

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE			PHONE (HM) N/A
PHONE (WK) (503) 864-4422	CELL (503) 437-4833	FAX N/A	
ADDRESS PO BOX 99			
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL * SEE NOTE BELOW

Organization

NAME SAME AS ABOVE		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 ASPEN RURAL LAND CONSULTING, C/O ERIC URSTADT, PE, PLS		PHONE 971.250.1520	FAX N/A
ADDRESS 39290 NW MURTAUGH ROAD			CELL N/A
CITY NORTH PLAINS	STATE OR	ZIP 97133	E-MAIL * SEE NOTE BELOW

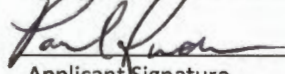
Note: Attach multiple copies as needed

* 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.) Note: because email and USPS has been unreliable, please send correspondence by both methods to PAUL@CREEKSIDEVALLEYFARMS.COM, ERICURSTADT@HOTMAIL.COM

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


 Applicant Signature

Paul Kuehne, Farmer
 Print Name and Title if applicable

11/10-23
 Date

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For Department Use: App. Number: _____

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.
- NO, I have a recorded easement or written authorization permitting access.
- 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).*

1. Ruth B Richmond, 7000 NE Star Marine Lane, Newberg, OR 97132 POU
2. ESM Farms, LLC, 5480 NW Front Avenue, Portland OR 97210 POU & Pipeline?

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. See Exhibit "B" – Legals Descriptions.

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: Willamette Basin Project Reservoirs	Tributary to: Willamette River
TRSQQ of POD: SW-NW S32, T3S, R1W	
Source 2: N/A	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).

The stored water is believed to be part of certificate 72756 (Bureau of Reclamation).

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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.) See Attachment "D" – BOR Data Sheets

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_trsqq_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.

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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.

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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 (max)
Will. Basin Project Res	Irrig	Irrig Season	165.5 <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: 66.2 Acres Supplemental: 0.0 Acres Nursery Use: 0.0 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: 165.5.

- If the use is **municipal or quasi-municipal**, attach **Form M**
- 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): 60 HP submersible (estimate)
- Other means (describe): N/A

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.
 The water will be pumped via a pump on the side of the Willamette River and conveyed via a pipeline northwest to the lands being irrigated.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
 Big Guns will be used to irrigate the crops.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters. The farmer is a well-trained and long experienced farmer with knowledge of all

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watering systems. Irrigation of crops is always monitored so that over-watering does not occur. No erosion or runoff shall occur because of the irrigation monitoring, so public waters will not be affected.

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 POD will have an adequate fish screen.
- 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 additional permits are needed, the clearing will be kept to a minimum and no excavation is planned.
- 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: Equipment will not be in any water bodies.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The applicant is an experienced farmer who monitors irrigation, and does not allow watering to the point of runoff or erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
None

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SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: As soon as a satisfactory permit and BOR contract are obtained
- b) Date construction will be completed: Within a year after construction begins.
- c) Date beneficial water use will begin: Within a year after construction has been completed.

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.

Irrigation District Name None	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*).

A Bureau of Reclamation contract for use of the Willamette Basin Project Reservoirs is being applied for at this time. The plan to utilize their water has been tentatively approved. The BOR would not allow a contract with the farmer and instead wanted a contract for each landowner, so that is what is done. The water right shall be controlled by the farmer.

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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.
- 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.
- Fees - Amount enclosed: \$2244.40
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - 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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Land Use Information Form

Applicant(s): Willamette Valley Land, LLC, c/o Paul Kuehne

Mailing Address: PO Box 99

City: Lafayette

State: OR

Zip Code: 97127

Daytime Phone: (503) 864-4422

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>3S</u>	<u>1W</u>	<u>31</u>	<u>N/A</u>	<u>100, 301</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
<u>3S</u>	<u>1W</u>	<u>32</u>	<u>N/A</u>	<u>200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>farming</u>
<u>3S</u>	<u>1W</u>	<u>32</u>	<u>N/A</u>	<u>300</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>farming</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Clackamas

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 100 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 _____

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Briefly describe:

The applicant wants to irrigate lands using water from the Bureau of Reclamation reservoirs.

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.

See bottom of Page 3. →

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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.

