

JUN 22 2023

Application for a Permit to Use
Surface Water



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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME T&K SESTER FAMILY, LLC ATTN: TED SESTER			PHONE (HM)	
PHONE (WK) 503-351-8954	CELL		FAX	
ADDRESS 24200 SE HIGHWAY 212				
CITY DAMASCUS	STATE OR	ZIP 97089	E-MAIL * TED@SESTERFARMS.COM	

Organization

NAME			PHONE		FAX
ADDRESS				CELL	
CITY	STATE	ZIP	E-MAIL *		

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

AGENT / BUSINESS NAME THEODORE RESSLER, RG, CWRE – SUMMIT WATER RESOURCES, LLC			PHONE 503-967-7050		FAX
ADDRESS PO BOX 11268				CELL 503-701-4535	
CITY PORTLAND	STATE OR	ZIP 97211	E-MAIL * TRESSLER@SUMMITWR.COM		


Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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


Ted Sester
Ted Sester / owner
5/11/2023
 Applicant Signature Print Name and Title if applicable Date

 Applicant Signature Print Name and Title if applicable Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances **(for all land other than tax lot 23E10AC01801)**
- NO, I have a recorded easement or written authorization permitting access **(see Attachment 3)**
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Sue Landwehr Trust, 22346 SE Ridgeview Drive, Damascus, OR 97089

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map. **(Provided in Attachment 3)**

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Stored Water (Hwy 212 Recovery Pond)	Tributary to: Noyer Creek
TRSQQ of POD: T2S, R3E, S10, NENE	
Source 2:	Tributary to:
TRSQQ of POD:	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R-15571 (Application R-89278)

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B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in Section 3A above?

Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Stored Water (Hwy 212 Recovery Pond)	Nursery Use	Year-round	50 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.
 Primary: 0 Acres Supplemental: 0 Acres Nursery Use: 263.5 Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): N/A
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 50 AF

- If the use is **municipal or quasi-municipal**, attach **Form M** N/A
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction: N/A

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): Two (2) 75-HP line shaft turbine pumps and one (1) 20-HP submersible

Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

The pumps will be installed inside a concrete pump chamber installed in the reservoir. The water diverted by the pumps will be conveyed directly to the closed-pipe distribution system that supplies water for the farm and nursery.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Water will be applied using a combination of overhead sprinklers and drip irrigation

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C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: **OWRD**
prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is needed for 263.5 acres of nursery use. Water will only be appropriated in the amount needed for nursery operations without waste. Water will be applied using a combination of drip and overhead sprinklers, which will help to prevent runoff and adverse impacts to aquatic life, riparian habitat, or public uses of surface water.

SECTION 7: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: The source of water for this application is stored water from an off-channel reservoir constructed under Permit R-15571. This reservoir is part of the nursery's water system and as such, no native or game fish will be present in the reservoir. Regardless, screening of the diversion intakes is planned to prevent damage to the pumping equipment and minimize debris within the water conveyance system.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: No excavation or clearing of banks is required to divert water for use as requested by this application. The main irrigation pump station was installed part of the construction of the reservoir (authorized for construction under Permit R-15571).
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: The source of water for this application is stored water from an off-channel reservoir constructed under Permit R-15571. This reservoir is part of the nursery's water system and as such, aquatic life should not be present in the reservoir.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Water will be conveyed through a closed pipe system, and will be applied using drip and overhead sprinklers. The system will be designed to use water efficiently, and minimize erosion and runoff.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: 2023
b) Date construction will be completed: Within 5 years of permit issuance
c) Date beneficial water use will begin: Within 5 years of permit issuance

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district. N/A

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

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Attachment 1
Minimum Requirements Checklist

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt. [Attachment 2](#)
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. [Attachment 3](#)
- Fees - Amount enclosed: **\$2,082**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items: [Attachment 4](#)
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Attachment 2
Land Use Information Form

Land Use Information Form



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

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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

Land Use Information Form



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

Applicant

NAME T&K SESTER FAMILY, LLC ATTN: TED SESTER		PHONE (HM)	
PHONE (WK) 503-351-8954	CELL	FAX	
ADDRESS 24200 SE HIGHWAY 212			
CITY DAMASCUS	STATE OR	ZIP 97089	E-MAIL * TED@SESTERFARMS.COM

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NENE</u>	<u>0100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NENE</u>	<u>0200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NENE</u>	<u>0300</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>SENE</u>	<u>0300</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>SENE</u>	<u>1801</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NESE</u>	<u>2500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NESE</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>NWSE</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>SWSE</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>10</u>	<u>SESE</u>	<u>2600</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>NWNW</u>	<u>1700</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>SWNW</u>	<u>1900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>SWNW</u>	<u>2000</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>SENW</u>	<u>2000</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>NWSW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>
<u>2S</u>	<u>3E</u>	<u>11</u>	<u>SWSW</u>	<u>2100</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Nursery</u>

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Clackamas County

B. Description of Proposed Use

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Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water Water Right Transfer Permit Amendment or Groundwater Registration Modification
- Limited Water Use License Allocation of Conserved Water Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: 50 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)

Municipal Quasi-Municipal Instream Other **Nursery Use**

Briefly describe:

The applicant is proposing to use 50 acre-feet of stored water from an off-channel reservoir (authorized for construction under Permit R-15571) for nursery use at an existing farm.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 401-1 Farm & Forest table of uses.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Farm use as defined in Oregon Revised Statutes (ORS) 215.203 & 215.203(G) Water impoundments lying in or adjacent to and in common ownership with farm use land

NAME Roman Sierra	TITLE: Planner I
SIGNATURE RSIERRA <small>Digitally signed by: RSIERRA DN: cn = RSIERRA email = RSIERRA@clackamas.us Date: 2023.09.19 09:55:27 -0700</small>	PHONE: 503-742-4516
DATE: 5/30/23	
GOVERNMENT ENTITY Clackamas County	

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Attachment 3
Legal Description



First American

Commitment

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

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COMMITMENT FOR TITLE INSURANCE

JUN 22 2023

Issued By

FIRST AMERICAN TITLE INSURANCE COMPANY

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NOTICE

IMPORTANT-READ CAREFULLY: THIS COMMITMENT IS AN OFFER TO ISSUE ONE OR MORE TITLE INSURANCE POLICIES. ALL CLAIMS OR REMEDIES SOUGHT AGAINST THE COMPANY INVOLVING THE CONTENT OF THIS COMMITMENT OR THE POLICY MUST BE BASED SOLELY IN CONTRACT.

