



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

Application for Instream Lease Pooled Lease Form

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.

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

Optional Identification by Lessor/Lessee: Ward
Lease Application Number (assigned by WRD): Leased in 2008 IL-981

This Lease is between:

L 945 (except
Ward - Losey Water)
1.0 ac

Lessor #2: Irrigation District or Other Water Purveyor

Name Arnold Irrigation District
Mailing address 19604 Buck Canyon Rd
City, State, Zip Code Bend, OR 97702
Telephone number 541-390-2121
Email address aidist@bendbroadband.com

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

Lessee (if different than Oregon Water Resources Department):

Name Deschutes River Conservancy
Mailing address 700 NW Hill St
City, State, Zip Code Bend, OR 97701
Telephone number 541-382-4077
Email address gen@deschutesriver.org

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SALEM, OREGON

Trustee:

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

~I~ Water Right Holder and Water Right Information

1.2 Lessor #2 is the (Check one):

- Official representative of Arnold Irrigation District, the irrigation district, which conveys water to the subject water rights.
- Another party with an interest in the subject water rights representing _____.
- Not applicable.

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. 74197

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.: 74197

Priority date: February 1, 1905 - April 25, 1905 Type of use: IRRIG

Legal Season of Use: April 1 - October 31

If an irrigation right, total number of acres to be leased: 67.48

Total acre-feet of storage to be leased, if applicable: _____

Maximum rate associated with subject water rights (cfs) being leased: 1040.54

If there is more than one rate associated with a water right, describe below:

Season 1 (cfs) 1.323 Time period: April 1 - May 1

Season 2 (cfs) 1.730 Time period: May 1 - May 15

Season 3 (cfs) 2.309 Time period: May 15 - Sept 15

Maximum duty associated with subject water rights (ac-ft): 15.42

Conditions or other limitations, if any: _____

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

~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 will 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): Canal diversion river mile 174.5 to Lake Billy Chinook river mile 120 and to the mouth of the Deschutes at river mile 0.

Maximum volume in acre-feet: February 1, 1905 - 57.17 + ←

Rate in cfs: Season 1 - February 1, 1905 - 0.135 (April 1905 - 232.05) April 25, 1905 0.328 cfs

(If more than one rate, describe the rate associated within each time period or instream reach.)

Rate in cfs: Season 2 - February 1, 1905 - 0.135, April 1905, 0.471

Rate in cfs: Season 3 - February 1, 1905 - 0.135, April 1905, 0.673

(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 31.
- Other (describe): _____

- 2.3 **Term of lease.** This lease shall terminate on October 31, 2009.
- 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.

~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 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 short term 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.

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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 #2: Shawn Gerdes Date: 3/27/09
Shawn Gerdes, Manager, Arnold Irrigation District

Lessee: Genevieve Hubert Date: 4/2/09
Deschutes River Conservancy

Other Attachments as Needed:

Attachment 1: Tax Lot Map. (See instructions.)

Attachment 2: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. (See instructions.)

Attachment 3: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 is checked).

Attachment 4: Split Season Instream Use Form

Attachment 5: Pooled Lease Water Right Holder Form

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**This table will calculate flow rate factors and duty for Arnold Irrigation District
Instream Leases**

Enter Total Number of Acres (b) May be greater than 3 (decimal place)	67,480
--	---------------

Information highlighted with pink font is to be entered on to the Instream Lease Application Form

Rate (CFS) associated with leased rights for Section 1.5 of the Lease Application Form			
The rate and duty identified in this section includes the 65% transmission loss.			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	1.323	0.385	0.938
Season 2	1.730	0.385	1.345
Season 3*	2.309	0.385	1.924
* The rate identified for Season 3 has been proportioned such that the max rate allowed by the right (150.0 CFS) will not be exceeded if all acres were being irrigated.			
Duty (AF) associated with leased right for Section 1.5 of the Lease Application Form			
Duty (decree) AF/Acre =	15.42		
	1,040.54		

Rate (CFS) based on stream for Section 2.2 of the Lease Application Form			
The rate and duty identified in this section does not include the 65% transmission loss.			
Enter Rates by Priority Date on Lease Form	Full Rate	February 1, 1905	April 25, 1905
Season 1	0.463	0.135	0.328
Season 2	0.606	0.135	0.471
Season 3	0.808	0.135	0.673
Volume (AF) based on stream for Section 2.2 of the Lease Application Form			
	# days	AF/Season	Duty (decree) AF/Acre = 5.40
Season 1	61	56.03	Total = 364.19
Season 2	30	36.04	Feb. 1905 portion = 57.17
Season 3	123	197.15	April 1905 portion = 232.05
		289.21	

Additional Restrictions to Priority Date for Section 2.2 of the Lease Application Form
Water protected instream: April 1 through October 31

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Duty Associated with Leased Right for Section 1.5 of the Additional Water Right Form APR 08 2000
 1,040.54 WATER RESOURCES DEPT
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Volume (AF) based on stream for Section 2.2 of the Additional Water Right Form
 207.75

AID JL Ward Company Water

Priority 2/5/1905-4/26/1905

T	R	Sect	QQ	Taxlot	Acres	Type of Use	Cert #	Page #	Priority	Quitclaim Deed	Warranty Deed	Name
18	12	9	SWNW	01100	3.50	IRR	74197	10	1905	✓ 2008-37334	1993-1138	Barrows
18	12	9	SWNW	00900	0.50	IRR	74197	10	1905	✓ 2008-37337	1984-20676	Stevens
18	13	20	SWNE	00300	2.90	IRR	74197	22	1905	✓ 2008-23858	1999-35225	Downing
18	13	20	SWNE	00600	0.35	IRR	74197	22	1905	✓ 2008-25558	1999-35225	Downing
18	12	8	SWSE	01404	1.10	IRR	74197	9	1905	✓ 2008-25557	2004-70599	Frazier / Badger View Dev.
18	12	8	SENW	2500	1.00	IRR	74197	8	1905	✓ 2008-25556	1964-12849 (Vol 138-253)	Feb 25 McCulloch
18	13	19	NEW	00200	1.32	IRR	74197	21	1905	✓ 2008-22054	1999-13252	Hughes
18	11	13	NESE	01300	0.23	IRR	74197	2	1905	✓	2001-54972	NNP
18	11	13	SWSE	2402	2.61	IRR	74197	2	1905	✓	2001-54972	NNP
18	11	13	SESE	2402	21.27	IRR	74197	2	1905	✓	2001-54972	NNP
18	11	13	NWSE	2402	15.34	IRR	74197	2	1905	✓	2001-54972	NNP
18	11	13	NESE	2402	7.96	IRR	74197	2	1905	✓	2001-54972	NNP
18	12	17	NWSW	01800	3.00	IRR	74197	14	1905	2008-14445	2000-23686	ODOT
18	12	17	SWSW	02000	4.55	IRR	74197	14	1905	2008-13171	2007-11056	Gold Beach
18	12	18	SESE	02000	0.85	IRR	74197	14	1905	2008-13171	2007-11056	Gold Beach
18	12	25	SENW	901	1.0	IRR	74197	18	1905	2008-27327	90-10369	Looney
Total Acres Leased					66.44							
					67.48							

Leased in L-945

206-2369

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State of Oregon
Water Resources Department
 725 Summer Street NE, Suite A
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Application for Instream Lease

Attachment 5: Pooled Water Right Holder Form

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.

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

Optional Identification by Lessor/Lessee: _____
 Lease Application Number (assigned by WRD): IL-981

This Lease is with:

Lessor #1 (Water Right Holder):

Name JL Ward Company
 Mailing address 20505 Murphy Rd
 City, State, Zip Code Bend, OR 97702
 Telephone number 541-382-0491
 Email address jlw@jlwardco.com

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If additional water right holders, enter water right holder information below

Note: The section numbering associated with this form corresponds to that found on the "Standard Instream Lease Application" form. The "Pooled Lease" form and "Pooled Water Right Holder" form(s) are used to provide the same information as the "Standard Instream Lease Application" form. Consequently, the numbering on this form is not always sequential.

~I~ Water Right Holder and Water Right Information

- 1.1 Lessor #1 is the water right holder, or authorized agent for property described in Section 1.5. 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.
- 1.3 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. 74197

- 1.4 Are some or all of the lands being leased part of a Conservation Reserve Enhancement Program. Yes No
- 1.5 **Water Right(s) Proposed to be Leased Instream.** Water right holder proposes to lease the water rights shown on the map attached as Exhibit 5-B and described as follows:
 [This information may be included on Exhibit 5-A, or an additional map may be attached. Crosshatch the area of water rights being leased. Attached map(s) must identify water right holder, township, range, section and ¼ ¼, tax lot number, map orientation and scale.]

T	R	Sect	¼ ¼	Tax Lot	Acres	Type of Use	Certificate #	Page(s) #	Priority*	
*(Identify pertinent page number of certificate, if certificate is greater than 10 pages; identify priority date if there is more than one per certificate)										
1.	18	12	09	SW NW	01100	3.50	IRRIG	74197	10	2/5/1905-4/25/1905
2.	18	12	09	SW NW	00900	0.50	IRRIG	74197	10	2/5/1905-4/25/1905
3.	18	13	20	SW NE	00300	2.90	IRRIG	74197	22	2/5/1905-4/25/1905
4.	18	13	20	SW NE	00600	0.35	IRRIG	74197	22	2/5/1905-4/25/1905
5.	18	12	08	SW SE	01404	1.10	IRRIG	74197	9	2/5/1905-4/25/1905

Total number of acres, if for irrigation, by certificate and priority date: 67.48

6.	T 18	R 12	S 08	SENW	02500(1802)	1.00	IRRIG	74197	8	2/5/1905-4/25/1905
7.	T 18	R 13	S 19	NENW	00200	1.32	IRRIG	74197	21	2/5/1905-4/25/1905
8.	T 18	R 11	S 13	NESW	01300(2400)	0.23	IRRIG	74197	2	2/5/1905-4/25/1905
9.	T 18	R 11	S 13	SWSE	02402(2400)	2.61	IRRIG	74197	2	2/5/1905-4/25/1905
10.	T 18	R 11	S 13	SESE	02402(2400)	21.27	IRRIG	74197	2	2/5/1905-4/25/1905
11.	T 18	R 11	S 13	NWSE	02402(2400)	15.34	IRRIG	74197	2	2/5/1905-4/25/1905
12.	T 18	R 11	S 13	NESE	02402(2400)	7.96	IRRIG	74197	2	2/5/1905-4/25/1905
13.	T 18	R 12	S 17	NWSW	01800	3.00	IRRIG	74197	14	2/5/1905-4/25/1905
14.	T 18	R 12	S 17	SWSW	02000	4.55	IRRIG	74197	14	2/5/1905-4/25/1905
15.	T 18	R 12	S 17	SESE	02000	0.85	IRRIG	74197	14	2/5/1905-4/25/1905
16.	T 18	R 12	S 25	NENW	00901	1.00	IRRIG	74197	18	2/5/1905-4/25/1905

Conditions or other limitations, if any: _____

If you need to enter another leased right, please use the Additional Water Right Form for Pooled Water Right Holder.

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 documents in Attachment 3).

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~II~ Instream Water Right Information

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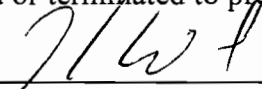
2.3 Term of lease. This lease shall terminate on October 31, 2009. (If there is a conflict between the Pooled Lease Form and this form, the Pooled Lease Form will be the official term of the lease.)

~III~ Other Information

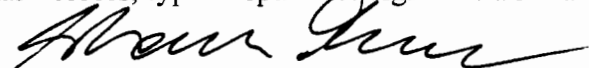
3.1 Accuracy. The Undersigned Lessor(s) and Lessee(s) declare that, to the best of their knowledge and belief, the information contained in this application is true, correct and

complete. If after the lease order is signed, any information is determined to be false, the 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 short term 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.

Lessor #1:  Date: 4/1/09
Jan L Ward, President, JLWard Company

For additional Lessors, type in space for signature and date

Lessor #2:  Date: 3/31/09
Shawn Gerdes, Manager, Arnold Irrigation District

Other Attachments As Needed:

Exhibit 5-A: Tax Lot Map. (See instructions.)

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- Exhibit 5-B: Detailed map illustrating lands under subject rights to be leased; required if only part of a right is being leased instream. Exhibits 5-A and 5-B may be combined into a single map. (See instructions.)
- Exhibit 5-C: Supporting documentation indicating why a right is valid and not subject to forfeiture even though the right has not been exercised for five or more consecutive years (required if the second box in Section 1.6 of this form is checked)
- Exhibit 5-D: Split Season Instream Use Form
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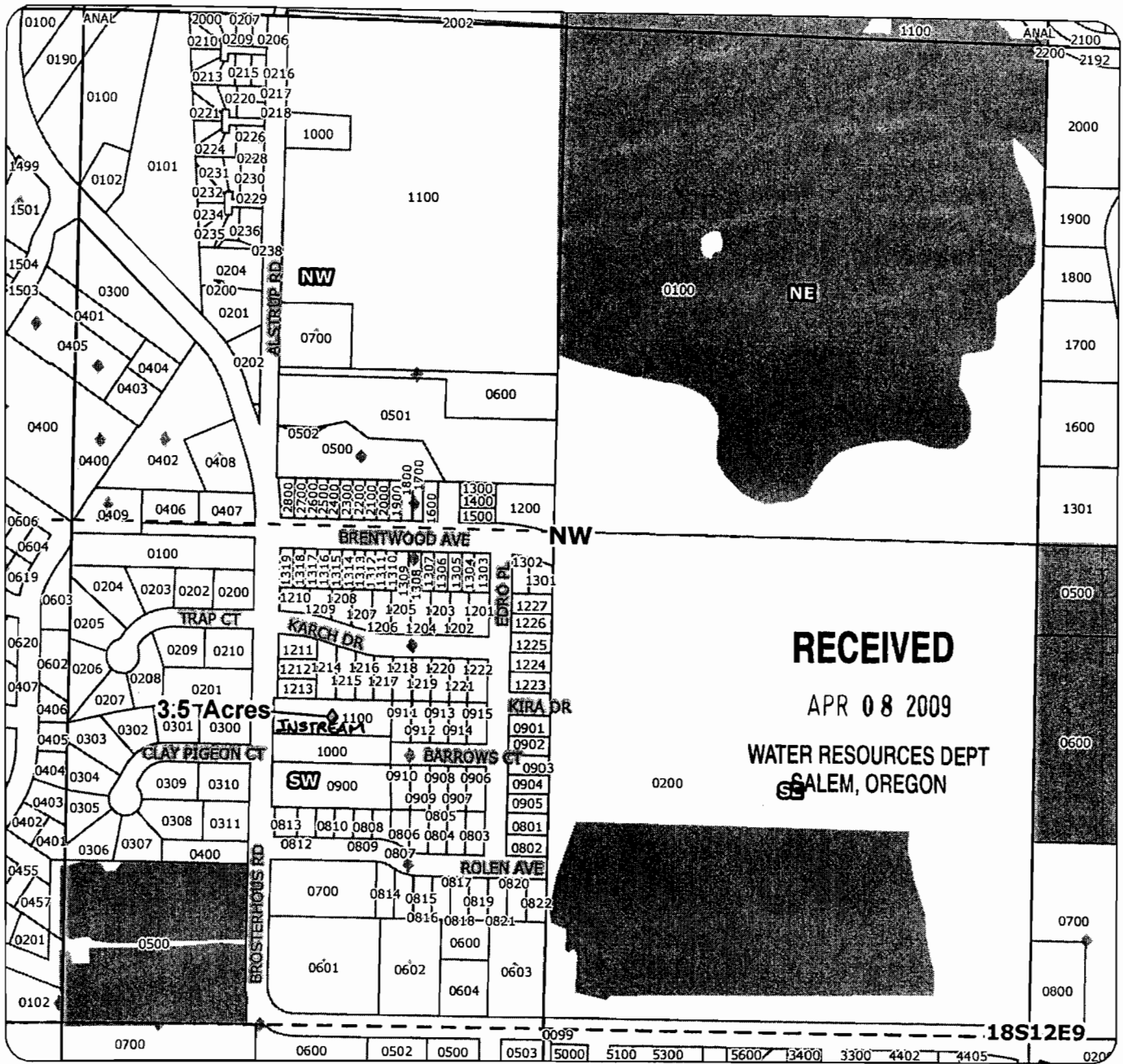
Priority 2/5/1905-4/26/1905

Leased	T	R	Sect	QQ	Taxlot	Acres	Type of Use	Cert #	Page #	Priority	Quitclaim Deed	Warranty Deed	Name
945	18	12	9	SWNW	01100	3.50	IRR	74197	10	1905	2008-37334	1993-1138	Barrows
945	18	12	9	SWNW	00900	0.50	IRR	74197	10	1905	2008-37337	1984-20676	Stevens
945	18	13	20	SWNE	00300	2.90	IRR	74197	22	1905	2008-25558	1999-35225	Downing
945	18	13	20	SWNE	00600	0.35	IRR	74197	22	1905	2008-25558	1999-35225	Downing
945	18	12	8	SWSE	01404	1.10	IRR	74197	9	1905	2008-25557	2004-70599	Frazier / Badger View Dev.
945	18	12	8	SENW	2500	1.00	IRR	74197	8	1905	2008-25556	1964-12849 (vol 138-253) Feb 25	McCullough
945	18	13	19	NENW	00200	1.32	IRR	74197	21	1905	2008-22054	1999-13252	Hughes
945	18	11	13	NESW	01300	0.23	IRR	74197	2	1905	sale docs, plat	2001-54972	NNP
945	18	11	13	SWSE	2402	2.61	IRR	74197	2	1905	sale docs, plat	2001-54972	NNP
945	18	11	13	SESE	2402	21.27	IRR	74197	2	1905	sale docs, plat	2001-54972	NNP
945	18	11	13	NWSE	2402	15.34	IRR	74197	2	1905	sale docs, plat	2001-54972	NNP
945	18	11	13	NESE	2402	7.96	IRR	74197	2	1905	sale docs, plat	2001-54972	NNP
945	18	12	17	NWSW	01800	3.00	IRR	74197	14	1905	2008-14445	2000-23686	ODOT
945	18	12	17	SWSW	02000	4.55	IRR	74197	14	1905	2008-13171	2007-11056	Gold Beach
945	18	12	18	SESE	02000	0.85	IRR	74197	14	1905	2008-13171	2007-11056	Gold Beach
xxx	18	12	25	NENW	00901	1.00	IRR	74197	18	1905	2008-37237	90-10369, 206-2369	Losey



Previously leased # Total Acres Leased 67.48

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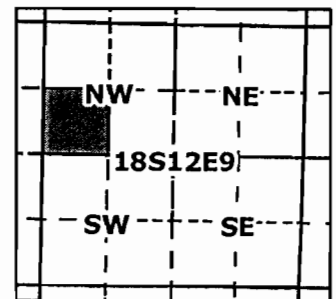
2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197


-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
 Ward (Barrows)
 Taxlot 1100 - 3.5 Acres
 in 18S12E9SWNW
 Total Lease of 3.5 Acres



Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: May 2008

 N
 1 inch equals 400 feet

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME Kenneth Barrows & Deborah Barrows
ADDRESS 61462 Brosterhaus Rd. Bend, OR 97702
ENCUMBRANCES None

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	9	SW NW	01100	3.50	

5. RECIPIENT

NAME J.L. Ward Company
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

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7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

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Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

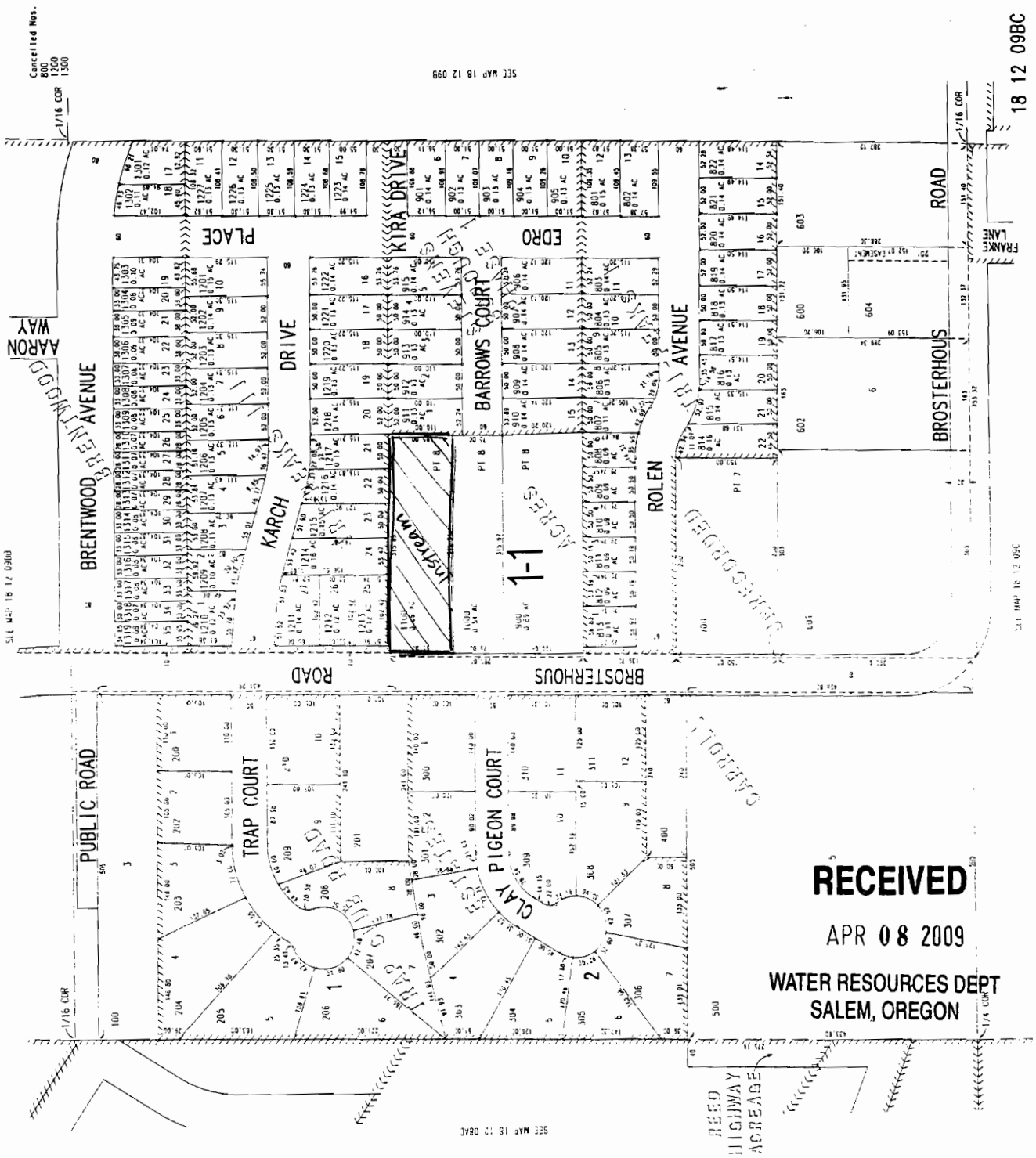
APPLICANT: [Signature] Deborah Barrows 8/23/04
Name Date
RECIPIENT: J.L. Ward Pms. 6/24/05
Name Date
FOR DISTRICT: _____
Name Date

18 12 09BC

SW1/4 NW1/4 SEC. 09 T.18S. R.12E. W.M.
DESCHUTES COUNTY

1" = 100'

FILED BY: [unclear]
DATE: [unclear]
REVISION: 12/29/2005



Cancelled Nos.
800
1200
1300

SEC MAP 18 12 09B

SEC MAP 15 12 09A

SAT. MAP 18 12 09C

18 12 09BC

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WATER RESOURCES DEPT
SALEM, OREGON

287 - 2789

After recording return to:
Kenneth D. Stevens
61450 Brosterhouse Rd
Bend OR 97702

93-01133

Send tax statements to:
Kenneth C. Barrows
61452 Brosterhouse Rd
Bend OR 97702

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS that KENNETH D. STEVENS and PATRICIA A. STEVENS, Husband and Wife, hereinafter called the Grantor, for the consideration hereafter stated, to Grantor paid by KENNETH C. BARROWS and DEBRA L. BARROWS, Husband and Wife, with right of survivorship, hereinafter called the Grantee, does hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining situated in the County of Deschutes and State of Oregon, described as follows, to-wit:

A parcel of land located in the Northwest 1/4 of Section 9, T 18 S, R 12 E, W.M., City of Bend, Deschutes County, Oregon, which is described as follows:

Commencing at the Center-West 1/16 corner of said Section 9; thence N 00°36'20" E 575.82 feet; thence N 89°17'48" W 743.10 feet; thence N 00°43'46" E 195.08 feet to the true point of beginning; thence N 00°43'46" E 95.00 feet; thence S 89°17'48" E 315.69 feet; thence S 00°42'12" W 95.00 feet; thence N 89°17'48" W 315.64 feet to the true point of beginning, containing 0.69 acres more or less.

SUBJECT TO an easement for driveway purposes being 15.00 feet in width and being the South 15.00 feet of the above described parcel.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And said Grantor hereby covenants to and with said Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except: and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars is -0-.

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SALEM, OREGON

287 - 2790

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.

IN WITNESS WHEREOF, the grantor has executed this instrument this 22 day of January, 1993.

Kenneth D. Stevens
KENNETH D. STEVENS
Patricia A. Stevens
PATRICIA A. STEVENS

STATE OF OREGON)
County of Deschutes) ss.

Personally appeared the above named KENNETH D. STEVENS and PATRICIA A. STEVENS and acknowledged the foregoing instrument to be their voluntary act. Before me this 22 day of January, 1993.

Don W. East
Notary Public for Oregon
My Commission Expires: 2-2-94



STATE OF OREGON)
COUNTY OF DESCHUTES) ss.
I, MARY SUE PERKOLLOW, COUNTY CLERK AND
SECRETARY OF COMPTONANCES, DO AND FOR SAID
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS RECORDED THIS DAY.

93 JAN 12 PM 2:46
MARY SUE PERKOLLOW
COUNTY CLERK

Page 2 - WARRANTY DEED

BY: Don W. East DEPUTY
NO. 93-01178 FF 3809
DESCHUTES COUNTY OFFICIAL RECORDS

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WATER RESOURCES DEPT
SALEM, OREGON



Issue #2 & #3

Do not remove this page from original document.

Deschutes County Clerk

Certificate Page



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SALEM, OREGON

If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct number of acres.

previously recorded in Book 2008 and Page 25560

or as Fee Number _____



00618939200800255600040042

06/13/2008 03:34:53 PM

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

BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Kenneth C. Barrows and Debra L. Barrows, Grantor, conveys to J.L. Ward Co., Grantee, on August 23, 2004 the following described real property:

AB
RB ~~500~~.50 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-12-09-C0-0001100 (181209 SW ¼ NW ¼ Tax Lot 01100), located in Deschutes County, Oregon.

(See the attached Exhibit "A" for a more detailed description of the property.)

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 THE 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 FARM 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)).

Signed Nunc Pro Tunc this 23rd day of August, 2004.

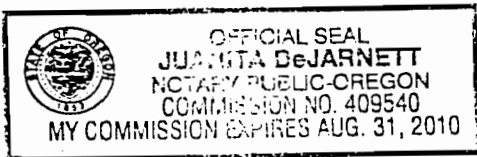
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SALEM, OREGON

Kenneth C. Barrows, Grantor

Kenneth C. Barrows

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 9TH day of MAY, 2008, by Kenneth C. Barrows, Grantor.



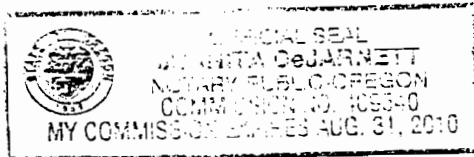
Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

Debra Barrows, Grantor

Debra Barrows

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 9th day of May, 2008, by Debra Barrows, Grantor.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

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SALEM, OREGON

ACCEPTANCE

Jan L. Ward, President, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

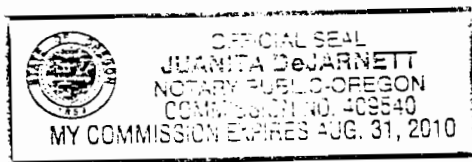
DATED this 2nd day of June, 2008.

JL Ward Company

By: [Signature]
Jan L. Ward, President

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 2nd day of June, 2008.



[Signature]
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

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SALEM, OREGON

EXHIBIT "A"

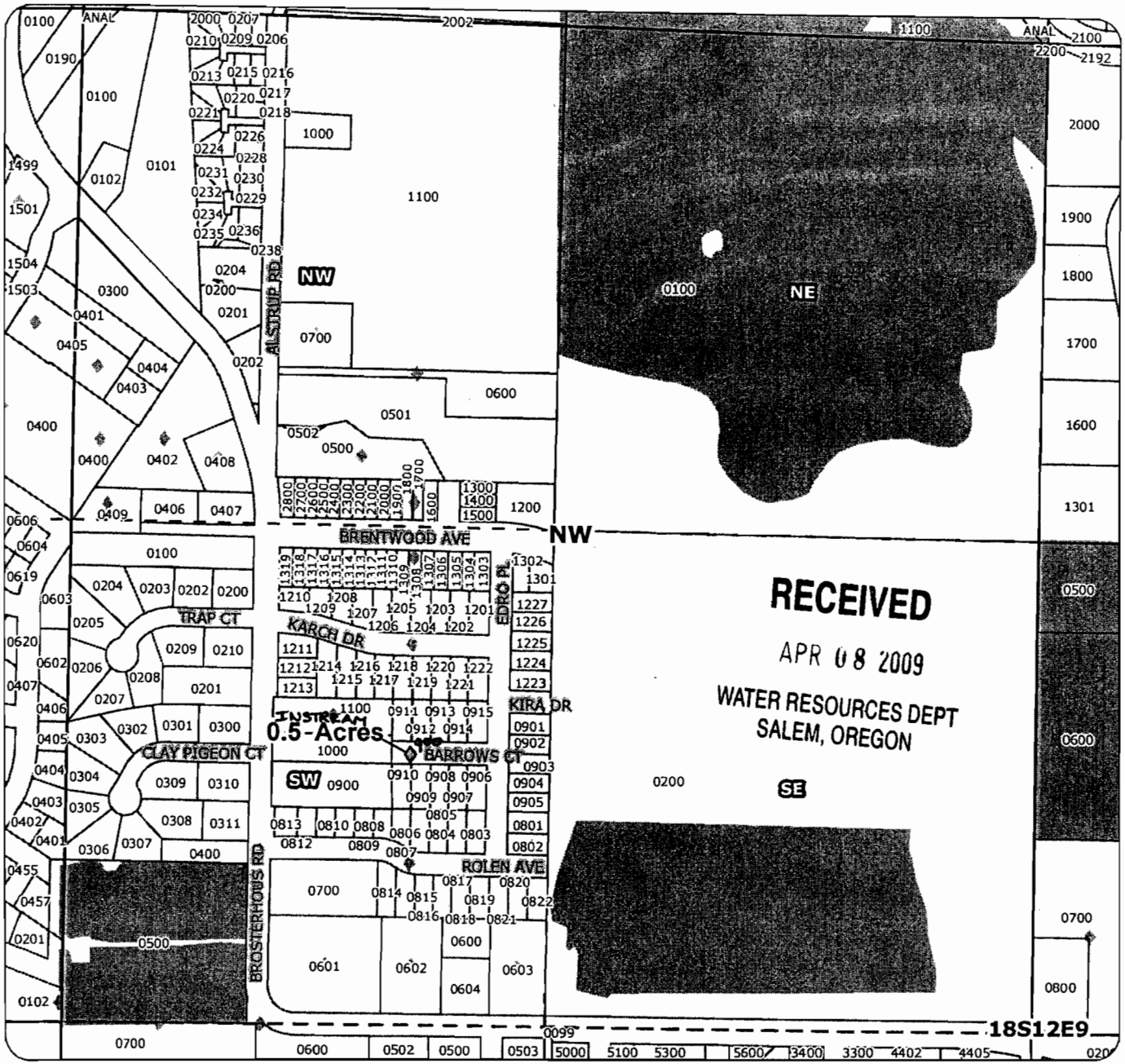
A parcel of land located in the Northwest ¼ of Section 9, T 18 S, R 12 E, W.M., City of Bend, Deschutes County, Oregon, which is described as follows:

Commencing at the Center-West 1/16 corner of said Section 9; thence N 00° 36' 20" E 576.82 feet; thence N 89° 17' 48" W 743.10 feet; thence N 00° 43' 46" E 195.08 feet to the true point of beginning; thence N 00° 43' 46" E 95.00 feet; thence S 89° 17' 48" E 315.99 feet; thence S 00° 42' 12" W 95.00 feet; thence N 89° 17' 48" E 315.89 feet to the true point of beginning, containing 0.69 acres more or less.

SUBJECT TO an easement for driveway purposes being 15.00 feet in width and being the South 15.00 feet of the above described parcel.