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Name: Roman Sierra Title: Planner DEC 11 2023

Signature: RSIERRA Digitally signed by RSIERRA DN: CN = RSIERRA email = RSIERRA@clackamas.us Date: 2023.11.21 11:07:04 -0800 Phone: 503-742-4500 Date: 11/21/23 OWRD

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: _____

Clackamas County Parcel Information

**Parcel Information**

Parcel #: 00834921
Tax Lot: 31W32 00200
Site Address: 16265 SW Wilsonville Rd
Wilsonville OR 97070 - 9562
Owner: Esm Farms LLC
Owner2:
Owner Address: 5480 NW Front Ave
Portland OR 97210 - 1114
Twn/Range/Section: 03S / 01W / 32 / NW
Parcel Size: 31.51 Acres (1,372,576 SqFt)
Plat/Subdivision:
Lot: 0200
Block:
Map Page/Grid: 744-F5
Census Tract/Block: 022708 / 1045
Waterfront:
Building Use: RS0 - Single Family

Tax Information

Levy Code Area: 306-001
Levy Rate: 13.3912
Tax Year: 2022
Annual Tax: \$1,536.20
Exempt Description:

Legal

Section 32 Township 3S Range 1W TAX LOT 00200|Y|185,523

Assessment Information

Market Value Land:	\$1,290,028.00
Market Value Impr:	\$95,890.00
Market Value Total:	\$1,385,918.00
Assessed Value:	\$114,717.00

Land

Cnty Land Use: 551 - EFU farmland improved	Land Use Std: AFAR - Farms And Crops
Zoning: Clackamas Co.-EFU - Exclusive Farm Use District	Neighborhood: Ladd Hill
Watershed: Abernethy Creek-Willamette River	School District: 29J - Newberg
Primary School: Mabel Rush Elementary School	Middle School: Mountain View Middle School
High School: Newberg Senior High School	

Improvement

Year Built: 1900	Stories: 1	Fin. SqFt: 1,558
Bedrooms: 3	Bathrooms: 1	Garage:
Exterior Wall Type: Wood Shake/Shingle	Basement Fin. SqFt:	Fireplace:
Heat: Forced Air Oil	Roof Type-Cover: Composition	

Transfer Information

Rec. Date: 12/09/2020	Sale Price:	Doc Num: 2020-107180	Doc Type: Deed
Owner: Esm Farms LLC		Grantor:	
Orig. Loan Amt:		Title Co:	
Finance Type:	Loan Type:	Lender:	

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Clackamas County Official Records	2020-107180
Sherry Hall, County Clerk	12/17/2020 01:06:01 PM
D-D Cnt=1 Stn=75 TIFFANY	\$108.00
\$20.00 \$16.00 \$10.00 \$62.00	

AFTER RECORDING, RETURN TO:

Jeffrey H. Keeney
Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204

UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:

ESM Farms LLC
5480 NW Front Ave.
Portland, OR 97210

SPECIAL WARRANTY DEED

ROBERT H. McCALL, Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006, Grantor, conveys and specially warrants to ESM FARMS LLC, an Oregon limited liability company, Grantee, that certain real property located in Clackamas County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor.

The true consideration for this conveyance is a gift.

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.

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DATED this 9th day of December, 2020.

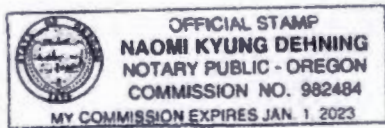
GRANTOR:

Robert H. McCall, Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006

STATE OF OREGON

County of Multnomah

The foregoing instrument was acknowledged before me on December 9th, 2020, by Robert H. McCall, as Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006.



Notary Public for Oregon

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EXHIBIT A**Legal Description****PARCEL I:**

All that portion of the following described real property that lies Southeasterly of Clackamas County, Oregon Market Road No. 6:

Part of the Frederick Geer Donation Land Claim in Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Clackamas County Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by deed recorded December 29, 1944, in Book 337, Page 19, Deed Records; thence Westerly along the Southerly line of said Haines land to the Northeast corner of that tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 228, Deed Records; thence South 49°44' East a distance of 21.36 chains to the Southeast corner of that tract conveyed to Alfred M. McCully, et ux, by deed recorded April 12, 1895, in Book 58, Page 87, Clackamas County Deed Records; thence to the Northeast corner of that property conveyed to Guy L. Boyden by deed recorded July 29, 1952, in Book 459, Page 196, Deed Records; thence along the Easterly line of said Boyden property to the Southeast corner thereof; thence Northeasterly along the South line of the Geer claim to the place of beginning.

Excepting therefrom Ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Willamette River.

PARCEL II:

All that portion of the following described real property that lies Northwesterly of Clackamas County, Oregon Market Road No. 6:

Part of the Frederick Geer Donation Land Claim in Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Clackamas County Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by deed recorded December 29, 1944, in Book 337, Page 19, Deed Records; thence Westerly along the Southerly line of said Haines land to the Northeast corner of that tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 228, Deed Records; thence South 49°00' East a distance of 21.36 chains to the Southeast corner of that tract conveyed to Alfred M. McCully, et ux, by deed recorded April 12, 1895, in Book 58, Page 87, Clackamas County Deed Records; thence to the Northeast corner of that property conveyed to Guy L. Boyden by deed recorded July 29, 1952, in Book 459, Page 196, Deed Records; thence along the Easterly line of said Boyden

property to the Southeast corner thereof; thence Northeasterly along the South line of the Geer claim to the place of beginning.