THIS COMMITMENT IS NOT AN ABSTRACT OF TITLE, REPORT OF THE CONDITION OF TITLE, LEGAL OPINION, OPINION OF TITLE, OR OTHER REPRESENTATION OF THE STATUS OF TITLE. THE PROCEDURES USED BY THE COMPANY TO DETERMINE INSURABILITY OF THE TITLE, INCLUDING ANY SEARCH AND EXAMINATION, ARE PROPRIETARY TO THE COMPANY, WERE PERFORMED SOLELY FOR THE BENEFIT OF THE COMPANY, AND CREATE NO EXTRACTIONAL LIABILITY TO ANY PERSON, INCLUDING A PROPOSED INSURED.

THE COMPANY'S OBLIGATION UNDER THIS COMMITMENT IS TO ISSUE A POLICY TO A PROPOSED INSURED IDENTIFIED IN SCHEDULE A IN ACCORDANCE WITH THE TERMS AND PROVISIONS OF THIS COMMITMENT. THE COMPANY HAS NO LIABILITY OR OBLIGATION INVOLVING THE CONTENT OF THIS COMMITMENT TO ANY OTHER PERSON.

COMMITMENT TO ISSUE POLICY

Subject to the Notice; Schedule B, Part I-Requirements; Schedule B, Part II-Exceptions; and the Commitment Conditions, **First American Title Insurance Company**, a Nebraska Corporation (the "Company"), commits to issue the Policy according to the terms and provisions of this Commitment. This Commitment is effective as of the Commitment Date shown in Schedule A for each Policy described in Schedule A, only when the Company has entered in Schedule A both the specified dollar amount as the Proposed Policy Amount and the name of the Proposed Insured.

If all of the Schedule B, Part I-Requirements have not been met within 90 days after the Commitment Date, this Commitment terminates and the Company's liability and obligation end.

First American Title Insurance Company

Dennis J. Gilmore, President

Greg L. Smith, Secretary

If this jacket was created electronically, it constitutes an original document.

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COMMITMENT CONDITIONS

1. DEFINITIONS

- (a) "Knowledge" or "Known": Actual or imputed knowledge, but not constructive notice imparted by the Public Records.
- (b) "Land": The land described in Schedule A and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is to be insured by the Policy.
- (c) "Mortgage": A mortgage, deed of trust, or other security instrument, including one evidenced by electronic means authorized by law.
- (d) "Policy": Each contract of title insurance, in a form adopted by the American Land Title Association, issued or to be issued by the Company pursuant to this Commitment.
- (e) "Proposed Insured": Each person identified in Schedule A as the Proposed Insured of each Policy to be issued pursuant to this Commitment.
- (f) "Proposed Policy Amount": Each dollar amount specified in Schedule A as the Proposed Policy Amount of each Policy to be issued pursuant to this Commitment.
- (g) "Public Records": Records established under state statutes at the Commitment Date for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge.
- (h) "Title": The estate or interest described in Schedule A.

2. If all of the Schedule B, Part I—Requirements have not been met within the time period specified in the Commitment to Issue Policy, this Commitment terminates and the Company's liability and obligation end.

3. The Company's liability and obligation is limited by and this Commitment is not valid without:

- (a) the Notice;
- (b) the Commitment to Issue Policy;
- (c) the Commitment Conditions;
- (d) Schedule A;
- (e) Schedule B, Part I—Requirements; and
- (f) Schedule B, Part II—Exceptions.

4. COMPANY'S RIGHT TO AMEND

The Company may amend this Commitment at any time. If the Company amends this Commitment to add a defect, lien, encumbrance, adverse claim, or other matter recorded in the Public Records prior to the Commitment Date, any liability of the Company is limited by Commitment Condition 5. The Company shall not be liable for any other amendment to this Commitment.

5. LIMITATIONS OF LIABILITY

- (a) The Company's liability under Commitment Condition 4 is limited to the Proposed Insured's actual expense incurred in the interval between the Company's delivery to the Proposed Insured of the Commitment and the delivery of the amended Commitment, resulting from the Proposed Insured's good faith reliance to:
 - (i) comply with the Schedule B, Part I—Requirements;
 - (ii) eliminate, with the Company's written consent, any Schedule B, Part II—Exceptions; or
 - (iii) acquire the Title or create the Mortgage covered by this Commitment.
- (b) The Company shall not be liable under Commitment Condition 5(a) if the Proposed Insured requested the amendment or had Knowledge of the matter and did not notify the Company about it in writing.
- (c) The Company will only have liability under Commitment Condition 4 if the Proposed Insured would not have incurred the expense had the Commitment included the added matter when the Commitment was first delivered to the Proposed Insured.
- (d) The Company's liability shall not exceed the lesser of the Proposed Insured's actual expense incurred in good faith and described in Commitment Conditions 5(a)(i) through 5(a)(iii) or the Proposed Policy Amount.
- (e) The Company shall not be liable for the content of the Transaction Identification Data, if any.
- (f) In no event shall the Company be obligated to issue the Policy referred to in this Commitment unless all of the Schedule B, Part I—Requirements have been met to the satisfaction of the Company.
- (g) In any event, the Company's liability is limited by the terms and provisions of the Policy.

