	to	Station	Width on Northerly Side of Center Line
"RERW"4+841.748		"RERW"4+885.944	57.302 in a straight line to 45.720
"RERW"4+885.944		"RERW"4+968.240	45.720 in a straight line to 42.672
"RERW"4+968.240		"RERW"4+980.432	42.672 in a straight line to 62.484

EXCEPT therefrom Parcel 1.

This parcel of land contains 1091 square meters, more or less.





DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2007-11566



\$46.00

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02/26/2007 02:43:38 PM

D-D Cnt=1 Str=2 JS  
\$20.00 \$11.00 \$10.00 \$5.00

MAIL TAX STATEMENT  
TO: NO CHANGE

After Recording return to:  
Central Oregon Irrigation District  
1055 S.W. Lake Court  
Redmond, OR 97756

**QUITCLAIM DEED  
WATER CONVEYANCE AGREEMENT  
FOR TRANSFER OF INTEREST IN A WATER RIGHT**

Grantor, Redmond School District No. 2J, releases and quitclaims to the City of Redmond ("Grantee") all rights, title and interest in the following: By this agreement, Grantor, the owner of the lands listed in Exhibit A ("Subject Lands"), release their claim and responsibility for 41.20 acres of Central Oregon Irrigation District ("COID") water rights that are appurtenant to the Subject Lands, to Grantee. The water right in question is further described as a portion of Certificate # 76358, priority date of Oct. 31, 1900 and Dec. 2, 1907 and Certificate # 76714, priority date of Feb. 28, 1913, located on land commonly known as: 15-13-17 NE NE 101 (27.0 acres irrigation); 15-13-17 NE NE 100 (1.0 acres irrigation) & 15-13-17 SE NE 1502 (13.20 acres irrigation), and more particularly described as in Exhibit A, attached, and incorporated by this reference.

Grantee and Central Oregon Irrigation District may elect to complete a transfer application and submit it to the Water Resources Department for approval of use of the water rights at a new location and/or use.

By entry of this deed, Grantor hereby notifies any subsequent purchaser of the Subject Lands that Grantor, as owner of the Subject Lands, 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 COID, the Subject Lands no longer will have appurtenant water rights.

Furthermore, upon signing of this agreement, Grantee shall be liable for any district assessment or charges pertaining to the described 41.20 acres of water rights.

This agreement is binding upon the heirs, executors, administrators, successors, and permitted assigns of the parties to this agreement.

Consideration for this Quitclaim: True and Valuable Consideration

Grantor:

Doug Snyder  
Doug Snyder for Redmond School District No. 2J

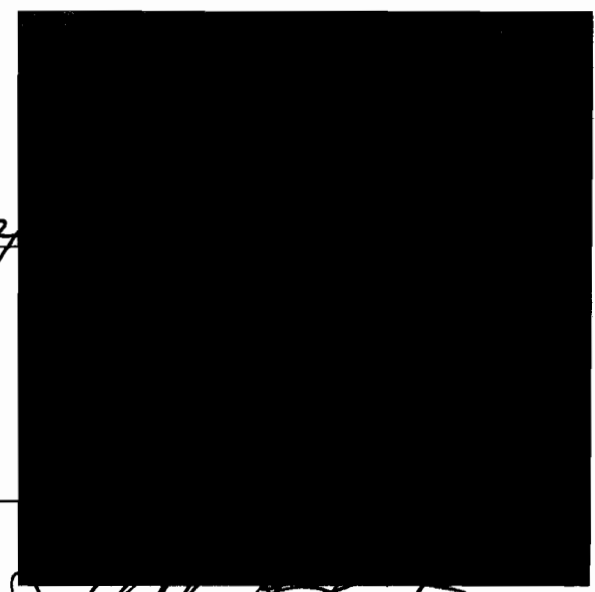
Date 2/8/07

State of Oregon )  
County of Deschutes ) ss.

This instrument was acknowledged before me on February 8, 2007  
Director of Support Services for Redmond School District No. 2J.

**RECEIVED**  
MAY 18 2007

WATER RESOURCES DEPT  
SALEM, OREGON



Shelley A. Davis  
Notary Public

Grantee:

Michael Patterson

Date 2/15/07

City of Redmond

State of Oregon )  
                                  ) ss.  
County of Deschutes )

This instrument was acknowledged before me on February 15, 2007 by Michael Patterson as City manager for City of Redmond.