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2008 Arnold Irrigation District Instream Lease Map

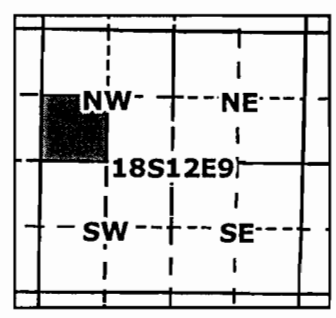


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 SALEM, OREGON

Application for 1-year Instream Lease Primary: Certificate 74197


-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
 Ward (Stevens)
 Taxlot 900* - 0.5 Acres
 in 18S12E9SWNW
 Total Lease of 0.5 Acres
 *Mapped from 3111 water rights
 representation of taxlot 900




Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

Date Created: May 2008

 N
 1 inch equals 400 feet

Arnold Irrigation District

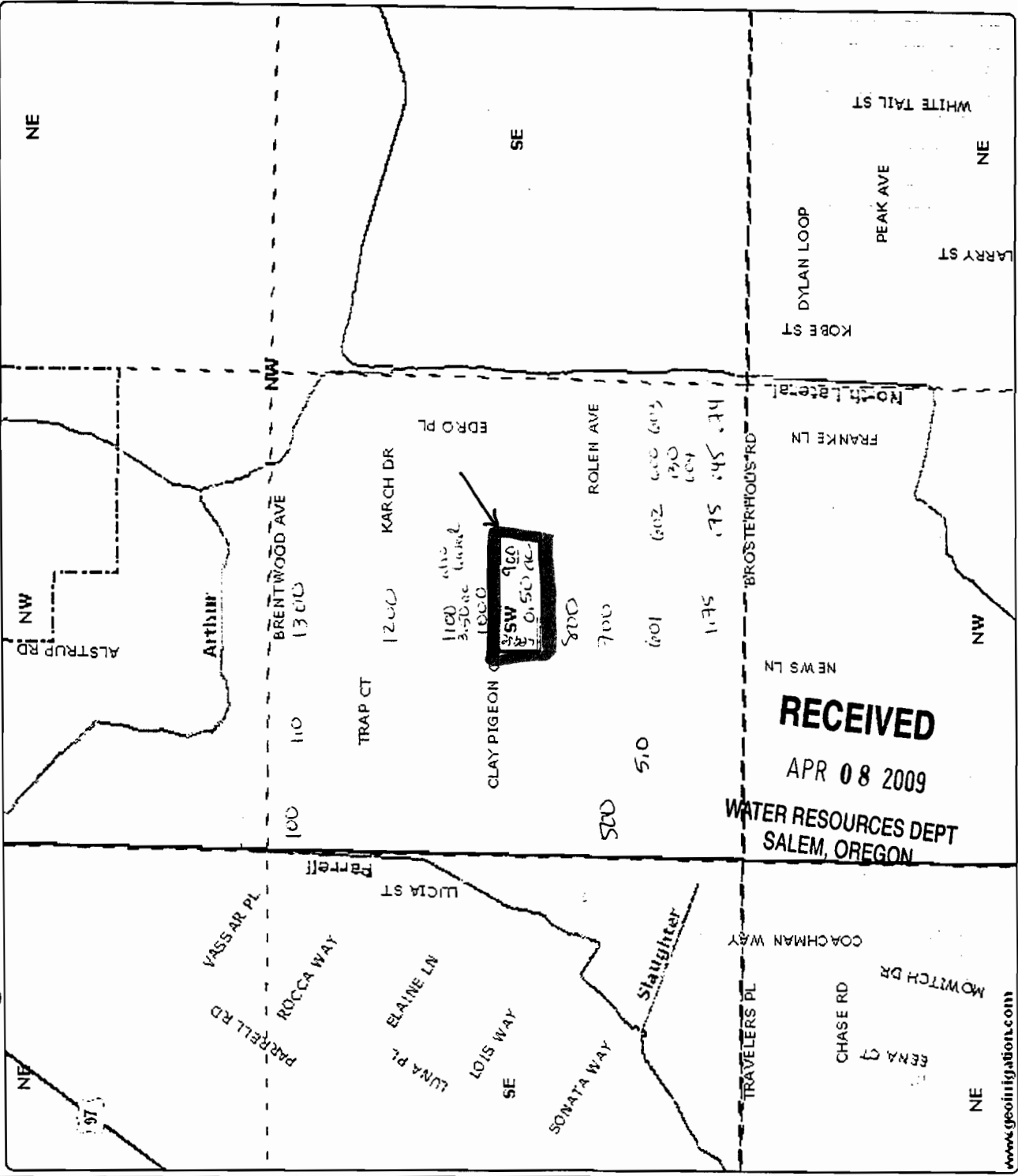
Ward - Stevens -
181209-SWNV-00900 -
0.50 ac
id 181209BC00900

- District Boundary
- County Boundary
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Gauging Station
- Canal All
- Canal Piped
- Canal Open
- Rivers
- Place of Use Fill

Tax lots
800, 1200, 1300
all canceled and
subdivided



Scale 1" = 400'
Created: 4/25/2008



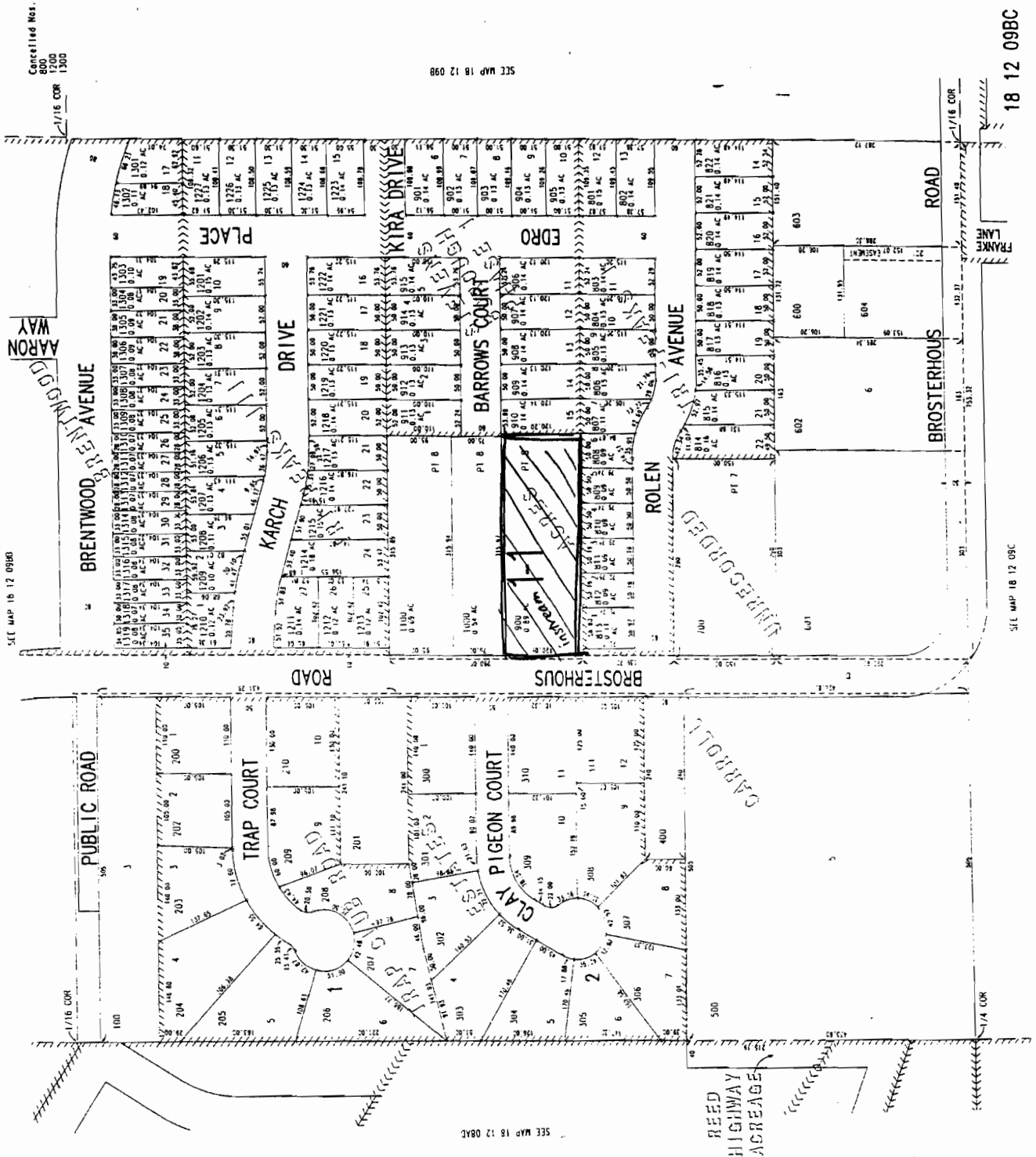
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SW 1/4 NW 1/4 SEC. 09 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY

1" = 100'

THIS MAP WAS PREPARED BY
PLANNING & ENGINEERING, INC.
REVISED: 12/19/2005



Cancelled Nos.
800
1200
1300

SEE MAP 18 12 09B

SEE MAP 18 12 08AC

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SALEM, OREGON

Main Identity

From: "Arnold Irrigation District" <AIDist@bendbroadband.com>
To: "Laura Snedaker" <snedaklk@wrđ.state.or.us>; "Gen Hubert" <gen@deschutesriver.org>
Cc: "Jeremy Giffin" <giffinjt@wrđ.state.or.us>
Sent: Friday, September 05, 2008 11:43 AM
Subject: Re: IL-945 for AID (Ward & Avion) - issues/questions

Laura,

Below are the answers to the questions you had for the leases. I have answered below each question. I am also sending you via mail all the paperwork to support these answers. I will send them overnight. You should have the paperwork on Monday.

Juanita De Jarnett
 Office Manager
 Arnold Irrigation District
 541-382-7664 (phone)
 541-382-0833 (fax)
aidist@bendbroadband.com
www.arnoldirrigationdistrict.com

----- Original Message -----

From: Laura Snedaker
To: Arnold Irrigation District ; Gen Hubert
Cc: Jeremy Giffin
Sent: Wednesday, August 27, 2008 1:29 PM
Subject: IL-945 for AID (Ward & Avion) - issues/questions

Hi there Juanita and Gen!

I'm in the process of reviewing IL-945 for AID (Ward and Avion) and have come up with a few issues that need to be addressed and some questions.

Ward

1. T18S R12E Sec 18, Lot 2000 (0.85 ac) – this is described on the water right holder form as being located in the SE SE. However, there is no SE SE on the paper certificate or on the water right of record (as shown in WRIS). There is a NE SE with 0.85 ac in lot 2000.

The Bargain and Sale Deed (BSD) first page legal description also has the place of use as being in the NE SE. But the legal metes and bounds seems to match up with the SE SE.

Not sure what the resolution is here. It's possible there could be a scrivener's error in the certificate. We would need to go back and look at the 3111 map. But there's also the issue of the legals in the BSD.

The water is definitely in SESE. The paper certificate is incorrect. The 3111 maps indicate that this 0.85 is definitely in the SESE. I am sending you a copy of the certificate page and hopefully somehow OWRD can correct it. I'm also sending a copy of the 3111 map indicating that it is definitely in the SESE as shown. We have made the correction to the BSD. The customer will be coming in to initial the correction and I will be sending it off to be recorded. This should hopefully all happen by Friday or Monday.

2. T18S R12E Sec 9 SW NW Lot 1100 (3.5 ac) – the legal description for this lot is only 0.69 ac in size (found in both the BSD and the Warranty Deed (WD)). There's simply no way that this description covers the 3.5 ac requested to be leased. The conveyance agreement (the BSD) does not cover the full 3.5 acres. And I'm guessing that there is not 0.69 ac worth of irrigation in this lot given any non irrigated areas (house, driveway, etc). It may have been that this 3.5

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acres was originally located on a larger lot and there may now be pieces of this 3.5 ac (which was not mapped) over several lots. I'm not sure this is something that can be resolved for the purposes of this lease, unless there's a solid indication of how this 3.5 acres is broken down between lots and we're certain of the number of acres of irrigation on lot 1100. As a heads up, this will also be an issue if this portion of the right is later proposed for transfer.

3. T18S R12E Sec 9 SW NW Lot 900 (0.5 ac) – There are essentially two application maps. The polygon identifying the location of the 0.5 ac is shown in two different locations between the two maps. One map seems to show the poly point as being located in Barrows Road and the other shows the poly point as being located in lot 900, which appears to be the correct location. Looks like we might need a corrected map so that both maps show the location of the 0.5 ac in the same spot.

Also, the legal description in the BSD does not appear to be complete. If I follow, it looks like this is putting the location down in Tri Peaks 1 area rather than in Carroll Acres. The legal in the WD seems to line up with the location of lot 900. It appears that the legal (exhibit A) in the BSD needs correction.

The answer to #2 and #3 are together here. The confusion for both of these tax lots starts with the certificate. The tax lots are backwards in the original certificate and the 3111 maps are incorrect. The tax lots never have looked as shown on the maps. I am sending the County map of record for Carroll Acres as it originally was created. (August 20, 1919). Following is the Record of Survey when Kenneth and Patricia Stevens divided Tract 8 into 3 tax lots. As you will see the certificate and 3111 maps are incorrect. This map shows where the 3 tax lots were created and TL 1100 is the smaller tax lot and had 0.50 acres of water and TL 900 was the larger lot with 3.50 acres of water. The 3111 map looks nothing like the County map. In 1993 Kenneth and Patricia Stevens sold TL 1100 to their daughter and son-in-law Debra and Kenneth Barrows. This is the tax lot with 0.50 acres of water rights. Kenneth and Patricia Stevens (parents) kept TL 1000 and 900. TL 900 is the tax lot with 3.50 acres of water. In March of 2004, Kenneth Barrows, the son-in-law and contractor applied with the city to subdivide TL 900 (with 3.5 acres of water). We replied with the letter I have enclosed. The letter states that since a portion of the property was going to be developed they had to transfer off the entire water right. And since the delivery of water for TL 1100 was on TL 900 this would mean that the water for TL 1100 would also have to be removed. In August of 2004, they sold the 3.5 acres and the 0.50 acres of water to Jan Ward. The confusion on the Bargain and Sale Deeds all stem from the incorrect 3111 maps and the incorrect certificate. We have spoken with the land owners (Kenneth and Patricia Stevens who still own the now smaller TL 900 and Debra and Kenneth Barrows who still own TL 1100. They are in agreement to the changes we need to correct the BSD and we be glad to come in and initial those changes. The deeds have been sent to the attorney and they are making the changes so the customers can initial the changes. Once I get the changes initialed, I will take the deed back to the County to rerecord the correction on the deed. This will happen Friday or Monday.

4. T18S R12E Sec 8 SE NW Lot 2500 (1.0 ac) – I am unable to match the legal description in the BSD and WRIS for lot 2500. I need the plat map for Blakely Heights. This may help resolve the issue. I was unable to pull this plat from the Deschutes Co website.

I am sending the original Blakely Heights map for Tracts 6 & 7. Following that is the plat of Blakely Heights, then the Land partition PZ-03-748 showing where TL 1802 was divided into two tax lots which Shawn signed off indicating there were not water rights on those properties. Alice McCullough sold off her water rights on November 26, 2004 and Shawn signed off on it on December 8, 2004. Following that is the current county map showing the two tax lots and their numbers 2500 and 2501.

5. T18S R11E Sec 13 (NNP – RiverRim) – Need revised application map. This map does not clearly identify the township and range. Also, the number of acres in the NE SW appears to be 5.52 acres based on the water right of record (as shown in WRIS). The map shows 6.55 acres. The revised map should show the correct number of acres to be leased (0.23 ac) and the correct number of acres not being leased (?). Also in the NW SE, the water right is broken down by lots 2300 and 2400. The revised map should show the number of acres in this quarter quarter being leased in each lot and the number of acres not being leased in each lot.

I'm resending the same map you already have. However, I think the copy you have may have the TRS cut off at the top. This map has it at the top. Regarding the number of acres in the NESW is 5.52 which was transferred over in T-9636. However, if you look at WRIS directly above the 5.22 WRIS shows the 6.55 acres which was already there. The map does show the correct acres being leased. It has a legend at the top of the map which indicates the Water to be Transferred OFF (the water to be leased - 47.41 ac.... shown by 1/4 1/4 and tax lot. To the right of that is a legend which shows the water to remain broken down by 1/4 1/4 and tax lot. The tax lot numbers in the certificate are no longer. The numbers on the map were the tax lot numbers at the time of the transfer was started (TL 1300 and 2402)

6. T18S R12E Sec 17 NW SW Lot 1800 (3.0 ac) – The application map seems to show that a portion of the footprint of the 3.0 acres is not located entirely in lot 1800 (a portion appears to be in lot 1900). Please clarify the location of the 3.0 acres and submit a revised map if needed.

NW¼NW¼	400	0.25	IRR	ZEPNEWSKI, CARL & CLYDENE
NW¼NW¼	401	0.18	IRR	HORN, THOMAS & FRIEDA
NW¼NW¼	402	1.25	IRR	CASPER, DONNA
NW¼NW¼	405	0.20	IRR	WOODROW, JOHN & HELEN
NW¼NW¼	408	0.40	IRR	CASPER, DONNA
NW¼NW¼	409	0.35	IRR	CASPER, DONNA
NW¼NW¼	500	1.00	IRR	HINES, JAMES & DONNA
NW¼NW¼	600	0.25	IRR	HERMENS, RALPH & ROSE
NW¼NW¼	700	0.48	IRR	GRETH, ALICE
NW¼NW¼	1300	1.14	IRR	DESCHUTES COUNTY
SW¼NW¼	100	1.00	IRR	MORRIS, RUBY L
SW¼NW¼	500	5.00	IRR	SLAUGHTER, JOYCE
SW¼NW¼	600	0.30	IRR	HAAG, CARL
SW¼NW¼	601	1.75	IRR	JONES, ELAINE
SW¼NW¼	602	0.75	IRR	RALEY, DOUGLAS
SW¼NW¼	603	0.74	IRR	WOODY, MILFORD & CONNIE
SW¼NW¼	604	0.45	IRR	HAAG, CARL
SW¼NW¼	700	0.74	IRR	SCHIEDER, DUANE & JULIE
SW¼NW¼	800	3.80	IRR	WILSON, ROBERT & MARJORIE
SW¼NW¼	1100	3.50	IRR	STEVENS, KENNETH
SW¼NW¼	1200	4.50	IRR	WILLIAMS, MAX
SW¼NW¼	1300	2.00	IRR	DESCHUTES COUNTY
SE¼NW¼	200	10.00	IRR	BEND TRAP CLUB
NE¼SW¼	0	5.00	QUA	JUNIPER UTILITY CO
NE¼SW¼	100	8.50	IRR	MERITT, GUY & LESLIE
NE¼SW¼	200	0.15	IRR	HORLACHER, CHARLES & LUCILLE
NE¼SW¼	202	0.35	IRR	HORLACHER, CHARLES & LUCILLE
NE¼SW¼	204	0.50	IRR	JONES, MICHELLE LYNN
NE¼SW¼	205	0.25	IRR	SHACKELFORD, GEORGE & JOANNE
NE¼SW¼	206	1.50	IRR	WILLIAMS, DAVID & TRUDY
NE¼SW¼	300	5.00	IRR	DAILEY, PAT & WANDA
NE¼SW¼	400	4.50	IRR	MERITT, GUY & LESLIE
NW¼SW¼	0	10.01	QUA	JUNIPER UTILITY CO
NW¼SW¼	500	0.50	IRR	MCFALL, GLADYS
NW¼SW¼	501	0.23	IRR	KIPNIS, JEROME & PATRICIA
NW¼SW¼	502	0.50	IRR	KIPNIS, JEROME & PATRICIA
NW¼SW¼	600	1.45	IRR	BROWN, BETSY
NW¼SW¼	700	4.50	IRR	OLESEN, H W
NW¼SW¼	800	2.00	IRR	KIPNIS, JEROME & PATRICIA
SW¼SW¼	0	9.30	QUA	JUNIPER UTILITY CO
SE¼SW¼	0	5.00	QUA	JUNIPER UTILITY CO
NE¼SE¼	0	5.00	QUA	JUNIPER UTILITY CO
SE¼SE¼	0	5.00	QUA	JUNIPER UTILITY CO

Section 9

NE¼NE¼	100	22.90	IRR	RASTOVICH, DAN
NW¼NE¼	400	1.50	IRR	JOHNSON, KENNETH & DARLENE
NW¼NE¼	501	6.00	IRR	JOHNSON, KENNETH & DARLENE
NW¼NE¼	502	0.68	PND	HIGHAM, MARK & RUBY
NW¼NE¼	502	20.30	IRR	HIGHAM, MARK & RUBY
SW¼NE¼	300	1.50	IRR	MORALES, RUSSELL & ANNE
SW¼NE¼	301	2.00	IRR	JOHNSTON, STEVEN & JAIMIE
SW¼NE¼	302	6.00	IRR	THOMMEN, RON & CLAUDETTE
SW¼NE¼	303	3.00	IRR	GRIFFIN, CHRIS & CYNTHIA
SW¼NE¼	304	5.90	IRR	RILEY, JOHN
SW¼NE¼	305	3.62	IRR	BECKER, DANIEL & SHARON
SW¼NE¼	306	8.25	IRR	JARVI, CARL & MARCIA
SE¼NE¼	200	4.25	IRR	TAYLOR, PETER & BECKA

SEE NEXT PAGE

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WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME Kenneth D. & Patricia A. Stevens
ADDRESS 61456 Brosterhous Rd Bend, Or 97702
ENCUMBRANCES None

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

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4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION _____

APR 08 2009

LOCATION OF AUTHORIZED PLACE OF USE

WATER RESOURCES DEPT

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	9	SW NW	00900	.50	

5. RECIPIENT

NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: Kenneth D. Stevens Patricia A. Stevens 8-23-04
Name Date
RECIPIENT: J. L. Ward Co 6/24/05
Name Date
FOR DISTRICT: _____
Name Date

ALTON L. BOTTS AND SUSAN L. BOTTS, H/W Grantor,
 conveys and warrants to KENNETH D. STEVENS AND PATRICIA A. STEVENS, husband and wife,
 Grantee, the following described real property free of encumbrances
 except as specifically set forth herein situated in DESCUTES County, Oregon, to-wit:

That part of the Southwest Quarter of the Northwest Quarter (SW1/4, NW1/4) of
 Section Nine (9) Township Eighteen (18) South, Range Twelve (12) East of the
 Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Southeast corner of said SW1/4 NW1/4; thence Northerly along the
 Easterly line of said SW1/4 NW1/4, 576.82 feet; thence West, 394.82 feet to the
 point of beginning of the tract hereby conveyed; thence North, 120.08 feet; thence
 West 356.5 feet; thence South, 120.08 feet; thence East, 356.5 feet to the point of
 beginning of the tract conveyed, being a part of Tract 8 of the unofficial plat of
 The said property is free from encumbrances except Trust Deed / (Carol) Acres, Deschutes County,
 now of record in favor of The Bend, Franklin / Oregon, except any part lying
 by assignment dated October 13, 1982, WHICH / within the right of way of
 buyer herein agrees to assume and to pay. / Brosterhouse Road. ***

The true consideration for this conveyance is \$ 27,200.00. (Here comply with the requirements of ORS 93.030)

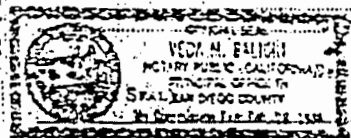
**TOGETHER WITH WATER AND IRRIGATION RIGHTS OF RECORD FOR SAID PROPERTY, (1/2 acre)

Dated this 1st day of DECEMBER, 1984

THIS INSTRUMENT DOES NOT GUARANTEE THAT ANY
 PARTICULAR USE MAY BE MADE OF THE PROPERTY
 DESCRIBED IN THIS INSTRUMENT. A BUYER SHOULD
 CHECK WITH THE APPROPRIATE CITY OR COUNTY
 PLANNING DEPARTMENT TO VERIFY APPROVED USES.
 California

ALTON L. BOTTS
 SUSAN L. BOTTS

STATE OF OREGON, County of Deschutes () ss. December 1, 1984
 Personally appeared the above named ALTON L. BOTTS AND SUSAN L. BOTTS.



I acknowledge the foregoing instrument to be their voluntary act and deed.
 Veda M. Blevins
 Notary Public for Oregon - My commission expires 2-28-86
 OREGON

BOTTS
 STEVENS

GRANTEE

NAME, ADDRESS, ZIP

GRANTEE

NAME, ADDRESS, ZIP

STATE OF OREGON) ss.
 COUNTY OF DESCHUTES)

MARY SUE HENDRICKS, COUNTY CLERK AND
 RECORDER OF DEEDS, IN AND FOR SAID
 COUNTY, DO HEREBY CERTIFY THAT THE FORE-
 GOING INSTRUMENT WAS RECORDED THIS DAY.

DEC 6 PM 3:50
 MARY SUE HENDRICKS
 COUNTY CLERK

By _____ Deputy

1984

5135-E

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 APR 08 2009
 WATER RESOURCES DEP
 SALEM, OREGON



Issue #2 & #3

Do not remove this page from original document.

Deschutes County Clerk Certificate Page



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WATER RESOURCES DEPT
SALEM, OREGON

If this instrument is being re-recorded, please complete the following statement, in accordance with ORS 205.244:

Re-recorded to correct number of acres and to correct legal description, previously recorded in Book 2008 attached as Exhibit A. and Page 25559 or as Fee Number _____



00618938200800255590040045

06/13/2008 03:34:53 PM

D-D Cnt=1 Stn=1 BN
\$20.00 \$11.00 \$10.00 \$5.00

BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Kenneth D. Stevens and Patricia A. Stevens, Grantor, conveys to J.L. Ward Co., Grantee, on August 23, 2004 the following described real property:

3.50
33 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 1S-12-09-BC-00900 (1S1208 SW 1/4 NW 1/4 Tax Lot 00900), located in Deschutes County, Oregon.

(See the attached Exhibit "A" for a more detailed description of the property.)

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 THE 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 FARM 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)).

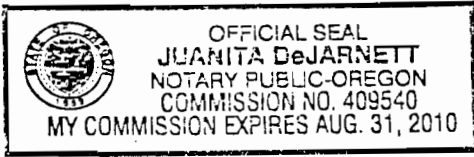
Signed Nunc Pro Tunc this 23rd day of August, 2004.

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APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

Kenneth D. Stevens, Grantor

Kenneth D. Stevens Patricia A. Stevens
STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 16th day of May, 2008, by Kenneth Stevens, Grantor.

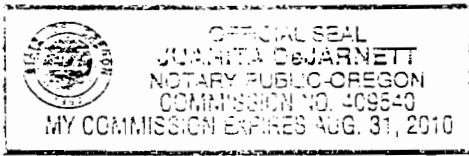


Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

Patricia Stevens, Grantor

Patricia A. Stevens
STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 16th day of May, 2008, by Patricia Stevens, Grantor.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

ACCEPTANCE

Jan L. Ward, President, J.L. Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

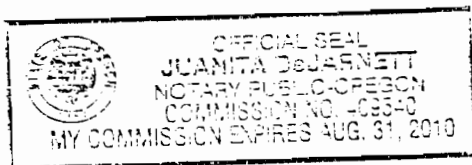
DATED this Ami day of June, 2008.

J.L. Ward Company

By: [Signature]
Jan L. Ward, President

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of J.L. Ward Company. Before me this Ami day of June, 2008.



[Signature]
Notary Public for Oregon.
My Commission Expires: Aug. 31, 2010

RECEIVED
APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

That part of the Southwest Quarter of the Northwest Quarter (SW ¼ NW ¼) of Section Nine (9) Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, described as follows:

Beginning at the Southeast corner of said SW ¼ NW ¼; thence Northerly along the Easterly line of said SW ¼ NW ¼, 576.82 feet; thence West, 394.82 feet to the point of beginning of the tract hereby conveyed, thence North, 120.08 feet; thence West 356.5 feet; thence South, 120.08 feet, thence East, 356.5 feet to the point of beginning of the tract conveyed, being a part of Tract 8 of the unofficial plat of Carroll Acres, Deschutes County, Oregon, except any part lying within the right of way of Brosterhaus Road. Trust Deed now of record in favor of The Benj. Franklin by assignment dated October 13, 1982, WHICH buyer herein agrees to assume and to pay.

Handwritten notes:
K S 9/16
G L B

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WATER RESOURCES DEPT
SALEM, OREGON

Exhibit "A"

A parcel of land located in the Northwest Quarter (NW ¼) of Section Nine (9), Township Eighteen (18) South, range Twelve (12), East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, which is described as follows:

Commencing at the center-West 1/16 corner of said section 9; thence North 00° 36' 20" East, 576.82 feet to the true point of beginning; thence North 89° 17' 48" West, 743.10 feet; thence North 00° 43' 46" East, 120.08 feet; thence South 89° 17' 48" East, 315.97 feet; thence North 00° 42' 12" East, 170.00 feet; thence South 89° 17' 48" East, 426.58 feet; thence South 00° 36' 20" West, 290.08 feet to the true point of beginning.

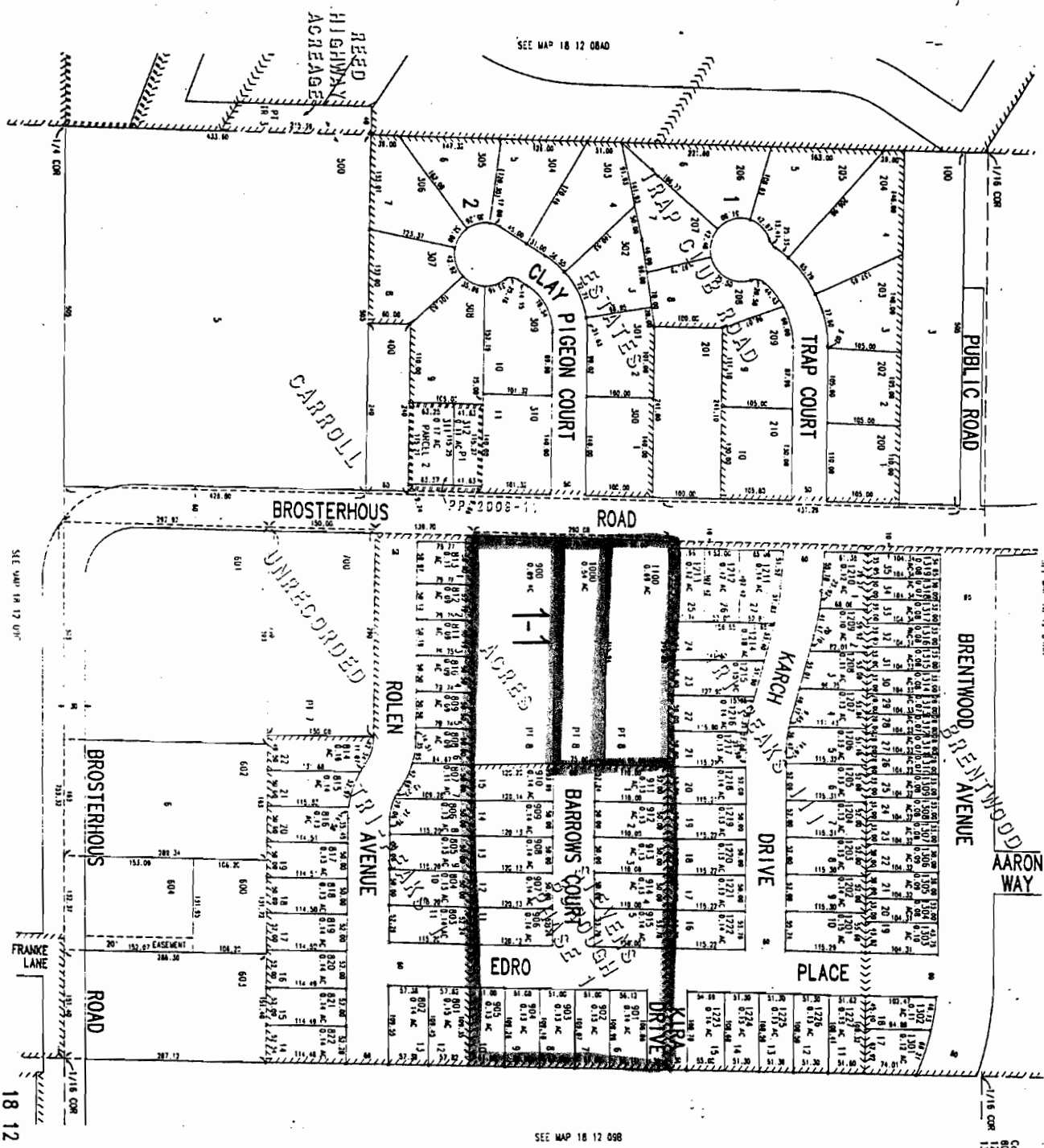
K.S. 7/1/09
P.S.

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SALEM, OREGON

Issue # 22 #3

SW1/4 NW1/4 SEC. 09 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY

1" = 100'



18 12 09BC

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WATER RESOURCES DEPT
SALEM, OREGON

18 12 09BC

Found 7/8" Iron Peg
P.L. Brosterhouse Road
Held as per (R1)

CURVE	RADIUS	LENGTH	CHORD	BEARING	DELTA
C1	31.00'	43.31'	41.81'	S87°29'17"	503°17'2"
C2	31.00'	50.78'	48.82'	S82°19'51"	320°0'41"
C3	31.00'	48.82'	45.75'	S81°37'21"	324°0'41"
C4	31.00'	48.82'	47.53'	N61°23'21"	59°53'27"

NOTE:
The boundary of this survey is based on the plot of
Hil-Peaks I, recorded as CS15272.

LEGEND

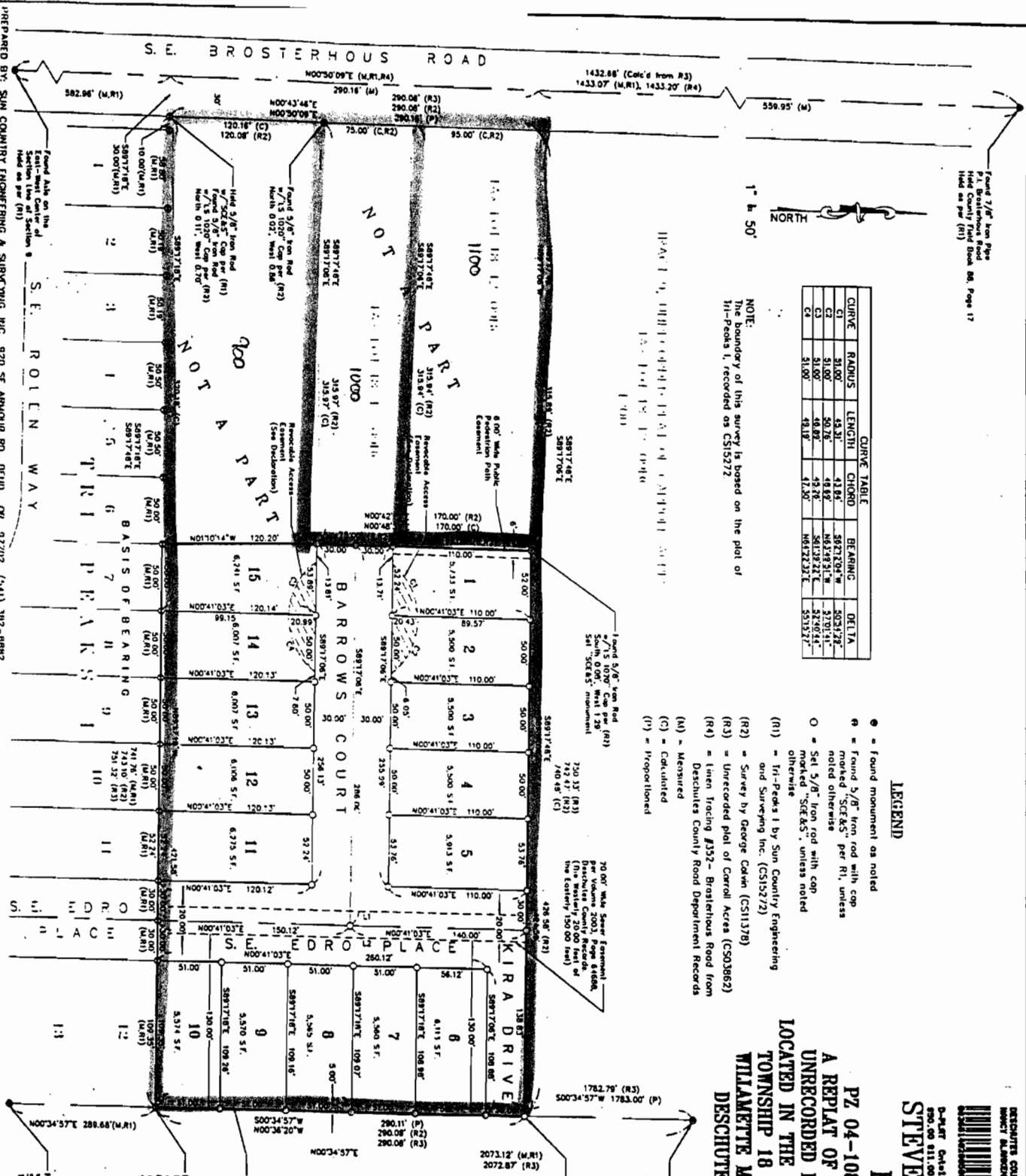
- = Found monument as noted
- ⊙ = Found 5/8" Iron rod with cap marked "SCE&S" per R1, unless noted otherwise
- = Set 5/8" Iron rod with cap marked "SCE&S", unless noted otherwise
- (R1) = Hil-Peaks I by Sun County Engineering and Surveying Inc. (CS15272)
- (R2) = Survey by George Cahn (CS11378)
- (R3) = Unrecorded plat of Carroll Acres (CS03862)
- (R4) = Luen Tracing #352 - Brosterhouse Road from Deschutes County Road Department Records
- (M) = Measured
- (C) = Calculated
- (P) = Proportional

P2 04-108 APRIL 22, 2005
A REPLAT OF A PORTION OF TRACT 8,
UNRECORDED PLAT OF CARROLL ACRES,
LOCATED IN THE SW 1/4 NW 1/4 SECTION 9,
TOWNSHIP 18 SOUTH, RANGE 12 EAST,
WILAMETTE MERIDIAN, CITY OF BEND,
DESCHUTES COUNTY, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS
REC'D ALBANY, OREGON
5/27/2005 11:17:14 AM
P-PLAT 04-108-23 RECD
\$71.00
\$70.00 \$11.00 \$10.00
STEVENS BOROUGH
PHASE 1

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WATER RESOURCES DEPT
SALEM, OREGON



LINE	BEARING	LENGTH
1	N00°14'51"E	280.12
2	N00°43'57"E	280.17
3	S00°43'57"W	280.17

DESCHUTES COUNTY SUPERVISOR
FILED 4/11/05 BY: *Wesley Cox*

REGISTERED PROFESSIONAL LAND SURVEYOR
MICHAEL S. THE
1948
RENEWABLE 8-30-2008

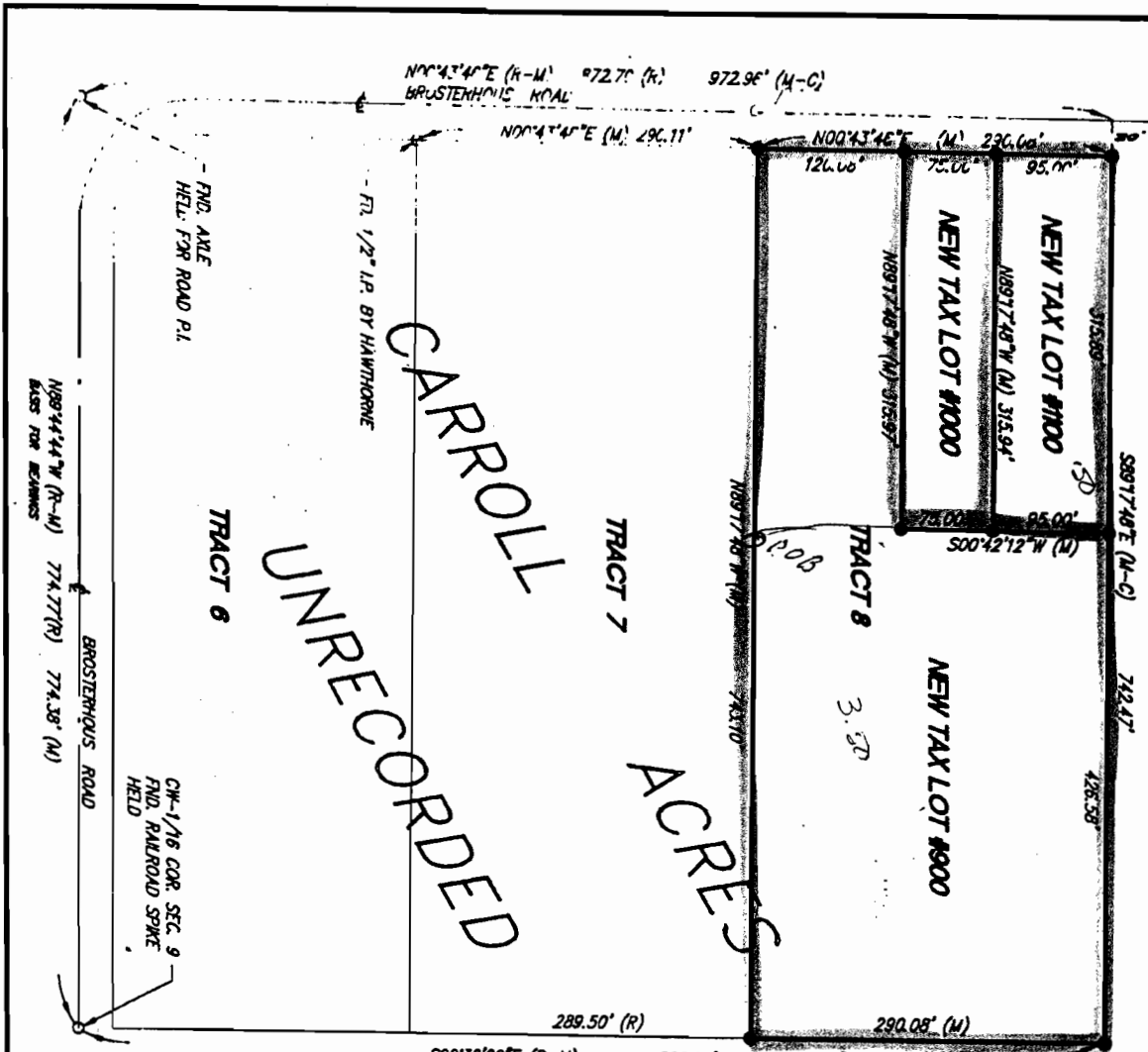
CS16434

PREPARED BY: SUN COUNTY ENGINEERING & SURVEYING, INC., 920 SE ANTHONY BLVD, GUM, OR 97702 (503) 312-6882

Issue # 23 #3

6.683

CS16434



CARROLL
TRACT 7
UNRECORDED
ACRES
TRACT 8
TRACT 6

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WATER RESOURCES DEPT
SALEM, OREGON

RECORD OF SURVEY
FOR LOT LINE ADJUSTMENT AFFECTING TAX LOTS 900, 1000, AND 1100, MAP 18-12-98C LOCATED IN THE NW 1/4 OF SECTION 9, T.16S, R.12E, W.M. CITY OF BEND, DESCHUTES COUNTY, OREGON, ALSO BEING TRACT 8 OF CARROLL ACRES, AN UNRECORDED SUBDIVISION.