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6. LIABILITY OF THE COMPANY MUST BE BASED ON THIS COMMITMENT

- (a) Only a Proposed Insured identified in Schedule A, and no other person, may make a claim under this Commitment.
- (b) Any claim must be based in contract and must be restricted solely to the terms and provisions of this Commitment.
- (c) Until the Policy is issued, this Commitment, as last revised, is the exclusive and entire agreement between the parties with respect to the subject matter of this Commitment and supersedes all prior commitment negotiations, representations, and proposals of any kind, whether written or oral, express or implied, relating to the subject matter of this Commitment.
- (d) The deletion or modification of any Schedule B, Part II—Exception does not constitute an agreement or obligation to provide coverage beyond the terms and provisions of this Commitment or the Policy.
- (e) Any amendment or endorsement to this Commitment must be in writing and authenticated by a person authorized by the Company.
- (f) When the Policy is issued, all liability and obligation under this Commitment will end and the Company's only liability will be under the Policy.

7. IF THIS COMMITMENT HAS BEEN ISSUED BY AN ISSUING AGENT

The issuing agent is the Company's agent only for the limited purpose of issuing title insurance commitments and policies. The issuing agent is not the Company's agent for the purpose of providing closing or settlement services.

8. PRO-FORMA POLICY

The Company may provide, at the request of a Proposed Insured, a pro-forma policy illustrating the coverage that the Company may provide. A pro-forma policy neither reflects the status of Title at the time that the pro-forma policy is delivered to a Proposed Insured, nor is it a commitment to insure.

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Form 53000341 (8-9-18)	Page 3 of 19	OTIRO C-03 (Cond 9 Deleted) (Rev 4-2-18) ALTA Commitment for Title Insurance (8-1-16) Oregon
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First American

Schedule A

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Transaction Identification Data for reference only:

Issuing Agent: First American Title Insurance Company National Commercial Services
Issuing Office's ALTA® Registry ID:
Commitment No.: NCS-516-6284-SLC1
Property Address: 242 acres, Damascus/Paradise, OR
Revision No.: 01

Issuing Office: 215 South State Street, Ste. 380, Salt Lake City, UT 84111
Escrow Officer: Jay Thompson (801) 578-8846
Issuing Office File No.: NCS-516-6284-SLC1

SCHEDULE A

1. Commitment Date: December 04, 2020

2. Policy to be Issued:

(a) ALTA® Standard Owner's Policy
Proposed Insured: T & K Sester Family, LLC, an Oregon limited liability company
Proposed Policy Amount: \$2,860,000.00 \$To Be Determined

(b) ALTA® Policy
Proposed Insured: Harvest Capital Company and each successor and/or assign that is a successor in ownership of the indebtedness, except as provided in Section 12(c) of the Conditions.
Proposed Policy Amount: \$ \$

(c) ALTA® Policy
Proposed Insured:
Proposed Policy Amount: \$

3. The estate or interest in the land described or referred to in this Commitment is

Fee Simple

4. The title is, at the commitment date, vested in:

AGRESERVES, INC., a Utah corporation, as to parcels I through VII and T & K Sester Family, LLC, an Oregon limited liability company, as to parcels IX, X and XI

5. The land is described as follows:

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

FIRST AMERICAN TITLE INSURANCE COMPANY

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First American

Schedule BI & BII

ALTA Commitment for Title Insurance

ISSUED BY

First American Title Insurance Company

Commitment No.: NCS-516-6284-SLC1

SCHEDULE B, PART I

Requirements

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.

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If there are any questions concerning this Commitment, please contact:

Jay Thompson at jdthompson@firstam.com

First American Title Insurance Company National Commercial Services
215 South State Street, Ste. 380
Salt Lake City, UT 84111
(801)536-3100 phone

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ALTA Commitment for Title Insurance

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First American Title Insurance Company

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Schedule BI & BII (Cont.)

Commitment No.: NCS-516-6284-SLC1

SCHEDULE B, PART II

Exceptions

THIS COMMITMENT DOES NOT REPUBLISH ANY COVENANT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC COVENANT, CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENDER IDENTITY, HANDICAP, FAMILIAL STATUS, OR NATIONAL ORIGIN.

The Policy will not insure against loss or damage resulting from the terms and provisions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the Public Records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the Public Records.
2. Facts, rights, interests or claims which are not shown by the Public Records but which could be ascertained by an inspection of the Land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the Public Records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the Land onto adjoining land or of existing improvements located on adjoining land onto the Land), encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land.
5. Any lien or right to a lien for services, labor, material or equipment, unless such lien is shown by the Public Records at Date of Policy and not otherwise excepted from coverage herein.
6. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I-Requirements are met.
7. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
8. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Noyer Creek.

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(Affects Parcel IV)

9. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Noyer Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

(Affects Parcel IV)

10. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Unnamed Creek.

(Affects Parcel VI)

11. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Unnamed Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

(Affects Parcel VI)

12. Easement, including terms and provisions contained therein:

Recording Date: December 18, 1953
Recording Information: Book 476, page 629
In Favor of: Portland General Electric Company, a corporation of Oregon
For: Electrical lines, telephone lines, together with such poles, wires, guys, and facilities as may be reasonably connected therewith or appurtenant thereto
Affects: Parcels I thru IV

13. Easement, including terms and provisions contained therein:

Recording Date: February 21, 1961
Recording Information: Book 583, page 332
In Favor of: Adjacent property owner
For: Irrigation tile
Affects: Parcel VI

14. Easement, including terms and provisions contained therein:

Recording Date: October 17, 1961
Recording Information: Book 503, page 820
In Favor of: Adjacent property owner
For: Irrigation tile
Affects: Parcel VI

15. Easement, including terms and provisions contained therein:

Recording Date: May 4, 1994
Recording Information: 94037394
In Favor of: State of Oregon, by and through its Department of Transportation
For: Access road

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Affects: Parcel I

16. This item has been intentionally deleted.
17. We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.
18. Any claim that the Title is subject to a trust or lien created under The Perishable Agricultural Commodities Act, 1930 (7 U.S.C. §§499a, et seq.) or the Packers and Stockyards Act (7 U.S.C. §§181 et seq.) or under similar state laws.
19. Unrecorded leases or periodic tenancies, if any.
20. Taxes and assessments are unavailable at this time. Please verify all tax and assessment information prior to closing.
21. Evidence of the authority of the individual(s) to execute the forthcoming document for T & K Sester Family, LLC, an Oregon limited liability company, copies of the current operating agreement should be submitted prior to closing.
22. The county tax roll discloses a mobile home on the herein described premises which is not included in title insurance coverage. Subject to requirements and provisions of O.R.S. 311.280 pertaining to mobile home taxes becoming liens on real property.