Patricia I. Leymaster  
Notary Public

Approved: [Signature]

Date 19 Feb. 2007

Steven C. Johnson Secretary-Manager Central Oregon Irrigation District

State of Oregon )  
                                  ) ss.  
County of Deschutes )

This instrument was acknowledged before me on February 19, 2007 by Steven C. Johnson as Secretary-Manager for Central Oregon Irrigation District.



Leslie Clark  
Notary Public

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL 1:

That part of the Southeast Quarter of the Northeast Quarter (SE1/4NE1/4) of Section Seventeen (17), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, lying Westerly of the center line of a county road right-of-way described as follows:

All of that portion of a strip of land for road purposes 60' in width across the SE1/4NE1/4 of Section 17, Township 15 South, Range 13, East, being 30' in width on each side of the center line described as follows:

Beginning at the Northeast corner of the SE1/4NE1/4 of Section 17, Township 15, South, Range 13, East of the Willamette Meridian, Deschutes County, Oregon, and running thence South 00°01'00" West, 178.46 feet; thence on a 10° curve to the right of 572.96 feet radius for 362.83 feet the delta of which is 36°16'30"; thence South 36°17'30" West, 595.90 feet; thence on a 16° curve to the left of 358.10 feet radius for 230.40 feet the delta of which is 36°52'; thence South 00°34'30" East, 42.50 feet to the North right of way line of State Highway No. 126 and known as the McKenzie Highway; and

ALSO EXCEPTING THEREFROM the following tract:

Beginning at a point on the Northerly right of way line of the McKenzie Highway, North 87°59'36" West 1089.4 feet from the East 1/4 corner of said Section; thence North 00°19'24" East 206.08 feet; thence North 89°40'36" West 208.72 feet; thence South 00°79'24" West 208.72 feet; thence North 89°36'24" East 208.93 feet to the point of beginning.

ALSO EXCEPTING THEREFROM that portion deeded to Samuel F. Toevs and Phyllis C. Toevs, in Bargain and Sale Deed recorded December 18, 1970, in Book 173, Page 565, Deed Records, described as follows:

Starting at the East 1/4 corner of said Section 17, the initial point; thence North 86°53'22" West 1028.69 feet to the Northerly right of way line of Oregon State Highway #126, the point of beginning; thence North 00°19'24" East, 238.07 feet; thence North 89°40'36" West 268.05 feet; thence South 00°12'25" West, 50.00 feet to the Northwest corner of parcel of land, being Tax Lot #1600, in the name of Samuel F. Toevs; thence South 89°40'36" East along the North line of said Tax Lot 1600, 207.95 feet; thence South 00°19'24" West, 189.23 feet to the Northerly right of way line of said State Highway #126; thence North 89°12'58" East along the Northerly line of said Highway 126, 60.00 feet to the point of beginning.

EXCEPT that portion lying within the right of way of McKenzie Highway, U.S. Highway No. 28.

ALSO EXCEPT that portion dedicated to the City of Redmond in instrument recorded January 23, 1996, in Book 397, Page 1552, Deschutes County Records.

ALSO EXCEPT that portion dedicated to the State of Oregon, by and through its Department of Transportation, recorded June 7, 2004, in Volume 2004, Page 33517, Deschutes County Records.

**RECEIVED**

**MAY 18 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

PARCEL 2:

The Northeast Quarter of the Northeast Quarter (NE1/4NE1/4) of Section Seventeen (17), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon.

EXCEPTING THEREFROM the following described tract:

Starting at the Northeast corner of said Section 17; the initial point as well as the point of beginning; thence S 89°44'20" West along the North line of said Section 17, 300.00 feet; thence South 0°04'32" West, 290.4 feet; thence North 89°44'20" East 303.00 feet to the East line of said Section 17; thence North 0°01' East along the East line of said Section 17, 290.4 feet to the Northeast corner of said Section 17, and the point of beginning.

AND EXCEPTING THEREFROM the right of way of Antler Avenue and that portion lying within the right of way of Rimrock Way.