AND TOGETHER WITH the following described tract in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon, also being within the Frederick Geer Donation Land Claim, described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by Deed recorded December 29, 1944, in Book 337, Page 19, Deed Records and the true place of beginning of the tract to be described; thence Westerly along the Southerly line of said Haines land to the Northeast corner of a tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 328, Miscellaneous Records; thence North 49°40'53" West 41.58 feet; thence North 57°38'35" East to a point in the West line of that tract conveyed to James Tatman by deed recorded in Book 1, Page 194, Deed Records; thence Southeasterly to the true place of beginning.

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Clackamas County Parcel Information

**Parcel Information**

Parcel #:	00834930
Tax Lot:	31W32 00300
Site Address:	16150 SW Wilsonville Rd
	Wilsonville OR 97070 - 9562
Owner:	Esm Farms LLC
Owner2:	
Owner Address:	5480 NW Front Ave
	Portland OR 97210 - 1114
Twn/Range/Section:	03S / 01W / 32 / NW
Parcel Size:	21.01 Acres (915,196 SqFt)
Plat/Subdivision:	
Lot:	0300
Block:	
Map Page/Grid:	744-G5
Census Tract/Block:	022708 / 1036
Waterfront:	
Building Use:	RS0 - Single Family

Tax Information

Levy Code Area:	306-001
Levy Rate:	13.3912
Tax Year:	2022
Annual Tax:	\$4,139.89
Exempt Description:	

Legal

Section 32 Township 3S Range 1W TAX LOT 00300|Y|185,523

Assessment Information

Market Value Land:	\$1,323,396.00
Market Value Impr:	\$66,990.00
Market Value Total:	\$1,390,386.00
Assessed Value:	\$309,150.00

Land

Cnty Land Use:	551 - EFU farmland improved	Land Use Std:	AFAR - Farms And Crops
Zoning:	Clackamas Co.-EFU - Exclusive Farm Use District	Neighborhood:	Ladd Hill
Watershed:	Abernethy Creek-Willamette River	School District:	29J - Newberg
Primary School:	Mabel Rush Elementary School	Middle School:	Mountain View Middle School
High School:	Newberg Senior High School		

Improvement

Year Built:	1915	Stories:	1	Fin. SqFt:	574
Bedrooms:		Bathrooms:	1	Garage:	
Exterior Wall Type:	Wood Shake/Shingle	Basement Fin. SqFt:		Fireplace:	
Heat:	Stove	Roof Type-Cover:	Composition		

Transfer Information

Rec. Date:	12/09/2020	Sale Price:		Doc Num:	2020-107180	Doc Type:	Deed
Owner:	Esm Farms LLC			Grantor:			
Orig. Loan Amt:				Title Co:			
Finance Type:		Loan Type:		Lender:			

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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Clackamas County Official Records	2020-107180
Sherry Hall, County Clerk	
	12/17/2020 01:06:01 PM
D-D Cnt=1 Str=75 TIFFANY	
\$20.00 \$16.00 \$10.00 \$62.00	\$108.00

AFTER RECORDING, RETURN TO:

Jeffrey H. Keeney
Tonkon Torp LLP
888 SW Fifth Ave., Suite 1600
Portland, OR 97204

UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:

ESM Farms LLC
5480 NW Front Ave.
Portland, OR 97210

SPECIAL WARRANTY DEED

ROBERT H. McCALL, Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006, Grantor, conveys and specially warrants to ESM FARMS LLC, an Oregon limited liability company, Grantee, that certain real property located in Clackamas County, Oregon, and more particularly described on Exhibit A attached hereto, free of all liens and encumbrances created or suffered by Grantor.

The true consideration for this conveyance is a gift.

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.

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DATED this 9th day of December, 2020.

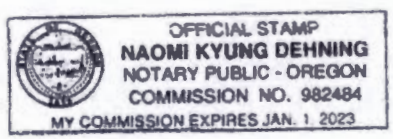
GRANTOR:

Robert H. McCall, Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006

STATE OF OREGON

County of Multnomah

The foregoing instrument was acknowledged before me on December 9th, 2020, by Robert H. McCall, as Trustee of the Robert and Carol McCall Family Trust U/T/A DTD January 31, 2006.


Notary Public for Oregon

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EXHIBIT A

Legal Description

PARCEL I:

All that portion of the following described real property that lies Southeasterly of Clackamas County, Oregon Market Road No. 6:

Part of the Frederick Geer Donation Land Claim in Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Clackamas County Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by deed recorded December 29, 1944, in Book 337, Page 19, Deed Records; thence Westerly along the Southerly line of said Haines land to the Northeast corner of that tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 228, Deed Records; thence South 49°44' East a distance of 21.36 chains to the Southeast corner of that tract conveyed to Alfred M. McCully, et ux, by deed recorded April 12, 1895, in Book 58, Page 87, Clackamas County Deed Records; thence to the Northeast corner of that property conveyed to Guy L. Boyden by deed recorded July 29, 1952, in Book 459, Page 196, Deed Records; thence along the Easterly line of said Boyden property to the Southeast corner thereof; thence Northeasterly along the South line of the Geer claim to the place of beginning.