(Affects Parcels IX and X)

23. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of unnamed creek.

(Affects Parcels IX, X and XI)

24. Easement, including terms and provisions contained therein:

Recording Date: June 27, 1961
Recording Information: Book 582, page 334
In Favor of: Adjacent property owners
For: Drainage tile
Affects: Parcels IX and X

25. Easement, including terms and provisions contained therein:

Recording Date: December 8, 1977
Recording Information: 77050208
In Favor of: Portland General Electric Company, an Oregon corporation
For: Electric power line
Affects: Parcel XI

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26. A Deed of Trust to secure an original indebtedness of \$3,700,000.00 recorded December 10, 2019 as Recording No. 2019-078631 of Official Records.
Dated: December 9, 2019
Trustor: Ted G. Sester and Karen M. Sester, husband and wife, and T & K Sester Family, LLC, an Oregon limited liability company
Trustee: First American Title Insurance Company
Beneficiary: Harvest Capital Company

According to the public records, the beneficial interest under the deed of trust was assigned to U.S. Bank National Association, as Custodian/Trustee for Federal Agricultural Mortgage Corporation Programs by assignment recorded December 10, 2019 as Recording No. 2019-078669 of Official Records.

(Affects Parcels IX, X and XI)

-END OF EXCEPTIONS-

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INFORMATIONAL NOTES

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering fixtures on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

NOTE: This report does not include a search for Financing Statements filed in the office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the office of the County Clerk (Recorder) covering timber or crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and book.

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount:	\$1,710.17
Code No.:	026-008
Map & Tax Lot No.	23E10 02500
Property ID/Key No.	00621116

(Affects Parcel I)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount:	\$693.87
Code No.:	026-013
Map & Tax Lot No.	23E11 01900
Property ID/Key No.	00623926

(Affects Parcel II)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount:	\$879.19
Code No.:	026-013
Map & Tax Lot No.	23E11 02000
Property ID/Key No.	00623935

(Affects Parcel III)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount:	\$5,395.97
Code No.:	026-013
Map & Tax Lot No.	23E11 02100
Property ID/Key No.	00623944

(Affects Parcel IV)

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NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount: \$1.15
Code No.: 026-013
Map & Tax Lot No. 23E11 01800
Property ID/Key No. 00623917

(Affects Parcel V)

NOTE: Taxes for the year 2019-2020, paid in full.

Tax Amount: \$1,710.17
Code No.: 026-013
Map & Tax Lot No. 23E11 01700
Property ID/Key No. 00623908

(Affects Parcel VI)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount: \$1,157.76
Code No.: 026-008
Map & Tax Lot No. 23E10 02600W1
Property ID/Key No. 00621125

(Affects Parcels VII and VIII)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount: \$977.77
Code No.: 026-009
Map & Tax Lot No. 23E10 00100
Property ID/Key No. 00620812

(Affects Parcel IX)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount: \$163.56
Code No.: 026-009
Map & Tax Lot No. 23E10 00100W1
Property ID/Key No. 00620821

(Affects Parcel IX)

NOTE: Taxes for the year 2020-2021, paid in full.

Tax Amount: \$1,682.77
Code No.: 026-009
Map & Tax Lot No. 23E10 00200
Property ID/Key No. 00620830

(Affects Parcel X)

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NOTE: Taxes for the year 2020-2021, paid in full.
Tax Amount: \$11,621.08
Code No.: 026-009
Map & Tax Lot No. 23E10 00300
Property ID/Key No. 00620849

(Affects Parcel XI)

NOTE: Taxes for the year 2020-2021, paid in full.
Tax Amount: \$867.56
Code No.: 026-009
Map & Tax Lot No. 23E10 00300W1
Property ID/Key No. 00620858

(Affects Parcel XI)

NOTE: Taxes for the year 2020-2021, paid in full.
Tax Amount: \$712.41
Code No.: 026-009
Map & Tax Lot No. 23E10 00100
Property ID/Key No. 01204805

(Affects Parcel IX - Mobile Home)

NOTE: Taxes for the year 2020-2021, paid in full.
Tax Amount: \$103.26
Code No.: 026-009
Map & Tax Lot No. 23E10 00200
Property ID/Key No. 01142052

(Affects Parcel X - Mobile Home)

NOTE: Taxes for the year 2020-2021, paid in full.
Tax Amount: \$74.69
Code No.: 026-009
Map & Tax Lot No. 23E10 00200
Property ID/Key No. 01142613

(Affects Parcel X - Mobile Home)

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

- A. Survey or alternative acceptable to the Company
- B. Affidavit regarding possession

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- C. Proof that there is no new construction or remodeling of any Improvement located on the Land. In the event of new construction or remodeling the following is required:
- i. Satisfactory evidence that no construction liens will be filed; or
 - ii. Adequate security to protect against actual or potential construction liens;
 - iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon

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Exhibit A

ISSUED BY

First American Title Insurance Company

OWRD

File No: NCS-516-6284-SLC1

File No.: NCS-516-6284-SLC1

The Land referred to herein below is situated in the County of Clackamas, State of Oregon, and is described as follows:

PARCEL I:

PART OF THE EAST ONE-HALF OF THE SOUTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 100 RODS NORTH FROM THE SOUTHEAST CORNER OF SAID SECTION 10;
RUNNING THENCE NORTH ALONG THE SECTION LINE 60 RODS TO THE ONE-QUARTER SECTION CORNER BETWEEN SECTIONS 10 AND 11;
THENCE WEST AT RIGHT ANGLES 80 RODS;
THENCE SOUTH PARALLEL WITH THE EAST LINE 60 RODS;
THENCE EAST PARALLEL WITH THE NORTH LINE, 80 RODS TO THE PLACE OF BEGINNING.