NARRATIVE

THE PURPOSE OF THIS SURVEY WAS TO MARK THE ADJUSTED CORNERS ON THE ABOVE MENTIONED TAX LOTS 900, 1000, AND 1100. REFERENCE SURVEYS USED FOR CONTROL WERE: SURVEY OF TRACT 6 OF CARROLL ACRES BY J. HAWTHORNE - 5/84; SURVEY OF A PORTION OF TRACT 6 BY R. GRAVE - 5/84; SURVEY BY M. THE (ORDER #76107) - 12/76. MEASURED VALUES VERSUS RECORD VALUES AGREED WITHIN REASON. BEARINGS AS PER THE HAWTHORNE SURVEY WERE USED FOR THE CENTERLINE OF BROSTERHUIS ROAD GOING NORTH FROM THE P.L. ON THE E-W CENTER 1/4 LINE OF SECTION 9. BEARINGS ARE BASED ON SAID E-W 1/4 LINE AS PER HAWTHORNE. NO UNUSUAL PROBLEMS WERE ENCOUNTERED.

PERSONNEL: GEORGE COLVIN
LAKE HORTSMAN
INSTRUMENTATION: TOPCON GTS-3B
CLIENT: KENNETH STEVENS

- - FOUND AS NOTED
- - SET 5/8" x .30" RON ROD WITH CAP MARKED U.S. 1020
- R - RECORD VALUES
- M - MEASURED VALUES
- C - CALCULATED VALUES

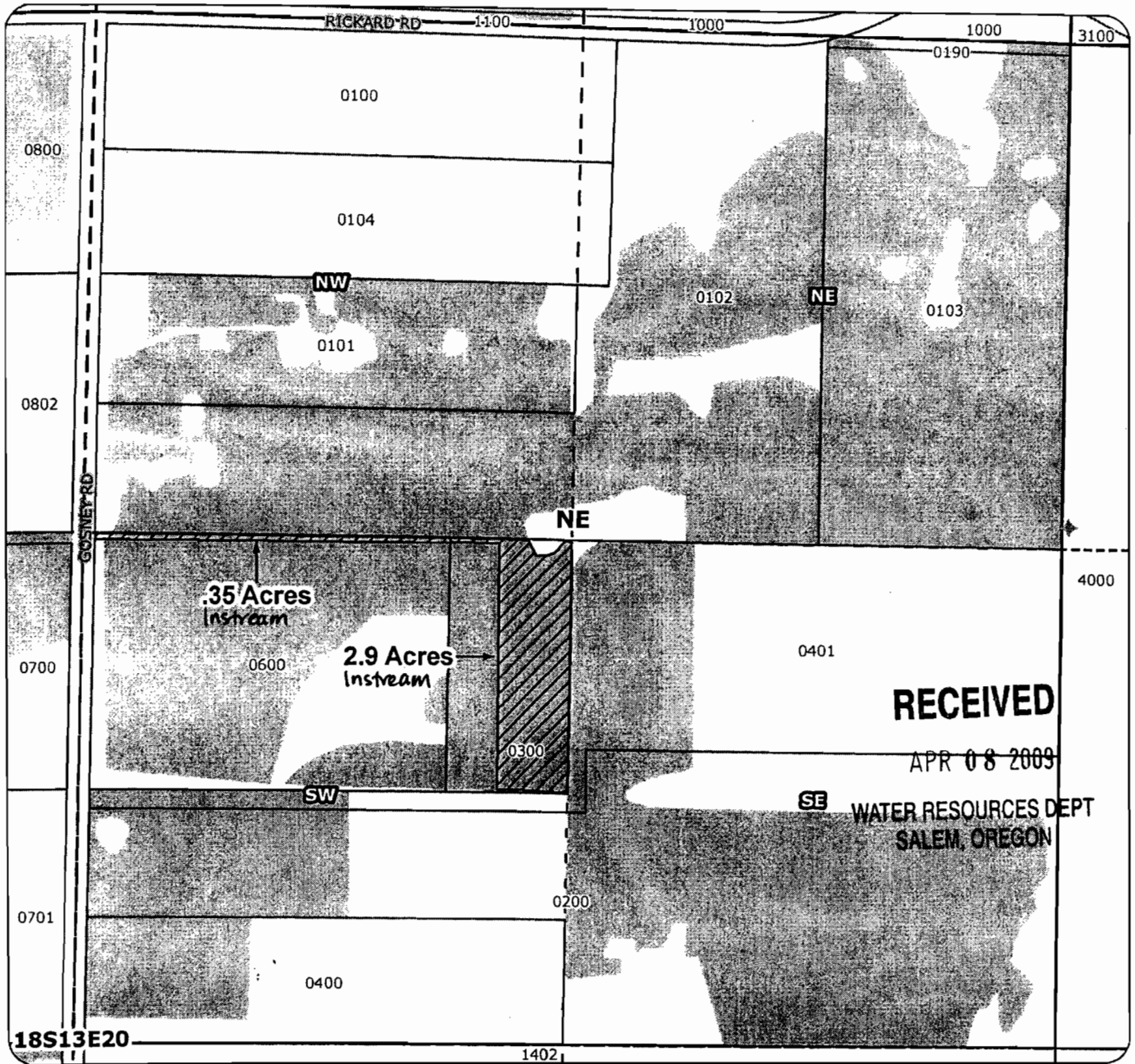
REGISTERED
PROFESSIONAL
LAND SURVEYOR

GEORGE COLVIN
RENEWED TO 11/11
BEND, OREGON, 97701
1020



GEORGE COLVIN
LAND SURVEYOR
22947 BRANDING ROW CT.
BEND, OREGON 97701
PHONE: (503)382-2039

Issue # 2 & # 3

2008 Arnold Irrigation District Instream Lease Map



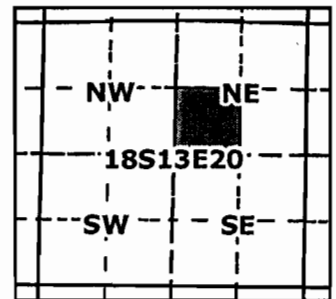
Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights



Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

For:
Mike and Vickie Downing
Taxlot 300 - 2.9 acres
in 18S13E20SWNE
Taxlot 600 - .35 acres
in 18S13E20SWNE
Total Lease of 3.25 Acres



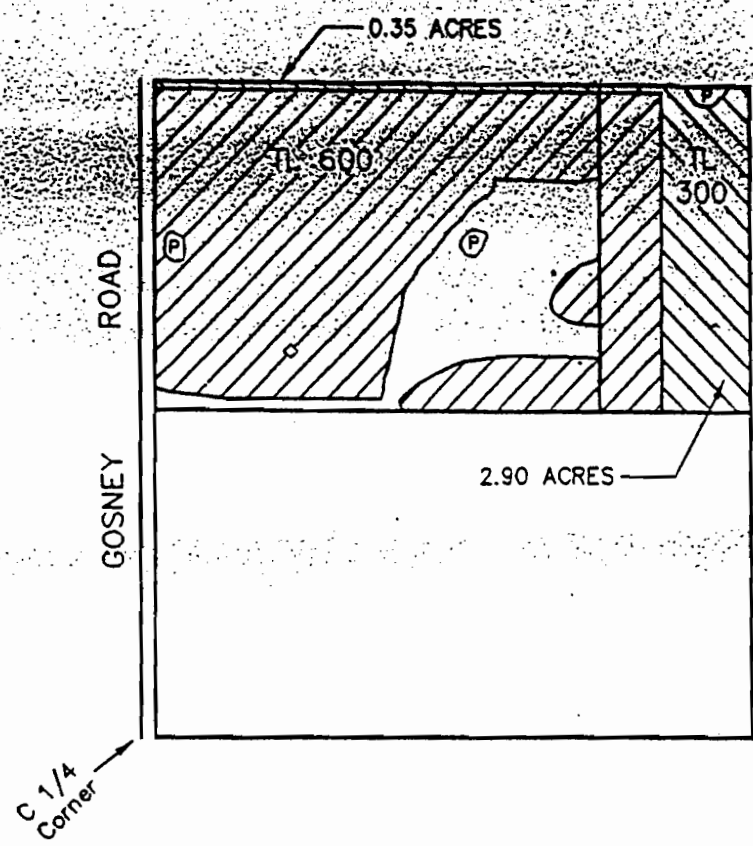
1 inch equals 400 feet

Date Created: May 2008

**WATER RIGHTS SURVEY
ARNOLD IRRIGATION DISTRICT
IN THE SW 1/4 OF THE NE 1/4 OF
Section 20, Township 18 South, Range 13 East, W.M.,
Deschutes County, Oregon**

Mike and Vickie Downing Property
Tax Lots 300 and 600

-  = Existing Water Rights
-  = Area Transferred Off



Tax Lot 300
4.9 acres existing water rights
2.9 acres transferred off

Tax Lot 600
10.95 acres existing water rights
0.35 acres transferred off

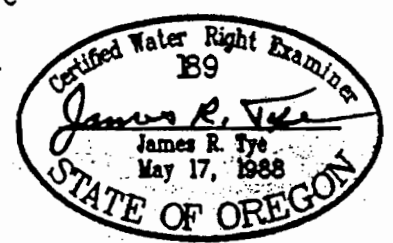
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WATER RESOURCES DEPT
SALEM, OREGON

I, James R. Tye, Certified Water Rights Examiner in the State of Oregon, hereby certify that this water rights survey map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



Scale: 1"=400' Date: 5-25-04 Survey by: R.T.&K.S. Drawn by: K.B. W.O. No.: 4134-22B

SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 S.E. ARMOUR RD. BEND, OREGON 97702 382-8882

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. **WATER RIGHT**

CERTIFICATE 74197
PRIORITY DATE 02/01/1905 = 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. **APPLICANT NAME**

MIKE & VICTORIA DOWNING
ADDRESS 60656 GOSNEY RD.
ENCUMBRANCES _____

RECEIVED

3. **TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE**

APR 08 2009

4. **LOCATION OF USE**
AUTHORIZED POINT OF DIVERSION _____

WATER RESOURCES DEPT
SALEM, OREGON

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	13	20	SW NE	00300	2.90	
18	13	20	SW NE	00600	0.35	

5. **RECIPIENT NAME**

J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. **LOCATION OF PROPOSED USE**

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. **EXHIBITS**

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: [Signature] Date 7-22-04
 RECIPIENT: [Signature] Date 6/24/05
 FOR DISTRICT: _____ Date _____

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2008-25558



\$46.00

00618937200800255580040048

06/13/2008 03:34:53 PM

D-D Cnt=1 Str=1 BN

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

BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

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WATER RESOURCES DEPT
SALEM, OREGON

The true consideration for this transfer is forgiveness of future annual assessments.

Michael Downing and Victoria G. Downing, Grantor, conveys to J.L. Ward Co., Grantee, on July 22, 2004 the following described real property:

2.90 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-13-20-00-00300 (18132 SW ¼ NE ¼ Tax Lot 00300), located in Deschutes County, Oregon and

0.35 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-13-20-00-00600 (181320 SW ¼ NE ¼ Tax Lot 00600), located in Deschutes County, Oregon.

(See the attached Exhibit "A" for a more detailed description of the property.)

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 THE 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 FARM 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)).

Signed Nunc Pro Tunc this 22rd day of July 2004.

Michael Downing, Grantor

Michael Downing
STATE OF ARIZONA, County of Mohave) ss:

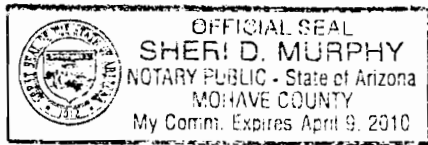
SIGNED before me on the 17 day of May, 2008, by Michael Downing Grantor.



Sheri D. Murphy
NOTARY PUBLIC FOR ARIZONA
My commission expires: 04-09-2010

Victoria Downing, Grantor
Victoria Downing
STATE OF ARIZONA, County of Mohave) ss:

SIGNED before me on the 17 day of May, 2008, by Victoria Downing Grantor.



Sheri D. Murphy
NOTARY PUBLIC FOR ARIZONA
My commission expires: 04-09-2010

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

ACCEPTANCE

Jan L. Ward, President, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

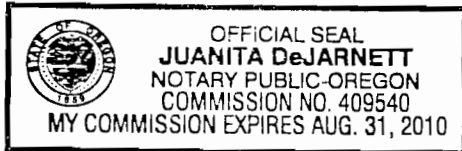
DATED this 2nd day of June, 2008.

JL Ward Company

By: [Signature]
Jan L. Ward, President

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 2nd day of June, 2008.



Juanita DeJarnett
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

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APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

Parcel E:

The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty (20), Township Eighteen (18) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of section Twenty (20) Township Eighteen (18) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon.

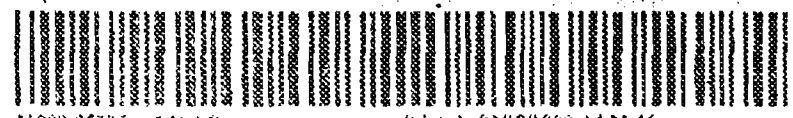
Parcel F:

The North half of the Southwest Quarter of the Northeast Quarter (N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$) of Section Twenty (20), Township Eighteen (18) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, EXCEPTING THEREFROM the East one-fourth thereof.

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WATER RESOURCES DEPT
SALEM, OREGON

VOL: 1999 PAGE: 35225
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*1999-35225 * Vol-Page Printed: 07/19/1999 14:25:46

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

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

DATE AND TIME: Jul 19, 1999; 2:25 pm

RECEIPT NO: 8724

DOCUMENT TYPE: Deed

FEE PAID: \$45.00

NUMBER OF PAGES: 2

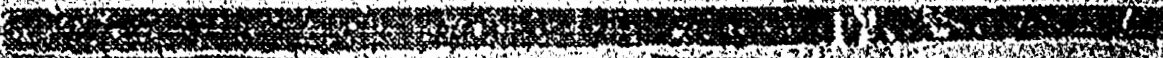
Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON



44-97

161-0695

MEMORANDUM OF CONTRACT

SS-06612 Until a change is requested, send all tax statements to:

61802 Summershade Drive
Sed, OR 97702

SELLER: FRY BANK OF OREGON, Successor by Merger to Pacific Western Bank, formerly known as First State Bank of Oregon
BUYER: MICHAEL DOWNING and VICTORIA G. DOWNING, Husband and Wife

Buyer is purchasing from Seller that certain real property situated in the County of Deschutes, State of Oregon, described as:

Victoria G. Downing
Michael Downing
1000 N. Milwaxie - Bend, Oregon 97701-1924
(503) 338-9718

Parcel 1: The Southeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (SE1/4 NE1/4 SW1/4 NE1/4) of Section Twenty (20), Township Eighteen (18) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon, and the Northeast Quarter of the Northeast Quarter of the Southwest Quarter of the Northeast Quarter (NE1/4 NE1/4 SW1/4 NE1/4) of Section Twenty (20) Township Eighteen (18) South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon.

Parcel 2: The North half of the Southwest Quarter of the Northeast Quarter (N1/2 SW1/4 NE1/4) of Section Twenty (20), Township Eighteen (18) South, Range Thirteen (13) East of the Willamette Meridian, Deschutes County, Oregon, EXCEPTING THEREFROM the East one-fourth thereof.

Together with ten acres of Arnold Irrigation District Water.

Consideration: \$527,000.00.

The address of the Seller is PO Box 22352, Milwaxie, Oregon 97222; Tax Lot Nos. 300 and 600; Tax Map No. 18-12-20.

1 - MEMORANDUM OF CONTRACT

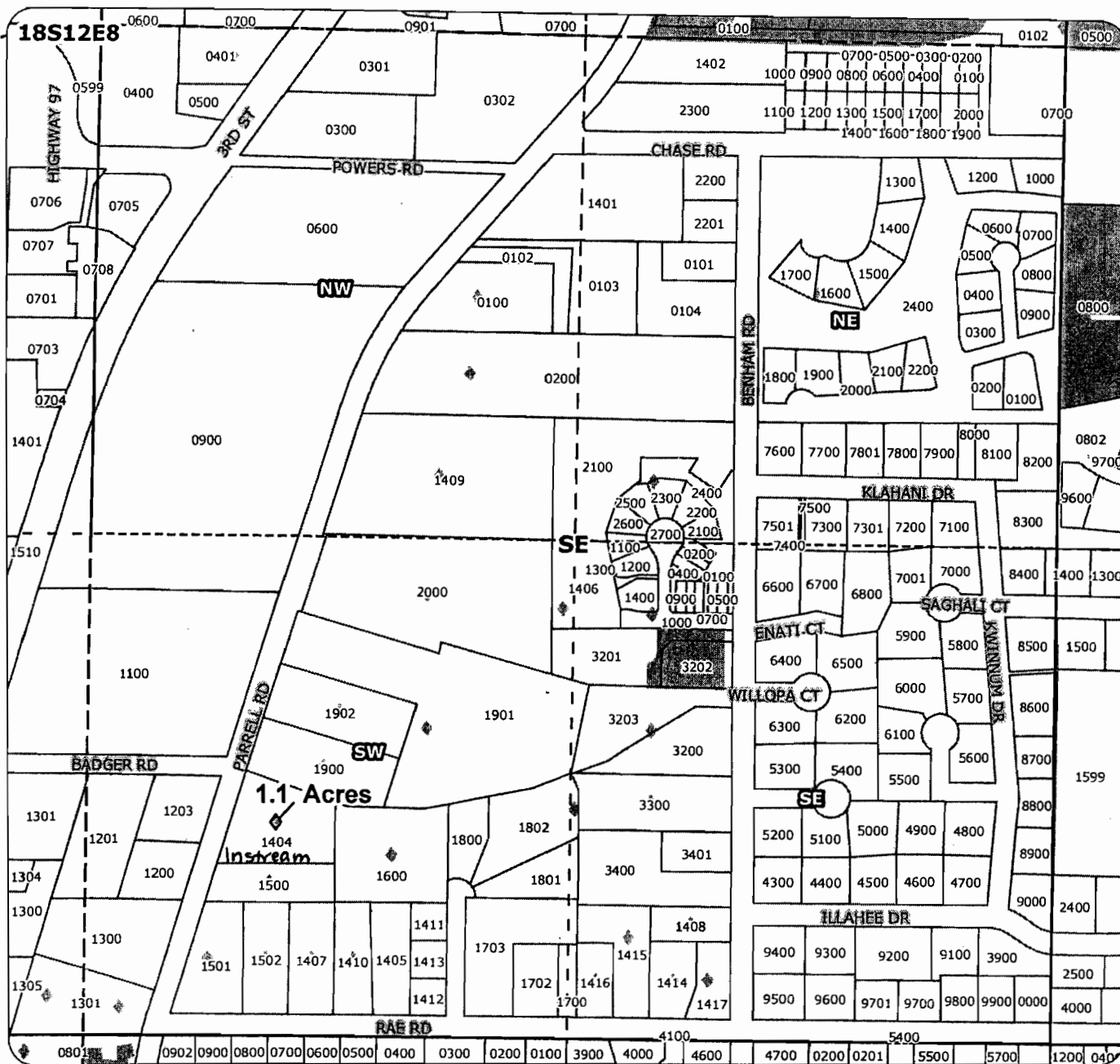
Bend Title Company

RECEIVED DOCUMENT ILLEGIBLE/POOR QUALITY AT TIME OF RECORDING.


APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

 Proposed Lease of Irrigation Rights

 Water Rights



Geo-Spatial Solutions, Inc.
www.geospatialsolutions.com

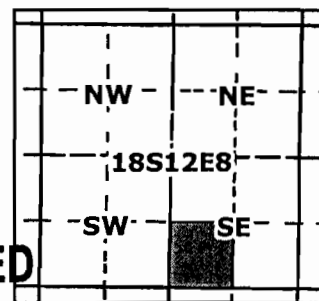
For:
Ward (Frazier)
Taxlot 1404 - 1.1 Acres
in 18S12E8SWSE
Total Lease of 1.1 Acres

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Date Created: May 2008



1 inch equals 400 feet

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2008-25557



\$41.00

00618936200800255570030034

06/13/2008 03:34:53 PM

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

BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Linda Rose Frazier, Grantor, conveys to J.L. Ward Co., Grantee, on June 1, 2004 the following described real property:

1.10 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-12-08-D0-01404 (181208 SW ¼ SE ¼ Tax Lot 01404), located in Deschutes County, Oregon.

(See the attached Exhibit "A" for a more detailed description of the property.) .

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 THE 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 FARM 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)).

Signed Nunc Pro Tunc this 1st day of June, 2004

RECEIVED

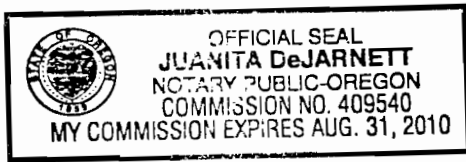
APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Linda Frazier, Grantor

Linda Frazier
STATE OF OREGON, (County of Deschutes) ss:

SIGNED before me on the 29th day of May, 2008, by Linda Frazier, Grantor.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug 31, 2010

ACCEPTANCE

Jan L. Ward, President, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

DATED this 2nd day of June, 2008.

RECEIVED

APR 08 2009

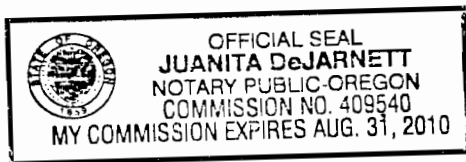
JL Ward Company

WATER RESOURCES DEPT
SALEM, OREGON

By: [Signature]
Jan L. Ward, President

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 2nd day of June, 2008.



Juanita DeJarnett
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

EXHIBIT "A"

Tracts 20 and 21 of WARD'S TRACTS, Deschutes County, Oregon.
EXCEPT the South 99 fee of said Tract 21.

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON



Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708
PHONE: 541-382-7664 FAX: 541-382-0833

May 28, 2008

Linda Frazier
PO Box 7351
Bend, OR 97708

RE: Bargain & Sale Deed for Sale of 1.10 acres of Water Rights to Jan L. Ward

Dear Linda:

On June 1, 2004, you sold 1.10 acres of water rights associated with your property, 181208D001404, to Jan L. Ward. At that time you signed a Notice of District Permanent Transfer of which I am enclosing a copy.

However, since that time the State's rules regarding what is required paperwork for these transactions has changed and they are now requesting that we get signed and recorded Bargain and Sale Deeds from everyone who had signed one of these transfer forms. Even though this transaction took place several years ago, they would like us to get Bargain and Sale Deeds if possible.

We would like to trouble you one more time to sign and have notarized the Bargain and Sale Deed which I have enclosed. You could either sign and have a notary of your choice notarize this document and return to us in the SASE or, if you would like, I am a notary and if you could, at your earliest convenience, come by the District office and I could notarize your signature. **Please sign the current date, not the date at the bottom of page 1.** The wording and the date at the bottom of page one means that this document should have been signed on that date but you are signing it at the present date.

Once I have received the signed and notarized document, I will have it sent to the County to be recorded and once it has been returned to our office, I will send a copy to you through the mail.

If you have any questions, please call the office. I look forward to hearing from you in the near future. Thank you in advance for your time and trouble and your assistance.

Sincerely,

Juanita De Jarnett
Office Manager

Encl. Copy of Notice of Transfer
Bargain and Sale Deed (3 pages)
SASE

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

7069-452017

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP COUNTY CLERK

2004-70599



\$31.00

11/24/2004 04:03:46 PM

D=D Cntel Stns3 PAM

— Based above for: \$5.00 \$11.00 \$10.00 \$5.00

WARRANTY DEED

31

KNOW ALL MEN BY THESE PRESENTS THAT, Linda Rose Frazier, Grantor, for and in consideration of the sum of Three Hundred Sixty Seven Thousand and 00/100 Dollars to it paid by the grantees herein, do hereby grant, bargain, sell and convey unto Badger View Development LLC Grantees, the following tract of land more particularly described as follows:

Tracts 20 and 21 of WARD'S TRACTS, Deschutes County, Oregon.
EXCEPT the South 89 feet of said Tract 21.

TO HAVE AND TO HOLD the granted premises unto the said Grantees, their heirs and assigns forever.

And the Grantor does covenant that it is lawfully seized in fee simple of the above granted premises free from all encumbrances EXCEPT,

- 1. Agreements, covenants, conditions, easements, reservations & restrictions of record, if any.

And that it will, its heirs, executors and administrators shall Warrant and forever defend the granted premises, against the lawful claims and demands of all persons except as above stated

WITNESS my Hand and Seal this 23 day of November, 2004.

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 30.800.

Linda Rose Frazier
Linda Rose Frazier

STATE OF OREGON
COUNTY OF DESCHUTES

Before me: on this 23 day of November, 2004, personally appeared the above named Linda Rose Frazier and acknowledged the foregoing instrument to be his/hers/their voluntary act and deed

Susan G. Mroczko
Notary Public for the state of Oregon
My Commission Expires: 10-10-2005

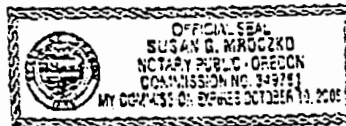
Until a change is requested all tax statements should be sent to the following address.

Escrow # 401325

Badger View Development LLC
2555 NW Torsway Street
Bend, OR 97701

After Recording Please Return to:

Badger View Development LLC
2555 NW Torsway Street
Bend, OR 97701



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APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
PO BOX 323
BEND OR 97704

60164 31



After recording return to
LINDA KOBE FRAZIER

Until a change is requested all
tax statements shall be sent to
the following address
LINDA KOBE FRAZIER
61214 PARRELL ROAD
BEND, OR 97702

Record No. HB0007441
Title No.

THIS SPACE RESERVED FOR RECORDER'S USE

DESCHUTES COUNTY OFFICIAL RECORDS
MARCY BLANKENSHIP, COUNTY CLERK

2003-77514



\$31.00

00219818280309772148310011

11/07/2003 01:11:30 PM

D-D Otaol Stna1 BECKEY
\$5.00 \$11.00 \$10.00 \$5.00

WARRANTY DEED

ROE MARKEN and TERRI BUSBY, who is also known as Terri Sue Busby
Linda Kobe Frazier, hereby grant, bargain, sell, warrant and convey to
LINDA KOBE FRAZIER
her heirs and grantee's heirs, successors and assigns the following described
real property, free of encumbrances except as specifically set forth herein in
the body of DECHUTES and State of Oregon, to wit:

Tracts Twenty (20) and Twenty-one (21) of WARD'S TRACTS, Deschutes County,
Oregon,
EXCEPT the South 99 feet of said Tract 21.

18 12 88DO 01404 SERIAL # 100100
18 12 08DO 01404

The grantor warrants and agrees to defend the title provided herein, SUBJECT
TO THE above items of record at and to the date of this deed and those
shown below, to wit:

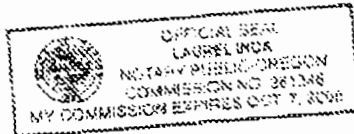
The grantor will defend and insure against the title provided and every
part and person thereof and any and all claims and demands of all persons
whenever, except those claiming under the above described encumbrances

The true and actual consideration for this conveyance is \$ 300,000.00

NO ENCUMBRANCE WILL NOT AFFECT ONE OF THE PROPERTIES DESCRIBED IN THIS INSTRUMENT
IN VIOLATION OF APPLICABLE STATE AND FEDERAL LAWS, REGULATIONS, DECREE, ORDINANCE OR
ACTING IN THIS INSTRUMENT, THE PERSON ACQUIRING TITLE TO THE PROPERTY
SHALL COMPLY WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY
APPLICABLE USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST
PRACTICES AS DEFINED IN ORS 10.010.

Witness my hand and seal of my office this 23rd day of October 2003

[Signature]
Notary Public
State of Oregon

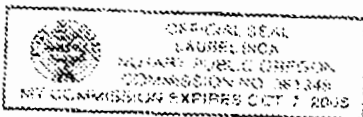


This instrument was acknowledged before me on October 23, 2003, by ROE
MARKEN and TERRI BUSBY, also known as Terri Sue BUSBY

[Signature]
Notary Public
State of Oregon

My commission expires on 10/7/2008

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON NOVEMBER 1, 2003 BY ROE MARKEN



[Signature]
LAUREL INGA, NOTARY PUBLIC

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT

CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT

NAME LINDA ROSE FRAZIER
ADDRESS P.O. BOX 7351, BEND, OR 97708
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE

AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	08	SW SE	01404	1.10	

RECEIVED

APR 08 2009

5. RECIPIENT

NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

WATER RESOURCES DEPT
SALEM, OREGON

7. EXHIBITS

A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

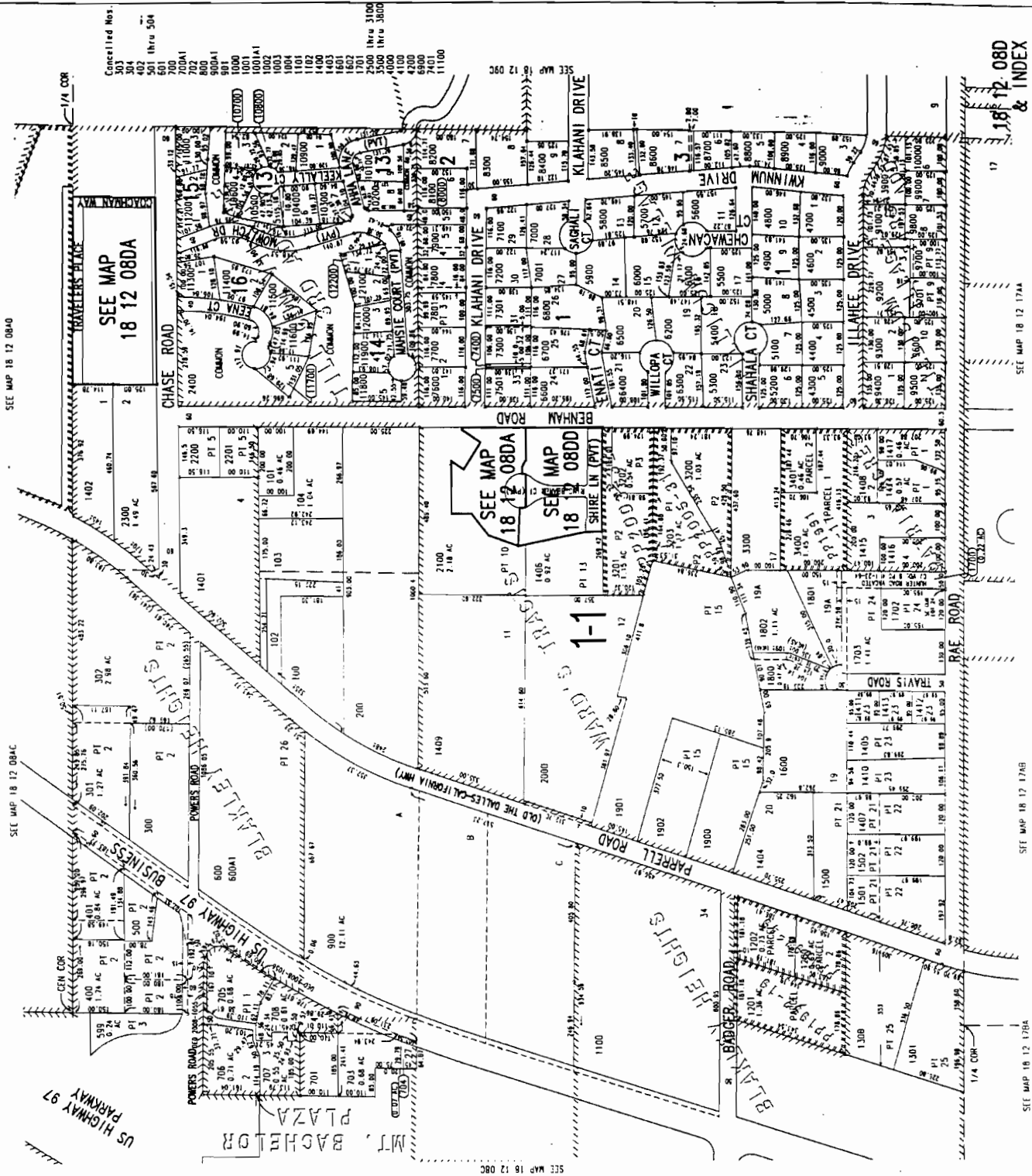
APPLICANT: X [Signature] X6-1-04
 Name Date
 RECIPIENT: [Signature] 6/24/05
 Name Date
 FOR DISTRICT: _____
 Name Date

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY
REVISED: 02/06/2009

SE 1/4 SEC. 08 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY

18. 12. 08D
& INDEX

1" = 200'



RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

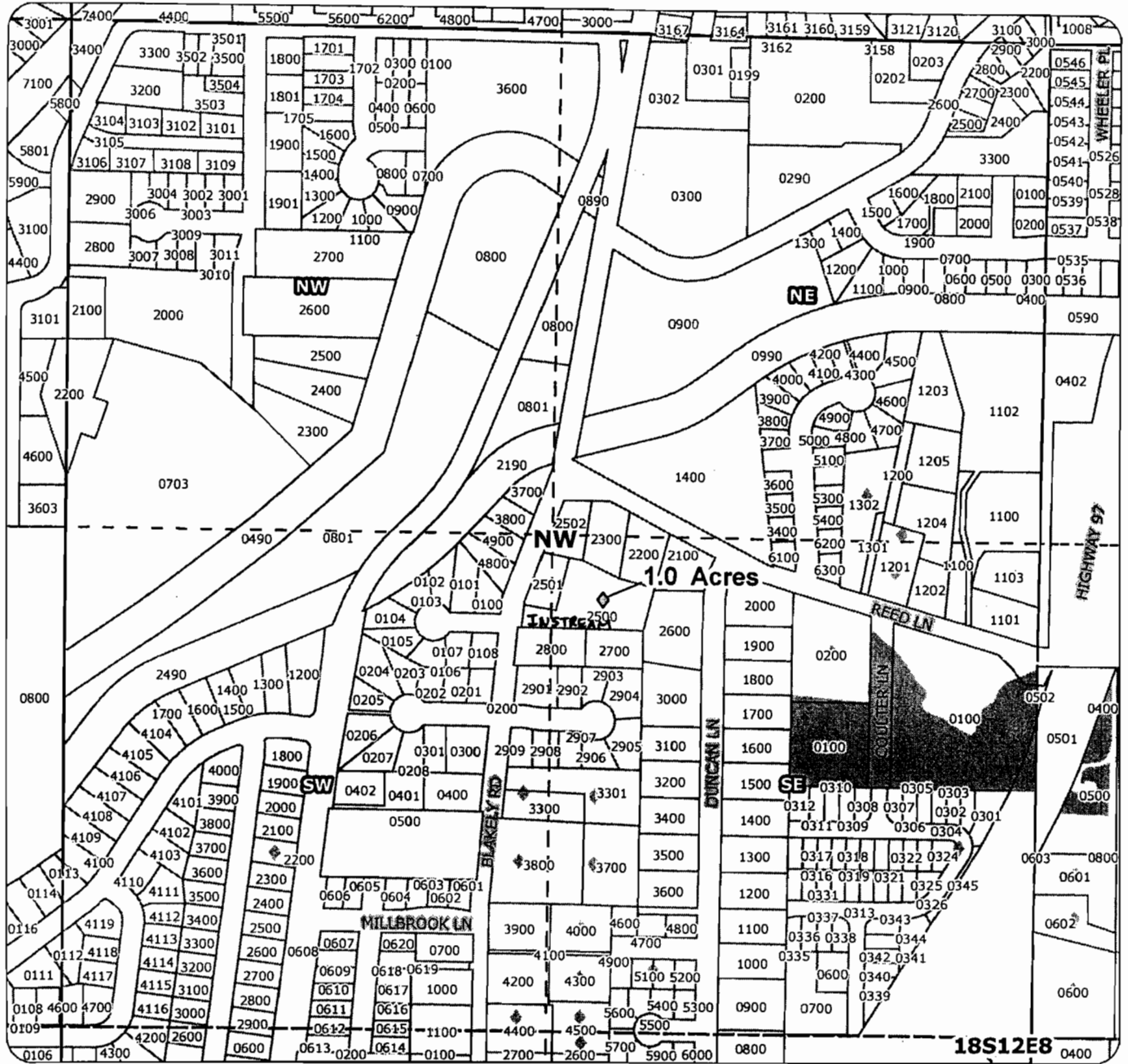
18. 12. 08D
& INDEX

SEE MAP 18 12 17AA



SEE MAP 18 17 17AB

SEE MAP 18 12 17BA

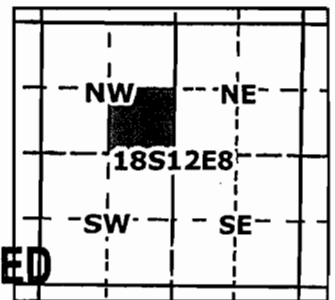
2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
Ward (McCullough)
Taxlot 2500 - 1.0 acres
in 18S12E8SENEW
Total Lease of 1.0 Acres



RECEIVED

APR 08 2009



Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: May 2008

WATER RESOURCES DEPT
SALEM, OREGON 1 inch equals 400 feet

Arnold Irrigation District

Cullough-181208-SENW-02500-1.0

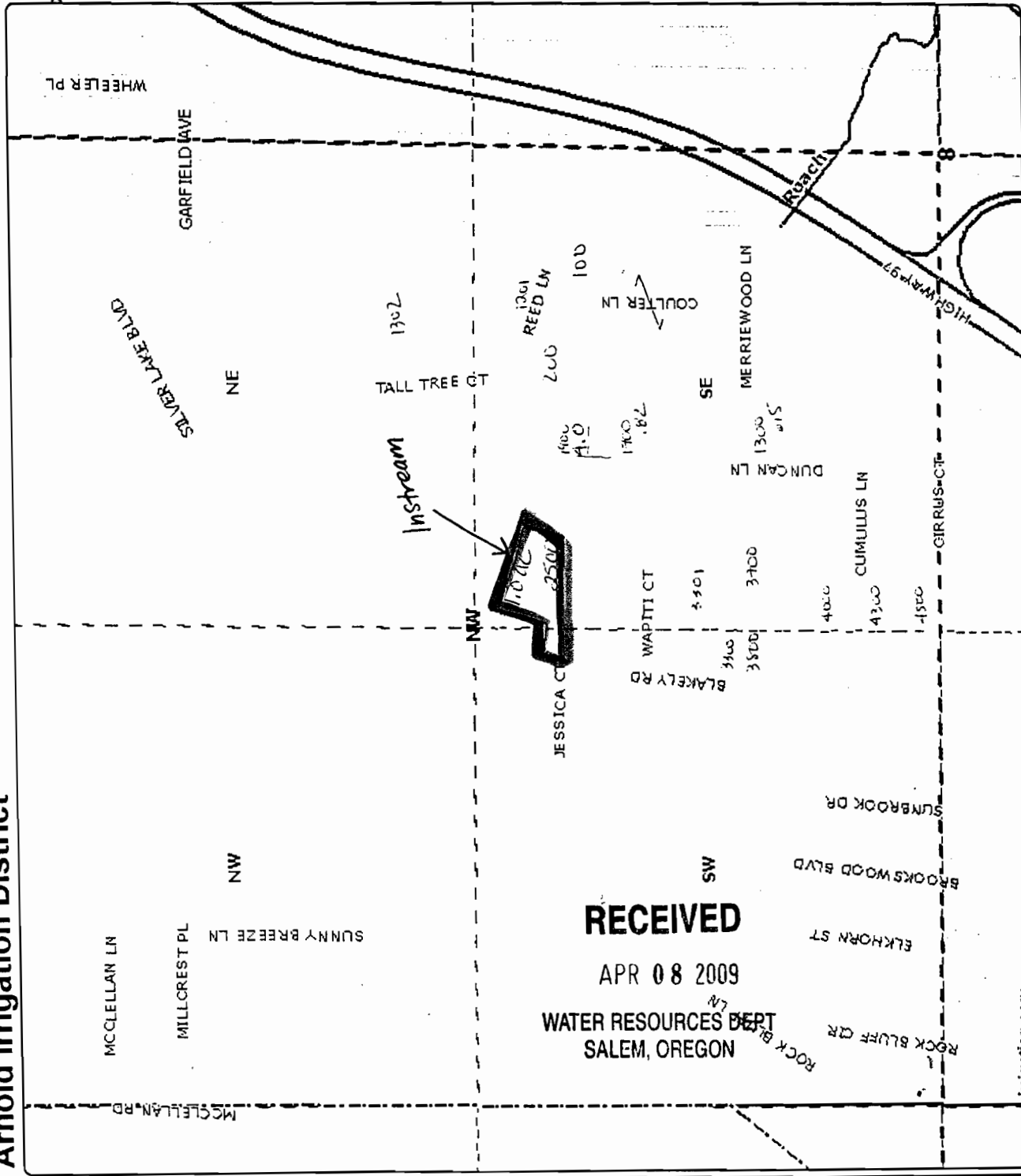
181208BD02500 →
(used to be 1802)

- District Boundary
- County Boundary
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Gauging Station
- Canal/Al
- Canal Piped
- Canal Open
- Rivers
- Place of Use Fill

Tablet numbers
in SENW have
all been changed.



Scale 1" = 400'
Created: 4/25/2008



www.gpiirrigation.com
DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.



00618935200800255560030037

06/13/2008 03:34:53 PM

D-D Cnt=1 Str=1 BN

\$15.00 \$11.00 \$10.00 \$5.00

BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Alice McCullough, Grantor, conveys to J.L. Ward Co., Grantee, on November 26, 2004 the following described real property:

1.0 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-12-08-BD-02500 (181208 SE ¼ NW ¼ Tax Lot 02500), located in Deschutes County, Oregon.

(See the attached Exhibit "A" for a more detailed description of the property.) -

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 THE 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 FARM 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)).

Signed Nunc Pro Tunc this 26th day of November, 2004.

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Alice McCullough, Grantor

Alice M. McCullough
STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 13th day of May, 2008, by Alice M. McCullough Grantor.



Katherine G. Hemmen
NOTARY PUBLIC FOR OREGON
My commission expires: 9/7/2008

ACCEPTANCE

Jan L. Ward, President, J.L. Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

DATED this 2nd day of June, 2008.

J.L. Ward Company

By: JLW
Jan.L. Ward, President

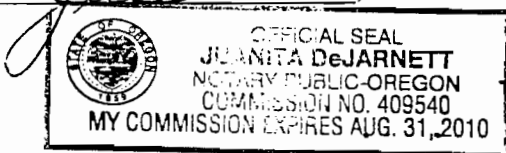
RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of J.L. Ward Company. Before me this 2nd day of June, 2008.



Juanita DeJarnett
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

EXHIBIT "A"

A portion of Tracts Six (6) and Seven (7) BLAKELY HEIGHTS, Deschutes County, Oregon, more particularly described as follows: Beginning at the N.E. corner of Tract 6, thence South 63° 00' East a distance of 73.14 feet; thence South 14° 47' 47" West a distance of 267.05 feet; thence North 89° 24' 20" West a distance of 336.34 feet; thence North 5° 35' 40" East for 69.59 feet; thence North 20° 49' East for 287.06 feet; thence due East for 133.36 feet; thence South 63° 00' East for 110.09 feet to the point of beginning.

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

Per County Dial Report
Page 7 TL# changed
From 18-12-08 BD-01802
TO 18-12-08 BD-02500
on 5/11/03

Land Partition PZ 03-74

- 1. WATER RIGHT
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

- 2. APPLICANT
NAME ALICE McCULLOUGH
ADDRESS 61494 BLAKELY RD., BEND, OR 97702
ENCUMBRANCES _____

- 3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE
- 4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	08	SE NW	02500	1.00	

RECEIVED

APR 08 2009

- 5. RECIPIENT
NAME J.L. WARD COMPANY
ADDRESS 20505 Murphy Rd., Bend, OR 97702

WATER RESOURCES DEPT
SALEM, OREGON

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

- A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: * Alize M McCullough * 11-26-04
 RECIPIENT: J. Ward, Pres. 6/24/04
 FOR DISTRICT: _____
 Name Date
 Name Date

SET 1/4 NW 1/4 SEC. 08 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY
1" = 100'

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

18 12 08BD



Cancelled Nos.
2000
2001
2002
2003
2004
2005
2006
2007
2008
2009

SEE MAP 18 12 08AC

SEE MAP 18 12 08BC

SEE MAP 18 12 08B

SEE MAP 18 12 08BA

SEE MAP 18 12 08B

18 12 08BD

1587
 BEND ABSTRACT COMPANY
 1050 BOND STREET
 BEND, OREGON
 ATTEN RECEIVING RETURN TO

BOOK NO

WARRANTY DEED

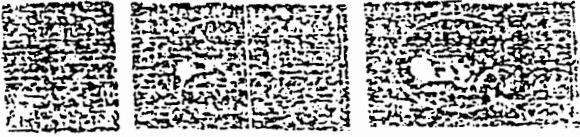
STATE OF OREGON
 County of Deschutes
 I certify that the within instrument was received for record on the 19th day of October, 1954, and recorded in book 272 on page 272. Record of Deeds of said County. Witness my hand and seal of said County.

Notary Public for Oregon
 My commission expires 1955

and wife
 Mrs. L. L. Wilson, wife of L. L. Wilson, husband
 of the undersigned, a Notary Public in and for the County of Deschutes, Oregon, do hereby certify that the within instrument, and acknowledged to me that they executed the same freely and voluntarily, known to me to be the identical individuals, described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily, on the day and year last above written.



Witness my hand and seal this 19th day of October, 1954.



To Have and to hold the above described and granted premises unto the said grantees, their heirs and assigns forever.
 And the grantees do covenant that no one (exceptly) named in the above created instrument shall have any interest, existing, contingent, easement, and encumbrances of record or visible on the premises, and that the grantees shall defend, maintain, and support the title to the premises and shall pay all taxes and assessments levied on the premises and shall defend the title to the premises and shall pay all taxes and assessments levied on the premises and shall defend the title to the premises and shall pay all taxes and assessments levied on the premises.

A portion of Tracts six (6) and seven (7) BLAKLEY HEIGHTS, Deschutes County, Oregon, more particularly described as follows: Beginning at the N. E. corner of Tract 6, thence South 65° 00' East a distance of 79.14 feet; thence South 14° 47' 40" East a distance of 267.05 feet; thence North 89° 24' 20" West a distance of 386.34 feet; thence North 2° 35' 40" East for 69.55 feet; thence North 20° 45' East for 287.06 feet; thence due East for 132.36 feet; thence South 63° 00' East for 119.09 feet to the point of beginning.

AND ALL MEN BY THESE PRESENTS, THE SAID WIFE and HUSBAND and wife, L. L. Wilson, do hereby grant, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, appurtenances and appurtenances, situated in the County of Deschutes, State of Oregon, bounded and described as follows:
 in consideration of the sum of \$10,000.00 to them and other valuable consideration and other valuable consideration, the said grantees and their heirs and assigns, do hereby grant, sell and convey unto the said grantees, their heirs and assigns, all the following real property, with the tenements, appurtenances and appurtenances, situated in the County of Deschutes, State of Oregon, bounded and described as follows:

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Deschutes County



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Account: 120036 Map/TL: R 1-001 181208 BD 02500

* * * Ownership Information ONLY

MCCULLOUGH, ALICE M
61494 BLAKELY RD
BEND OR 97702

Site Address: 61494 BLAKELY RD BEND 97702

Assessor Property Description

PP2005-3 Lot: Block: 3

Prop Cls:191 MA:5 VA:08 NH 000
Asmt Zone:RS CDD Zone:BEND (CITY OF BEND)

*** Land Values ***

Asmt type	Acres
URBAN LOT	1.20
SD	
LA	
*Total	1.20

*** Improvement Values ***

FB	BLT	%GD
138	1944	68
300		25
300		50

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*Total 0

Room Grid for 138 Total SqFt: 2204

- - - R O O M S - - -

LR K DR FAM BD BATH OTH FP UTL

Sq Ft: 1728 1st Fl 1 1 1 1 2 2 1 1

476 Attic 1

**** Values shown below are as of the Assessment Date, January 1 of each year ****

	-----2004-----		-----2003-----		-----2002-----	
	Total RMV	Taxable A.V.	Total RMV	Taxable A.V.	Total RMV	Taxabl A.V.
LND:	95,450		86,550	.	75,995	
IMP:	88,870		87,990		85,425	
TOT:	184,320	104,230	174,540	101,196	161,420	98,24

R 1001 181208-BD-02500 120036 Prop Class 191 Value Area 08
 Maint Area 5 Neighborhood 000
 Asmt Zone RS

MCCULLOUGH, ALICE M
 61494 BLAKELY RD 61494 BLAKELY RD ..
 BEND, OR 97702

* * * I N S P E C T I O N S * * *

Insp By: Phillips, T 05/14/97 Intr Insp

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Card 1 of 3

- - - R O O M S - - -

LR K DR FAM BD BATH OTH FP UTL

Sq Ft: 1728 1st Fl 1 1 1 1 2 2 1 1

476 Attic 1

Factor Book: 138 Year Built: 1944 Percent Good: 68

* * * I N T E R I O R C O M P O N E N T S * * *

Description-----	Qty/ Area	Description-----	Qty/ Area
FOUNDATION - CONCRETE		SIDING - LAP	
WINDOWS - DOUBLE/THERMAL PANE		ROOF - GABLE	

DRYWALL		KITCHEN SINK	1
WOOD STOVE	1	FORCED AIR HEATING	1728
SHOWER W/DOOR - FIBERGLASS	1	LAVATORY	2
LAUNDRY TUB	1	WATER HEATER	1
D.I. RANGE	1	VINYL FLOOR	
BATHTUB W/FIBRGL SHWR	1	ROOF CVR - COMP	
TOILET	2	WINDOWS - WOOD	
HOOD-FAN	1	CARPET	

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 138 Year Built: 1944 Percent Good: 68

Description-----	Qty/ Area	Description-----	Qty/ Area
DECK-AVERAGE	276	DECKS-FAIR	135
DECK COVER - AVERAGE	276	DECKS-GOOD	80
		CONCRETE-PAVING	234

Card 2 of 3

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 300 Percent Good: 25

Description-----	Qty/ Area	Description-----	Qty/ Area
GP SHED	60		

Card 3 of 3

*** OTHER IMPROVEMENT COMPONENTS ***

Factor Book: 300 Percent Good: 50

Description-----	Qty/ Area	Description-----	Qty/ Area
GP BUILDING	1152		

*** LAND ***

Description ACCESS PUBLIC WATER COMMERCIAL VIEW - AVERAGE	Description ELECTRICITY SEPTIC SYSTEM	Description GAS GRAVEL DRIVE	WATER RESOURCES DEPT SALEM, OREGON
--	---	------------------------------------	---------------------------------------

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AT/Class URBAN LOT	Desc A	Adj Factor#1 .1.20	Adj Factor#2	Adj Factor#3
-----------------------	-----------	-----------------------	--------------	--------------

TAX PAYMENTS

For current balance, the information on this account, please click the following button. (Please note that this link will provide current balance information, including interest fees. **CLICK HERE FOR ACCOUNTS IN FORCLOSURE**, please call the tax office @ 388-6540 for payoff information (foreclosure accounts) **Get real time tax summary for his property**

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This Account is in
EST COLL.

2004 Balance Due	Adval Tax				
0.00	1,575.01				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
10-12-04 1704	1,659.56	47.25	135886	04-05 PLAT PREPAY	
10-26-04 0404	131.80	0.00	137744		
2003 Balance Due	Adval Tax				
0.00	1,534.53				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-04-03 0403	1,488.49	46.04	16275		
2002 Balance Due	Adval Tax				
0.00	1,489.74				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-12-02 7453	1,445.05	44.69	1278937		
2001 Balance Due	Adval Tax				
0.00	1,399.58				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-03-01 6753	1,357.59	41.99	1134503		
2000 Balance Due	Adval Tax				
0.00	1,361.26				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-14-00 3147	1,320.42	40.84	1034541		
1999 Balance Due	Adval Tax				
0.00	1,310.44				
Trn Date Btch	Received	Int/Disc Jrnl	Rcpt#	Description	
11-09-99 5578	1,300.23	10.21	964441		

1998 Balance Due		Adval Tax			
	0.00		1,302.68		
Trn Date	Btch	Received	Int/Disc	Jrnl Rcpt#	Description
11-15-98	5133	-1,263.60	-39.08	C 90 906637	
1997 Balance Due		Adval Tax			
	0.00		1,241.61		
Trn Date	Btch	Received	Int/Disc	Jrnl Rcpt#	Description
12-15-97	4595	-811.19	-16.55	C 90 812807	
05-08-98	4837	-413.87	0.00	C 90 838821	
1996 Balance Due		Adval Tax			
	0.00		1,296.78		
Trn Date	Btch	Received	Int/Disc	Jrnl Rcpt#	Description
11-06-96	4072	-1,257.88	-38.90	C 90 672056	
08-08-97	4420	0.00	0.00	0	113 X207382 MVD HERE

Pre-Payments Received But Not Posted:

Trn Date	Reason	Amount	Rcpt#	Description/Payor
10-07-04	ADVA	1,659.56		MCCULLOUGH, ALICE M

This Account is in:
EST COLL

Building Permit: 1648 on Account number: 120036

OLD BUILDING#.....: B07984
 Map/TL.....: 181208 B0701802
 ACCOUNT.....: 120036
 STATUS.....: FINAL
 BUILDING CLASS.....: RESIDENTIAL
 PERMIT CLASS.....: NEW
 STRUCTURE TYPE.....:
 PERMIT ZONING.....:
 BUILDING USE.....:
 STRUCTURE TYPE.....: WOOD FRAME
 ON SEWER?.....: NOT LISTED
 SEPTIC PERMIT NUMBER.....: 408
 SOLAR APPROVED?.....: UNKNOWN
 PERMIT NAME.....: ECKSTEIN, JIM
 CONTRACTOR NAME.....: UNKNOWN
 SITE ADDRESS.....: 20119 REED LN, BEND
 STORIES.....:
 SQ FEET.....:
 BEDROOMS.....: 3
 PERMIT VALUATION.....: 30,000
 APPLICATION DATE.....: 01/01/77
 PERMIT ISSUE DATE.....: 06/09/77
 FINAL DATE.....: 10/27/77

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Inspection	Initial	Comments
10/10/77	OLD	RE-INSPECT FINAL OK.
08/23/77	OLD	FINAL OK WITH SOLID CORE DOOR ON WOOD BOX.
07/20/77	OLD	NAILING OK TO TAPE.

07/19/77 OLD FRAMING AND PLUMBING OK TO COVER.
 06/21/77 OLD FOOTING OK TO POUR WHEN ROOTS AND LOOSE DIRT ARE
 REMOVED.

Site Evaluation: 785 on Account number: 120036

OLD FEASIBILITY#.....: 7797
 Map/TL.....: 181208 B0 01802
 ACCOUNT.....: 120036
 SUBDIVISION/TRAILER PARK: BLAKLEY HGTS
 STATUS.....: FINAL
 BUILDING CLASS.....: UNKNOWN
 LAST REVIEW DATE.....:
 NEXT REVIEW DATE.....:
 BUILDING USE.....:
 APPROVED FOR SYSTEM.....: C
 BODIES OF WATER ON PROP?: UNKNOWN
 WELLS ON PROPERTY?.....: UNKNOWN
 SEWAGE ENCUMBRANCES?.....: UNKNOWN
 LENGTH OF SYSTEM.....:
 TRENCH DEPTH INCHES.....:
 FIELD WORK DONE?.....:
 PERMIT NAME.....: MCCULLOUGH, ORVAL
 SITE ADDRESS.....: REED LN,
 APPLICATION DATE.....: 04/05/77

Septic Permit: 407 on Account number: 120036

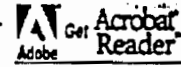
OLD SEPTIC#.....: 77879
 Map/TL.....: 181208 B0 01802
 ACCOUNT.....: 120036
 STATUS.....: C
 BUILDING CLASS.....: UNKNOWN
 PERMIT ZONING.....:
 BUILDING USE.....:
 WATER SOURCE.....:
 SEPTIC PERMIT TYPE.....:
 FEASIBILITY NUMBER.....:
 LINKED BUILDING PERMIT...: 1641
 MIN SEPTIC GAL CAPACITY..:
 SEPTIC TRENCH LENGTH.....:
 TRENCH DEPTH INCHES.....:
 FIELD WORK DONE?.....:
 PERMIT NAME.....: ECKSTEIN, JIM
 CONTRACTOR NAME.....: UNKNOWN
 SITE ADDRESS.....: 20119 REED LN, BEND
 APPLICATION DATE.....: 06/09/77

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 ***** Real Property Tax Lot Record *****

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Tax Lot Record prior to July 2003

For Tax Lot Records prior to 1995 please call our office at (541)388-6508

Prior Tax Lot Card is 181208B001802

18 12 08 B D 02500 Code 1-001 Current Acres 1.20

This description is for tax purposes ONLY and can not be attached to any legal document.

BLANLEY HEIGHTS Lot: PT 6, PT 7

RC20030376 05/11/03

Posted on 05/11/03 by PATF

** Text:

Account Change From 181208B001802 To 181208BD0250

Source: REMAPPING PURPOSES;JV12974

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SALEM, OREGON

acres was originally located on a larger lot and there may now be pieces of this 3.5 ac (which was not mapped) over several lots. I'm not sure this is something that can be resolved for the purposes of this lease, unless there's a solid indication of how this 3.5 acres is broken down between lots and we're certain of the number of acres of irrigation on lot 1100. As a heads up, this will also be an issue if this portion of the right is later proposed for transfer.

3. T18S R12E Sec 9 SW NW Lot 900 (0.5 ac) – There are essentially two application maps. The polygon identifying the location of the 0.5 ac is shown in two different locations between the two maps. One map seems to show the poly point as being located in Barrows Road and the other shows the poly point as being located in lot 900, which appears to be the correct location. Looks like we might need a corrected map so that both maps show the location of the 0.5 ac in the same spot.

Also, the legal description in the BSD does not appear to be complete. If I follow, it looks like this is putting the location down in Tri Peaks 1 area rather than in Carroll Acres. The legal in the WD seems to line up with the location of lot 900. It appears that the legal (exhibit A) in the BSD needs correction.

The answer to #2 and #3 are together here. The confusion for both of these tax lots starts with the certificate. The tax lots are backwards in the original certificate and the 3111 maps are incorrect. The tax lots never have looked as shown on the maps. I am sending the County map of record for Carroll Acres as it originally was created. (August 20, 1919). Following is the Record of Survey when Kenneth and Patricia Stevens divided Tract 8 into 3 tax lots. As you will see the certificate and 3111 maps are incorrect. This map shows where the 3 tax lots were created and TL 1100 is the smaller tax lot and had 0.50 acres of water and TL was the larger lot with 3.50 acres of water. The 3111 map looks nothing like the County map. In 1993 Kenneth and Patricia Stevens sold TL 1100 to their daughter and son-in-law Debra and Kenneth Barrows. This is the tax lot with 0.50 acres of water rights. Kenneth and Patricia Stevens (parents) kept TL 1000 and 900. TL 900 is the tax lot with 3.50 acres of water. In March of 2004, Kenneth Barrows, the son-in-law and contractor applied with the city to subdivided TL 900 (with 3.5 acres of water). We replied with the letter I have enclosed. The letter states that since a portion of the property was going to be developed they had to transfer off the entire water right. And since the delivery of water for TL 1100 was on TL 900 this would mean that the water for TL 1100 would also have to be removed. In August of 2004, they sold the 3.5 acres and the 0.50 acres of water to Jan Ward. The confusion on the Bargain and Sale Deeds all stem from the incorrect 3111 maps and the incorrect certificate. We have spoken with the land owners (Kenneth and Patricia Stevens who still own the now smaller TL 900 and Debra and Kenneth Barrows who still own TL 1100. They are in agreement to the changes we have to make to correct the BSD and we be glad to come in and initial those changes. The deeds have been sent to the attorney and they are making the changes so the customers can initial the changes. Once I get the changes initialed, I will take the deed back to the County to rerecord the correction on the deed. This will happen Friday or Monday.

4. T18S R12E Sec 8 SE NW Lot 2500 (1.0 ac) – I am unable to match the legal description in the BSD 2500. I need the plat map for Blakely Heights. This may help resolve the issue. I was unable to pull this plat from the Deschutes Co website.

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I am sending the original Blakely Heights map for Tracts 6 & 7. Following that is the plat of Blakely Heights showing the Land partition PZ-03-748 showing where TL 1802 was divided into two tax lots which Shawn signed off indicating there were not water rights on those properties. Alice McCullough sold off her water rights on November 26, 2004 and Shawn signed off on it on December 8, 2004. Following that is the current county map showing the two tax lots and their numbers 2500 and 2501.

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STAFF OFFICE

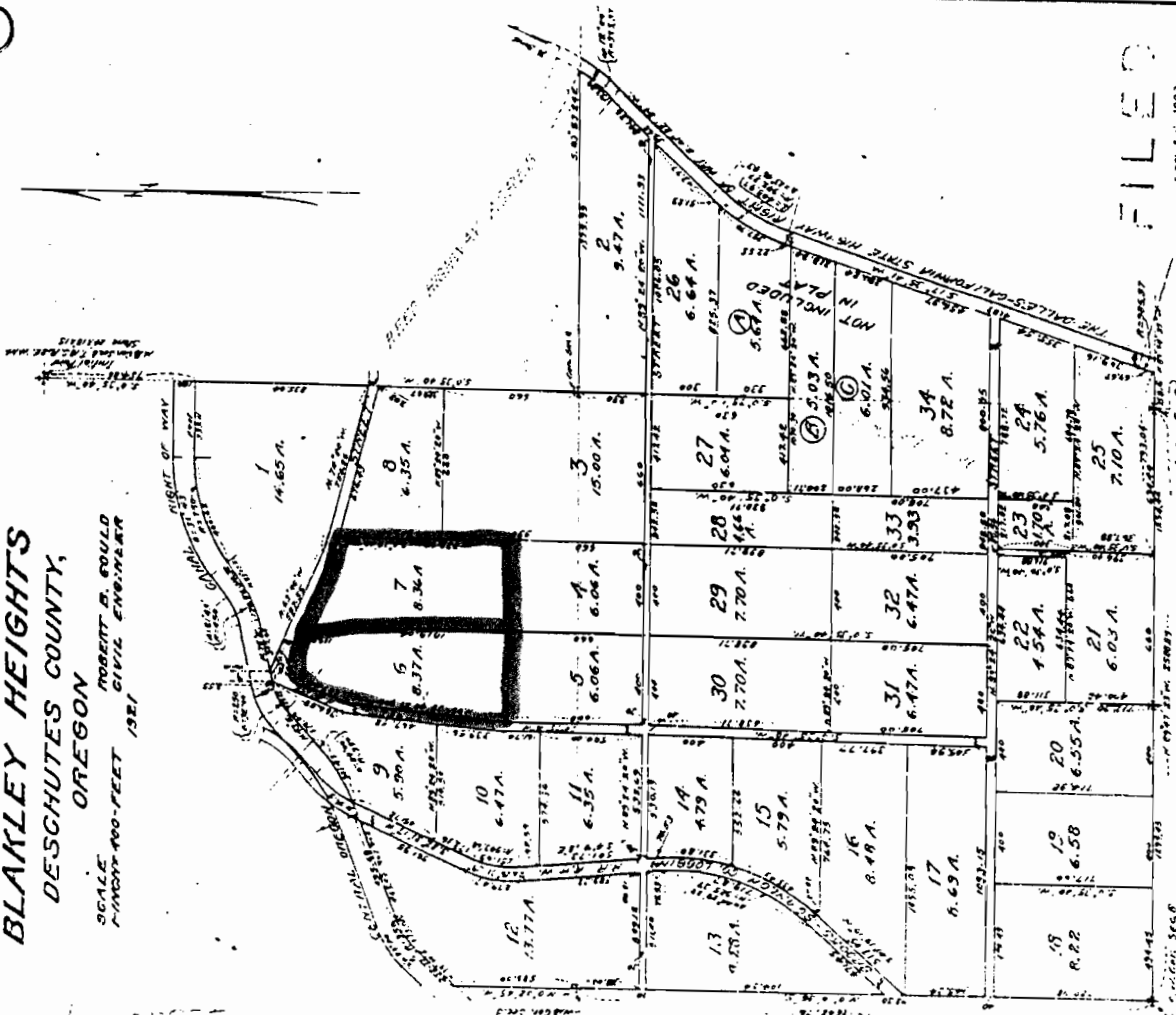
5. T18S R11E Sec 13 (NNP – RiverRim) – Need revised application map. This map does not clearly identify the township and range. Also, the number of acres in the NE SW appears to be 5.52 acres based on the water right of record (as shown in WRIS). The map shows 6.55 acres. The revised map should show the correct number of acres to be leased (0.23 ac) and the correct number of acres not being leased (?). Also in the NW SE, the water right is broken down by lots 2300 and 2400. The revised map should show the number of acres in this quarter quarter being leased in each lot and the number of acres not being leased in each lot.

I'm resending the same map you already have. However, I think the copy you have may have the TRS cut off at the top. This map has it at the top. Regarding the number of acres in the NESW is 5.52 which was transferred over in T-9636. However, if you look at WRIS directly above the 5.22 WRIS shows the 6.55 acres which was already there. The map does show the correct acres being leased. It has a legend at the top of the map which indicates the Water to be Transferred OFF (the water to be leased - 47.41 ac... shown by 1/4 1/4 and tax lot. To the right of that is a legend which shows the water to remain broken down by 1/4 1/4 and tax lot. The tax lot numbers in the certificate are no longer. The numbers on the map were the tax lot numbers at the time of the transfer was started (TL 1300 and 2402)

6. T18S R12E Sec 17 NW SW Lot 1800 (3.0 ac) – The application map seems to show that a portion of the footprint of the 3.0 acres is not located entirely in lot 1800 (a portion appears to be in lot 1900). Please clarify the location of the 3.0 acres and submit a revised map if needed.

PLAT OF BLAKLEY HEIGHTS DESCHUTES COUNTY, OREGON

SCALE
1"=100'-00"-FEET 1921
ROBERT B. GOULD
CIVIL ENGINEER



FILED
OCT 16 1921
J. H. ...
...

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SALEM, OREGON

DEDICATION

I, the undersigned, do hereby certify that S.A. Blakley and Chrissie Blakley, his wife, being the owners of the lands shown on this plat, caused said lands to be surveyed and platted into streets and lots as shown on said plat; and that the same were dedicated to the public use of said county and do hereby declare said plat to be a plat of BLAKLEY HEIGHTS, Deschutes County, Oregon, and that the same were dedicated to the public use of said county on the 19th day of November, 1921, and that the same were dedicated to the public use of said county on the 19th day of November, 1921.

S.A. Blakley and Chrissie Blakley
Robert B. Gould
Civil Engineer

ACKNOWLEDGMENT

On this 19th day of November, 1921 before me appeared S.A. Blakley and Chrissie Blakley his wife, both to me personally known, who acknowledged that the above described lands were dedicated to the public use of said county and that the same were dedicated to the public use of said county on the 19th day of November, 1921, and that the same were dedicated to the public use of said county on the 19th day of November, 1921.

Robert B. Gould
Civil Engineer

AFFIDAVIT

I, the undersigned, do hereby certify that I have correctly surveyed and platted the lands shown on this plat, and that the same were dedicated to the public use of said county and that the same were dedicated to the public use of said county on the 19th day of November, 1921, and that the same were dedicated to the public use of said county on the 19th day of November, 1921.

Robert B. Gould
Civil Engineer

APPROVAL

Examined and approved this 19th day of November, 1921

County Surveyor

Examined and approved this 19th day of November, 1921

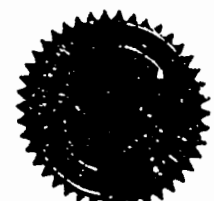
County Commissioner

Examined and approved this 19th day of November, 1921

County Assessor

I, hereby certify that all taxes on this property have been paid

Robert B. Gould
Civil Engineer



3-70

PARTITION PLAT NO. 2005-3

RECORDS COUNTY OFFICIAL RECORDS DEPT. CLERK \$16.00 07/11/2005 09:16:42 PM 01/11/2005 09:16:42 PM 01/11/2005 09:16:42 PM

LAND PARTITION PZ-03-748

LOCATION: TOWNSHIP 18 SOUTH, RANGE 12 EAST, WILLAMETTE MERIDIAN, IN THE CITY OF BEND, DESCHUTES COUNTY, OREGON

DECLARATION: KNOW ALL MEN BY THESE PRESENTS, THAT WE, GARY R. WILSON & GAIL L. WILSON AND ALICE M. MCCULLOUGH, AS OWNERS OF THE LAND SHOWN ON THE SUBDIVISION PLAT, HAVE CAUSED, SAID LAND TO BE PARTITIONED INTO THREE PARCELS AS SHOWN, AND DO HEREBY DEDICATE A 10 FOOT WIDE WATER SERVICE LINE EASEMENT AS SHOWN, AND A 10 FOOT WIDE WATER SERVICE LINE EASEMENT AS SHOWN, BOTH FOR THE BENEFIT OF PARCEL 3, AND DO HEREBY DEDICATE AN INGRESS AND EGRESS EASEMENT AS SHOWN FOR THE BENEFIT OF PARCEL 2, AND THE RIGHT OF WAYS CREATED AND FORMED ON THE LAND SHOWN ON THE SUBDIVISION PLAT, SAID LAND, AND DO HEREBY ACCEPTING ALL EXISTING EASEMENTS AS SHOWN, AND DO HEREBY SUBMIT FOR APPROVAL AND RECORD SAID PLAT OF LAND PARTITION, PZ-03-748.

Gary R. Wilson 12-03-04 DATE
Gail L. Wilson 12-3-04 DATE
Alice McCullough DATE

ACKNOWLEDGMENT: STATE OF OREGON

COUNTY OF DESCHUTES ON THIS 3rd DAY OF Dec., 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF OREGON, PERSONALLY APPEARED GARY R. WILSON & GAIL L. WILSON, TO ME PERSONALLY KNOWN OR PROVED TO ME BY SATISFACTORY EVIDENCE TO BE THE IDENTICAL PERSONS DESCRIBED HEREIN, WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT THEY DID SO FREELY AND VOLUNTARILY FOR THE PURPOSE THEREIN NAMED.