Excepting therefrom Ownership of the State of Oregon in and to that portion of the premises herein described lying below the line of ordinary high water of the Willamette River.

PARCEL II:

All that portion of the following described real property that lies Northwesterly of Clackamas County, Oregon Market Road No. 6:

Part of the Frederick Geer Donation Land Claim in Township 3 South, Range 1 West of the Willamette Meridian, more particularly described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Clackamas County Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by deed recorded December 29, 1944, in Book 337, Page 19, Deed Records; thence Westerly along the Southerly line of said Haines land to the Northeast corner of that tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 228, Deed Records; thence South 49°00' East a distance of 21.36 chains to the Southeast corner of that tract conveyed to Alfred M. McCully, et ux, by deed recorded April 12, 1895, in Book 58, Page 87, Clackamas County Deed Records; thence to the Northeast corner of that property conveyed to Guy L. Boyden by deed recorded July 29, 1952, in Book 459, Page 196, Deed Records; thence along the Easterly line of said Boyden

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property to the Southeast corner thereof; thence Northeasterly along the South line of the Geer claim to the place of beginning.

AND TOGETHER WITH the following described tract in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in the County of Clackamas and State of Oregon, also being within the Frederick Geer Donation Land Claim, described as follows:

Beginning at the most Southerly corner of that tract conveyed to James Tatman by deed recorded October 28, 1871, in Book 1, Page 194, Deed Records; thence Northwesterly along the West line of said Tatman Creek to the Southeast corner of that tract conveyed to Thomas Gilbert Haines by Deed recorded December 29, 1944, in Book 337, Page 19, Deed Records and the true place of beginning of the tract to be described; thence Westerly along the Southerly line of said Haines land to the Northeast corner of a tract conveyed to John Coberg by deed recorded March 30, 1889, in Book 33, Page 328, Miscellaneous Records; thence North 49°40'53" West 41.58 feet; thence North 57°38'35" East to a point in the West line of that tract conveyed to James Tatman by deed recorded in Book 1, Page 194, Deed Records; thence Southeasterly to the true place of beginning.

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Clackamas County Parcel Information

**Parcel Information**

Parcel #:	00834128
Tax Lot:	31W31 00100
Site Address:	
	OR 97070
Owner:	Richmond, Ruth B
Owner2:	
Owner Address:	7000 NE Star Marine Ln
	Newberg OR 97132 - 7041
TwN/Range/Section:	03S / 01W / 31 / NE
Parcel Size:	35.60 Acres (1,550,736 SqFt)
Plat/Subdivision:	
Lot:	0100
Block:	
Map Page/Grid:	744-F5
Census Tract/Block:	022708 / 1045
Waterfront:	
Building Use:	

Tax Information

Levy Code Area:	306-001
Levy Rate:	13.3912
Tax Year:	2022
Annual Tax:	\$605.96
Exempt Description:	

Legal

Section 31 Township 3S Range 1W TAX LOT 00100|Y|185,523

Assessment Information

Market Value Land:	\$1,335,518.00
Market Value Impr:	\$0.00
Market Value Total:	\$1,335,518.00
Assessed Value:	\$45,251.00

Land

Cnty Land Use:	550 - EFU farmland vacant	Land Use Std:	AMSC - Agricultural Misc
Zoning:	Clackamas Co.-EFU - Exclusive Farm Use District	Neighborhood:	Ladd Hill
Watershed:	Abemethy Creek-Willamette River	School District:	29J - Newberg
Primary School:	Mabel Rush Elementary School	Middle School:	Mountain View Middle School
High School:	Newberg Senior High School		

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date:	08/04/2011	Sale Price:		Doc Num:	2011-044224	Doc Type:	Deed
Owner:	Ruth B Richmond			Grantor:	BRYSON JANE T TRUST		
Orig. Loan Amt:				Title Co:	FIDELITY NATIONAL TITLE CO/OR		
Finance Type:		Loan Type:		Lender:			

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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AFTER RECORDING, RETURN TO:
Michele E. Wasson
Stoel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

Clackamas County Official Records
Sherry Hall, County Clerk

2011-044224

\$57.00

08/04/2011 02:09:03 PM

D-D Cnt=1 Stn=6 KARLYNWUN
\$15.00 \$10.00 \$16.00 \$16.00

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**
Ruth B. Richmond
2496 SW Arden Road
Portland, OR 97201

Tax Account Nos: 00834128; 00834164

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

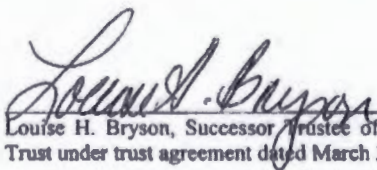
Louise H. Bryson, Successor Trustee of the Jane T. Bryson Trust under trust agreement dated March 30, 1994, and previously referred to as March 31, 1994, as amended ("Grantor") conveys to Ruth B. Richmond ("Grantee"), the real property located in Clackamas County, Oregon, described on Exhibit A attached hereto.