PARCEL II:

THE SOUTH ONE-HALF OF THE FOLLOWING DESCRIBED PROPERTY:

BEGINNING AT AN IRON BOLT 1½ RODS EAST AND 30.00 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON;

THENCE SOUTH 0°06' EAST 2611.71 FEET TO AN IRON PIPE SET IN THE EAST AND WEST ONE-QUARTER SECTION LINE;
THENCE SOUTH 89°56½' EAST ON SAID ONE-QUARTER SECTION LINE, 660.00 FEET TO AN IRON PIPE;
THENCE NORTH 0°06' WEST 2612.64 FEET TO AN IRON PIPE;
THENCE SOUTH 89°11'48" WEST 660.00 FEET TO THE PLACE OF BEGINNING.

PARCEL III:

PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SECTION 11, 41.5 RODS EAST OF THE NORTHWEST CORNER OF SECTION 11;
THENCE SOUTH 160 RODS;
THENCE EAST 50 RODS;
THENCE NORTH 160 RODS TO THE NORTH LINE OF SECTION 11;
THENCE WEST 50 RODS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THE NORTH 1336.32. FEET TO BE CUT OFF BY A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION.

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PARCEL IV:

THE WEST ONE-HALF OF THE SOUTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON;

AND ALSO BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON;

THENCE SOUTH 160 RODS;

THENCE EAST 1.50 RODS;

THENCE NORTH 160 RODS;

THENCE WEST 1.50 RODS TO THE PLACE OF BEGINNING, BEING IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON.

SAVE AND EXCEPT THE FOLLOWING:

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT DEED TO GERALD T. MAYER AND ROSE MARY MAYER, RECORDED IN VOLUME 581, PAGE 0073, DEED RECORDS;

THE SAID PARCEL BEING THAT PORTION OF SAID PROPERTY LYING NORTHERLY OF A LINE WHICH IS PARALLEL WITH AND 60 FEET SOUTHERLY OF THE CENTER LINE OF THE CLACKAMAS-BORING ROAD AS SAID ROAD HAS BEEN RELOCATED, WHICH CENTER LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 244+00, SAID STATION BEING 1.29 FEET SOUTH AND 1383.18 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN;

THENCE SOUTH 89°13'30" EAST 1383.00 FEET;

THENCE SOUTH 89°06' EAST 2217.00 FEET TO ENGINEER'S CENTER LINE STATION 280+00.

PARCEL V:

PART OF THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON BOLT 1½ RODS EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN, IN CLACKAMAS COUNTY, STATE OF OREGON;

THENCE SOUTH 0°6' EAST 100 FEET;

THENCE SOUTH 89°56½' EAST 60 FEET;

THENCE NORTH 0°6' WEST 100 FEET;

THENCE SOUTH 89°11'48" WEST 60 FEET TO THE POINT OF BEGINNING;

EXCEPT THAT PORTION DESCRIBED AS FOLLOWS

A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THAT PROPERTY DESCRIBED IN THAT DEED TO THOMAS EATON AND VELMA EATON, RECORDED IN VOLUME 559, PAGE 0275 OF CLACKAMAS COUNTY RECORD OF DEEDS;

THE SAID PARCEL BEING THAT PORTION OF SAID PROPERTY INCLUDED IN A STRIP OF LAND 60 FEET IN WIDTH, LYING ON THE SOUTHERLY SIDE OF THE CENTER LINE OF THE CLACKAMAS-BORING ROAD AS SAID ROAD HAS BEEN RELOCATED, WHICH CENTER LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 244+00, SAID STATION BEING 1.29 FEET SOUTH AND 1383.18

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FEET WEST OF THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;
THENCE SOUTH 89°13'30" EAST 1383 FEET;
THENCE SOUTH 89°06' EAST 2217 TO ENGINEER'S CENTER LINE STATION 280+00.

PARCEL VI:

THE NORTH HALF OF THE FOLLOWING DESCRIBED PROPERTY IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON:

BEGINNING 1½ RODS EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, OF THE WILLAMETTE MERIDIAN;
THENCE SOUTH 0°06' EAST 2611.71 FEET TO THE QUARTER SECTION LINE;
THENCE SOUTH 89°56½' EAST ON SAID QUARTER SECTION LINE 660 FEET;
THENCE NORTH 0°06' WEST 2612.64 FEET;
THENCE SOUTH 89°11'48" WEST 660 FEET TO THE PLACE OF BEGINNING;

EXCEPT THEREFROM THAT PROPERTY DESCRIBED IN THAT DEED TO THOMAS EATON AND VELMA EATON, RECORDED IN VOLUME 559, PAGE 0275 OF CLACKAMAS COUNTY RECORD OF DEEDS.

ALSO EXCEPTING A PARCEL OF LAND LYING IN THE NORTHWEST ONE-QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THE FOLLOWING DESCRIBED TRACT:

BEGINNING 1½ RODS EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON;
THENCE SOUTH 0°06' EAST 2611.71 FEET TO THE QUARTER SECTION LINE;
THENCE SOUTH 89°56½' EAST ON SAID QUARTER SECTION LINE 660 FEET;
THENCE NORTH 0°06' WEST 2612.64 FEET;
THENCE SOUTH 89°11'48" WEST 660 FEET TO THE PLACE OF BEGINNING;

THE SAID PARCEL BEING THAT PORTION OF SAID TRACT INCLUDED IN A STRIP OF LAND 60 FEET IN WIDTH, LYING ON THE SOUTHERLY SIDE OF THE CENTER LINE OF THE CLACKAMAS-BORING ROAD AS SAID ROAD HAS BEEN RELOCATED, WHICH CENTER LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 244+00, SAID STATION BEING 1.29 FEET SOUTH AND 1383.18 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;
THENCE SOUTH 89°13'30" EAST 1383 FEET;
THENCE SOUTH 89°06' EAST 2217 FEET TO ENGINEER'S CENTER LINE STATION 280+00.