Pamela A. Tennant SIGNATURE
NAME (PRINT) PAMELA A. TENNANT
NOTARY PUBLIC, STATE OF OREGON
COMMISSION NO. 357151
MY COMMISSION EXPIRES: AUGUST 12, 2006

ACKNOWLEDGMENT: STATE OF OREGON

COUNTY OF DESCHUTES ON THIS 3rd DAY OF Dec., 2004, BEFORE ME A NOTARY PUBLIC IN AND FOR THE STATE OF OREGON, PERSONALLY APPEARED ALICE M. MCCULLOUGH TO ME PERSONALLY KNOWN OR PROVED TO ME BY SATISFACTORY EVIDENCE TO BE THE IDENTICAL PERSON DESCRIBED HEREIN, WHO EXECUTED THE FOREGOING DECLARATION AND ACKNOWLEDGED TO ME THAT SHE DID SO FREELY AND VOLUNTARILY FOR THE PURPOSE THEREIN NAMED.

Pamela A. Tennant SIGNATURE
NAME (PRINT) PAMELA A. TENNANT
NOTARY PUBLIC, STATE OF OREGON
COMMISSION NO. 357151
MY COMMISSION EXPIRES: AUGUST 12, 2006

SURVEYOR'S CERTIFICATE: LURDA LEE MILLER, A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, TO HERBY CERTIFY THAT I OR UNDER MY SUPERVISION AND CONTROL, WITH REFERENCE TO THE SUBDIVISION PLAT, AND THE RULES OF PROFESSIONAL LAND SURVEYING, AS SET FORTH IN CHAPTERS 92, 93 AND 99B AND THE RULES OF PROFESSIONAL LAND SURVEYING, AS SET FORTH IN CHAPTERS 92, 93 AND 99B, I HAVE CONDUCTED A SURVEY AND HAVE CAUSED THE PLAT TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DESCHUTES, OREGON, AND I HAVE CAUSED THE PLAT TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DESCHUTES, OREGON, AND I HAVE CAUSED THE PLAT TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DESCHUTES, OREGON, AND I HAVE CAUSED THE PLAT TO BE RECORDED IN THE PUBLIC RECORDS OF THE COUNTY OF DESCHUTES, OREGON.

RECORDING AT THE "JUNIAL POINT" SAID POINT BEING A 5/8" BEAR MARKED "TRIVANT PLS 920" AT THE SOUTHWEST CORNER OF PARCEL 3, BEING LAND PARTITION, BY MICHAEL M. (CS04792) (RS), 10000S HORNET DR SE, PORTLAND, OREGON 97206; BEING NORTH 21°14'24" EAST 290.50 FEET; BEING SOUTH 89°40'08" EAST 85.50 FEET; BEING SOUTH 89°40'08" WEST 160.74 FEET; BEING SOUTH 64°45'07" EAST 109.55 FEET; BEING SOUTH 76°06'46" EAST 94.25 FEET; BEING SOUTH 14°48'17" WEST 116.64 FEET; BEING NORTH 49°30'48" WEST 138.79 FEET TO THE "TRIAL POINT" CONTAINING 1.67 ACRES, MORE OR LESS.

SURVEYOR'S NARRATIVE: WE WERE RETAINED BY ALICE M. MCCULLOUGH AND GARY R. WILSON & GAIL L. WILSON, TO PARTITION THE TRACTING PARCEL AS SHOWN ON BEAT 12, RANGE 12 SOUTH, LAND PARTITION NO. 2005-3, IN ACCORDANCE WITH THE DESCHUTES COUNTY SURVEYOR'S OFFICE AS CS04792, FILED ON 5/11/02, REFERENCE (RS). APPROVED FOR PARTITION BY THE CITY OF BEND PLANNING DIVISION AS PZ-03-748.

THE BASIS OF BEARING, NORTH 211°24' LAST, BEING THE WEST LINE OF SAID PARCEL NO. 2005-3 (AS SHOWN ON THE LAST RECORD OF WAY LINE OF BLACKLEY ROAD), SET REFERENCE (RS), AND WAS: (A) DERIVED FROM EARTH MONUMENTS AS SHOWN HEREON.

AFTER A THOROUGH SEARCH AND EXAMINE EVIDENCE OF TITLE CONSTRUCTION, A POSITION WAS CALCULATED BY PROCEEDING AS A SCREW FROM EARTH ORIGINAL MONUMENTS PER (RS) AND (RS) ALONG THE SOUTH RIGHT-OF-WAY LINE OF BEED LAKE, THUS RE-ESTABLISHING THE NORTHWEST CORNER OF PARCEL 2 OF (RS).

AFTER A THOROUGH SEARCH AND EXAMINE EVIDENCE OF ROAD CONSTRUCTION, A POSITION WAS CALCULATED BY PROCEEDING AS A SCREW FROM EARTH ORIGINAL MONUMENTS THIS RE-ESTABLISHING THE ABBEY POINT ON THE EAST RIGHT OF WAY LINE OF BLACKLEY ROAD, A SCREW CORNER SURVEYOR (RD) APPEARS TO BE INDETERMINATE OF RECORD SUBJECTS TO THE EAST OF BLACKLEY ROAD, WITHOUT CONSIDERATION OF EXISTING ADJACENTS ALONG THE EAST RIGHT OF WAY OF BLACKLEY ROAD.

MONUMENTS WERE FOUND IN GOOD CONDITION AND FIT WITH WITH RECORD DATA, EXCEPT AS SHOWN HEREON.

CONSENT AFFIDAVIT: AN AFFIDAVIT OF CONSENT TO DECLARATION FROM KATHLEEN M. LORREN, OPERATIONS OFFICER, U.S. BANK, NATIONAL ASSOCIATION, HAS BEEN RECORDED IN BOOK 2005, PAGE 1165, IN DESCHUTES COUNTY OFFICIAL RECORDS. TRUST DEED NUMBER'S REFERENCE TO THIS PROPERTY ARISING FROM THAT DEED OF TRUST RECORDED APR 10, 2003, IN DESCHUTES COUNTY RECORDS.

APPROVALS:

Jeff Keen for the Deschutes County 12-6-04 DATE
SICHERER OF CITY ENGINEER & PLANNING COMMISSION'S ACCEPTANCE BY CITY OF ANY DECLARATION MADE HEREIN TO THE PUBLIC.
Ponderfeld 1/11/05 DATE
Lee Mudd, Jr. 1/7/05 DATE
James J. Lewis 1-10-05 DATE

ASSISTANT CLERK: I HEREBY CERTIFY THAT ALL ANNUAL TAXES, ASSESSMENTS, FEES AND OTHER FEES REQUIRED BY LAW TO BE PAID ON THE 2004-2005 TAX ROLL, WHICH BECAME A LITIGATION WILL BECOME A LITIGATION FOR COLLECTION, HAVE BEEN PAID TO ME.

Scotty Tax Professor 12-7-04 DATE
Sharon G. Hale 1/5/05 DATE



LURDA L. MILLER, CERTIFY THAT THIS IS A TRUE AND EXACT COPY OF 17 03 748. 1-11-2005 DATE

FILE: LAND PARTITION 17-03-748
SCALE: 1"=40'
DRAWN BY: P.A.I.
DATE: 12/3/04



RECEIVED APR 08 2009 WATER RESOURCES DEPT SALEM, OREGON

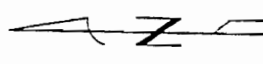


CS16241

3-71

LAND PARTITION PZ-03-748

DATE: AUGUST 12, 2004
LOCATED IN THE NW 1/4 OF SECTION 8,
TOWNSHIP 18 SOUTH, RANGE 12 EAST,
WILLAMETTE MERIDIAN, IN THE CITY OF
BEND, DESCHUTES COUNTY, OREGON



SCALE:
1"=40'

L. LINDA L. MILLER, CERTIFY THAT
THIS IS A TRUE AND EXACT COPY
OF PZ-03-748.
Linda L. Miller
SURVEYOR DATE

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Linda L. Miller
OREGON
LINDA L. MILLER
RENEWED DATE 12-31-04 DC

DESCHUTES COUNTY SURVEYOR
FILED 06/13/2005

LEGEND:

● FOUND MONUMENT AS NOTED

○ SET 5/8" REBAR WITH YELLOW PLASTIC CAP MARKED "THE ENGINEERING"

(R1)-BLANKY HEIGHTS, CS05822 BY R.B. GOURD.P.C. 432, FILED 10/16/1922

(R2)-RECORDED SURVEY, CS05828 BY J. EATON, PLS 3160, FILED 10/16/1926

(R3)-RECORDED SURVEY, CS05822 BY J.W. HAWTHORNE, PLS 414, FILED 6/19/1987

(R4)-MP-27-19, CS03197 BY M.W. THE PLISIOH, FILED 3/31/1977

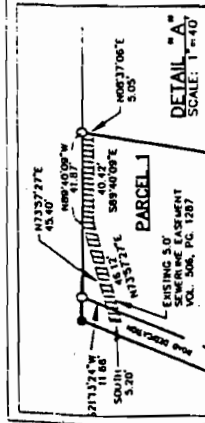
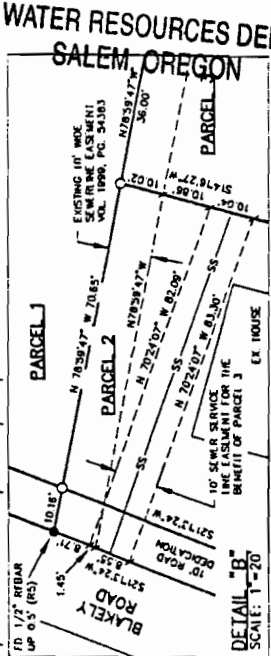
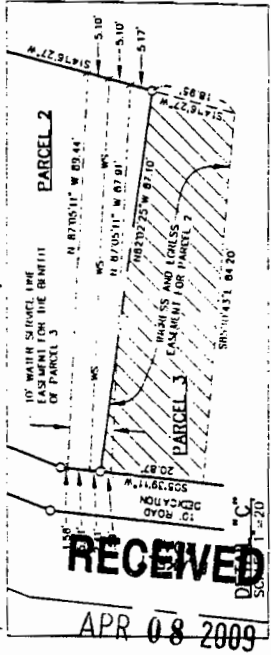
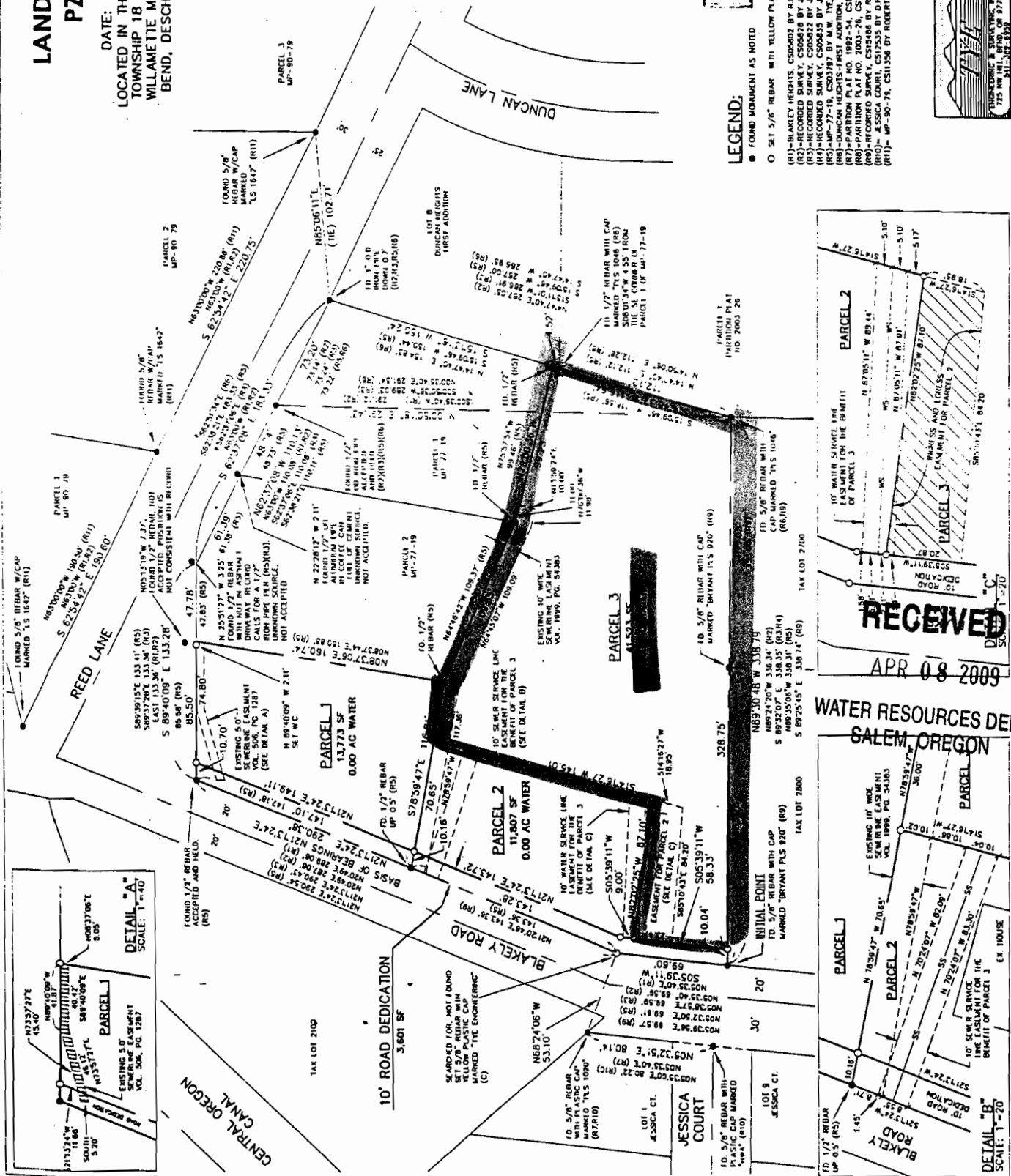
(R5)-DUNCAN HEIGHTS-FIRST ADDITION, CS05847 BY M.W. THE PLS 1046, FILED 3/23/1979

(R6)-PARTITION PLAT NO. 1992-34, CS13006 BY G.W. COLVIN, PLS 1020, FILED 11/18/1992

(R7)-RECORDED SURVEY, CS15408 BY R.L. BRYANT, PLS 506, FILED 9/27/2003

(R8)-MP-90-79, CS11358 BY ROBERT KARL, PLS 1642, FILED 1-20-93

TITLE: LAND PARTITION PZ-03-748
JOB NO: 563-WILSON/MCCULLOUGH
SCALE: 1"=40'
DRAWN BY: P.A.I.
FIELD BOOK: DATE: 12/3/04
DWG NAME: 563-BDRY SHEET: 2 OF 2



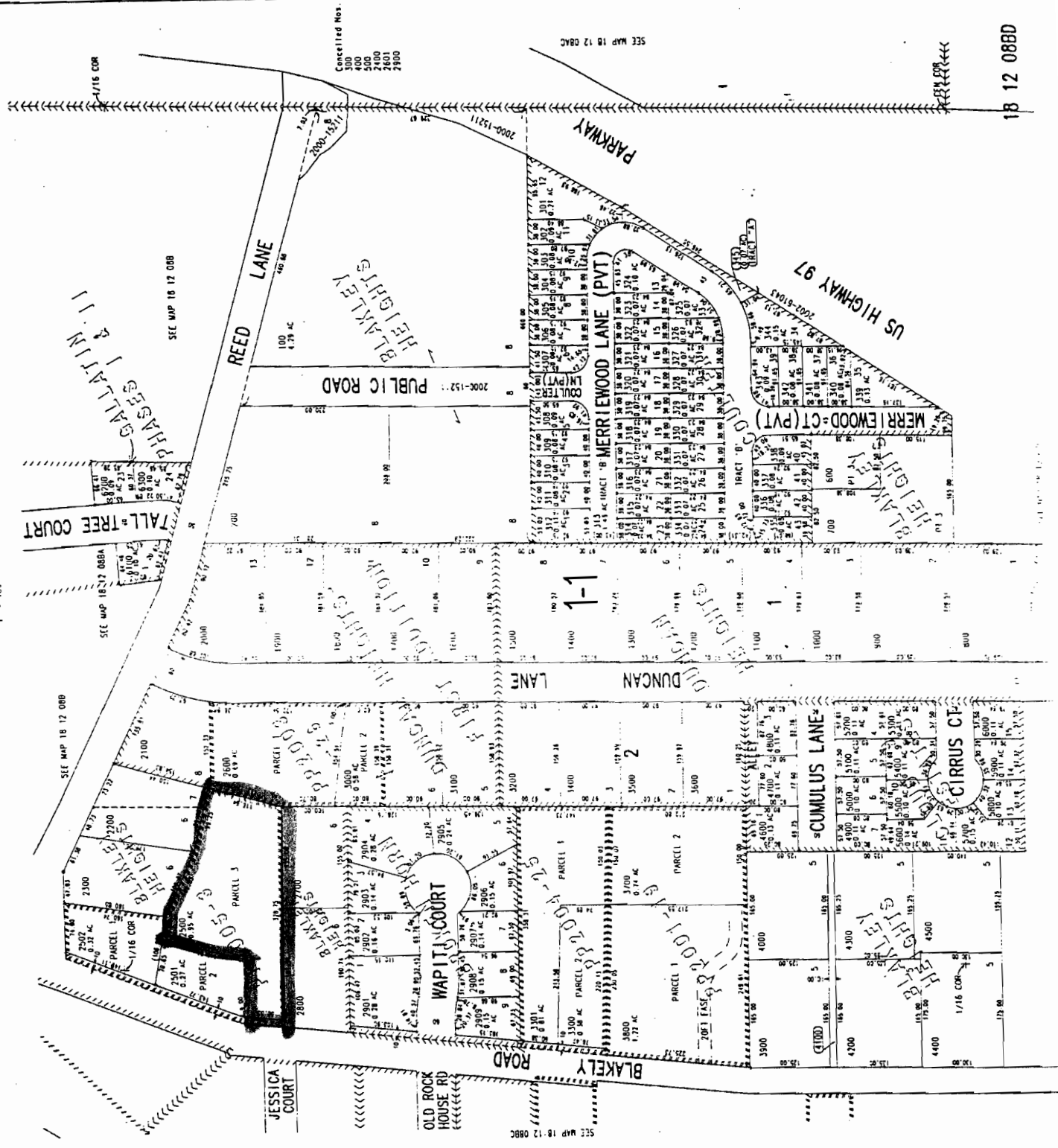
Issue #4

18 12 08BD

18 12 08BD

SE1/4 NW1/4 SEC. 08 T. 18S. R. 12E. W.M.
DESCHUTES COUNTY

THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSES ONLY
REVISED: 11/30/2005



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WATER RESOURCES DEPT
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That Woodrow W. Wilcox and Annie Laurie Wilcox, husband and wife

in consideration of \$100 and other valuable consideration to them paid by Orval P. McCullough and Alice M. McCullough, husband and wife

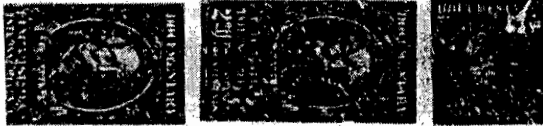
do hereby grant, bargain, sell and convey unto the said grantee, their heirs and assigns, all the following real property, with the tenements, hereditaments and appurtenances, situated in the County of Deschutes and State of Oregon, bounded and described as follows, to-wit:

A portion of Tracts Six (6) and Seven (7) BLAKLEY HEIGHTS, Deschutes County, Oregon, more particularly described as follows: Beginning at the N. E. corner of Tract 6, thence South 63° 00' East a distance of 73.14 feet; thence South 14° 47' 40" West a distance of 267.05 feet; thence North 89° 24' 20" West a distance of 336.34 feet; thence North 5° 35' 40" East for 69.59 feet; thence North 20° 49' East for 287.06 feet; thence due East for 132.36 feet; thence South 63° 00' East for 110.08 feet to the point of beginning.

To Have and to Hold the above described and granted premises unto the said grantee, their heirs and assigns forever.

And we the grantor do covenant that we are lawfully seized in fee simple of the above granted premises free from all encumbrances, excepting restrictions, easements and encroachments of record or visible on the premises, and a Mfg. from Woodrow W. and Annie Laurie Wilcox, h. & w., to Bend Branch, United States National Bank of Portland, rec. March 5, 1962 in book 123 page 193 and that we will and our heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

Witness our hand and seal this 25th day of February, 1964



Woodrow W. Wilcox (SEAL)
Annie Laurie Wilcox (SEAL)

STATE OF OREGON,

County of Deschutes ss. On this 25th day of February, 1964, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Woodrow W. Wilcox and Annie Laurie Wilcox, husband and wife who are



known to me to be the identical individual described in and who executed the within instrument, and acknowledged to me that they executed the same freely and voluntarily. IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Virginia Ramsey
Notary Public for Oregon
My commission expires May 20, 1966

WARRANTY DEED

Form for Warranty Deed recording, including fields for TO, AFTER RECORDING RETURN TO, and BEND ABSTRACT COMPANY.

(DON'T USE THIS SPACE, RESERVED FOR RECORDING LABEL IN COURTS WHERE USED.)

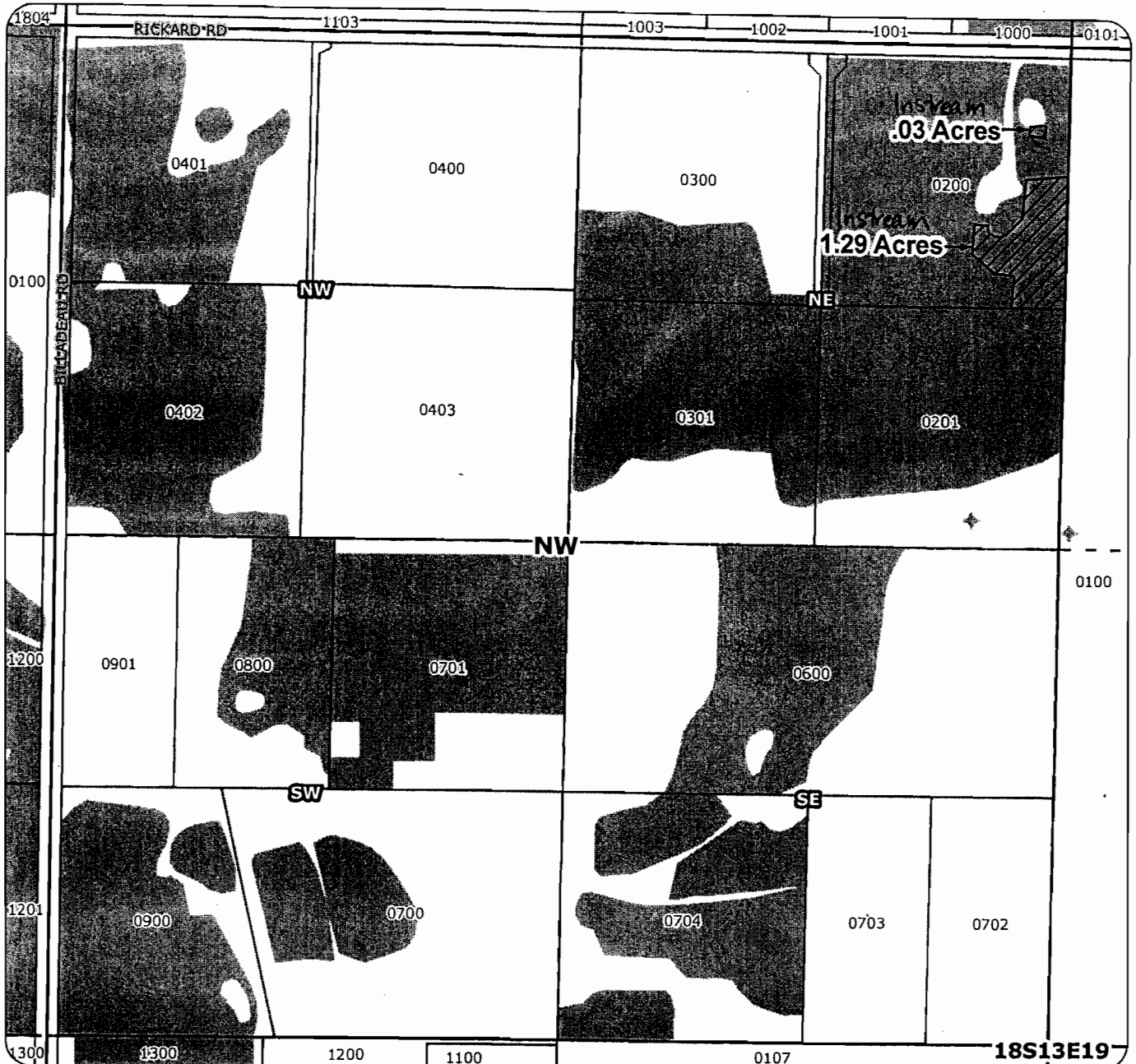
STATE OF OREGON, ss.

County of Deschutes
I certify that the within instrument was received for record on the 26th day of February, 1964 at 2:07 o'clock P.M., and recorded in book 138 on page 253 Record of Deeds of said County.



Witness my hand and seal of County affixed.

Handwritten signature of the notary.

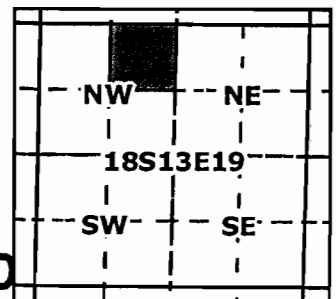
2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
 Vicky and Alan Hughes
 Taxlot 200 - 1.32 acres
 in 18S13E19NENW
 Total Lease of 1.32 Acres



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www.geospatialsolutions.com

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 SALEM, OREGON

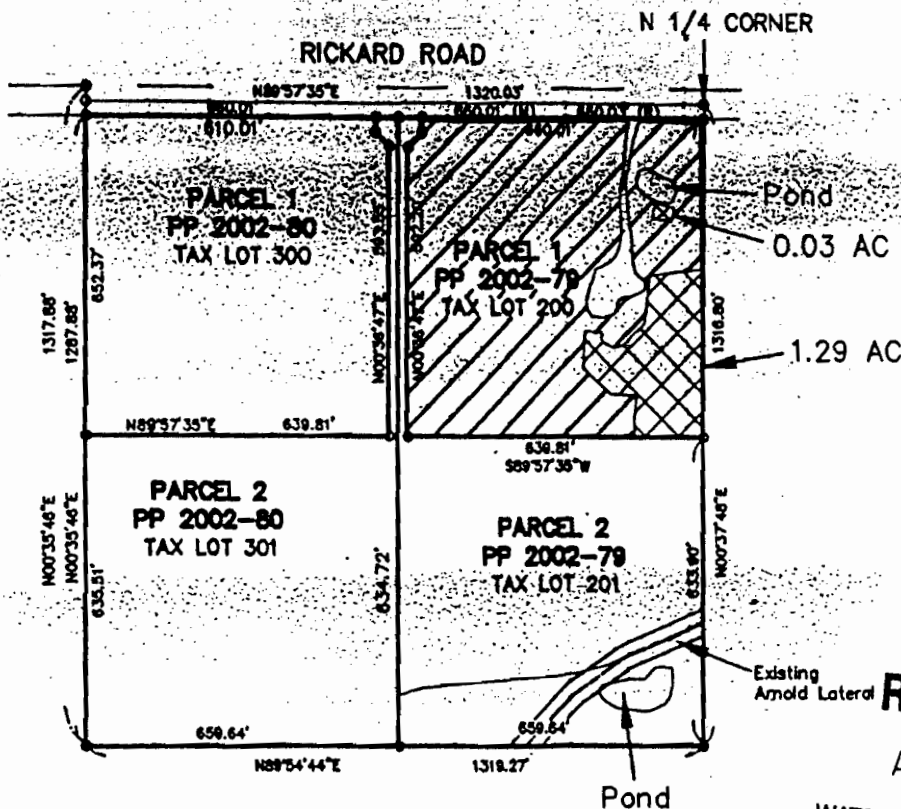
Date Created: May 2008



1 inch equals 400 feet

WATER RIGHTS TRANSFER APPLICATION MAP

Vicky & Alan Hughes Property
Parcel 2 OF Partition Plat NO. 2002-80,
NE 1/4 NW 1/4 Section 19,
Township 18 South, Range 13 East,
Willamette Meridian, Deschutes County, Oregon
Tax Lot 18-13-19-200



= WATER TO REMAIN UNMOVED = 7.65 AC.

= WATER TO BE TRANSFERRED OFF = 1.32 AC.

I, Michael W. Tye, Certified Water Right Examiner in the State of Oregon, hereby certify that this water rights survey map was prepared under my direct supervision.

The preparation of this map is for the purpose of identifying the location of the water right only and has no intent to provide dimensions or locations of property ownership lines.



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WATER RESOURCES DEPT
SALEM, OREGON

SCALE 1"=400' DATE 5-13-05 SURVEY BY AERIAL DRAWN BY K.B. ORDER NO. 4057-22A

SUN COUNTRY ENGINEERING & SURVEYING, INC.
920 SE ARMOUR ROAD BEND, OREGON 97702 PHONE 382-8882

WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

1. WATER RIGHT
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT
NAME VICKY AND ALAN HUGHES
ADDRESS 22175 RICKARD RD.
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	13	19	NE NW	00200	1.32	

5. RECIPIENT
NAME J.L. WARD COMPANY
ADDRESS 20505 MURPHY RD., BEND, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

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7. EXHIBITS
A. Map showing the location of the present and proposed irrigated lands.

WATER RESOURCES DEPT
SALEM, OREGON

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: *Vicky & Alan Hughes* 6-16-05
 Name Date
 RECIPIENT: *J.L. Ward* _____
 Name Date
 FOR DISTRICT: _____
 Name Date



BARGAIN AND SALE DEED

Please Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

3

Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220

The true consideration for this transfer is forgiveness of future annual assessments.

Alan and Vicky Hughes, Grantor, conveys to J.L. Ward Co., Grantee, on June 16, 2005, the following described real property: See Exhibit "A"

1.32 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: 18-13-19-00-00200 (181319 NE ¼ NW ¼ Tax Lot 00200), located in Deschutes County, Oregon.

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 THE 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 FARM 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)).

Signed Nunc Pro Tunc this 16th day of June, 2005.

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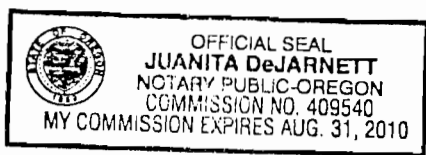
APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Alan Hughes, Grantor

Alan J. Hughes
STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 25th day of April, 2008, by Alan Hughes Grantor.



Juanita DeJarnett
NOTARY PUBLIC FOR OREGON
My commission expires: Aug. 31, 2010

ACCEPTANCE

Jan L. Ward, President, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

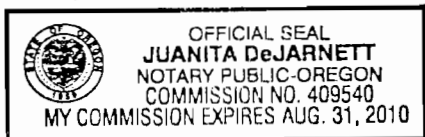
DATED this 5th day of May, 2008.

JL Ward Company

By: JL Ward
Jan L. Ward, President

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward, the above named president, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 5th day of May, 2008.



Juanita DeJarnett
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

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WATER RESOURCES DEPT
SALEM OREGON

EXHIBIT "A"

PARCEL 1:

The east one-half of the northeast one-quarter of the Northwest one-quarter (E ½ NE ¼ NW ¼) of Secion Nineteen (19), Township Eighteen (18), South, Range Thirteen (13), East of the Willamette Meridian, Deschutes County, Oregon.



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WATER RESOURCES DEPT
SALEM, OREGON

VOL: 1999 PAGE: 13252
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES

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

DATE AND TIME: Mar. 17, 1999; 3:12 p.m.

RECEIPT NO: 3477

DOCUMENT TYPE: Deed

FEE PAID: \$45.00

NUMBER OF PAGES: 2

Mary Sue Penhollow

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK



1999 13252 Vol Page

03/17/99 15:20:40

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WATER RESOURCES DEPT
SALEM, OREGON

18797-45

99-13252-1

WARRANTY DEED

ROBERT V. ARCHER and SUSAN ARCHER, as tenants by the entirety, Grantor(s) hereby grant, bargain, sell, warrant and convey to: ALAN J. HUGHES and VICKY J. HUGHES, husband and wife Grantee(s) and grantee's heirs, successors; and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of DESCHUTES and State of Oregon, to wit:

PARCEL 1:

THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (E1/2NE1/4NW1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

PARCEL 2:

THE WEST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHWEST ONE-QUARTER (W1/2NE1/4NW1/4) OF SECTION NINETEEN (19), TOWNSHIP EIGHTEEN (18) SOUTH, RANGE THIRTEEN (13), EAST OF THE WILLAMETTE MERIDIAN, DESCHUTES COUNTY, OREGON.

TAX ACCOUNT NO.: FT18119002005004300

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any, and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whatsoever except those claiming under the above described encumbrances.

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, THEY REPEAL, ACCORDING TO TITLE 10 OF THE OREGON REVISED STATUTES WITH THE APPROPRIATE DIVISION OF COUNTY PLANNING DEPARTMENT TO VERIFY ZONING USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST MANAGEMENT AS SET FORTH IN ORS 30.02.

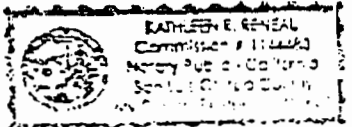
... and actual 18797-45

[Signature]
ROBERT V. ARCHER

[Signature]
SUSAN ARCHER

STATE OF California on March 15 2009
COUNTY OF San Luis Obispo
Personally appeared the above named SUSAN ARCHER

and acknowledged the foregoing instrument to be voluntary act.