The true consideration for this conveyance is \$ZERO.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED this 4 ^{August} day of ~~July~~, 2011.

GRANTOR:


Louise H. Bryson, Successor Trustee of the Jane T. Bryson Trust under trust agreement dated March 30, 1994

(Ladd Hill)
70736653.3 0042512-00001

Fidelity National Title of Oregon
20110032292-01

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STATE OF OREGON

ss.

County of Multnomah

This instrument was acknowledged before me on July 29, 2011, by
LOUISE H. BRYSON, Successor Trustee of the Jane
T. Bryson Trust.



Lynne Marie Kavish
Notary Public for Oregon
My Commission Expires: Jan 13, 2014

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EXHIBIT A

The land referred to herein is situated in the County of Clackamas, State of Oregon, and is more particularly described as follows:

PARCEL I:

Part of the Frederick W. Geer Donation Land Claim No. 41, in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point on the Southwest boundary of said D.L.C. South 33° East 29 chains, more or less, from the Northwest corner of the Northeast one-quarter of said Section 31, which point is the most Southerly corner of the tract described in Deed recorded October 31, 1958 in Book 547, Page 393, Clackamas County Deed Records; thence North 57° East 15.55 chains, more or less, along the Southeasterly line of said tract to the Westerly line of tract described in Deed recorded March 28, 1944 in Book 322, Page 410, Clackamas County Deed Records; thence South 49° East along said Westerly line 12.65 chains; thence continuing South 49° East along said Westerly line 8.71 chains to Market Road No. 6; thence Southwesterly along said road to its intersection with the County Road on the Southwesterly boundary of said Geer D.L.C.; thence Northwesterly along said last named Road and on the Southwest line of said Geer Claim 28.3 chains, more or less, to the point of beginning.

EXCEPT that part described as follows:

BEGINNING at point North 39° 30' East 4.80 chains and South 50° 30' East 11.00 chains and South 80° 15' West 1264.00 feet from the one-quarter section corner between Sections 31 and 32, in Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, and running thence North 53° 45' West 79.00 feet; thence South 54° 02' West 75.50 feet; thence South 35° 23' East 89.87 feet; thence North 45° 45' East 101.60 feet to the point of beginning.

EXCEPT ALSO that portion in the Southeast corner thereof sold to Richard J. Gross, et ux, by Contract recorded November 19, 1974, as Recorder's Fee No. 74-32458, Clackamas County records.

PARCEL II:

That tract conveyed to Philip W. Lapp, et ux, by Deed recorded January 11, 1977, as Recorder's Fee No. 77-1059, Clackamas County Records, being part of the Fredrick W. Geer Donation Land Claim No. 41, in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point on the Southwest Boundary of said D.L.C. South 33° East 29 chains, more or less, from the Northwest corner of the Northeast one-quarter of said Section 31, which point is the most Southerly corner of tract described in Deed recorded October 31, 1958, in Book 547, Page 393, Clackamas County Deed Records; thence North 57° East, 1026.3 feet, more or less, along the Southeasterly line of said tract to the Westerly line of tract described in Suit No. 90117, in the Circuit Court for Clackamas County; thence North 49° 40' 53" West along said Westerly line to a point 20 feet North of the Southeasterly line of said tract described in Book 547, Page 393, Clackamas County Deed Records, when measured at right angles thereto; thence Southwesterly parallel with said Southeasterly line to a point on the Southwesterly line of said Geer D.L.C.; thence Southeasterly along said Southwesterly D.L.C. line, 20 feet, more or less, to the point beginning.

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Clackamas County Parcel Information

**Parcel Information**

Parcel #:	00834164
Tax Lot:	31W31 00301
Site Address:	
	OR 97070
Owner:	Richmond, Ruth B
Owner2:	
Owner Address:	7000 NE Star Marine Ln
	Newberg OR 97132 - 7041
Twn/Range/Section:	03S / 01W / 31 / NE
Parcel Size:	0.46 Acres (20,038 SqFt)
Plat/Subdivision:	
Lot:	0301
Block:	
Map Page/Grid:	744-F5
Census Tract/Block:	022708 / 1045
Waterfront:	
Building Use:	

Tax Information

Levy Code Area:	306-001
Levy Rate:	13.3912
Tax Year:	2022
Annual Tax:	\$8.16
Exempt Description:	

Legal

Section 31 Township 3S Range 1W TAX LOT 00301|Y|185,523 ✓

Assessment Information

Market Value Land:	\$2,526.00
Market Value Impr:	\$0.00
Market Value Total:	\$2,526.00
Assessed Value:	\$609.00