ALSO EXCEPTING A PARCEL OF LAND LYING IN THE NORTHWEST QUARTER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON AND BEING A PORTION OF THE FOLLOWING DESCRIBED TRACT:

BEGINNING 1½ RODS EAST AND 30 FEET SOUTH OF THE NORTHWEST CORNER OF SECTION 11, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON;
THENCE SOUTH 0°06' EAST 2611.71 FEET TO THE QUARTER SECTION LINE;
THENCE SOUTH 89°56½' EAST ON SAID QUARTER SECTION LINE 660 FEET;
THENCE NORTH 0°06' WEST 2612.64 FEET;
THENCE SOUTH 89°11'48" WEST 660 FEET TO THE PLACE OF BEGINNING;

THE SAID PARCEL BEING THAT PORTION OF SAID TRACT LYING EASTERLY OF A LINE AT RIGHT ANGLES TO THE CENTER LINE OF THE RELOCATED CLACKAMAS-BORING ROAD AT ENGINEER'S STATION 626+00 AND BETWEEN LINES

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WHICH ARE PARALLEL WITH AND 60 FEET SOUTHERLY AND 90 FEET SOUTHERLY OF SAID CENTER LINE, WHICH CENTER LINE IS DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 244+00, SAID STATION BEING 1.29 FEET SOUTH AND 1383.18 FEET WEST OF THE SOUTHEAST CORNER OF SECTION 3, TOWNSHIP 2 SOUTH, RANGE 3 EAST, WILLAMETTE MERIDIAN;

THENCE SOUTH 89°13'30" EAST 1383 FEET;

THENCE SOUTH 89°06' EAST 2217 FEET TO ENGINEER'S CENTER LINE STATION 280+00.

PARCEL VII:

A PART OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING 100 RODS NORTH AND 80 RODS WEST OF THE SOUTHEAST CORNER OF SAID SECTION 10;

THENCE NORTH 60 RODS TO THE LINE BETWEEN THE SOUTHEAST ONE-QUARTER AND THE NORTHEAST ONE-QUARTER OF SAID SECTION 10;

THENCE WEST 80 RODS TO THE NORTHWEST CORNER OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10;

THENCE SOUTH 60 RODS;

THENCE EAST 80 RODS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT THAT PORTION SOLD TO DAMASCUS UNION SCHOOL DISTRICT NO. 26 DATED SEPTEMBER 25, 1973, RECORDED IN CLACKAMAS COUNTY DEED RECORDS UNDER FEE NO. 73030731.

ALSO SAVE AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY:

A TRACT OF LAND SITUATED IN THE SOUTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS:

COMMENCING AT THE CENTER OF SAID SECTION 10;

THENCE NORTH 89°12'40" EAST ALONG THE NORTH LINE OF SAID LEGAL SUBDIVISION, A DISTANCE OF 30.00 FEET; THENCE SOUTH 0°12'40" WEST 553.29 FEET ALONG THE EAST LINE OF SOUTHEAST 232ND DRIVE, TO THE POINT OF BEGINNING OF THE TRACT OF LAND HEREIN DESCRIBED;

THENCE NORTH 89°12'40" EAST ALONG SAID SCHOOL PROPERTY 546.00 FEET;

THENCE SOUTH 0°56'40" WEST 240.00 FEET;

THENCE SOUTH 89°12'40" WEST PARALLEL WITH THE NORTH LINE OF SAID PARCEL, 546.00 FEET;

THENCE NORTH 0°56'40" EAST ALONG THE EAST LINE OF SOUTHEAST 232ND DRIVE, 240.00 FEET TO THE POINT OF BEGINNING.

PARCEL VIII:

BEGINNING AT A POINT ON THE EAST LINE OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, SAID POINT OF BEGINNING BEING 40 RODS (660 FEET)+- NORTH OF THE SOUTHEAST CORNER OF SAID SECTION 10;

THENCE, TRACING SAID SECTION LINE, NORTH 60 RODS (990 FEET)+-;

THENCE WEST 160 RODS (2640 FEET)+- TO THE WEST LINE OF THE SOUTHEAST ONE-QUARTER OF SAID SECTION 10;

THENCE, TRACING SAID ONE-QUARTER SECTION LINE, SOUTH 60 RODS (990 FEET)+-;

THENCE EAST 160 RODS (2640 FEET)+- TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION LYING WITHIN THE BOUNDARIES OF PUBLIC ROADS.

PARCEL IX:

THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER

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OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON.

EXCEPTING THEREFROM THAT PART SOLD TO WILLIAM G. HART, ET UX, IN DEED BOOK 671, PAGE 778, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF LAND DEEDED TO WILLIAM HOLLAND LENNON AND GERTRUDE LENNON BY DEED BOOK 588, PAGE 364, CLACKAMAS COUNTY DEED RECORDS, WHICH NORTHWEST CORNER IS IN THE CENTER OF THE COUNTY ROAD; THENCE SOUTHERLY ALONG THE WEST LINE OF THE SAID LENNON TRACT TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE COUNTY ROAD AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING SOUTH ALONG THE WEST LINE OF SAID LENNON TRACT 400 FEET TO A POINT; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF THE COUNTY ROAD 125 FEET TO A POINT; THENCE NORTHERLY PARALLEL WITH THE WESTERLY LINE OF SAID LENNON TRACT 400 FEET TO A POINT ON THE SOUTHERLY LINE OF THE COUNTY ROAD; THENCE WESTERLY TRACING THE SOUTHERLY LINE OF THE COUNTY ROAD 125 FEET TO THE TRUE POINT OF BEGINNING.

ALSO EXCEPTING THEREFROM THAT PORTION DEEDED TO CLACKAMAS COUNTY BY INSTRUMENT RECORDED SEPTEMBER 20, 1972 AS RECORDING NO. 72028460.