Before me:
[Signature]
Notary Public for California
My commission expires 6-29-2009

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WATER RESOURCES DEPT
SALEM, OREGON

REC'D NO. 27167905
ALAN J. HUGHES
VICKY J. HUGHES

Attest my hand and seal
this 15th day of March, 2009

STATE OF OREGON

County of Deschutes

FORM No. 21—ACKNOWLEDGMENT
Government Law Publishing Co., Inc.
Portland, OR 97204

99-13252-2

BE IT REMEMBERED, That on this 9th day of March 19 99

before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared the within named Robert V. Archer

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Linda Sinclair

Notary Public for Oregon

My commission expires 12/21/2000

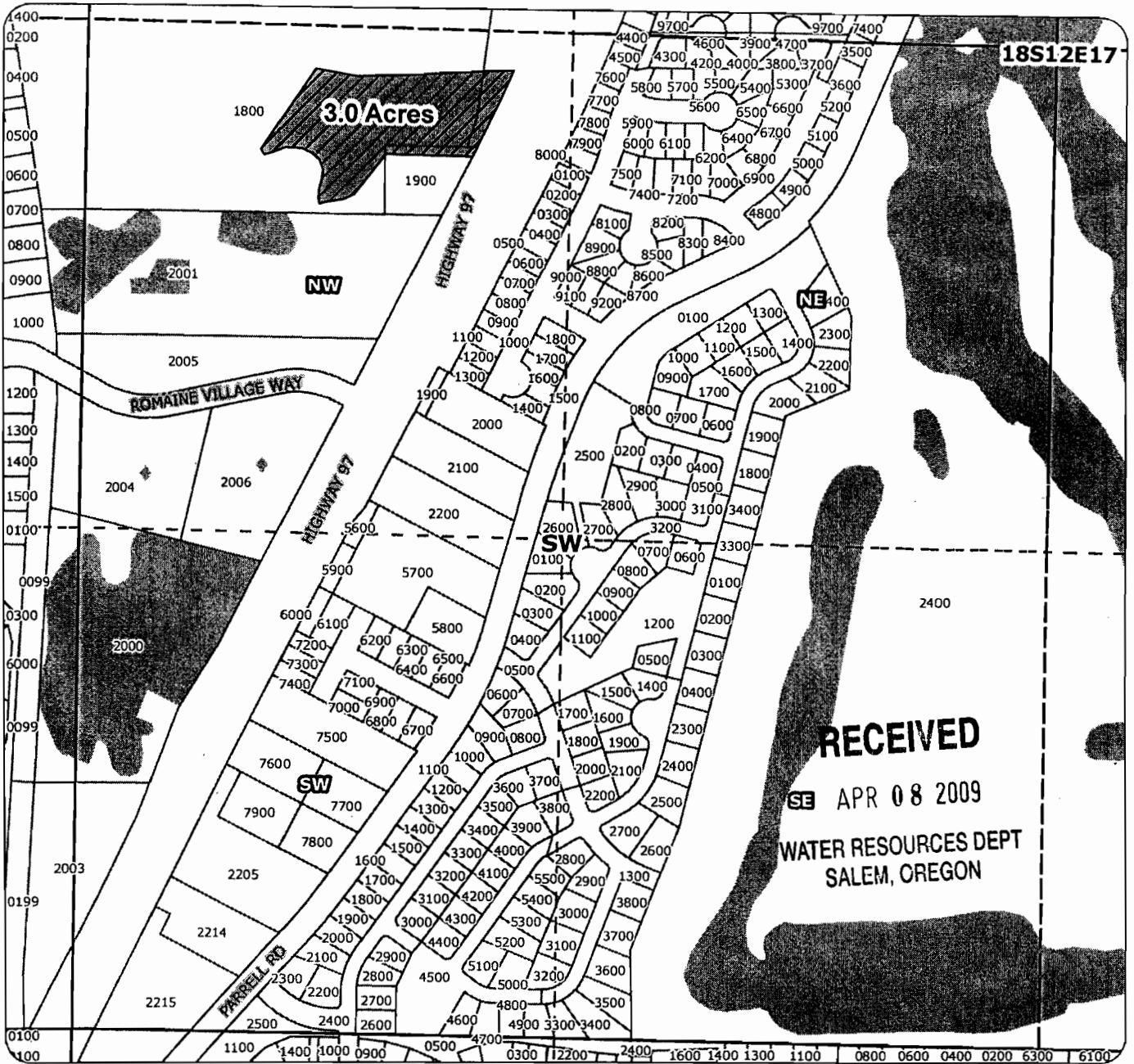


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WATER RESOURCES DEPT
SALEM, OREGON

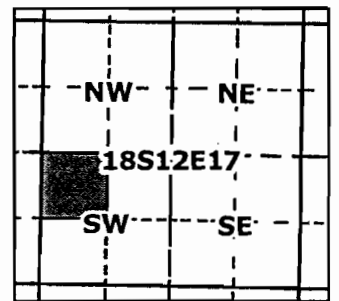
2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197


-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
Ward (State of Oregon)
Taxlot 1800 - 3.0 Acres
in 18S12E17NWSW
Total Lease of 3.0 Acres

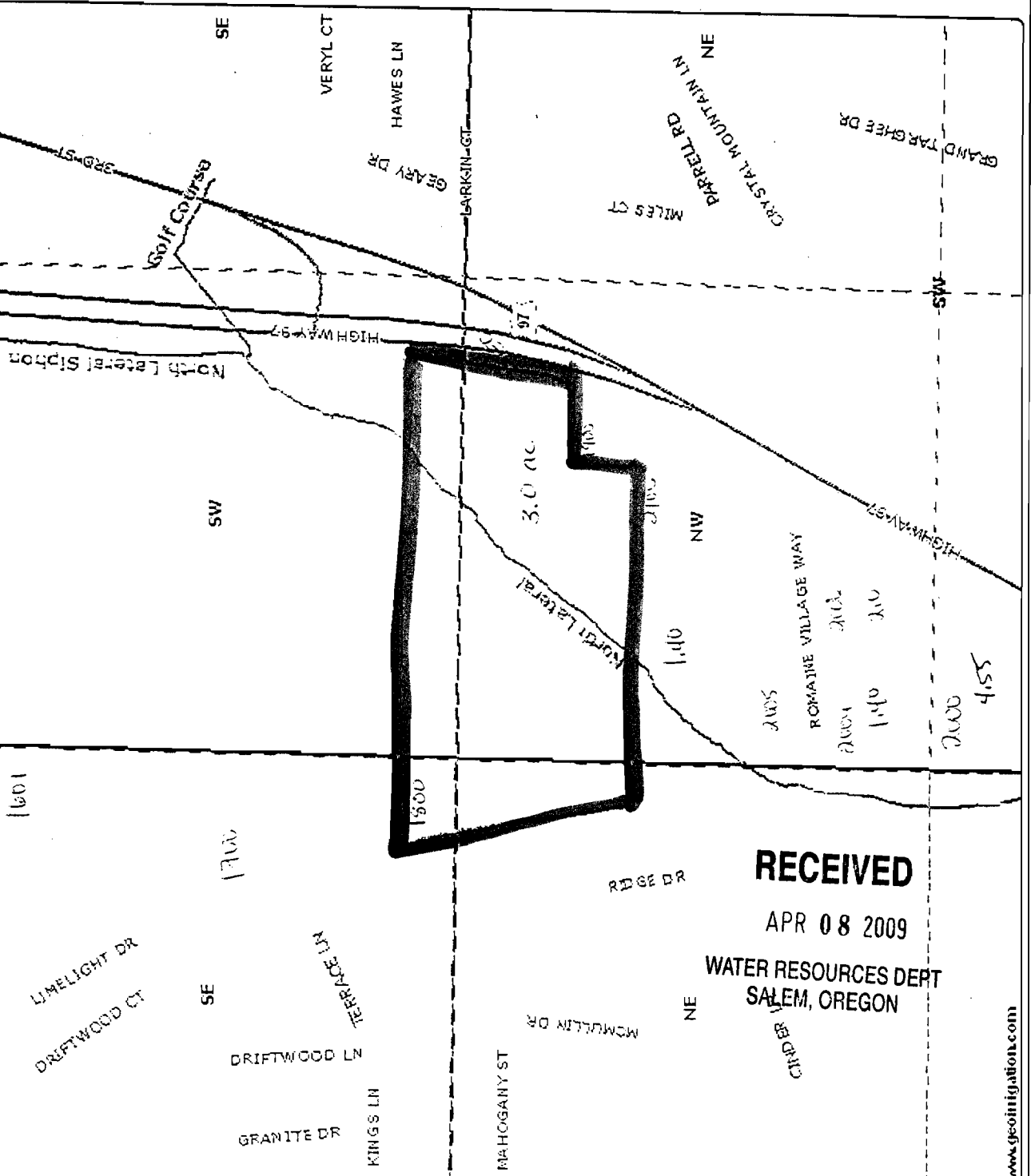


Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: May 2008

 N
1 inch equals 400 feet

Arnold Irrigation District



State of Oregon
 Department of
 Transportation
 181217-00-02000 /
 181217-NWSW-01800 - 3.00 ac.

- District Boundary
- County Boundary
- State Roads
- Roads
- Township Range
- Section s
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Taxlots
- Gauging Station
- Canal All
- Canal Piped
- Canal Open
- Rivers
- Place of Use Fill

Scale 1" = 400'
 Created: 3/29/2008

RECEIVED
 APR 08 2009
 WATER RESOURCES DEPT
 SALEM, OREGON

THIS MAP IS INTENDED FOR DISPLAY PURPOSES ONLY AND IS NOT INTENDED FOR ANY LEGAL REPRESENTATIONS. THERE ARE NO WARRANTIES, EXPRESSED OR IMPLIED, THAT ACCOMPANY THIS PRODUCT.

BARGAIN AND SALE DEED

STATE OF OREGON, by and through its DEPARTMENT OF TRANSPORTATION Grantor, the true and actual consideration for this transfer is forgiveness of future annual assessments, does convey unto the **J. L. WARD CO., an Oregon corporation, Grantee**, the following described real property: See Exhibit "A"

All irrigation water rights located upon the following described real property, to wit: Map 181217-NW ¼ SW ¼ Tax Lot 01800, located in Deschutes County, Oregon, being 3.00 acres of primary irrigation water rights, more or less, held in the name of Arnold Irrigation District, and any supplemental water rights appurtenant to the same lands.

Grantor acquired these rights in that Stipulated Final Judgment filed in the Circuit Court on June 1, 2000 as Case No. 99CV0318ST, Document No. 2000-23686, Deschutes County, Oregon.

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.

AFTER RECORDING RETURN TO:
OREGON DEPARTMENT OF TRANSPORTATION
RIGHT OF WAY SECTION
355 CAPITOL STREET NE, ROOM 420
SALEM OR 97301-3871

Map and Tax Lot #: 18 12 17 NW¼ SW¼ Tax Lot 01800

Property Address: Bare Land

TAX STATEMENT TO: ARNOLD IRRIGATION DISTRICT
PO BOX 9220
BEND, OR 97708-9220

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APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2008-14445



\$51.00

00606803200800144450050053

04/01/2008 04:02:03 PM

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 THAT THE UNIT OF LAND BEING TRANSFERRED, IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

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.

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 18th day of March, 2008

STATE OF OREGON, by and through its
DEPARTMENT OF TRANSPORTATION

By Richard R. Dunlap
Richard R. Dunlap, Acting State Right of Way Manager

STATE OF OREGON, County of Marion

Dated March 18, 2008. Personally appeared Richard R. Dunlap, who being sworn, stated that he is the Acting State Right of Way Manager for the State of Oregon, Department of Transportation, and that this document was voluntarily signed on behalf of the State of Oregon by authority delegated to him. Before me:



Dale R. Shafer
Notary Public for Oregon
My Commission expires 11/01/2011

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APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A

Bend Parkway, Phase 3
The Dalles-California Highway
Deschutes County
Drg. No. 1A-22-22
Non-Throughway
AFD 5-18-00

Parcel 1 - Fee

A parcel of land lying in the W½ of Section 17, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property described in that deed to HW 97 CPT Limited Partnership, recorded in Volume 219, Page 1308, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 380+00, said station being 2667.54 feet South and 1739.36 feet West of the Southeast corner of the SW¼SE¼ of Section 5, Township 18 South, Range 12 East, W.M.; thence South 32° 53' 46" West 741.05 feet; thence on a spiral curve left (the long chord of which bears South 28° 25' 54" West 897.73 feet) 900 feet; thence on a 1909.86 foot radius curve left (the long chord of which bears South 18° 08' 51.5" West 85.45 feet) 85.45 feet; thence on a spiral curve left (the long chord of which bears South 7° 51' 49" West 897.78 feet) 900 feet; thence South 3° 21' 57" West 2603.31 feet; thence on a spiral curve right (the long chord of which bears South 6° 44' 24" West 499.31 feet) 500 feet; thence on a 1414.71 foot radius curve right (the long chord of which bears South 15° 29' 23" West 98.69 feet) 98.71 feet; thence on a spiral curve right (the long chord of which bears South 24° 14' 22" West 499.31 feet) 500 feet; thence South 27° 36' 49" West 372.73 feet to Engineer's center line Station 447+01.25.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on the Westerly Side of Center Line
432+80		433+50	55 in a straight line to 65
433+50		435+30	65 in a straight line to 65
435+30		437+29.81	65 in a straight line to 65
437+29.81		438+28.52	65 in a straight line to 70
438+28.52		441+00	70 in a straight line to 60

(Continued)

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WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT A Continued

ALSO that portion of said property lying Easterly of said strip of land.

Bearings are based upon the Oregon Co-ordinate System of 1983, south zone.

The parcel of land to which this description applies contains 40,960 square feet, more or less, outside of the existing right of way.

Parcel 2 - Fee

A parcel of land lying in the W $\frac{1}{2}$ of Section 17 and the E $\frac{1}{2}$ of Section 18, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon and being that property described in that deed to HW 97 CPT Limited Partnership, recorded in Volume 219, Page 1308, Deschutes County Records.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 17.41 acres, more or less.

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WATER RESOURCES DEPT
SALEM, OREGON

ACCEPTANCE

Jan L. Ward, owner, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights, 3.00 acres of water rights from 181217-NW ¼ SW ¼ Tax Lot 01800

DATED this 26th day of March, 2008.

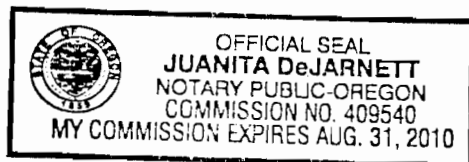
JL Ward Company

By: _____

Jan L. Ward, Owner

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward the above-named owner, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 26th day of March, 2008.



Juanita DeJarnett
Notary Public for Oregon

My Commission Expires: Aug. 31, 2010

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WATER RESOURCES DEPT
SALEM, OREGON

VOL: 2000 PAGE: 23686
RECORDED DOCUMENT

STATE OF OREGON
COUNTY OF DESCHUTES



*2000-23686 * Vol-Page

*Printed: 06/15/2000 11:44:14

DO NOT REMOVE THIS CERTIFICATE

(This certificate constitutes a part of the original instrument in accordance with ORS 205.180(2). Removal of this certificate may invalidate this certificate and affect the admissibility of the original instrument into evidence in any legal proceeding.)

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

DATE AND TIME: Jun. 15, 2000; 11:37 a.m.

RECEIPT NO: 22073

DOCUMENT TYPE: Court Records

FEE PAID: \$56.00

NUMBER OF PAGES: 6

A handwritten signature in cursive script that reads "Mary Sue Penhollow".

MARY SUE PENHOLLOW
DESCHUTES COUNTY CLERK

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APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

41-145201 JM

200-23686-1 20

FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
P.O. BOX 323
BEND, OR 97709

FILED
CIRCUIT COURT
CO JUN -1 PM 2:53
DESCHUTES COUNTY
OREGON

IN THE CIRCUIT COURT OF THE STATE OF OREGON
FOR THE COUNTY OF DESCHUTES

STATE OF OREGON, by and through its
Department of Transportation

Case No. 99CV0318ST

STIPULATED FINAL JUDGMENT

Plaintiff;

v.

HIGHWAY 97 CPT LIMITED
PARTNERSHIP, an Oregon Limited
Partnership; MAGNUM-WESTERN, INC., a
Washington corporation; CARLSON SIGN
CO.,

Defendants.



CERTIFIED TRUE COPY, OF THE ORIGINAL
DATED THIS 1 DAY OF June, 2000
CIRCUIT COURT
DESCHUTES COUNTY,
STATE OF OREGON
BY: [Signature]

The above-entitled matter having come on regularly upon stipulation of the parties,
plaintiff appearing by and through Albert C. Depenbrock, Assistant Attorney General, and
defendant appearing by and through Charles Corrigan, its attorney; and

The parties by their stipulation below agreeing and advising the Court, and the Court
finding:

That the parties have reached an agreement settling the case;

That this judgment reflects a settlement of all issues raised or raiseable in this action;

That pursuant to ORS 35.385(1)(b) defendant Highway 97 CPT Limited Partnership
waives all right of repurchase of the real property acquired by plaintiff by this judgment;

That an Order for Default has been entered herein against Carlson Sign Co., and that a
Notice of Dismissal has been entered herein against Magnum-Western, Inc. defendants herein;

That the acquisition described herein is necessary for public use;

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APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

200. 23686.2

1 That the plaintiff, prior to the commencement of this action and pursuant to its resolution,
2 attempted to acquire said real property by agreement and purchase;

3 That the sum to be awarded to the defendant for the appropriation of the property
4 hereinafter described is the sum of \$1,600,000;

5 That plaintiff, on July 29, 1999, deposited with the clerk of this court the sum of
6 \$145,000 for the use and benefit of the defendant;

7 That plaintiff has paid directly to defendant and its attorney the balance of the amount for
8 the appropriation which is over and above the \$145,000 heretofore deposited, to wit: the sum of
9 \$1,455,000, and that plaintiff is now entitled to judgment, appropriating the acquisition
10 hereinafter described, to the State of Oregon, by and through its Department of Transportation,
11 free and clear of all liens and encumbrances except as hereinafter provided; now, therefore,

12 IT IS ADJUDGED:

13 1.

14 Defendant Magnum-Western, Inc. is dismissed from this case.

15 2.

16 Defendant Carlson Sign Co. is in default and shall take nothing of compensation
17 awarded.

18 3.

19 That the acquisition hereinafter described be, and the same hereby is, appropriated for
20 public purposes; and title to said acquisition, together with all rights and easements therein, be,
21 and the same hereby is vested in the State of Oregon, by and through its Department of
22 Transportation, free and clear of all liens and encumbrances, except as herein provided. Said
23 acquisition so appropriated is described on the attached Exhibit A.

24 4.

25 The acquisition is encumbered and the plaintiff shall take the acquisition subject to the
26 interests of other than the within named defendant in the following encumbrance(s):

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WATER RESOURCES DEPT
SALEM, OREGON

2000-23686-3

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Irrigation rights and easements within Arnold Irrigation District.

Slope easement set out in Deed to the State of Oregon, recorded November 16, 1978, Book 289, Page 238.

Agreement for easement dates April 17, 1989, recorded November 28, 1989, Book 197, Page 1504.

Declaration of City of Policy recorded June 27, 1990, Book 212, Page 609.

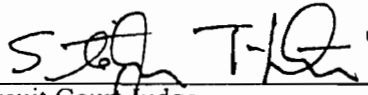
5.

Defendant Highway 97 CPT Limited Partnership shall be entitled to withdraw all sums due to it which have not been withdrawn previously.

6.

That none of the parties shall recover costs or attorney fees.

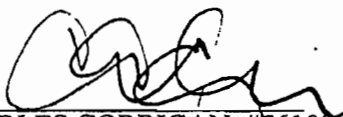
DATED this 31 day of May, 2000.


Circuit Court Judge

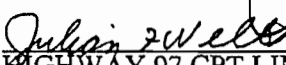
Submitted by: Albert C. Depenbrock
Assistant Attorney General

IT IS SO STIPULATED:


Dated: 5/19/00


CHARLES CORRIGAN #76108
Of Attorneys for Defendant

Dated: 5/24/00


HIGHWAY 97 CPT LIMITED
PARTNERSHIP BY MOUNTAIN STATES
DEVELOPMENT CO., GENERAL PARTNER
BY JULIAN WELTSCH, PRESIDENT

Dated: 5/25/00


ALBERT C. DEPENBROCK #78035
Assistant Attorney General

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WATER RESOURCES DEPT
SALEM, OREGON

200.23686-4

EXHIBIT A

File 6436306

Bend Parkway, Phase 3
The Dalles-California Highway
Deschutes County
Drg. No. 1A-22-22
Non-Throughway
AFD 5-18-00

HW 97 CPT Limited Partnership
Parcels 1 and 2

Parcel 1 - Fee

A parcel of land lying in the W½ of Section 17, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon and being a portion of that property described in that deed to HW 97 CPT Limited Partnership, recorded in Volume 219, Page 1308, Deschutes County Records; the said parcel being that portion of said property included in a strip of land variable in width, lying on the Westerly side of the center line of the relocated The Dalles-California Highway which center line is described as follows:

Beginning at Engineer's center line Station 380+00, said station being 2667.54 feet South and 1739.36 feet West of the Southeast corner of the SW¼SE¼ of Section 5, Township 18 South, Range 12 East, W.M.; thence South 32° 55' 46" West 741.05 feet; thence on a spiral curve left (the long chord of which bears South 28° 25' 54" West 897.78 feet) 900 feet; thence on a 1909.86 foot radius curve left (the long chord of which bears South 18° 08' 51.5" West 85.45 feet) 85.45 feet; thence on a spiral curve left (the long chord of which bears South 7° 51' 49" West 897.78 feet) 900 feet; thence South 3° 21' 57" West 2603.31 feet; thence on a spiral curve right (the long chord of which bears South 6° 44' 24" West 499.31 feet) 500 feet; thence on a 1414.71 foot radius curve right (the long chord of which bears South 15° 29' 23" West 98.69 feet) 98.71 feet; thence on a spiral curve right (the long chord of which bears South 24° 14' 22" West 499.31 feet) 500 feet; thence South 27° 36' 49" West 372.73 feet to Engineer's center line Station 447+01.25.

The widths in feet of the strip of land above referred to are as follows:

Station	to	Station	Width on the Westerly Side of Center Line
432+80		433+50	55 in a straight line to 65
433+50		435+30	65 in a straight line to 65
435+30		437+29.81	65 in a straight line to 65
437+29.81		438+28.52	65 in a straight line to 70
438+28.52		441+00	70 in a straight line to 60

(Continued on Page 2)

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WATER RESOURCES DEPT
SALEM, OREGON

200.23686-5

EXHIBIT A CONTINUED - Page 2

File 6436306

ALSO that portion of said property lying Easterly of said strip of land

Bearings are based upon the Oregon Co-ordinate System of 1983, south zone.

The parcel of land to which this description applies contains 40,960 square feet, more or less, outside of the existing right of way.

Parcel 2 - Fee

A parcel of land lying in the W $\frac{1}{2}$ of Section 17 and the E $\frac{1}{2}$ of Section 18, Township 18 South, Range 12 East, W.M., Deschutes County, Oregon and being that property described in that deed to HW 97 CPT Limited Partnership, recorded in Volume 219, Page 1308, Deschutes County Records.

EXCEPT therefrom Parcel 1.

The parcel of land to which this description applies contains 17.41 acres, more or less.

NOTE: Access Completely Restricted to Parcel 1 except to Frontage Road Side.
Parcel 2 (Excess) makes an entire taking.
These parcels lie within the W $\frac{1}{2}$ of Sec 17 and the E $\frac{1}{2}$ of Section 18,
T 18 S, R 12 E, WM.

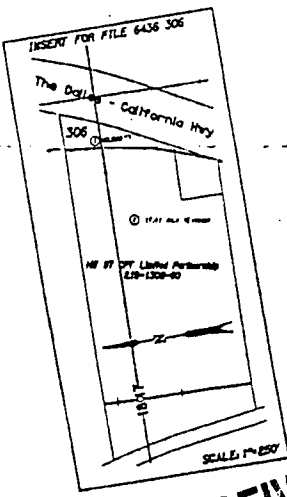
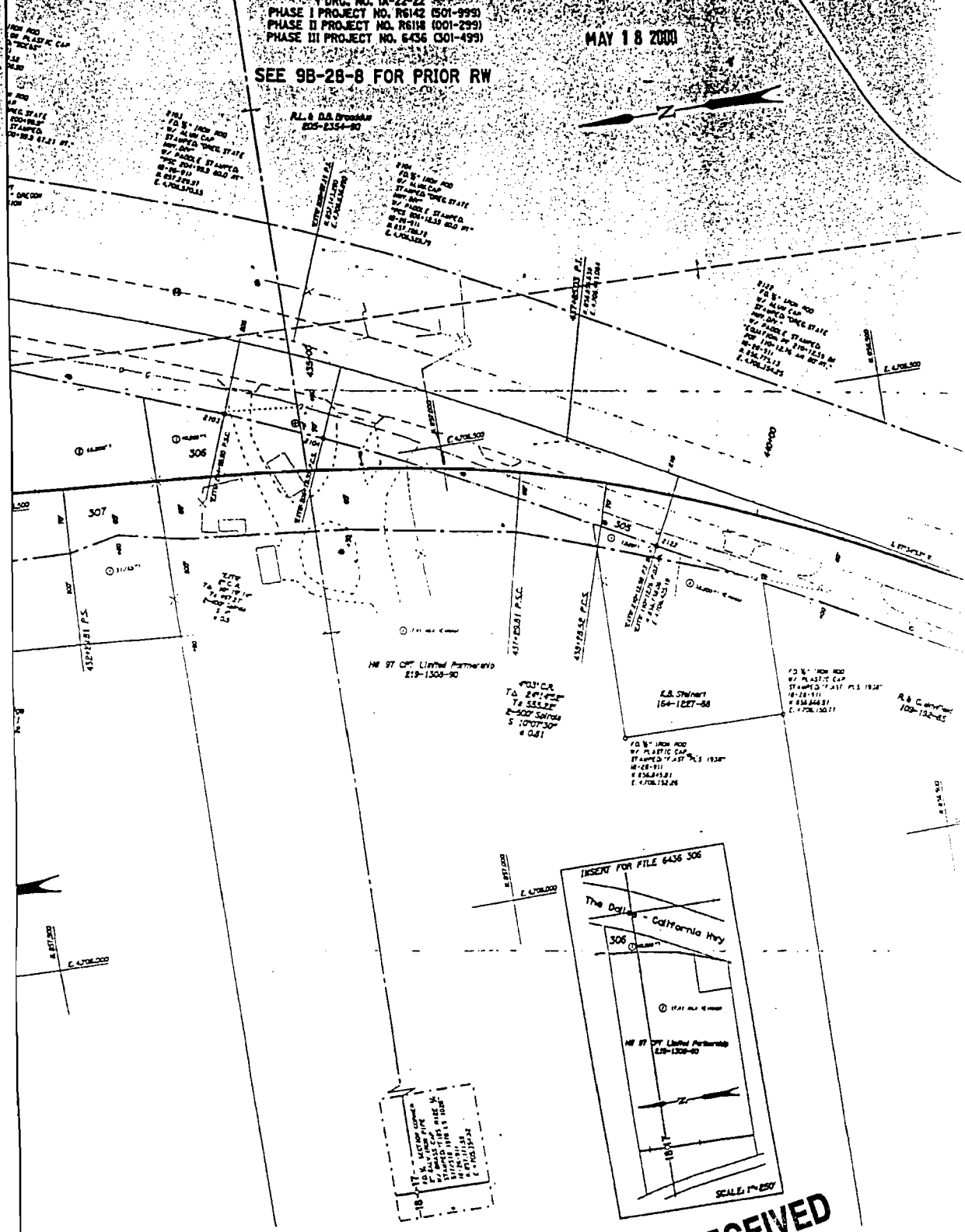
RECEIVED
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WATER RESOURCES DEPT
SALEM, OREGON

200.3686-6

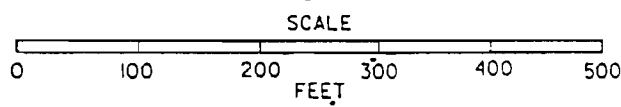
T. 18 S., R. 12 E., W.M.
DRG. NO. 1A-22-22
PHASE I PROJECT NO. R6142 (501-999)
PHASE II PROJECT NO. R6118 (001-299)
PHASE III PROJECT NO. 6436 (301-499)

MAY 18 2000

SEE 9B-28-8 FOR PRIOR RW



FILE 6436 306
BY PLASTIC CAP
STAMPED
MAY 18 2000
E. 0.708000



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WATER RESOURCES DEPT
SALEM, OREGON

District Internal
Notice # _____

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97708
PHONE: 541-382-7664 FAX: 541-382-0833

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WATER RESOURCES DEPT
SALEM, OREGON

1. WATER RIGHT
CERTIFICATE #74197
PRIORITY DATE 02/01/1905 - 04/25/1905
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT
NAME : State of Oregon, Department of Transportation
ADDRESS: Property Address: 60999 S Hwy 97, Bend, OR Office Address: _____
ENCUMBRANCES _____

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OF USE

4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION _____

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	17	NW / SW	01800	3.00 acres	

5. RECIPIENT
NAME: J.L. Ward Company
ADDRESS: 20505 Murphy Rd., Bend, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	¼, ¼ OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS
A. Map showing the location of the present and proposed irrigated lands.

Arnold Irrigation District hereby certifies that the applicant and recipient are the deed holders of subject properties; that our files are complete with a copy of the recorded documents; that the applicant's land has been irrigated within the last five years or the right appurtenant is not subject to forfeiture, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may reject the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT, HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT: Richard E. Dunlap Date: 3/18/08
 Richard Dunlap, State Right of Way Manager
 Oregon Department of Transportation

RECIPIENT: Jan Ward Date: 3/26/08
 Jan Ward, J.L. Ward Company

FOR DISTRICT: _____ Date: _____
 Name

acres was originally located on a larger lot and there may now be pieces of this 3.5 ac (which was not mapped) over several lots. I'm not sure this is something that can be resolved for the purposes of this lease, unless there's a solid indication of how this 3.5 acres is broken down between lots and we're certain of the number of acres of irrigation on lot 1100. As a heads up, this will also be an issue if this portion of the right is later proposed for transfer.

3. T18S R12E Sec 9 SW NW Lot 900 (0.5 ac) – There are essentially two application maps. The polygon identifying the location of the 0.5 ac is shown in two different locations between the two maps. One map seems to show the poly point as being located in Barrows Road and the other shows the poly point as being located in lot 900, which appears to be the correct location. Looks like we might need a corrected map so that both maps show the location of the 0.5 ac in the same spot.

Also, the legal description in the BSD does not appear to be complete. If I follow, it looks like this is putting the location down in Tri Peaks 1 area rather than in Carroll Acres. The legal in the WD seems to line up with the location of lot 900. It appears that the legal (exhibit A) in the BSD needs correction.

The answer to #2 and #3 are together here. The confusion for both of these tax lots starts with the certificate. The tax lots are backwards in the original certificate and the 3111 maps are incorrect. The tax lots never have looked as shown on the maps. I am sending the County map of record for Carroll Acres as it originally was created. (August 20, 1919). Following is the Record of Survey when Kenneth and Patricia Stevens divided Tract 8 into 3 tax lots. As you will see the certificate and 3111 maps are incorrect. This map shows where the 3 tax lots were created and TL 1100 is the smaller tax lot and had 0.50 acres of water and TL was the larger lot with 3.50 acres of water. The 3111 map looks nothing like the County map. In 1993 Kenneth and Patricia Stevens sold TL 1100 to their daughter and son-in-law Debra and Kenneth Barrows. This is the tax lot with 0.50 acres of water rights. Kenneth and Patricia Stevens (parents) kept TL 1000 and 900. TL 900 is the tax lot with 3.50 acres of water. In March of 2004, Kenneth Barrows, the son-in-law and contractor applied with the city to subdivided TL 900 (with 3.5 acres of water). We replied with the letter I have enclosed. The letter states that since a portion of the property was going to be developed they had to transfer off the entire water right. And since the delivery of water for TL 1100 was on TL 900 this would mean that the water for TL 1100 would also have to be removed. In August of 2004, they sold the 3.5 acres and the 0.50 acres of water to Jan Ward. The confusion on the Bargain and Sale Deeds all stem from the incorrect 3111 maps and the incorrect certificate. We have spoken with the land owners (Kenneth and Patricia Stevens who still own the now smaller TL 900 and Debra and Kenneth Barrows who still own TL 1100. They are in agreement to the changes we have to make to correct the BSD and we be glad to come in and initial those changes. The deeds have been sent to the attorney and they are making the changes so the customers can initial the changes. Once I get the changes initialed, I will take the deed back to the County to rerecord the correction on the deed. This will happen Friday or Monday. **RECEIVED**

4. T18S R12E Sec 8 SE NW Lot 2500 (1.0 ac) – I am unable to match the legal description in the BSD and WD to lot 2500. I need the plat map for Blakely Heights. This may help resolve the issue. I was unable to pull this plat from the Deschutes Co website.

APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

I am sending the original Blakley Heights map for Tracts 6 & 7. Following that is the plat of Blakley Heights, then the Land partition PZ-03-748 showing where TL 1802 was divided into two tax lots which Shawn signed off indicating there were not water rights on those properties. Alice McCullough sold off her water rights on November 26, 2004 and Shawn signed off on it on December 8, 2004. Following that is the current county map showing the two tax lots and their numbers 2500 and 2501.

5. T18S R11E Sec 13 (NNP – RiverRim) – Need revised application map. This map does not clearly identify the township and range. Also, the number of acres in the NE SW appears to be 5.52 acres based on the water right of record (as shown in WRIS). The map shows 6.55 acres. The revised map should show the correct number of acres to be leased (0.23 ac) and the correct number of acres not being leased (?). Also in the NW SE, the water right is broken down by lots 2300 and 2400. The revised map should show the number of acres in this quarter quarter being leased in each lot and the number of acres not being leased in each lot.

I'm resending the same map you already have. However, I think the copy you have may have the TRS cut off at the top. This map has it at the top. Regarding the number of acres in the NESW is 5.52 which was transferred over in T-9636. However, if you look at WRIS directly above the 5.22 WRIS shows the 6.55 acres which was already there. The map does show the correct acres being leased. It has a legend at the top of the map which indicates the Water to be Transferred OFF (the water to be leased - 47.41 ac.... shown by 1/4 1/4 and tax lot. To the right of that is a legend which shows the water to remain broken down by 1/4 1/4 and tax lot. The tax lot numbers in the certificate are no longer. The numbers on the map were the tax lot numbers at the time of the transfer was started (TL 1300 and 2402)

6. T18S R12E Sec 17 NW SW Lot 1800 (3.0 ac) – The application map seems to show that a portion of the footprint of the 3.0 acres is not located entirely in lot 1800 (a portion appears to be in lot 1900). Please clarify the location of the 3.0 acres and submit a revised map if needed.

The water right has never changed. It appears that way because of the digital mapping and the clippings fall into the other tax lot. We have the map fixed and I am including that.

(#7. is actually part of Avion's leased water)

- ✓7. T18S R12E Sec 9 NE NE Lot 300 (4.0 ac) - I am unable to match the legal descriptions for lot 300 to the area shown on the application map. It would be helpful to have a map, such as the original tax lot map, that shows the original footprint of lot 300.

Also, with regards to the BSD, it appears that at the time the water right was conveyed the property may have been owned by Jesse and Denise Ivy not Jesse Ivy and Grant Mills. This is based on review of the BSD and other associated deeds included with the application. This may warrant some additional review to confirm previous ownership. I'll take another look as well at what we received on this end.

The tax lot 300 was as shown in the 3111 maps which I have sent a copy of. On October 23, 2003, Grant Mills purchased 1/2 of the TL300 from Denise Ivy, Jesse Ivy's ex-wife. I am sending a copy of that contract. This contract was recorded on October 18, 2004. On September 9, 2004, the County Surveyor recorded a Lot Line Adjustment where a minor lot line adjustment was made to TL 300, a copy of which I am sending you. This show the property as it was prior to subdividing. The second page of the lot line adjustment indicates that Grant Mills and Jesse Ivy were the present owners at the time of this lot line adjustment. On November 1, 2004, the property was owned by both Jesse Ivy and Grant Mills and they sold the water rights to Avion. This deed was recorded on November 8, 2004. So as you can see the paper trail shows that Grant and Jesse were the owners at the time the water was sold to Avion. The last item I am sending you is the County map showing what the subdivided lot looks like now with TL 300 as the larger lot at the front of that subdivision.

RECEIVED

APR 08 2009

Avion

8. T18S R11E Sec 23 SE SE Lot 4900 (1.5 ac) – As near as I can tell, Lot 4900 used to cover the eastern portion shown as Lots 4800 and 4901. The BSD deed conveying the water right seems to cover both lots, what was once Lot 1 and Lot 2 in Deschutes River Woods. However, The Statutory BSC for the property only covers the footprint of what is now lot 4901 (not 4900). Did the landowners own the full footprint of both lots at the time the water right was conveyed? Additional documentation is needed.

WATER RESOURCES DEPT
SALEM, OREGON

Yes, both these tax lots were owned by Heuer's. It was one tax lot #4900 with Parcel 1 and 2 which was divided the in east to west direction. On August 3, 2005, they sold their water right to Avion. This was recorded on 08/09/2005. Their replat was recorded on 03/15/2006. When we were leasing this water in 2006, Gen caught the error where the deed indicated "acre feet" instead of "acres. At that time we send the deed to be corrected and the correction recorded. This occurred on 08/22/2006. You will see on the plat signing page that Shawn did sign off to say there weren't any water rights.

9. T18S R12E Sec 17 NE NW Lot 801 (0.7 ac) – The metes and bounds legal description in the BSD appears to be incomplete (part of it appears to be missing). See complete metes and bounds legal attached to the statutory BSD. It appears that the legal in the conveyance BSD needs to be corrected.

You are correct. There is a portion missing. I have made the correction and have taken it to be re-recorded.

10. T18S R12E Sec 9 SW NE Lot 400 (29.36 ac) – The legal description provided in the BSD (conveyance agreement) does not appear to cover the entire footprint of these 29.36 acres. The legal seems to include the quarter quarter except lots 700 and 800 (neither involved in the place of use) and not include lots 500, 400, 600, 100, 200, and 300.

The legal description is exactly the description of the property from which the water right came. I have included the 3111 map. Tax lot 301 had 6.00 acres and Tax lot 400 which is on both sides of American Lane had 23.36 acres of water. The only part that didn't have water was TL 300 which was in the bottom left hand corner of TL 301. The Anderson's sold the water to Avion in April of 2000. That deed was recorded in June of 2002. Any changes made to these properties were made after the water rights were sold. I have attached all the lots created and adjustments. All adjustments were made after the water right was sold. However, the property, even now is still owned by the Anderson's.

Please let me know what you would like to do about the above. If there's anything that can't be resolved timely (before the end of the irrigation season with sufficient time to review and put together an appropriate final order) let me know and we can modify the lease to take the affected acres out.