Land

Cnty Land Use:	550 - EFU farmland vacant	Land Use Std:	AMSC - Agricultural Misc
Zoning:	Clackamas Co.-EFU - Exclusive Farm Use District	Neighborhood:	Ladd Hill
Watershed:	Abermthy Creek-Willamette River	School District:	29J - Newberg
Primary School:	Mabel Rush Elementary School	Middle School:	Mountain View Middle School
High School:	Newberg Senior High School		

Improvement

Year Built:	Stories:	Fin. SqFt:
Bedrooms:	Bathrooms:	Garage:
Exterior Wall Type:	Basement Fin. SqFt:	Fireplace:
Heat:	Roof Type-Cover:	

Transfer Information

Rec. Date:	08/04/2011	Sale Price:		Doc Num:	2011-044224	Doc Type:	Deed
Owner:	Ruth B Richmond			Grantor:	BRYSON JANE T TRUST		
Orig. Loan Amt:				Title Co:	FIDELITY NATIONAL TITLE CO/OR		
Finance Type:		Loan Type:		Lender:			

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

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B4-2/4

57

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AFTER RECORDING, RETURN TO:
Michele E. Wasson
Steel Rives LLP
900 SW Fifth Avenue, Suite 2600
Portland, OR 97204

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**
Ruth B. Richmond
2496 SW Arden Road
Portland, OR 97201

Tax Account Nos: 00834128; 00834164

Clackamas County Official Records 2011-044224
Sherry Hall, County Clerk

\$67.00

01513102201100442240030033 08/04/2011 02:09:03 PM

D-D Cnt=1 Stn=6 KARLYNWUN
\$15.00 \$10.00 \$16.00 \$16.00

Fidelity National Title of Oregon
20110032292-01

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

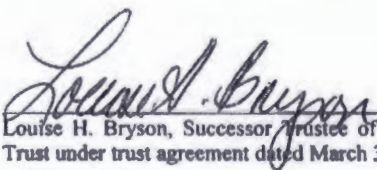
Louise H. Bryson, Successor Trustee of the Jane T. Bryson Trust under trust agreement dated March 30, 1994, and previously referred to as March 31, 1994, as amended ("Grantor") conveys to Ruth B. Richmond ("Grantee"), the real property located in Clackamas County, Oregon, described on Exhibit A attached hereto.

The true consideration for this conveyance is \$ZERO.

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

DATED this 4 ^{August} day of ~~July~~, 2011.

GRANTOR:


Louise H. Bryson, Successor Trustee of the Jane T. Bryson Trust under trust agreement dated March 30, 1994

(Ladd Hill)
70736653.3 0042512-00001

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DEC 11 2023
OWRD

STATE OF OREGON

ss.

County of Multnomah

This instrument was acknowledged before me on July 29, 2011, by
LOUISE H. BRYSON, Successor Trustee of the Jane
T. Bryson Trust.



Lynne Marie Kavish
Notary Public for Oregon
My Commission Expires: Jan 13, 2014

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EXHIBIT A

The land referred to herein is situated in the County of Clackamas, State of Oregon, and is more particularly described as follows:

PARCEL I:

Part of the Frederick W. Geer Donation Land Claim No. 41, in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point on the Southwest boundary of said D.L.C. South 33° East 29 chains, more or less, from the Northwest corner of the Northeast one-quarter of said Section 31, which point is the most Southerly corner of the tract described in Deed recorded October 31, 1958 in Book 547, Page 393, Clackamas County Deed Records; thence North 57° East 15.55 chains, more or less, along the Southeasterly line of said tract to the Westerly line of tract described in Deed recorded March 28, 1944 in Book 322, Page 410, Clackamas County Deed Records; thence South 49° East along said Westerly line 12.65 chains; thence continuing South 49° East along said Westerly line 8.71 chains to Market Road No. 6; thence Southwesterly along said road to its intersection with the County Road on the Southwesterly boundary of said Geer D.L.C.; thence Northwesterly along said last named Road and on the Southwest line of said Geer Claim 28.3 chains, more or less, to the point of beginning.

EXCEPT that part described as follows:

BEGINNING at point North 39° 30' East 4.80 chains and South 50° 30' East 11.00 chains and South 80° 15' West 1264.00 feet from the one-quarter section corner between Sections 31 and 32, in Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, and running thence North 53° 45' West 79.00 feet; thence South 54° 02' West 75.50 feet; thence South 35° 23' East 89.87 feet; thence North 45° 45' East 101.60 feet to the point of beginning.

EXCEPT ALSO that portion in the Southeast corner thereof sold to Richard J. Gross, et ux, by Contract recorded November 19, 1974, as Recorder's Fee No. 74-32458, Clackamas County records.