AND ALSO EXCEPTING THEREFROM the West 30' conveyed to the public by Bargain and Sale Deed recorded January 8, 1970, in Book 168, Page 202, Deed Records.

AND ALSO EXCEPTING THEREFROM that portion dedicated to the City of Redmond in instrument recorded June 18, 2003, in Volume 2003, Page 40819, Deschutes County Records.

PARCEL 3:

Beginning at the Northeast corner of Section Seventeen (17), Township Fifteen (15) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon the initial point as well as the point of beginning; thence South 89°44'20" West along the North line of said Section 17, 300.00 feet; thence South 0°04'32" West, 290.4 feet, thence North 89°44'20" East 303.00 feet to the East line of said Section 17; thence North 0°01' East along the East line of said Section 17; 290.4 feet to the Northeast corner of said Section 17, and the point of beginning.

EXCEPTING therefrom the right of way of Antler Avenue and that portion lying within the right of Rimrock Way.

AND ALSO EXCEPTING THEREFROM that portion dedicated to the City of Redmond in instrument recorded June 18, 2003, in Volume 2003, Page 40819, Deschutes County Records.



DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2006-64037



\$41.00

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09/21/2006 10:28:02 AM

D-D Cnt=1 Stn=1 BN  
\$15.00 \$11.00 \$10.00 \$5.00

MAIL TAX STATEMENT  
TO: NO CHANGE

After Recording return to:  
Central Oregon Irrigation District  
1055 S.W. Lake Court  
Redmond, OR 97756

### QUITCLAIM DEED

#### FOR TRANSFER OF INTEREST IN A WATER RIGHT

Grantor, South Redmond Associates LLC, an Oregon Limited Liability Company, releases and quitclaims for valuable consideration to the City of Redmond, Grantee, all of Grantor's rights, title and interest in 8.95 acres of Central Oregon Irrigation District water rights ("Water Rights") within the Central Oregon Irrigation District ("District") that are appurtenant to lands listed in Exhibit A, attached hereto and incorporated hereto by reference. The Water Rights are further described as that portion of Certificate #76358, priority date of October 31, 1900 and December 2, 1907 and Certificate # 76714, priority date of February 28, 1913, located on land commonly known as: 15-13-29 NE NW 100 (0.75 acres irrigation); 15-13-29 NE NW 101 (4.40 acres irrigation); 15-13-29 NE NW 102 (3.80 acres irrigation) and more particularly described as in Exhibit A, attached, and incorporated by this reference.

By the execution of this deed, Grantor hereby notifies any subsequent purchaser of the lands listed in Exhibit A, that Grantor, as the current owner of the described lands agrees to the removal and transfer of the Water Rights (including a change in the place and type of use and point of diversion); and that upon completion of a water right transfer, lands listed in Exhibit A will no longer have said appurtenant Water Rights.

No transfer or sale of the Water Rights shall be pursued by Grantee without the written consent of the District and by executing this agreement the District hereby agrees to give its written consent to any application to the State of Oregon to temporarily or permanently transfer the Water Rights to instream use.

Furthermore, upon recording of this quitclaim deed Grantee assumes all liability to pay any assessments or charges pertaining to the Water Rights that are assessed by the District.

This agreement and quitclaim deed is binding upon the heirs, executors, administrators, successors, and permitted assigns of all the parties to this quitclaim deed.

Grantor:

Date 7/12/06

South Redmond Associates, LLC

RECEIVED

MAY 18 2007

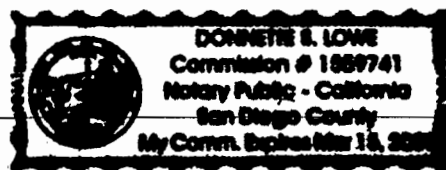
State of ~~Oregon~~ California  
County of ~~Deschutes~~ San Diego ) ss.

WATER RESOURCES DEPT  
SALEM, OREGON

This instrument was acknowledged before me on July 12, 2006  
as President for South Redmond Associates, LLC

by R. Erich Grosse

Notary Public

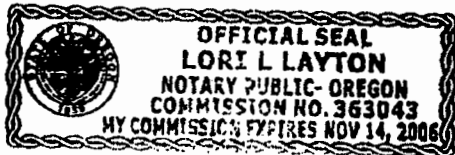


Grantee:

Michael Patterson Date 8/21/06  
City of Redmond

State of Oregon )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me on August 21, 2006 by Michael Patterson  
as City Manager for City of Redmond.