WATER RIGHTS TRANSFER MAP OFF - ARNOLD IRRIGATION DISTRICT

LOCATED IN: SECTION 13, T18S, R11E, W1M,
CITY OF BEND, DESCHUTES COUNTY, OREGON
FOR: NWP-RIVERM L.L.C.
PREPARED BY:

HWA
SURVEYORS, ENGINEERS
& PLANNERS
HICKMAN, WILLIAMS & ASSOCIATES, INC.
800 SW INDUSTRIAL WAY, SUITE 10, BEND, OR 97702-1083
PHONE (541) 388-8381 FAX (541) 388-5418

WATER TRANSFERRED OFF:

NE SW TL-1300	0.23 AC
NW SE TL-2402	6.39 AC
NW SE TL-2402	8.95 AC
SW SE TL-2402	2.61 AC
SE SE TL-2402	21.27 AC
NE SE TL-2402	7.96 AC
TOTAL:	47.41 AC

WATER TO REMAIN:

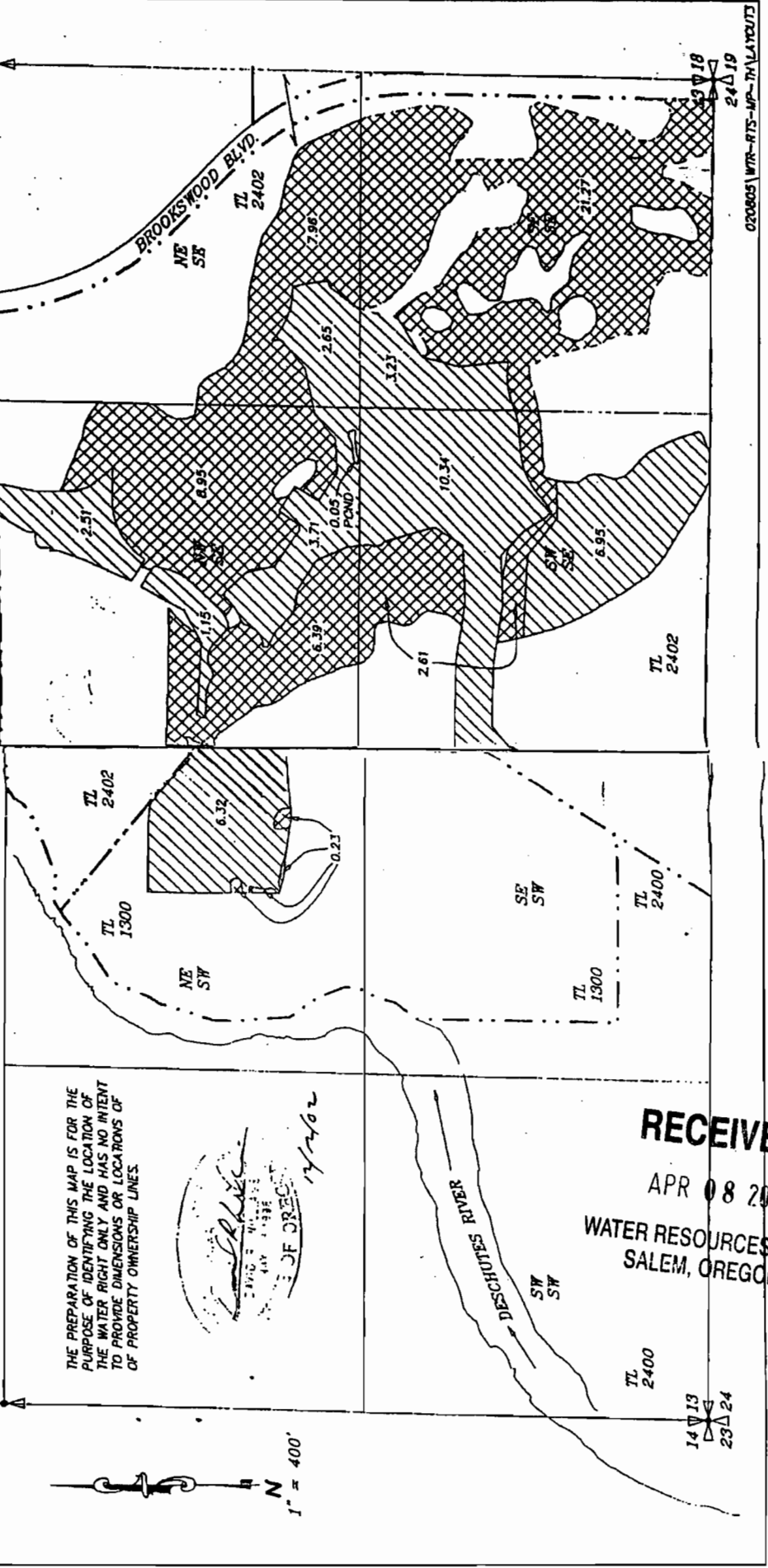
NE SW TL-1300	6.32 AC
NW SE TL-2402	2.51 AC
NW SE TL-2402	1.15 AC
NW SE TL-2402	3.71 AC
NW SE TL-2402	0.05 AC
SW SE TL-2402	10.34 AC
SW SE TL-2402	3.23 AC
NE SE TL-2402	2.85 AC
TOTAL:	36.91 AC

LEGEND:

--- DENOTES TAX LOT LINE

DENOTES WATER TO REMAIN

DENOTES WATER TO BE TRANSFERRED OFF (INSTREAM)



"Exhibit A"

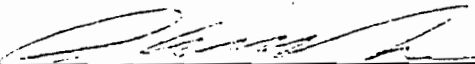
*Shimoda to Willamette
River in the Willamette*

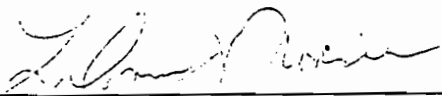
AFFIDAVIT OF PERMISSION TO TRANSFER WATER RIGHTS

NNP-RiverRim LLC hereby gives permission to the Arnold Irrigation District to transfer the 47.41 acres of water as shown on the "Water Rights Transfer Map Off - Arnold Irrigation District", attached as Exhibit A and hereby made a part of this affidavit, located in Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East, Willamette Meridian, City of Bend, Deschutes County, Oregon.

DATED: January 24, 2003

NNP-RIVERRIM, LLC,
a Delaware limited liability company

By: 
Davis Wood, Jr., Vice President

By: 

Name: LeDonna K. Morse
Sr. Vice President

Title: _____

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WATER RESOURCES DEPT
SALEM, OREGON

*For future reference see
6.75 Broadwood Pump (Lead Pipe at ...)
15.00 Thompson Street (down) already ...
177.41 ...
23.64 NNP River Rim
93.00 Total original value of ...
water right*

STATE OF WASHINGTON)
)ss:
COUNTY OF CLARK)

On this 24th day of January, 2003, the undersigned, a Notary Public in and for the State of Washington duly sworn, personally appeared Davis Wood, Jr., to me known to be the Vice President of NNP-RIVERRIM, LLC, a Delaware limited liability company, the company that executed the foregoing instrument and acknowledged the said instrument to be the free and voluntary act and deed of said company for the uses and purposes therein mentioned, and on oath that he is authorized to execute the said instrument.

Witness my hand and official seal hereto affixed the day and year first above written.



Adrianna Poff
Notary Public in and for the State of Washington
My commission expires 5/14/04

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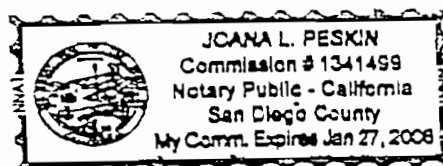
APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF CALIFORNIA
COUNTY OF SAN DIEGO

On 30 January, 2003 before me, Jana L. Peskin,
Notary Public, personally appeared ~~Lucas X. Cross~~, claiming to be the Sp. Vice
President of NNP-RIVERRIM, LLC, a Delaware limited liability company,
personally known to me to be the person whose name is subscribed to the within
instrument and acknowledged to me that he executed the same in ~~his~~ authorized capacity,
and that by ~~his~~ signature on the instrument the person or entity on behalf of which the
person acted, executed the instrument.

Witness my hand and official seal.



Signature Jana L. Peskin
Notary Public for the State of California
My commission expires _____

**BILL OF SALE
(Quitclaim Deed)**

Parties: Stephen E. Thompson, Grantor
Jan Ward or his Assigns, Grantee

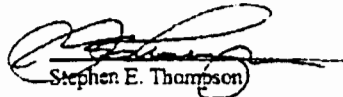
Recitals:

1. On or about December 12, 2002, Grantor sold to Grantee for valuable consideration 47.41 acres of water rights previously beneficially applied to property located in the NE1/4 SE1/4, SE1/4 SE1/4, SW1/4 SE1/4, NW1/4 SE1/4 and the NE1/4 SW1/4 of Section Thirteen (13) Township Eighteen (18) South Range Eleven (11) East, Willamette Meridian, Bend, Deschutes County, Oregon.
2. Arnold Irrigation District has been requested by the Oregon Department of Water Resources to provide a Deed and/or Bill of Sale evidencing the prior sale of said water rights.
3. Grantor has previously supplied Grantee with an affidavit of use of water.
4. Grantor is the successor in interest of the Helen M. Thompson Trust in whose name a portion of the water rights were previously held.

Conveyance:

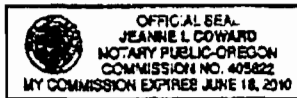
Grantor sells, releases and quitclaims to Grantee and/or his assigns all right, title and interest to 47.41 acres of water within the Arnold Irrigation District previously beneficially applied to the property identified herein.

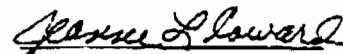
DATED THIS 26 day of September, 2006.


Stephen E. Thompson

STATE OF OREGON)
) ss.
County of Deschutes)

SUBSCRIBED AND SWORN TO before me this 26 day of September, 2006.

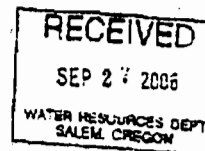



Notary Public for Oregon

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WATER RESOURCES DEPT
SALEM, OREGON



MAY-29-2008 THU 08:33 AM 541 382 5082 J L WARD CO.

541 382 5082

P. 01

J L WARD COMPANY
20505 MURPHY ROAD
BEND, OR 97702

WESTERN BANK
BEND, OREGON 97709
93-455/1232 - 45

7454

1.28.2008

TO THE
ORDER OF

Steve Thompson

\$ 35,557.50

Thirty Five Thousand Five Hundred Fifty Seven and 50/100

*50% of purchase price for 535-317589-9
42 ± Ac owned
Water Meter*

[Signature]
AUTHORIZED SIGNATURE

⑈007454⑈ ⑆123204950⑆ 04505300801⑈ ⑈0003559750⑈

⑆123204950⑆ 009350175894⑈ 7454 ⑈0003559750⑈

J L WARD COMPANY
20505 MURPHY ROAD
BEND, OR 97702

WESTERN BANK
BEND, OREGON 97709
93-455/1232 - 45

736

Dec 9/08

TO THE
ORDER OF

Helen Thompson

\$ 35,557.50

Thirty five thousand five hundred fifty seven and 50/100

*50% of purchase price for
42.41 Ac owned water*

[Signature]
AUTHORIZED SIGNATURE

⑈007367⑈ ⑆123204950⑆ 04505300801⑈ ⑈000355975⑈

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WATER RESOURCES DEPT
SALEM, OREGON

5/29/08

Post-it [®] Fax Note	7871	Date	10/5/06	# of pages	1
To	JUANITA	From	JAN WARD		
Co./Dept.	ARNOLD	Phone #	382-0491		
Fax #	382-0833	Fax #	382-5082		



June 12, 2008

Neil R. Bryant
Robert S. Lovlien
John A. Berge
Sharon R. Smith
John D. Sorlie
Mark G. Reinecke
Melissa P. Lande
Kitri C. Ford
Paul J. Taylor
Christopher A. Bagley
Kyle D. Wuepper
Jeremy M. Green
Helen L. Eastwood
Leanne Ryan-Nokell

Juanita De Jarnett
Arnold Irrigation District
PO Box 9220
Bend, OR 97708-9220

RE: NNP RiverRim LLC to J.L. Ward

Dear Juanita:

Enclosed is a Bargain and Sale deed from NNP RiverRim to J.L. Ward Company. Although "Jan Ward" has signed some of the related documents, I assume that the transfer should be to the "J. L. Ward" entity.

Ordinarily, I would use a Quitclaim Deed in situations like this without any representations. However, my recollection is that the current policy of the Water Resources Department frowns upon Quitclaim Deeds for water which will be put in-stream under a lease. As such, I have drafted it as a Bargain and Sale Deed but still without any title representations. If Water Resources Department refuses to accept this form too, we may need to prepare a Warranty Deed which would include title representations.

The consideration for the deed is to confirm prior agreements including forgiveness for future annual assessments. Also, in the Bargain and Sale Deed, we included a statement that the reason for this deed is to comply with OWRD policy concerning in-stream water leases.

Let me know if you have any questions.

Sincerely,

Mark G. Reinecke
reinecke@bljlawyers.com

Enclosures
crk 37-190.108.doc

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WATER RESOURCES DEPT
SALEM, OREGON

BEND
391 S.W. Mill View Way
Mail: P.O. Box 880
Bend, Oregon 97709
Phone: (541) 382-4331
Fax: (541) 389-3386

WWW.BLJLAWYERS.COM



Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708
PHONE: 541-382-7664 FAX: 541-382-0833

May 29, 2008

Mark Reinecke
Bryant, Lovlien & Jarvis, PC
PO Box 880
Bend, OR 97709

RE: Thompson – Ward Water Transfer

Dear Mark:

According to the paperwork I have, when Stephen and Helen Thompson sold the water rights to JL Ward Company, they no longer owned the property. Everyone (Stephen Thompson, RiverRim, & Jan Ward) agrees that the purchase of water by Jan Ward from Stephen and Helen Thompson did occur and that it was Thompson's right to sell and RiverRim was in agreement to this sale. However, none of the paperwork meshes.

I suppose if we could get a legal Bargain and Sale Deed from NNP-RiverRim, LLC stating that it was the agreement between them and the Thompson's that the Thompson's could sell the water right (or something along those lines) then I suppose that would wrap the whole thing up.

I have enclosed copies of all documents pertaining to this issue. If you have any questions, please give me a call.

The district needs to lease this water for this year. Whatever you could do as soon as possible would be best for this water right and all parties involved.

Sincerely,

Juanita De Jarnett

Encl. 10 pages pertaining to the Sale of water rights at the Thompson property

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WATER RESOURCES DEPT
SALEM, OREGON

BARGAIN AND SALE DEED

**After Recording Return to:
Juanita DeJarnett
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220**

**Unless a change is requested,
All tax statements shall be sent to:
Arnold Irrigation District
P.O. Box 9220
Bend, OR 97708-9220**

NNP River Rim, LLC, Grantor, conveys to J. L. Ward Company, Grantee, 47.41 acres of Arnold Irrigation District water rights as shown on the Water Rights Transfer Map Off., attached as Exhibit "A", on property located in Section Thirteen (13), Township Eighteen (18), South Range Eleven (11) East, Willamette Meridian, Bend, Deschutes County, Oregon and more particularly described on the attached Exhibit "B".

The reason for this transfer is to confirm and reflect prior water sale agreements to J.L. Ward Co., and to comply with the in-stream leasing policies of the Oregon Water Resources Department which require bargain and sale deeds for water transfers. The consideration for this transfer is to confirm prior agreements including forgiveness of future annual irrigation district water assessments.

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 THE 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 FARM OR FOREST

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SALEM, OREGON

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)).

Signed this _____ day of _____, 2008.

NNP RIVER RIM, LLC

By: _____
Title:

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the _____ day of _____, 2008, by _____, Grantor.

NOTARY PUBLIC FOR OREGON
My commission expires: _____

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WATER RESOURCES DEPT
SALEM, OREGON

"EXHIBIT B"

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- WATER RESOURCES DEPT
SALEM, OREGON

A parcel of land located in a portion of the South One-Half (S1/2) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Section 13 which bears South 89°53'25" West, a distance of 80.01 feet from the Southeast corner of said Section 13, said beginning point also being on the Westerly right-of-way line of Brookwood Boulevard; thence leaving said Westerly right-of-way line and continuing along said South Section line South 89°53'25" West, a distance of 2581.87 feet to the South one-quarter corner of said Section 13; thence continuing along said South Section line South 89°53'31" West, a distance of 364.81 feet to a point which bears North 89°53'31" East, a distance of 2297.03 feet from the Southwest corner of said Section 13; thence leaving said South Section line North 13°43'49" East, a distance of 149.39 feet; thence South 89°23'48" East, a distance of 75.79 feet; thence North 75°48'12" East, a distance of 104.45 feet; thence 45.17 feet along the arc of a tangent curve to the right with a radius of 112.50 feet, the chord of which bears North 87°18'18" East, a distance of 44.87 feet; thence North 12°36'39" East, a distance of 66.73 feet; thence North 36°28'23" East, a distance of 120.90 feet; thence North 14°44'51" East, a distance of 80.06 feet; thence North 02°06'46" West, a distance of 151.44 feet; thence North 24°29'34" West, a distance of 105.43 feet; thence North 56°23'19" West, a distance of 85.32 feet; thence North 33°26'41" East, a distance of 249.42 feet; thence North 01°01'21" East, a distance of 1032.97 feet; thence South 88°58'39" East, a distance of 5.43 feet; thence 32.15 feet along the arc of a tangent curve to the left with a radius of 25.00 feet, the chord of which bears North 54°10'33" East, a distance of 29.98 feet; thence 35.94 feet along the arc of a reverse curve to the right with a radius of 40.00 feet, the chord of which bears North 43°04'11" East, a distance of 34.74 feet; thence North 00°00'00" East, a distance of 32.16 feet; thence South 49°54'37" West, a distance of 33.56 feet; thence North 90°00'00" West, a distance of 30.38 feet; thence North 53°17'37" West, a distance of 431.39 feet; thence North 07°24'32" West, a distance of 38.80 feet; thence North 28°43'19" East, a distance of 100.75 feet; thence North 49°32'53" East, a distance of 100.01 feet; thence North 58°44'18" East, a distance of 91.39 feet; thence North 57°03'41" East, a distance of 370.81 feet to a point on the East-West centerline of said Section 13 which bears North 89°29'34" East, a distance of 2786.12 feet from the West one-quarter corner of said Section 13; thence along said East-West Section centerline North 89°29'34" East, a distance of 1509.96 feet to a point on the Westerly right of way line of Brookwood Boulevard which bears South 89°29'34" West, a distance of 982.15 feet from the East one-quarter corner of said Section 13; thence along said Westerly right of way line the following two (2) curves and two (2) courses:

733.62 feet along a non-tangent curve to the left with a radius of 1040.00 feet, the chord of which bears South 27°09'37" East, a distance of 718.50 feet;
South 47°22'07" East, a distance of 339.15 feet;
802.61 feet along the arc of a tangent curve to the right with a radius of 960.00 feet, the chord of which bears South 23°25'03" East, a distance of 779.44 feet;
South 00°32'01" West, a distance of 308.37 feet;

Thence leaving said Westerly right of way line North 89°24'31" West, a distance of 357.11 feet; thence South 30°49'38" West, a distance of 193.48 feet; thence South 00°39'45" West, a distance of 217.83 feet; thence 249.71 feet along a non-tangent curve to the left with a radius of 596.77 feet, the chord of which bears South 78°26'46" East, a distance of 247.89 feet; thence South 89°23'21" East, a distance of 211.88 feet to a point on said Westerly right of way line of Brookwood Boulevard; thence along said Westerly right of way line South 00°32'01" West, a distance of 382.33 feet, to the point of beginning, the terminus of this description.

acres was originally located on a larger lot and there may now be pieces of this 3.5 ac (which was not mapped) over several lots. I'm not sure this is something that can be resolved for the purposes of this lease, unless there's a solid indication of how this 3.5 acres is broken down between lots and we're certain of the number of acres of irrigation on lot 1100. As a heads up, this will also be an issue if this portion of the right is later proposed for transfer.

3. T18S R12E Sec 9 SW NW Lot 900 (0.5 ac) – There are essentially two application maps. The polygon identifying the location of the 0.5 ac is shown in two different locations between the two maps. One map seems to show the poly point as being located in Barrows Road and the other shows the poly point as being located in lot 900, which appears to be the correct location. Looks like we might need a corrected map so that both maps show the location of the 0.5 ac in the same spot.

Also, the legal description in the BSD does not appear to be complete. If I follow, it looks like this is putting the location down in Tri Peaks 1 area rather than in Carroll Acres. The legal in the WD seems to line up with the location of lot 900. It appears that the legal (exhibit A) in the BSD needs correction.

The answer to #2 and #3 are together here. The confusion for both of these tax lots starts with the certificate. The tax lots are backwards in the original certificate and the 3111 maps are incorrect. The tax lots never have looked as shown on the maps. I am sending the County map of record for Carroll Acres as it originally was created. (August 20, 1919). Following is the Record of Survey when Kenneth and Patricia Stevens divided Tract 8 into 3 tax lots. As you will see the certificate and 3111 maps are incorrect. This map shows where the 3 tax lots were created and TL 1100 is the smaller tax lot and had 0.50 acres of water and TL was the larger lot with 3.50 acres of water. The 3111 map looks nothing like the County map. In 1993 Kenneth and Patricia Stevens sold TL 1100 to their daughter and son-in-law Debra and Kenneth Barrows. This is the tax lot with 0.50 acres of water rights. Kenneth and Patricia Stevens (parents) kept TL 1000 and 900. TL 900 is the tax lot with 3.50 acres of water. In March of 2004, Kenneth Barrows, the son-in-law and contractor applied with the city to subdivided TL 900 (with 3.5 acres of water). We replied with the letter I have enclosed. The letter states that since a portion of the property was going to be developed they had to transfer off the entire water right. And since the delivery of water for TL 1100 was on TL 900 this would mean that the water for TL 1100 would also have to be removed. In August of 2004, they sold the 3.5 acres and the 0.50 acres of water to Jan Ward. The confusion on the Bargain and Sale Deeds all stem from the incorrect 3111 maps and the incorrect certificate. We have spoken with the land owners (Kenneth and Patricia Stevens who still own the now smaller TL 900 and Debra and Kenneth Barrows who still own TL 1100. They are in agreement to the changes we have to make to correct the BSD and we be glad to come in and initial those changes. The deeds have been sent to the attorney and they are making the changes so the customers can initial the changes. Once I get the changes initialed, I will take the deed back to the County to rerecord the correction on the deed. This will happen Friday or Monday.

4. T18S r12E Sec 8 SE NW Lot 2500 (1.0 ac) – I am unable to match the legal description in the BSD and WD to lot 2500. I need the plat map for Blakely Heights. This may help resolve the issue. I was unable to pull this plat from the Deschutes Co website.

I am sending the original Blakley Heights map fo Tracts 6 & 7. Following that is the plat of Blakley Heights, then the Land partition PZ-03-748 showing where TL 1802 was divided into two tax lots which Shawn signed off indicating there were not water rights on those properties. Alice McCullough sold off her water rights on November 26, 2004 and Shawn signed off on it on December 8, 2004. Following that is the current county map showing the two tax lots and their numbers 2500 and 2501.

5. T18S R11E Sec 13 (NNP – RiverRim) – Need revised application map. This map does not clearly identify the township and range. Also, the number of acres in the NE SW appears to be 5.52 acres based on the water right of record (as shown in WRIS). The map shows 6.55 acres. The revised map should show the correct number of acres to be leased (0.23 ac) and the correct number of acres not being leased (?). Also in the NW SE, the water right is broken down by lots 2300 and 2400. The revised map should show the number of acres in this quarter quarter being leased in each lot and the number of acres not being leased in each lot.

I'm resending the same map you already have. However, I think the copy you have may have the **WATER RESOURCES DEPT** top. This map has it at the top. Regarding the number of acres in the NESW is 5.52 which was transferred over in 9636. However, if you look at WRIS directly above the 5.22 WRIS shows the 6.55 acres which was already there. The map does show the correct acres being leased. It has a legend at the top of the map which indicates the Water to be Transferred OFF (the water to be leased - 47.41 ac.... shown by 1/4 1/4 and tax lot. To the right of that is a legend which shows the water to remain broken down by 1/4 1/4 and tax lot. The tax lot numbers in the certificate are no longer. The numbers on the map were the tax lot numbers at the time of the transfer was started (TL 1300 and 2402)

6. T18S R12E Sec 17 NW SW Lot 1800 (3.0 ac) – The application map seems to show that a portion of the footprint of the 3.0 acres is not located entirely in lot 1800 (a portion appears to be in lot 1900). Please clarify the location of the 3.0 acres and submit a revised map if needed.

BARGAIN AND SALE DEED

CL

KNOW ALL MEN BY THESE PRESENTS, That BROOKSWOOD GROUP, LLC, herein called grantor, for the consideration herein stated, does hereby grant, bargain, sell and convey unto NNP-RIVERRIM, LLC, a Delaware limited liability company, herein 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 Deschutes, State of Oregon, described as follows, to wit:

See Legal Description attached hereto as Exhibit "A".

Recorded by AmeriTitle as an accommodation only. No liability is accepted for the condition of title or for the validity, sufficiency, or effect of this document

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.

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 \$ 0.

However, the actual consideration consists of or includes other property or value given or promised which is the whole / part of the consideration.

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 5th day of Nov, 2001; 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.

c/o Newland Communities, LLC, Attn: D.A. Valle, Legal Dept

Tax statements shall be mailed to: 9404 Genesee Avenue, Suite 230, La Jolla, CA 92037

BROOKSWOOD GROUP, LLC

BY: David W. Sturdevant

David W. Sturdevant, Member

STATE OF Oregon, County of Deschutes) ss.
This instrument was acknowledged before me on November 5, 2001
by DAVID W. STURDEVANT
as Member
of BROOKSWOOD GROUP, LLC

Notary Public of Carol E. Doran
My commission expires 10-6-2005
Grantor: BROOKSWOOD GROUP, LLC



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APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Grantee: NNP-RiverRim, LLC
c/o Newland Communities, LLC
9404 Genesee Avenue, Suite 230
La Jolla, CA 92037

AFTER RECORDING RETURN TO:
NNP-RiverRim, LLC
c/o Newland Communities, LLC
Attn: D.A. Valle, Legal Dept
9404 Genesee Avenue, Suite 230
LaJolla, CA 92037

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2001-54972



\$35.00

D-D Cnt#1 Stn#4 MARSHA
\$10.00 \$11.00 \$10.00 \$5.00

11/07/2001 10:45:52 AM

EXHIBIT "A"

A parcel of land located in a portion of the South One-half (S1/2) of Section 13, Township 18 South, Range 11 East, Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Commencing at a point on the east-west centerline of said Section 13 which bears North 89°29'34" East a distance of 2389.15 feet from the west one-quarter corner of said Section 13, said commencement point also being on the ordinary high water line of the Deschutes River; thence leaving said east-west section centerline and along said ordinary high water line the following eight (8) courses:

South 40°57'02" West a distance of 15.13 feet;
South 61°57'25" West a distance of 23.50 feet;
South 28°36'40" West a distance of 34.34 feet;
South 53°20'47" West a distance of 52.85 feet;
South 67°07'14" West a distance of 147.12 feet;
South 70°17'16" West a distance of 123.01 feet;
North 87°35'01" West a distance of 95.85 feet;
South 57°11'24" West a distance of 40.66 feet;

Thence leaving said ordinary high water line South 53°17'37" East a distance of 882.74 feet; thence South 01°01'21" West a distance of 20.00 feet; thence South 88°58'39" East a distance of 5.43 feet; thence 11.87 feet along the arc of a tangent curve to the left with a radius of 25.00 feet, the chord of which bears North 77°25'26" East a distance of 11.75 feet to the true Point of Beginning of this description; thence 20.29 feet along the arc of a curve to the right with a radius of 25.00 feet, the chord of which bears South 40°34'40" West a distance of 19.74 feet; thence 7.50 feet along a non-tangent curve to the left with a radius of 10.00 feet, the chord of which bears North 25°52'53" East a distance of 7.33 feet; thence 45.12 feet along the arc of a reverse curve to the right with a radius of 46.00 feet, the chord of which bears North 32°29'15" East a distance of 43.34 feet; thence 10.57 feet along the arc of a reverse curve to the left with a radius of 10.00 feet, the chord of which bears North 30°17'40" East a distance of 10.09 feet; thence North 00°00'00" East a distance of 16.47 feet; thence North 49°54'37" East a distance of 6.54 feet; thence South 00°00'00" West a distance of 32.16 feet; thence 35.94 feet along a non-tangent curve to the left with a radius of 40.00 feet, the chord of which bears South 43°04'11" West a distance of 34.74 feet; to the point of beginning, the terminus of this description.

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

35654-41



After recording return to:
NRP-Bend 458, LLC

3

Until a change is requested all tax statements shall be sent to the following address:
NRP-Bend 458, LLC

Escrow No. BT035654JG
Title No. 35654-B

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENNOLLOW, COUNTY CLERK 2001-37907



\$41.00

D-D Cnt1 Strm2 TRACY
\$15.00 \$11.00 \$10.00 \$5.00

08/02/2001 11:30:12 AM

STATUTORY WARRANTY DEED

STEPHEN E. THOMPSON, JR., as to an undivided 1/2 interest and HELEN MALARKEY THOMPSON, Trustee of the Helen Malarkey Thompson Trust under Restated Trust Agreement DTD 12/1/95, as to an undivided 1/2 interest, as tenants in common, Grantor(s) hereby grant, bargain, sell, warrant and convey to: NRP-Bend 458, LLC, a Delaware Limited Liability Company Grantee(s) and grantee's heirs, successors and assigns the following described real property, free of encumbrances except as specifically set forth herein in the County of DESCHUTES and State of Oregon, to wit:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO: all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any:

1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
2. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein,
As reserved by: State of Oregon
Recorded: October 29, 1947
Book/Page: 83/397, Deed Records
3. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein,
As granted to: Pacific Power and Light Company
Recorded: June 28, 1954
Book/Page: 107/438, Deed Records

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

and the grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

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 DEPINED IN ORS 30.930.

The true and actual consideration for this conveyance is pursuant to an IRC 1031 exchange on behalf of Grantor and/or Grantee.

Dated this 27th day of July, 2001.

STEPHEN E. THOMPSON, JR.

HELEN MALARKEY THOMPSON, TRUSTEE

After recording, return to
AmeriTitle
15 OREGON AVENUE, BEND

State of Oregon

County of Deschutes

July 27, 2001

Personally appeared the above named Stephen E. Thompson, Jr. and acknowledged the foregoing instrument to be his voluntary act and deed.

WITNESS My hand and official seal.

Jessica L. Grell
Notary Public for Oregon
My Commission expires: May 12, 2003



State of Oregon

County of Multnomah

July 30, 2001

Personally appeared the above named Helen Malarkey Thompson, Trustee and acknowledged the foregoing instrument to be her voluntary act and deed.

WITNESS My hand and official seal.

Margo N. Erickson
Notary Public for Oregon
My Commission expires: 4.24.04



RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

RECEIVED
APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

A parcel of land located in a portion of the South One-Half (S1/2) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Section 13 which bears South 89°53'25" West, a distance of 80.01 feet from the Southeast corner of said Section 13, said beginning point also being on the Westerly right-of-way line of Brookwood Boulevard; thence leaving said Westerly right-of-way line and continuing along said South Section line South 89°53'25" West, a distance of 2581.87 feet to the South one-quarter corner of said Section 13; thence continuing along said South Section line South 89°53'31" West, a distance of 364.81 feet to a point which bears North 89°53'31" East, a distance of 2297.03 feet from the Southwest corner of said Section 13; thence leaving said South Section line North 13°43'49" East, a distance of 149.39 feet; thence South 89°23'48" East, a distance of 75.79 feet; thence North 75°48'12" East, a distance of 104.45 feet; thence 45.17 feet along the arc of a tangent curve to the right with a radius of 112.50 feet, the chord of which bears North 87°18'18" East, a distance of 44.87 feet; thence North 12°36'39" East, a distance of 66.73 feet; thence North 36°28'23" East, a distance of 120.90 feet; thence North 14°44'51" East, a distance of 80.06 feet; thence North 02°06'46" West, a distance of 151.44 feet; thence North 24°29'34" West, a distance of 105.43 feet; thence North 56°33'19" West, a distance of 85.32 feet; thence North 33°26'41" East, a distance of 249.42 feet; thence North 01°01'21" East, a distance of 1032.97 feet; thence South 88°58'39" East, a distance of 5.43 feet; thence 32.15 feet along the arc of a tangent curve to the left with a radius of 25.00 feet, the chord of which bears North 54°10'32" East, a distance of 29.98 feet; thence 35.94 feet along the arc of a reverse curve to the right with a radius of 40.00 feet, the chord of which bears North 43°04'11" East, a distance of 34.74 feet; thence North 00°00'00" East, a distance of 32.16 feet; thence South 49°54'37" West, a distance of 33.56 feet; thence North 90°00'00" West, a distance of 30.38 feet; thence North 53°17'37" West, a distance of 431.39 feet; thence North 07°24'32" West, a distance of 38.80 feet; thence North 28°43'19" East, a distance of 100.75 feet; thence North 49°32'53" East, a distance of 100.01 feet; thence North 58°44'18" East, a distance of 91.39 feet; thence North 57°03'41" East, a distance of 370.81 feet to a point on the East-West centerline of said Section 13 which bears North 89°29'34" East, a distance of 2786.12 feet from the West one-quarter corner of said Section 13; thence along said East-West Section centerline North 89°29'34" East, a distance of 1509.96 feet to a point on the Westerly right of way line of Brookwood Boulevard which bears South 89°29'34" West, a distance of 982.15 feet from the East one-quarter corner of said Section 13; thence along said Westerly right of way line the following two (2) curves and two (2) courses:

733.62 feet along a non-tangent curve to the left with a radius of 1040.00 feet, the chord of which bears South 27°09'37" East, a distance of 718.50 feet;
South 47°22'07" East, a distance of 339.15 feet;
802.61 feet along the arc of a tangent curve to the right with a radius of 960.00 feet, the chord of which bears South 23°25'03" East, a distance of 779.44 feet;
South 00°32'01" West, a distance of 308.37 feet;

Thence leaving said Westerly right of way line North 89°24'31" West, a distance of 357.11 feet; thence South 30°49'38" West, a distance of 193.48 feet; thence South 00°39'45" West, a distance of 217.83 feet; thence 249.71 feet along a non-tangent curve to the left with a radius of 596.77 feet, the chord of which bears South 78°26'46" East, a distance of 247.89 feet; thence South 89°28'21" East, a distance of 211.88 feet to a point on said Westerly right of way line of Brookwood Boulevard; thence along said Westerly right of way line South 00°32'01" West, a distance of 382.33 feet, to the point of beginning, the terminus of this description.

35654 36

RECORDING REQUESTED BY AND WHEN RECORDED RETURN TO:

NNP-RiverKim, LLC
c/o Newland Communities, LLC
9404 Genesee Avenue Suite 230
La Jolla, Ca 92037
Attn: D A Valle, Legal Dept.

DESCHUTES COUNTY OFFICIAL RECORDS
MARY SUE PENHOLLOW, COUNTY CLERK

2001-53297



\$36.00

D-D Cntel Street SHIRLEY
\$10.00 \$11.00 \$10.00 \$5.00

10/30/2001 10:48:08 AM

ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING:
Same as above

NO CONSIDERATION TO CHANGE VESTING ONLY

STATUTORY WARRANTY DEED

NNP-BEND 458 LLC, a Delaware limited liability company, as "Grantor", hereby grants, bargains, sells, warrants and conveys to NNP-RIVERKIM, LLC, a Delaware limited liability company, as "Grantee", the following described real property, free of encumbrances except as specifically set forth herein in the County of Deschutes and State of Oregon, to wit:

SEE EXHIBIT A, ATTACHED HERETO AND MADE A PART HEREOF BY THIS REFERENCE

SUBJECT TO, all those items of record and those apparent upon the land, if any, as of the date of this deed and those shown below, if any:

- 1. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of Arnold Irrigation District.
- 2. Easement, including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein.
As reserved by: State of Oregon
Recorded: October 29, 1947
Book/Paper: 33,397, Deed Records
- 3. Easement, including the terms and provisions thereof, affecting the portion said premises and for the purposes stated therein.
As granted to: Pacific Power and Light Company
Recorded: June 28, 1954
Book/Paper: 10,728, Deed Records

and the Grantor will warrant and forever defend the land premises and every part and parcel thereof against the lawful claims and demands of all persons who may hereafter, except those claiming under the above described encumbrances.

THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS.

NO CONSIDERATION TO CHANGE VESTING ONLY

IN WITNESS WHEREOF, Grantor has caused this instrument to be executed on October 24, 2001:

Grantor:

NNP-Bend 458, LLC
a Delaware limited liability company

LaDonna K. Monicas
LaDonna K. Monicas
Its: Sr. Vice President

Derek C. Thomas
Derek C. Thomas
Its: Sr. Vice President

State of Oregon
County of Deschutes

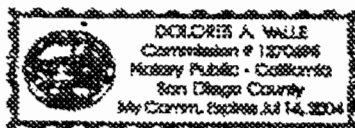
On October 24, 2001, before me, Deborah A. Valle, personally appeared LaDonna K. Monicas and Derek C. Thomas personally known to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities, and that on their signatures in the instrument the persons, or the entity on behalf of which the persons acted, executed the instrument.