PARCEL X:

A TRACT OF LAND SITUATED IN THE EAST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF A PARCEL OF LAND DEEDED TO WILLIAM HOLLAND LENNON AND GERTRUDE LENNON BY DEED BOOK 588, PAGE 364, CLACKAMAS COUNTY DEED RECORDS, WHICH NORTHWEST CORNER IS IN THE CENTER OF THE COUNTRY ROAD; THENCE SOUTHERLY ALONG THE WEST LINE OF THE SAID LENNON TRACT TO ITS INTERSECTION WITH THE SOUTHERLY LINE OF THE COUNTY ROAD AS IT EXISTED AS OF OCTOBER 19, 1972 AND THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN TO BE DESCRIBED; THENCE CONTINUING SOUTH ALONG THE WEST LINE OF SAID LENNON TRACT, 400 FEET TO A POINT; THENCE EASTERLY PARALLEL WITH THE SOUTHERLY LINE OF THE COUNTY ROAD, 125 FEET TO A POINT; THENCE NORTHERLY PARALLEL WITH THE WESTERLY LINE OF SAID LENNON TRACT, 400 FEET TO A POINT ON THE SOUTHERLY LINE OF THE COUNTY ROAD AS IT EXISTED AS OF OCTOBER 19, 1972; THENCE WESTERLY TRACING THE SOUTHERLY LINE OF THE COUNTRY ROAD, 125 FEET TO THE TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO CLACKAMAS COUNTY BY DEED RECORDED NOVEMBER 1, 1972 AS RECORDING NO. 72033334.

PARCEL XI:

THE WEST ONE-HALF OF THE EAST ONE-HALF OF THE NORTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON.

EXCEPTING THEREFROM THAT PORTION OF THE ABOVE DESCRIBED PROPERTY DEEDED TO CLACKAMAS COUNTY IN DEED RECORDED NOVEMBER 1, 1972 AS RECORDING NO. 72033333, CLACKAMAS COUNTY RECORDS, STATE OF OREGON.

ALSO:

THE SOUTHEAST ONE-QUARTER OF THE NORTHEAST ONE-QUARTER OF SECTION 10, TOWNSHIP 2 SOUTH, RANGE 3 EAST OF THE WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON.

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Farm Lease

OWRD

Between: Sester Farms Inc. (*Tenant*)
 33205 SE Oxbow Drive
 Gresham, OR 97080
 503-663-4844

And: Sue Landwehr Trust (*Landlord*)
 Brad Landwehr
 Check payable to: Sue Landwehr
 15051 SE Barkley Ct
 Damascus, OR 97089-8256

1. Terms of Lease

The term of this lease shall commence on July 20, 2015 to July 19, 2025.

2. Description of Leased Property

Landlord leases to Tenant, nine (9) acres of farmable ground. This tax lot is parcel 00621394. Map number 23E10AC01801. (2S, 3E) See attached map to reference the farmable acres.

3. Rent

Tenant shall pay to Landlord on the first of every month. Payment schedule is below:

First Payment	Last Payment	Monthly Payment Amount
August 1, 2015	July 1, 2016	\$120.00
August 1, 2016	July 1, 2017	\$121.88
August 1, 2017	July 1, 2018	\$123.76
August 1, 2018	July 1, 2019	\$125.64
August 1, 2019	July 1, 2020	\$127.52
August 1, 2020	July 1, 2021	\$129.40
August 1, 2021	July 1, 2022	\$131.28
August 1, 2022	July 1, 2023	\$133.16
August 1, 2023	July 1, 2024	\$135.04
August 1, 2024	July 1, 2025	\$136.92

4. Conditions of Property

Landlord agrees that the Tenant can take Japanese maples and fence off of the east property line. Tenant agrees to leave incense cedar and dogwoods along school property line. There will be no removal of soil other than the approved removal of the old gravel road and home site that must be removed in order to farm and cultivate the soil. At the termination of the lease, tenant shall remove all of tenant's equipment, materials and other personal property, disc and smooth land.

5. Manner of Farming and Conservation Laws; Crop Ownership

Tenant shall farm, cultivate and operate the property consistent with the usual agricultural practices employed by the farming industry in the area. The tenant shall maintain spray and fertilize records in accordance with applicable programs and regulations. All crops grown in the leased area are owned by Sester Farms at all times,

Farm Lease

and if they are damaged or lost all insurance payments under any policy are to be paid to Sester Farms without any reduction for the cost of pursuing the claim.

6. Landlord's Right to Entry

Landlord may go on the property, provided landlord does so in a reasonable manner that does not harm the growing crops or interfere with the farming activities of tenant.

7. Condition of Premise

The premises are leased in as-is condition. The landlord makes no representations as to the future productivity or profitability of the crop grown. Landlord will disclose any known hazardous condition that cannot reasonably be discovered during Sester Farms' inspection and will indemnify Sester Farms for all damages incurred as a result of any undisclosed known hazardous condition. Landlord warrants that it has the right to lease the premises to Sester Farms on the terms in this Farm Lease.

8. Assignment

The tenant shall not assign or sublet any rights in this lease or any part of the premise without the prior consent of the landlord.

9. Quitting Property at End of Lease

Tenant shall leave the property at the termination of this lease, if the lease is not renewed.

10. Liability Insurance

Sester Farms carries liability insurance of \$1,000,000 in the case that there was an injury or damage covering liability solely arising from Sester Farms' conduct.

11. First Right of Refusal

If the landlord decides to sell the property during the term of this lease, then tenant will have first right to buy the property.

12. Complete Agreement; Enforcement

This Farm Lease is the entire agreement of the parties; there are no other verbal agreements. If any portion of this Farm Lease is unenforceable, the remainder will be enforced as much as the law will allow. If there is any dispute arising from this Farm Lease, the prevailing party will be awarded its reasonable attorney's fees.

Farm Lease

OWRD

Signed in Oregon this 23 day of July 2015.