PARCEL II:

That tract conveyed to Philip W. Lapp, et ux, by Deed recorded January 11, 1977, as Recorder's Fee No. 77-1059, Clackamas County Records, being part of the Fredrick W. Geer Donation Land Claim No. 41, in Sections 31 and 32, Township 3 South, Range 1 West, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point on the Southwest Boundary of said D.L.C. South 33° East 29 chains, more or less, from the Northwest corner of the Northeast one-quarter of said Section 31, which point is the most Southerly corner of tract described in Deed recorded October 31, 1958, in Book 547, Page 393, Clackamas County Deed Records; thence North 57° East, 1026.3 feet, more or less, along the Southeasterly line of said tract to the Westerly line of tract described in Suit No. 90117, in the Circuit Court for Clackamas County; thence North 49° 40' 53" West along said Westerly line to a point 20 feet North of the Southeasterly line of said tract described in Book 547, Page 393, Clackamas County Deed Records, when measured at right angles thereto; thence Southwesterly parallel with said Southeasterly line to a point on the Southwesterly line of said Geer D.L.C.; thence Southeasterly along said Southwesterly D.L.C. line, 20 feet, more or less, to the point beginning.

3

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CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): ESM Farms, LLC c/o Edgar Sawyer McCall (owner)
- 2) Address: 5480 NW Front Ave, Portland, OR 97210
- 3) Mailing Address (if different): Same as above
- 4) Do you own all of the land where you propose to divert and make use of water? Yes

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B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: N/A = Not Applicable
- 2) Name & Title of Applicant: N/A
- 3) Mailing Address of Organization: N/A
- 4) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

- 2. Source of Water (name of stream, river): Willamette Basin Project Reservoirs
- 3. Proposed point of diversion: 2760 feet North and 1110 feet east of corner of Section 32 Township 3S, Range 1W, Willamette Meridian.
- 4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: We have not applied yet, but will soon.
- 5. Include a map of lands and diversion points. **[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].**
- 6. Do you currently hold a right to natural flows for irrigating the property described herein? If yes, what is/are the priority date(s)? N/A
- 7. Total quantity of water from storage requested: 67.0 acre-feet.
- 8. Location of land to be irrigated in each 40-acre tract:

Township	Range	Section	40-Acre Tract (1/4) (1/4)	No. of Acres	Type of Irrigated Crop <small>Please note that Cannabis is not an authorized crop Under Reclamation's Contracting Program. See PEC P16</small>
3S	1W	31	NE-NE	8.4	
3S	1W	31	SE-NE	1.9	
3S	1W	32	NW-NW	10.6	
3S	1W	32	SW-NW	5.9	

Total number of Acres: 26.8



9. What is the present use of the land identified above? [farming; idle (fallow cultivated land); native (appears never to have been tilled, walked on, driven on); planted pasture or other (please specify)].

Farming

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10. Is the land identified above currently being irrigated?
If yes, what is the source? (natural flows, wells, etc.)

DEC 1 1 2023

No

OWRD

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish standards:

The plan is to utilize an Oregon Dept. of Wildlife approved fish screen on the intake.

12. Telephone number where you can be reached during the day: 1.360.921.1246

Sign and Date:

11/15/2023

E-mail completed form and associated information to: jkelly@usbr.gov Any questions, please contact Joy Kelley at (986) 999-8984

Please send contract administration fee directly to: CPN Regional Office, Attn: CPN-6323, 1150 N. Curtis Road, Boise, ID 83706

Before returning the completed Contract Data Sheet to the address provided above, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE 1., MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.



REQUEST FOR TAX IDENTIFICATION NUMBER



Section 1: General Information

IN ACCORDANCE with the Debt Collection Improvement Act of 1996 (Pub.L.104-134), you are required to provide your tax identification number. This number will be used to make payments (refunds), or to collect and report any delinquent amounts that arise out of your relationship with the Federal Government. Please complete and return this form to the Bureau of Reclamation.

Section 2: Indicate your status

- Corporation City/State Government Individual
- Partnership Federal Government Other (Specify): _____

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Section 3: Personal Information

Social Security Number: [REDACTED]
XXX - XX - XXXX

Business Tax Identification Number: [REDACTED]
XX - XXXXXX

OWRD

Print Full Name: ESM Farms, LLC Telephone: 1.360.921.1246 Email: _____

Mailing Address: 5480 NW Front Ave. City: Portland State: OR Zip: 97210

Signature:  1/15/2023

Section 4: Fax or mail completed form to the Bureau of Reclamation

Fax: 208-378-5381

Mail: Bureau of Reclamation, CPN Regional Office, Attn: CPN-4119, 1150 N. Curtis Road, Boise, ID 83706

Section 5: For Official Use Only

U.S. Bureau of Reclamation Contract No: _____ Contract Description: _____

Privacy Act Statement

Pursuant to 5 U.S.C. 552(e)(3), enacted into law by section 3 of the Privacy Act of 1974 (Pub.L.93-579), the information below is pertinent to individuals who provide information to the Bureau of Reclamation. This information is maintained in a system of records designated and described at 74 Federal Register 596 (January 6, 2009), or the most recent Federal Register publication.