Lori L Layton  
Notary Public

Approved by: [Signature]  
Steven C. Johnson, Secretary-Manager Central Oregon Irrigation District

Date 8 September, 2006

State of Oregon )  
 ) ss.  
County of Deschutes )

This instrument was acknowledged before me on September 8, 2006 by Steven C. Johnson as Secretary-Manager for Central Oregon Irrigation District.



[Signature]  
Notary Public

EXHIBIT "A"  
LEGAL DESCRIPTION

PARCEL I:

A tract of land located in the South One-half of the Northeast Quarter of the Northwest Quarter (S1/2NE1/4NW1/4) of Section Twenty-nine (29), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

That portion lying Southerly of the North 1032 feet and that portion lying Easterly of the West 335.00 feet of said NE1/4NW1/4.

EXCEPT that portion lying within the Wells Road, (27<sup>th</sup> Street) right of way and that portion within the Old Dalles California Highway, (Canal Boulevard).

PARCEL II:

That portion of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section Twenty-nine (29), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the North Quarter corner of Section 29, Township 15 South, Range 13, E.W.M.; thence South 0°51' West, 491.65 feet; thence North 89°24' West, 443.00 feet; thence North 0°51' East, 491.65 feet to the North Section line of said Section 29; thence South 89°24' East, 443.0 feet along said North line to the Point of Beginning. EXCEPT a strip of land 25 feet wide for roadway purposes being the North 25 feet.

PARCEL III:

All that part of Section Twenty-nine (29), Township Fifteen (15) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the North Quarter corner of Section 29; thence South 0°51' West, 491.65 feet to the true point of beginning; thence South 0°51' West, 540.35 feet to a point; thence North 89°24' West, 443.00 feet to a point; thence North 0°51' East, 540.35 feet to a point; thence South 89°24' East, 443.00 feet to the true point of beginning.

EXCEPT a tract of land located in the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 29, Township 15 South, Range 13, East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

Commencing at the North Quarter corner of said Section 29; thence South 00°51'00" West, 792.00 feet to the point of beginning of this description; thence North 89°24'00" West, 146.64 feet; thence South 06°24'21" West, 241.24 feet; thence South 89°24'00" East, 170.00 feet; thence North 00°51'00" East, 240.00 feet to the point of beginning and there terminating.

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**MAY 18 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**



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D-D Cnt=1 Str=1 BECKEY

\$10.00 \$11.00 \$10.00 \$5.00 \$20.00

# DESCHUTES COUNTY CLERK

## CERTIFICATE PAGE



This page must be included  
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MAY 18 2007

WATER RESOURCES DEPT  
SALEM, OREGON



J  
AARON JOHNSON AND ANN P. JOHNSON, TRUSTEES OF THE JOHNSON FAMILY TRUST DATED 11/11/97, Grantor, conveys and warrants to SOUTH REDMOND ASSOCIATES, LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

PARCEL 1:

That portion of the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 29, Township 15 South, Range 13, East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the North Quarter corner of Section 29, Township 15 South, Range 13 East, Willamette Meridian; thence South 00°51' West, 491.65 feet; thence North 89°24' West 443.00 feet; thence North 00°51' East, 491.65 feet to the North Section line of said Section 29; thence South 89°24' East, 443.0 feet along said North line to the Point of Beginning. Except a strip of land 25 feet wide for roadway purposes being the North 25 feet.

PARCEL 2: All that part of Section 29, Township 15 South,

Range 13, East of the Willamette Meridian, Deschutes County, Oregon, described as follows: Beginning at the North Quarter corner of Section 29; thence South 00°51' West, 491.65 feet to the true point of beginning; thence South 00°51' West, 540.35 feet to a point; thence North 89°24' West, 443.00 feet to a point; thence North 00°51' East, 540.35 feet to a point; thence South 89°24' East, 443.00 feet to the true point of beginning. EXCEPT a tract of land located in the Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4) of Section 29, Township 15 South, Range 13, East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows: Commencing at the North Quarter corner of said Section 29; thence South 00°51'00" West, 792.00 feet to the point of beginning of this description; thence North 89°24'00" West, 146.64 feet; thence South 06°24'21" West, 241.24 feet; thence South 89°24'00" East, 170.00 feet; thence North 00°51'00" East, 240.00 feet to the point of beginning and there terminating.