Ted Sester

Ted Sester
Sester Farms Inc.
Tenant

State of OREGON)
County of Multnomah ss.

Signed or attested before me on July 23 201~~4~~⁵ by Ted Sester.

Bethany A.A.
Notary Public - State of Oregon

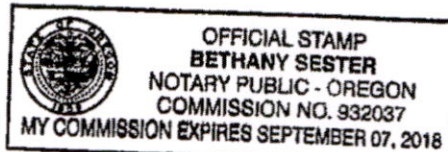


Sue Landwehr
Sue Landwehr
Landlord

State of OREGON)
County of Clackamas ss.

Signed or attested before me on July 23 201~~4~~⁵ by Sue Landwehr

Bethany A.A.
Notary Public - State of Oregon

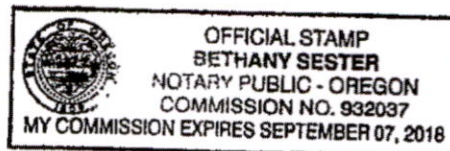


Brad Landwehr
Brad Landwehr
Landlord

State of OREGON)
County of Multnomah)
Clackamas ss.

Signed or attested before me on July 23 201~~4~~⁵ by Brad Landwehr

Bethany A.A.
Notary Public - State of Oregon



NO PART OF ANY STEVENS-NESS FORM MAY BE REPRODUCED IN ANY FORM OR BY ANY ELECTRONIC OR MECHANICAL MEANS.

Sue A. Landwehr, aka Nelda Sue Landwehr
 22346 SE Ridgeview Drive
 Damascus, OR 97089
 Grantor's Name and Address*

The Nelda Sue Landwehr RLT
 22346 SE Ridgeview Drive
 Damascus, OR 97089
 Grantee's Name and Address*

After recording, return to (Name and Address):
 Nelda Sue Landwehr
 22346 SE Ridgeview Drive
 Damascus, OR 97089

Until requested otherwise, send all tax statements to (Name and Address):
 The Nelda Sue Landwehr RLT
 22346 SE Ridgeview Drive
 Damascus, OR 97089

*ORS 205 requires the first page of a recorded document to show the names and addresses of all parties. Use Stevens-Ness Form No. 1256, Cover Sheet for Instrument to be Recorded, if you need additional space.

Clackamas County Official Records 2012-062378
 Sherry Hall, County Clerk

Barcode: 01618265201200623780010019

\$48.00

09/26/2012 10:11:43 AM

D-D Cnt=1 Stn=5 CONNIEBRO
 \$5.00 \$10.00 \$16.00 \$17.00

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that SUE A. LANDWEHR, aka NELDA SUE LANDWEHR, a single woman

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto THE NELDA SUE LANDWEHR REVOCABLE LIVING TRUST, NELDA SUE LANDWEHR, TRUSTEE, dated 9/25/12 hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Clackamas County, State of Oregon, described as follows (legal description of property):

A tract of land in Section 10, T.2S, R.3E, of the W.M., in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of Lot 2, Block 2, BLUE RIDGE, a recorded Plat, being on the East right of way line of the Deep Creek-Weatherby Road; thence Easterly along the Southerly line of said Plat, 470.00 feet to the true point of beginning of the tract of land herein to be described; thence Southerly parallel with the East line of said road 300.00 feet; thence Westerly parallel with the South line of said Plat, 470.00 feet to the Easterly line of said road; thence Southerly along the road line 378.74 feet, more or less, to the East-West center line of said section and the South line of that tract of land conveyed to Frank Rohrer, et ux, recorded July 2, 1926 in Book 197, page 57, Deed Records; thence Easterly along the division line and the South line of the Rohrer tract, 1296.39 feet, more or less, to the Southeast corner of the Rohrer tract; thence Northerly along the East line of the Rohrer tract 660.00 feet, more or less, to the Southeast corner of that tract of land conveyed to Daniel R. Strand, et ux, recorded October 18, 1973 as Recorder's Fee No. 73-32991, Film Records; thence South 89°36' West along the South line of the Strand tract, 348.41 feet to the Southwest corner thereof and the Southeast corner of said Plat; thence Westerly along the South line of said Plat, 475.00 feet to the true point of beginning.

Ref Parcel No. 23E10AC01801, no site address, containing 16.30 acres

BE IT REMEMBERED that the death certificate of Laverne A. Landwehr is being recorded consecutively with this deed.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

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

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$1.00 + EST PLAN. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

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

IN WITNESS WHEREOF, grantor has executed this instrument on SEPTEMBER 25, 2012; any signature on behalf of a business or other entity is made with the authority of that entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010. TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Sue A. Landwehr
Sue A. Landwehr
aka Nelda Sue Landwehr
Nelda Sue Landwehr

STATE OF OREGON, County of Clackamas ss SEPTEMBER 25, 2012

This instrument was acknowledged before me on SEPTEMBER 25, 2012 by Sue A. Landwehr, aka Nelda Sue Landwehr

This instrument was acknowledged before me on

by as of

Jeffrey A. Crook
Notary Public for Oregon
My commission expires 6/24/14



PUBLISHER'S NOTE: If using this form to convey real property subject to ORS 92.027, include the required reference.

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Attachment 4
Application Map



June 19, 2023

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

Subject: Application for a Permanent to Use Surface Water
Stored water use only (Permit R-15571)
T&K Sester Family LLC

Dear Application Caseworker,

On behalf of the applicant, T&K Sester Family, LLC, please find enclosed an Application for a Permit to Use Surface Water (Stored Water Only) accompanied by the required fee of \$2,082 (a fee tally for the application is enclosed).

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

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: Ted Sester – Sester Family, LLC

Enclosures:

Application for a Permanent to Use Surface Water
Check #1157 in the amount of \$2,082

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JUN 22 2023
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Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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- [Con](#)

Today's Date: Tuesday, April 18, 2023

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	50	\$862.00
Subtotal:		\$1,472.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,082.00

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JUN 22 2023

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