- 1) **PRINCIPLE PURPOSE:** To obtain a tax identification number or social security number to enable the Bureau of Reclamation to process payments or collect and report delinquent debts.
- 2) **ROUTINE USES:** Information from this form may be transmitted to debt collection contractors, or Federal agencies for collecting debts (or collection action on such debts), or Treasury on past-due nontax debts for the purpose of locating the debtor and/or effecting offset under Treasury Offset Program. Information may be publically disseminated regarding the identity of delinquent nontax debtors and the existence of nontax debts under the provisions of the Debt Collections Improvement Act of 1996.
- 3) **MANDATORY DISCLOSURE:** It is mandatory that you provide the requested information pursuant to the Debt Collection Improvement Act of 1996 (Pub.L.104-134). If you do not provide the requested information, the Bureau of Reclamation may no longer conduct business with you; all contracts, licenses, permits or agreements will cease and be terminated.
- 4) **AUTHORITY:** 5 U.S.C. 552a; 5 U.S.C. 5514; 15 U.S.C. 1681; 26 U.S.C. 6103(m)(2); 31 U.S.C. 37, subchapters I and II; 31 U.S.C. 3701(a)(3); 31 U.S.C.3711; 31 U.S.C. 3716; 31 U.S.C.3717; 31 U.S.C. 3718; 31 U.S.C.3720; 42 U.S.C. 2201; 42 U.S.C. 5841; Cash Management Improvement Act Amendments of 1992 (Pub.L.102-589); Debt Collection Improvement Act of 1996 (Pub.L.104-134); 31 CFR Chapter IX, Parts 900-904; 10 CFR Parts 15, 16, 170, 171; Executive Order (E.O.) 9397, as amended by E.O. 13478; E.O. 12101; and E.O. 12731.



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Section 2: Indicate your status

Corporation City/State Government Individual
 Partnership Federal Government Other (Specify): _____

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Section 3: Personal Information

OWRD

Social Security Number:

____ - ____ - _____
 xxx xx xxxxx

Business Tax Identification Number:

____ - _____
 xx xxxxxxx

Print Full Name: Ruth Richmond c/o Christian Richm Telephone: 1.503.962.9624 Email: _____

Mailing Address: 7000 NW Star Marine Lane City: Newberg State: OR Zip: 97132

Signature: _____

Section 4: Fax or mail completed form to the Bureau of Reclamation

Fax: 208-378-5381

Mail: Bureau of Reclamation, CPN Regional Office, Attn: CPN-4119, 1150 N. Curtis Road, Boise, ID 83706

Section 5: For Official Use Only

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CONTRACT DATA SHEET



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 OWRD

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Ruth Richmond c/o Christian Richmond, via power of attorney
- 2) Address: 7000 NW Star Marine Ln, Newberg, OR 97132
- 3) Mailing Address (if different): Same as above
- 4) Do you own all of the land where you propose to divert and make use of water? No

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: N/A = Not Applicable
- 2) Name & Title of Applicant: N/A
- 3) Mailing Address of Organization: N/A
- 4) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

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3. Proposed point of diversion: 2760 feet North and 1110 feet East of corner of Section 32 Township 3S, Range 1W, Willamette Meridian.
4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: We have not applied yet, but will soon.
5. Include a map of lands and diversion points. **[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].**
6. Do you currently hold a right to natural flows for irrigating the property described herein?
 If yes, what is/are the priority date(s)? N/A
7. Total quantity of water from storage requested: 98.5 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

Township	Range	Section	40-Acre Tract (1/4) (1/4)	No. of Acres	Type of Irrigated Crop <small>Please note that Cannabis is not an authorized crop Under Reclamation's Contracting Program. See PEC P16</small>
3S	1W	31	NE-NE	2.6	
3S	1W	31	SW-NE	1.3	
3S	1W	31	SE-NE	33.2	
3S	1W	31	NE-SE	2.0	
3S	1W	32	SW-NW	0.3	

Total number of Acres: 39.4



9. What is the present use of the land identified above? [farming; idle (fallow cultivated land); native (appears never to have been tilled, walked on, driven on); planted pasture or other (please specify)].

Farming

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10. Is the land identified above currently being irrigated?
If yes, what is the source? (natural flows, wells, etc.)

No

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish standards:

The plan is to utilize an Oregon Dept. of Wildlife approved fish screen on the intake.

12. Telephone number where you can be reached during the day: 1.503.962.9624

Sign and Date: _____

E-mail completed form and associated information to: jkelly@usbr.gov Any questions, please contact Joy Kelley at (986) 999-8984

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Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM

971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

6 NOV 2023

Subject: New Application to Store Water and Use Stored Water

To Whom It May Concern,

Enclosed is an application to use stored water together with the following attachments:

- A. Application Map
- B. Legal Descriptions
- C. Land Use Compatibility Statement
- D. Bureau of Reclamation (BOR) Data Sheets (for Richmond and ESM Farms)
- E. Fee Calculation
- F. A check made out to "Oregon Water Resources Department" for \$2244.40.

Please let me know if there are any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

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