Witness my hand and official seal

Deborah A. Valle
Deborah A. Valle, Notary Public

RECEIVED
APR 08 2009
WATER RESOURCES DEPT
SALEM, OREGON

After recording, return to:
Anver Ltd.
15 OREGON AVENUE BETHLEHEM, PA 18015



RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

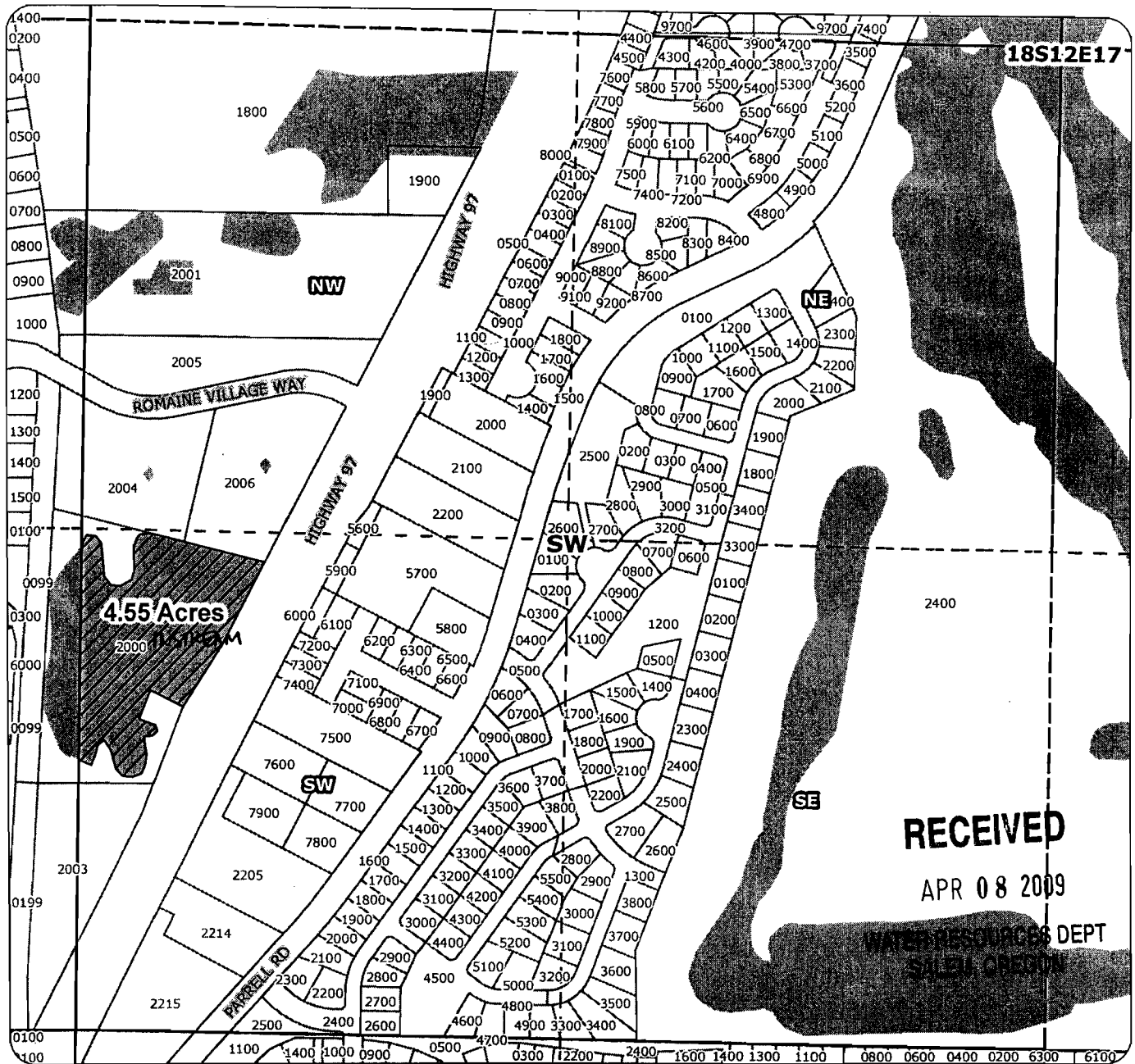
A parcel of land located in a portion of the South One-Half (S1/2) of Section Thirteen (13), Township Eighteen (18) South, Range Eleven (11) East of the Willamette Meridian, City of Bend, Deschutes County, Oregon, being more particularly described as follows:

Beginning at a point on the South line of said Section 13 which bears South 89°53'25" West, a distance of 80.01 feet from the Southeast corner of said Section 13, said beginning point also being on the Westerly right-of-way line of Brookwood Boulevard; thence leaving said Westerly right-of-way line and continuing along said South Section line South 89°53'35" West, a distance of 2581.87 feet to the South one-quarter corner of said Section 13; thence continuing along said South Section line South 89°53'31" West, a distance of 364.81 feet to a point which bears North 89°51'31" East, a distance of 2297.03 feet from the Southwest corner of said Section 13; thence leaving said South Section line North 13°43'49" East, a distance of 149.39 feet; thence South 89°23'49" East, a distance of 75.79 feet; thence North 28°48'13" East, a distance of 104.46 feet; thence 45.17 feet along the arc of a tangent curve to the right with a radius of 113.50 feet, the chord of which bears North 87°18'18" East, a distance of 44.87 feet; thence North 12°26'39" East, a distance of 56.73 feet; thence North 35°28'23" East, a distance of 128.90 feet; thence North 14°44'51" East, a distance of 60.96 feet; thence North 11°05'46" West, a distance of 151.44 feet; thence North 24°29'34" West, a distance of 143.41 feet; thence North 58°33'19" West, a distance of 85.32 feet; thence North 75°28'41" East, a distance of 143.42 feet; thence North 61°01'31" East, a distance of 1132.87 feet; thence South 88°28'39" East, a distance of 5.43 feet; thence 32.15 feet along the arc of a tangent curve to the left with a radius of 28.03 feet, the chord of which bears North 84°10'30" East, a distance of 29.93 feet; thence 35.94 feet along the arc of a reverse curve to the right with a radius of 40.00 feet, the chord of which bears North 43°04'11" East, a distance of 34.74 feet; thence North 00°00'00" East, a distance of 32.15 feet; thence South 49°54'17" West, a distance of 35.56 feet; thence North 89°00'00" West, a distance of 12.38 feet; thence North 83°17'37" West, a distance of 431.19 feet; thence North 00°34'33" West, a distance of 38.80 feet; thence North 00°43'19" East, a distance of 100.75 feet; thence North 49°32'53" East, a distance of 100.01 feet; thence North 58°44'18" East, a distance of 91.39 feet; thence North 87°03'41" East, a distance of 373.91 feet to a point on the East-West centerline of said Section 13 which bears North 89°29'14" East, a distance of 2786.10 feet from the West one-quarter corner of said Section 13; thence along said East-West Section centerline North 89°29'14" East, a distance of 1609.96 feet to a point on the Westerly right-of-way line of Brookwood Boulevard which bears South 89°39'34" West, a distance of 982.15 feet from the East one-quarter corner of said Section 13; thence along said Westerly right-of-way line the following two (2) curves and two (2) courses:

714.81 feet along a non-tangent curve to the left with a radius of 1040.00 feet, the chord of which bears South 27°09'07" East, a distance of 719.50 feet;
South 47°23'07" East, a distance of 319.18 feet;
800.61 feet along the arc of a tangent curve to the right with a radius of 960.00 feet, the chord of which bears South 23°25'03" East, a distance of 779.44 feet;
South 00°32'01" West, a distance of 108.37 feet;

Thence leaving said Westerly right-of-way line North 89°24'31" West, a distance of 39.11 feet; thence South 30°49'38" West, a distance of 193.48 feet; thence South 00°39'45" West, a distance of 317.83 feet; thence 249.71 feet along a non-tangent curve to the left with a radius of 298.77 feet, the chord of which bears South 78°26'46" East, a distance of 247.89 feet; thence South 89°38'21" East, a distance of 211.88 feet to a point on said Westerly right-of-way line of Brookwood Boulevard; thence along said Westerly right-of-way line South 00°32'01" West, a distance of 382.33 feet, to the point of beginning, the terminus of this description.

2008 Arnold Irrigation District Instream Lease Map





RECEIVED

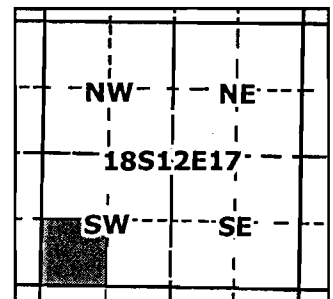
APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
Ward (Gold Beach Investment Group)
Taxlot 2000 - 4.55 Acres
in 18S12E17SWSW
Total Lease of 4.55 Acres



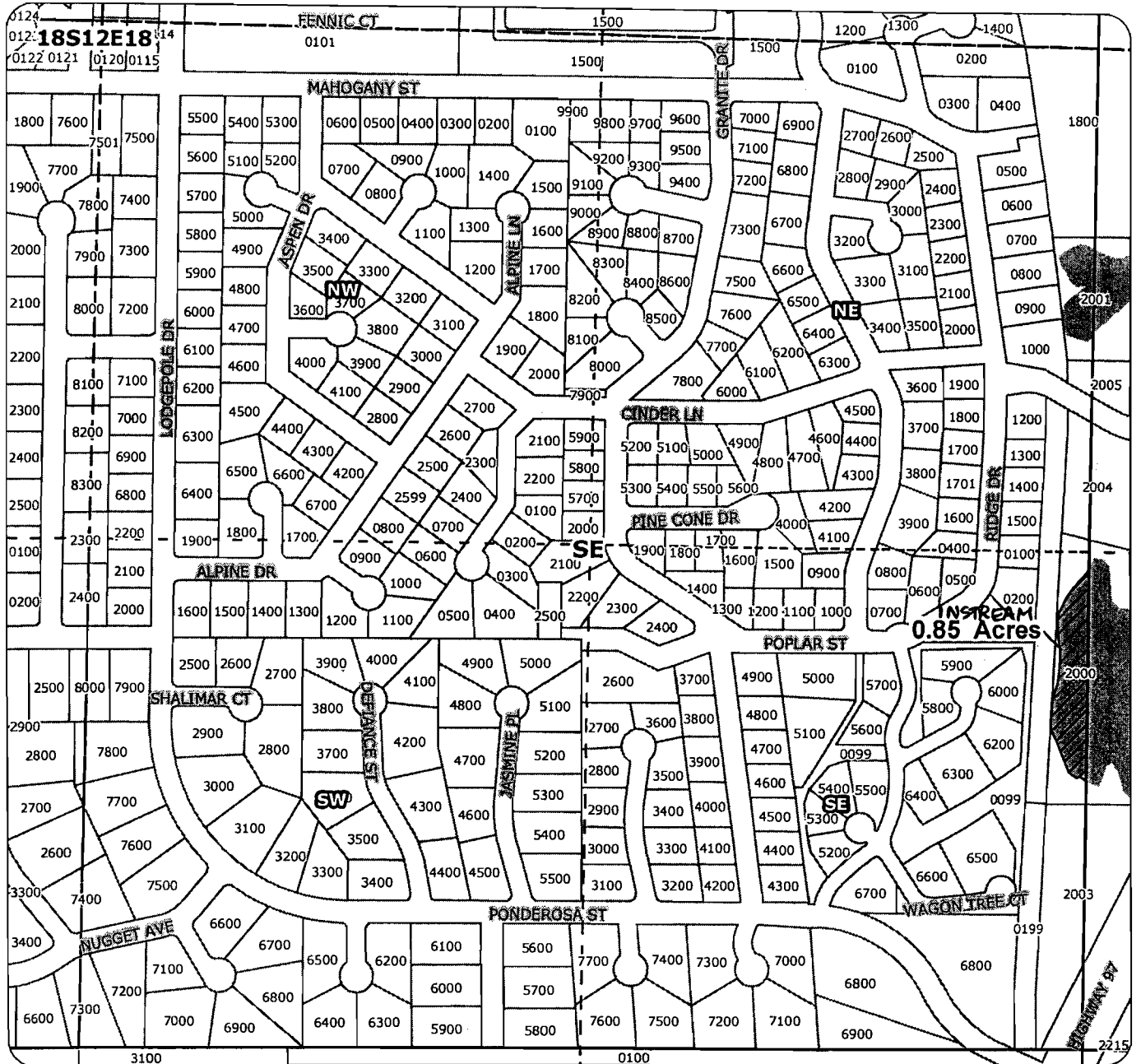
Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: May 2008





1 inch equals 400 feet

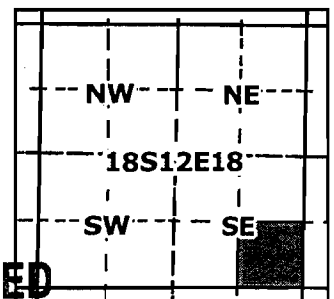
2008 Arnold Irrigation District Instream Lease Map



Application for 1-year Instream Lease Primary: Certificate 74197

-  Proposed Lease of Irrigation Rights
-  Water Rights

For:
Ward (Gold Beach Investment Group)
Taxlot 2000 - 0.85 Acres
in 18S12E18SESE
Total Lease of 0.85 Acres



RECEIVED



Geo-Spatial Solutions, Inc.
www.geospatialolutions.com

Date Created: May 2008

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON



1 inch equals 400 feet

Arnold Irrigation District

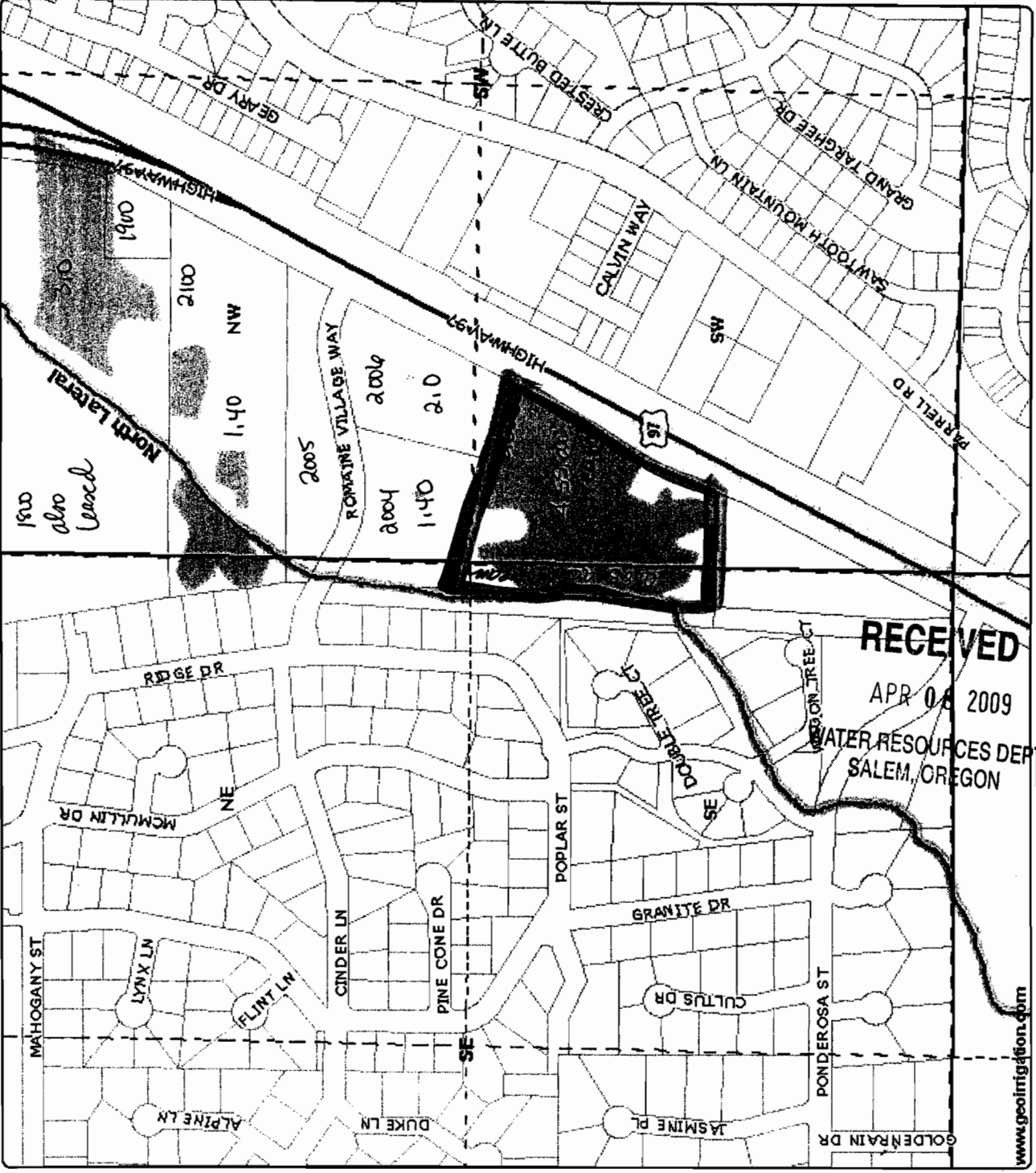
Gold Beach Investment Group, LLC

181217-00-02000 - 5.40 ac /
 181217-SWSW-02000 - 4.55 ac /
 181217-SESE-2000 - 0.85 ac.

- District Boundary
- County Boundary
- State Roads
- Roads
- Township Range
- Sections
- Section Labels
- Quarters
- Quarter Labels
- Quarter Quarters
- Quarter Quarter Labels
- Easements
- Gauging Station
- Canal All
- Canal Piped
- Canal Open
- Rivers
- Place of Use Fill



Scale 1" = 400'
 Created: 3/29/2008



www.geointegration.com
 DISCLAIMER: This map is intended for display purposes only and is not intended for any legal representations. There are no warranties, expressed or implied, that accompany this product.

District Internal
Notice #

State of Oregon
WATER RESOURCES DEPARTMENT
NOTICE OF DISTRICT PERMANENT TRANSFER
(ORS 540.580)



Arnold Irrigation District
P.O. Box 9220
Bend, Oregon 97703
PHONE: 341-332-7654 FAX: 341-332-0333

1. WATER RIGHT
CERTIFIC. NO. 97197
PRIORITY DATE 02/01/1903 - 02/23/1903
DESCHUTES COUNTY
WATER RIGHT UNDER NAME OF ARNOLD IRRIGATION DISTRICT

2. APPLICANT
NAME: Gold Beach Investment Group, LLC Owner: Rick Boro
ADDRESS: Mailing Address: P.O. Box 1777 Bend, OR 97709, Property Address: 60835 S Hwy 97 Bend, OR 97702
ENCUMBRANCES:

3. TYPE OF CHANGE: PERMANENT CHANGE IN PLACE OR USE

4. LOCATION OF USE
AUTHORIZED POINT OF DIVERSION

APR 08 2008

LOCATION OF AUTHORIZED PLACE OF USE

TOWNSHIP	RANGE	SECTION	1/4 OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE
18	12	17	SWSW	02000	4.55	
18	12	18	NESE	02000	0.85	

5. RECIPIENT
NAME: JL Ward Company, Owner: Jan Ward
ADDRESS: 20505 Murphy Rd., Bend, OR 97702

6. LOCATION OF PROPOSED USE

TOWNSHIP	RANGE	SECTION	1/4 OF SECTION	TAX LOT	# OF ACRES IRRIGATED	OTHER USE

7. EXHIBITS

A Map showing the location of the present and proposed irrigated lands.

ARNOLD IRRIGATION DISTRICT hereby certifies that the applicant and recipient are the beneficial and subject properties and that our files are accurate with a copy of the recorded documents that the applicant has and has been irrigated within the last five years or the right applicant and subject to the claims, and that applicant and recipient hereby authorize the transfer proposed herein.

NOTICE IS HEREBY GIVEN that this proposed change is subject to the approval of the Water Resources Department and that the Water Resources Department may effect the transfer or may require mitigation to avoid injury to other water right holders.

ARNOLD IRRIGATION DISTRICT AND APPLICANT HEREBY SWEAR THAT THE ABOVE NOTICE FOR TRANSFER OF WATER RIGHT AND THE STATEMENTS MADE ARE TRUE AND CORRECT.

APPLICANT	<i>Rick Boro</i>	3/13/2008
	Rick Boro, Gold Beach Investment Group, LLC	Date
RECIPIENT	<i>Jan Ward</i>	3/15/2008
	Jan Ward, JL Ward Company	Date
FOR DISTRICT		
	Name	Date



00605402200800131710030030

\$41.00

03/24/2008 03:51:33 PM

D-D Cnt=1 Stn=25 CLERK

\$15.00 \$11.00 \$10.00 \$5.00

BARGAIN AND SALE DEED

After Recording Return to:
 Juanita DeJarnett
 Arnold Irrigation District
 P.O. Box 9220
 Bend, OR 97708-9220

Unless a change is requested,
 All tax statements shall be sent to:
 Arnold Irrigation District
 P.O. Box 9220
 Bend, OR 97708-9220

The true consideration for this transfer is \$2,500.00 per acre plus other valuable consideration received.

Gold Beach Investment Group, LLC, Grantor, conveys to J.L. Ward Company, Grantee, at the following described real property: See Exhibit "A"

5.40 acres of Arnold Irrigation District water rights located upon the following described real property, to-wit: Map 181217-SW ¼ SW ¼ and 181218 NE ¼ SE ¼ Tax Lot 02000, located in Deschutes County, Oregon

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 THE 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 FARM 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 28th day of February, 2008.

RECEIVED

APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

Richard A. Boro
Rick Boro, Owner, Gold Beach Investment Group, LLC, Grantor

STATE OF OREGON, County of Deschutes) ss:

SIGNED before me on the 03 day of March, 2008, by Richard A Boro, Grantor.



[Signature]
NOTARY PUBLIC FOR OREGON
My commission expires: Oct 24, 2010

ACCEPTANCE

Jan L. Ward, owner, JL Ward Company, does hereby accept the foregoing Bargain and Sale Deed conveying water rights.

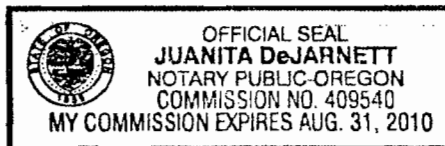
DATED this 5th day of March, 2008.

JL Ward Company

By: [Signature]
Jan L. Ward, Owner

STATE OF OREGON, County of Deschutes) ss.

Before me, a Notary Public, personally appeared Jan L. Ward the above-named owner, and acknowledged the foregoing instrument on behalf of JL Ward Company. Before me this 5th day of March, 2008.



[Signature]
Notary Public for Oregon
My Commission Expires: Aug. 31, 2010

Exhibit "A"

A parcel of land located in Sections 17 and 18, TOWNSHIP 18 SOUTH RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, more particularly described as follows:

A tract of land in the East Half of the Southeast Quarter (E ½ SE ¼) of Section 18 and the West Half of the Southwest Quarter (W ½ SW ¼) of Section 17, Beginning at a point on the Section line between said Sections 17 and 18, 3131.9 feet Southerly from the Northwest corner of said Section 17, thence Southerly along the Section line 322.5 feet to a point; thence South 89° 33' East, 846 feet to the West right of way line of the Dalles-California Highway, 1931 location; thence Southwesterly along said West right of way line of said highway, 2040 feet more or less to a point on the South line of said Section 18; thence West 25 feet more or less to a point on the East right of way line of the Brooks-Scanlon Inc. railroad as presently located; thence Northerly along the said East right of way line of said Railroad, 2160 feet more or less to a point which is due West of the Point of Beginning; thence east 140 feet to the Point of Beginning.

EXCEPT, commencing at the Northwest corner of said Section 17; thence south 00° 27' West, 3,454.40 feet along the West line of said section 17, to the True Point of Beginning; thence South 89° 33' 00" East, 811.47 feet to the Westerly right of way line of the Dalles-California Highway 97; thence South 26° 56' 07" West, 121.83 feet, along said westerly right of way line; thence around a 25.00 foot radius curve right 39.27 feet, long chord bears South 71° 56' 07" East, 35.36 feet; thence North 63° 03' 53" west, 15.67 feet; thence around a 280.00 foot radius curve left, 188.49 feet, long chord bears North 82° 20' 58" West, 184.95 feet; thence South 78° 21' 57" West, 294.34 feet; thence around a 270.00 foot radius curve right, 189.73 feet, long chord bears North 81° 30' 13" West, 185.85 feet; thence North 61° 22' 23" West, 138.56 feet; thence North 02° 26' 29" East, 59.80 feet; thence East, 65.80 feet to the True Point of the Beginning;

ALSO EXCEPTING, commencing at the Northwest corner of said Section 17, thence South 00° 27' West, 3,619.10 feet along the West line of said Section 17 to the True Point of Beginning; thence south 61° 22' 23" East, 29.42 feet; thence around a 330 foot radius curve to the left, 231.89 feet, long chord bears South 81° 30' 13" East, 227.15 feet; thence North 78° 21' 57" East, 107.85 feet; thence South 13° 39' 18" West, 361.10 feet; thence North 76° 20' 42" West, 365.00 feet; thence North 2° 26' 29" East 329.08 feet; thence South 61° 22' 23" East, 79.64 feet to the True Point of Beginning.

ALSO EXCEPTING, commencing at the Northwest corner of said section 17; thence South 17; thence South 00° 27' West, 3929.52 feet along the West line of said Section 17; thence South 76° 20' 42" East, 281.25 feet to the True Point of Beginning; thence North 13° 39' 18" East, 361.10 feet; thence North 78° 21' 57" East, 186.49 feet; thence around a 220.00 foot radius curve to the right, 148.10 feet, long chord bears South 82° 20' 58" East, 145.32 feet; thence South 63° 03' 53" East, 15.67 feet; thence around a 25.00 foot radius curve to the right, 39.27 feet, long chord bears South 18° 03' 53" East, 35.36 feet to a point on the Westerly right of way of the Dalles-California Highway 97; thence South 26° 56' 07" West, 433.90 feet along said Westerly right of way line; thence North 76° 20' 42" West, 247.30 feet to the True Point of beginning, EXCEPTING that portion lying within the Dalles-California Highway.

ALSO EXCEPTING, beginning at a point whence the Southeast corner of said Section 18 bears North 89° 26' 33" East, 92.34 feet; thence South 89° 26' 33" West, 20.21 feet to a point, said pint being True Point of Beginning, said point also being the intersection of the East right of way of Brooks Scanlon Logging Road and South boundary line of said Section 18; thence North 07° 15' 27" West along said East right of way 144.12 feet; thence continuing along said right of way North 03° 11' 51" East, 512.50 feet; thence leaving said right of way South 89° 33' 00" East 341.04 feet to a point on the West right of way of the Dalles-California Highway; thence South along said Dalles-California right of way South 26° 56' 07" West, 730.92 feet to a point on the South line of Section 18; thence West along said line to the Point of Beginning.

ALSO EXCEPTING, beginning at a point on the Section line between Section 17 and 18, 3131.9 feet from the Northeast corner of said Section 17 and running thence South 89° 33' East, 1003.7 feet to the West right of way line of the Dalles-California Highway; thence Southwesterly 350 feet along the said West right of way line of the said Dalles-California Highway; thence North 89° 33' West, 846 feet, more or less, to the West line of section 17; thence North 0° 27' East, 322.5 feet along the West Section line of Section 17 to the Point of Beginning.

ALSO EXCEPTING, beginning at a point on the Station line between Sections 17 and 18, a distance of 3131.9 feet South from the Northeast corner of said Section 18; thence South 0° 27' West, 322.5 feet; thence due West to a point located on the Easterly right of way line of Brooks Scanlon, Inc., railroad; thence Northerly along the Easterly boundary of said Brooks-Scanlon, Inc. railroad to a point located due West of the Point of Beginning; thence East, a distance of 140 feet to the Point of Beginning.

ALSO EXCEPTING that portion lying within the Dalles-California Highway and Romaine Village Way.

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WATER RESOURCES DEPT
SALEM, OREGON

DESCHUTES COUNTY OFFICIAL RECORDS
NANCY BLANKENSHIP, COUNTY CLERK

2007-11056



\$51.00

00536542200700110560050050

02/23/2007 12:07:29 PM

D-D Cntel Strm26 SRB
\$25.00 \$11.00 \$10.00 \$5.00



THIS

After recording return to:
Gold Beach Investment Group LLC
PO Box 2121
Sisters, Oregon 97759

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

Same as above

File No.: 7062-969921
D-te: February 22, 2007

STATUTORY BARGAIN AND SALE DEED

High Mountain Properties, LLC as to Parcel 1; and Mountain Brook Development, LLC, as to
Parcels 2 and 3, Grantor, conveys to Gold Beach Investment Group, LLC, Grantee, the following
described real property:

See Exhibit "A" attached hereto and made a part hereof

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 consideration for this conveyance is **\$vesting correction**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE
INSURANCE COMPANY OF OREGON
P.O. BOX 323
BEND, OR 97709

SIGNATURE AND NOTARY ACKNOWLEDGMENT
ATTACHED HERETO AND BY THIS REFERENCE MADE A PART HEREOF.

Exhibit "A"

Real property in the County of Deschutes, State of Oregon, described as follows:

PARCEL 1:

A parcel of land located in Sections 17 and 18, TOWNSHIP 18 SOUTH RANGE 12 EAST OF THE WILLAMETTE MERIDIAN, Deschutes County, Oregon, more particularly described as follows:

A tract of land in the East Half of the Southeast Quarter (E 1/2 SE 1/4) of Section 18 and the West Half of the Southwest Quarter (W 1/2 SW 1/4) of Section 17, beginning at a point on the Section line between said Sections 17 and 18, 3131.9 feet Southerly from the Northwest corner of said Section 17; thence Southerly along the Section line 322.5 feet to a point; thence South 89° 33' East, 846 feet to the West right of way line of the Dalles-California Highway, 1931 location; thence Southwesterly along said West right of way line of said highway, 2040 feet more or less to a point on the South line of said Section 18; thence West 25 feet more or less to a point on the East right of way line of the Brooks-Scanlon Inc. Railroad as presently located; thence Northerly along the said East right of way line of said Railroad, 2160 feet more or less to a point which is due West of the Point of Beginning; thence East 140 feet to the Point of Beginning.

EXCEPT, commencing at the Northwest corner of said Section 17; thence South 00° 27' West, 3,454.40 feet along the West line of said Section 17, to the True Point of Beginning; thence South 89° 33' 00" East, 811.47 feet to the Westerly right of way line of the Dalles-California Highway 97; thence South 26° 56' 07" West, 121.83 feet, along said Westerly right of way line; thence around a 25.00 foot radius curve right, 39.27 feet, long chord bears South 71° 56' 07" East, 35.36 feet; thence North 63° 03' 53" West, 15.67 feet; thence around a 280.00 foot radius curve left, 188.49 feet, long chord bears North 82° 20' 58" West, 184.95 feet; thence South 78° 21' 57" West, 294.34 feet; thence around a 270.00 foot radius curve right, 139.73 feet, long chord bears North 81° 30' 13" West, 185.85 feet; thence North 61° 22' 23" West, 136.56 feet; thence North 02° 26' 29" East, 59.80 feet; thence East, 65.80 feet to the True Point of Beginning;

ALSO EXCEPTING, commencing at the Northwest corner of said Section 17; thence South 00° 27' West, 3,619.10 feet along the West line of said Section 17 to the True Point of Beginning; thence South 61° 22' 23" East, 29.42 feet; thence around a 330.00 foot radius curve to the left, 231.89 feet, long chord bears South 81° 30' 13" East, 227.15 feet; thence North 78° 21' 57" East, 107.85 feet; thence South 13° 39' 18" West, 361.10 feet; thence North 76° 20' 42" West, 365.00 feet; thence North 2° 26' 29" East, 329.08 feet; thence South 61° 22' 23" East, 79.64 feet to the True Point of Beginning.

ALSO EXCEPTING, commencing at the Northwest corner of said Section 17; thence South 00° 27' West, 3,929.52 feet along the West line of said Section 17; thence South 76° 20' 42" East, 281.25 feet to the True Point of Beginning; thence North 13° 39' 18" East, 361.10 feet; thence North 78° 21' 57" East, 186.49 feet; thence around a 220.00 foot radius curve to the right, 148.10 feet, long chord bears South 82° 20' 58" East, 145.32 feet; thence South 63° 03' 53" East, 15.67 feet; thence around a 25.00 foot radius curve to the right, 39.27 feet, long chord bears South 18° 03' 53" East, 35.36 feet, to a point on the Westerly right of way of the Dalles-California Highway 97; thence South 26° 56' 07" West, 433.90 feet along said Westerly right of way line; thence North 76° 20' 42" West, 247.30 feet to the True Point of beginning. EXCEPTING that portion lying within the Dalles-California Highway.

ALSO EXCEPTING, beginning at a point whence the Southeast corner of said Section 18 bears North 89° 26' 33" East, 92.34 feet; thence South 89° 26' 33" West, 20.21 feet to a point, said point being True Point of Beginning, said point also being the intersection of the East right of way of Brooks Scanlon Logging Road and South boundary line of said Section 18; thence North 07° 15' 27" West along said East right of way 144.12 feet; thence continuing along said right of way North 03° 11' 51" East, 512.50 feet; thence leaving said right of way South 89° 33' 00" East 341.04 feet to a point on the West right of way of the Dalles-California Highway; thence South along said Dalles-California right of way South 26° 56' 07" West, 730.92 feet to a point on the South line of Section 18; thence West along said line to the Point of Beginning.

ALSO EXCEPTING, beginning at a point on the Section line between Section 17 and 18, 3131.9 feet from the Northeast corner of said Section 17 and running thence South 89° 33' East, 1003.7 feet to the West right of way line of the Dalles-California Highway; thence Southwesterly 350 feet along the said West right of way line of the said Dalles-California Highway; thence North 89° 33' West, 846 feet, more or less, to the West line of section 17; thence North 0° 27' East, 322.5 feet along the West Section line of Section 17 to the Point of Beginning.

ALSO EXCEPTING, beginning at a point on the Section line between Sections 17 and 18, a distance of 3131.9 feet South from the Northeast corner of said Section 18; thence South 0° 27' West, 322.5 feet; thence due West to a point located on the Easterly right of way line of Brooks Scanlon, Inc., railroad; thence Northerly along the Easterly boundary of said Brooks-Scanlon, Inc. railroad to a point located due West of the Point of Beginning; thence East, a distance of 140 feet to the Point of Beginning.

ALSO EXCEPTING that portion lying within the Dalles-California Highway and Romaine Village Way. AND EXCEPTING that portion deeded to the State of Oregon, by and through its Department of Transportation, recorded February 24, 1988 in Book 159, Page 72 of Deed Records.

PARCEL 2:

A tract of land located in the Southwest Quarter of the Southwest Quarter (SW ¼ SW ¼) of Section Seventeen (17), and the Southeast Quarter of the Southeast Quarter (SE ¼ SE ¼) of Section Eighteen (18), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, more particularly described as follows:

Beginning at a point whence the Southeast corner of said Section 18 bears North 89° 26' 33" East, 92.34 feet; thence South 89° 26' 13" West 20.21 feet to a point, said point being the true point of beginning; said point also being the intersection of the East right-of-way of Brooks Scanlon Logging Road and South boundary line of said Section 18; thence North 07° 15' 27" West along said East right-of-way 144.12 feet; thence continuing along said right-of-way North 03° 11' 51" East, 512.50 feet; thence leaving said right-of-way South 89° 33' 00" East, 341.04 feet to a point on the West right-of-way of the Dalles-California Highway; thence South along said Dalles-California Highway right-of-way South 26° 56' 07" West, 730.92 feet to a point on the South line of Section 18; thence West along said line to the point of beginning.

EXCEPTING THEREFROM a parcel acquired by the Oregon State Highway Commission by deed recorded September 27, 1967 in Book 155, Page 223, Deed Records, Deschutes County, Oregon, AND EXCEPTING THEREFROM that portion deeded to the State of Oregon, by and through its Department of Transportation, recorded January 14, 1988 in Book 157, Page 1133 of Official Records.

PARCEL 3:

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APR 08 2009

WATER RESOURCES DEPT
SALEM, OREGON

That portion of the logging road right-of-way as retained by Brooks-Scanlon Lumber Company in deeds of conveyance to Charles F. Williamson and Lola May Williamson, recorded May 9, 1941 in Book 60, Page 50, Deed Records; to Clarence E. McGuire and Esther McGuire, recorded June 14, 1940 in Book 58, Page 622, Deed Records; and to O.H. Rowland and Nancy G. Rowland, recorded July 31, 1941 in Book 60, Page 278, Deed Records, said logging road right of way being situate in and a part of the East Half of the East Half (E 1/2 E 1/2) of Section Eighteen (18), Township Eighteen (18) South, Range Twelve (12) East of the Willamette Meridian, Deschutes County, Oregon, said portion described as follows:

Beginning at the intersection of the East line of said road right-of-way with the South boundary of said Section 18; thence North 07° 15' 27" West along said right-of-way 144.12 feet; thence North 03° 11' 15" East 512.50 feet; thence North 89° 33' 00" West 60 feet more or less to the Easterly line of the Plat of Waywest Properties as recorded with the Deschutes County Clerk; thence Southerly along said Easterly plat line to the intersection with the South line of said Section 18; thence Easterly along the South line of said Section 18 to the point of beginning.

Tax Parcel Number: 121087, 121085 and 156876