Tax Account No(s): 130207 & 130206, Map/Tax Lot No(s):15-13-29-B0-00101 & TL102

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$ 1,200,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 AND 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

Dated this 21 day of March, 2006.

JOHNSON FAMILY TRUST DATED 11/11/97

BY: [Signature]  
AARON JOHNSON, TRUSTEE

BY: [Signature]  
ANN P. JOHNSON, TRUSTEE

RECORDED BY  
WESTERN TITLE & ESCROW CO.

12-0115905

Florida Charlotte  
STATE OF OREGON, COUNTY OF DESCHUTES ) SS.

This instrument was acknowledged before me on March 21, 2006 by AARON JOHNSON AND ANN P. JOHNSON, TRUSTEES OF THE JOHNSON FAMILY TRUST DATED 11/11/97.

[Signature]

C/O FOURSQUARE PROPERTIES INC.  
5850 AVENIDA ENCINAS, STE A  
CARLSBAD, CA 92008

Until a change is requested all tax statements  
shall be sent to the following address:  
SOUTH REDMOND ASSOCIATES, LLC  
C/O FOURSQUARE PROPERTIES INC.  
5850 AVENIDA ENCINAS, STE A  
CARLSBAD, CA 92008

TITLE NO. 12-0115905  
ESCROW NO. 12-0115905

**RECEIVED**

**MAY 18 2007**

**WATER RESOURCES DEPT  
SALEM, OREGON**

WARRANTY DEED -- STATUTORY FORM

31

DONALD E. SMULLIN, Grantor, conveys and warrants to SOUTH REDMOND ASSOCIATES LLC, an Oregon Limited Liability Company, Grantee, the following described real property, free of encumbrances except as specifically set forth herein, to wit:

A tract of land located in the South Half of the Northeast Quarter of the Northwest Quarter (S1/2 NE1/4 NW1/4) of Section 29, Township 15 South, Range 13, East of the Willamette Meridian, Deschutes County, Oregon, being more particularly described as follows:

That portion lying Southerly of the North 1032 feet and that portion lying Easterly of the West 335.00 feet of said Northeast Quarter of the Northwest Quarter (NE1/4 NW1/4).

EXCEPT that portion lying within the Wells Road right-of-way and that portion within the Old Dalles California Highway.

Tax Account No(s): 130208  
Map/Tax Lot No(s): 15-13-29-BO-00100

This property is free from encumbrances, EXCEPT: All those items of record, if any, as of the date of this deed, including any real property taxes due, but not yet payable.

The true consideration for this conveyance is \$ 425,000.00.

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.

Dated this 7 day of April, 2005.

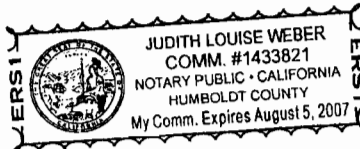
*Donald E. Smullin*  
DONALD E. SMULLIN

STATE OF CALIFORNIA, COUNTY OF Humboldt ss.

This instrument was acknowledged before me on April 7, 2005 by DONALD E. SMULLIN.

*Judith*  
\_\_\_\_\_  
(Notary Public)  
My commission expires 8/5/07

After recording return to:  
SOUTH REDMOND ASSOCIATES LLC  
ERICH GROSSE  
5850 AVENIDA ENCINAS, STE A  
CARLSBAD, CA 92008



Until a change is requested all tax statements shall be sent to the following address:  
SOUTH REDMOND ASSOCIATES LLC  
ERICH GROSSE  
5850 AVENIDA ENCINAS, STE A  
CARLSBAD, CA 92008

TITLE NO. 12-0159404  
ESCROW NO. 12-0159404

RECORDED BY:  
WESTERN TITLE & ESCROW CO.

DESCHUTES COUNTY OFFICIAL RECORDS  
NANCY BLANKENSHIP, COUNTY CLERK

2005-21572



\$31.00

D-D Cnt=1 Stn=3 PAM  
\$5.00 \$11.00 \$10.00 \$5.00

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