

# 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 GOLDEN VALLEY FARMS, LLC		PHONE (HM)	
PHONE (WK)	CELL (503) 932-0561		FAX
ADDRESS 7385 HOWELL PRAIRIE RD. NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL * DUANE@GVFUSA.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 WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210	FAX
ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

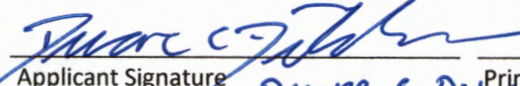
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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.

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

 member 10/25/23  
 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.

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- 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).*

- *Brian & Duane, LLC, 7385 Howell Prairie Rd. NE, Silverton, OR 97381*
- *Ditchen Land Company, LLC, 7385 Howell Prairie Rd. NE, Silverton, OR 97381*
- *Perry Family Trust, 40814 Sandpiper Ct., Palm Desert, CA 92260*
- *Dean M. & Susan E. Hammond, 6332 Lake Labish Rd. NE, Salem, OR 97305*
- *David R. Dominguez & Alondra Dominguez Jacobo & Patrick Dominguez Hernandez & Cynthia P. Dominguez, 5454 Wallace Rd. NW, Salem, OR 97304*

**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.

**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: BOR Stored Water (Willamette River)	Tributary to: Columbia River
TRSQQ of POD: 6S, 3W, 32, NWNE	
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).

**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/](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:

Equipment will be operated, monitored, and maintained carefully to prevent waste. A water use measuring device will be installed.

**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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For Department Use: App. Number: \_\_\_\_\_

**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
BOR Stored Water (Willamette River)	Irrigation	Mar. 1 – Oct. 31	1,476 <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: 1,476 Acres                      Supplemental: \_\_\_\_\_ Acres                      Nursery Use: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1,476 AF

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

**SECTION 6: WATER MANAGEMENT**

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**A. Diversion and Conveyance**  
 What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 2- 100 HP centrifugal
- Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.  
Two 100 HP centrifugal pumps will deliver water to the fields via 16" down to 10" buried PVC mainlines.

**B. Application Method**  
 What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Big gun

**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 amount of water requested is less than standard at only 1 AF/ac. Equipment will be kept in good operating condition to prevent waste.

**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: Diversion will be screened per ODFW specs.

- 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 necessary. Existing pump site will just be improved with larger pumps.

- 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: No equipment operation in a water body will be needed.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe planned actions: Equipment will be carefully monitored to prevent run-off or erosion.

- 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: Upon permit issuance
- b) Date construction will be completed: Request standard 5-year completion time
- c) Date beneficial water use will begin: Upon permit issuance

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**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	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).

For the portions of primary irrigation POU authorized by Permits S-54564 and S-54565 that are layered with this application, it is desired to diminish Permits S-54564 and S-54565 to supplemental sources upon approval of this permit.

## 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: \$4,078.40  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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)

WHEN RECORDED RETURN TO:

Golden Valley Farms, LLC  
Duane Ditchen  
7385 Howell Prairie Rd.  
Silverton, OR 97381

RECORDED IN POLK COUNTY	<b>2022-013083</b>
Valerie Unger, County Clerk	12/20/2022 11:51:01 AM
REC-EAS      Cnt=1    Str=5    K. WILLIAMS	\$126.00
\$40.00 \$11.00 \$10.00 \$60.00 \$5.00	

Space above for Recorder's use only

**WATERWORKS EASEMENT**

This waterworks easement ("Waterworks Easement") is granted by Naomi Gunter, as Personal Representative to the Estate of IRENE M SCHLABACH ("Grantor") to Golden Valley Farms, LLC an Oregon limited liability company ("Grantee"). This Waterworks Easement is granted on the date of last signature appearing below ("Effective Date").

- 1. Waterworks Easement Grant.** Grantor grants and Grantee accepts this Waterworks Easement.
- 2. Waterworks Easement Term.** This Waterworks Easement is perpetual.
- 3. Easement Type.** This Waterworks Easement is a commercial utility easement in gross.
- 4. Consideration.** Consideration for this Waterworks Easement is identified by the terms of an agreement between the parties ("Waterworks Easement Agreement").
- 5. Burdened Property.** This Waterworks Easement burdens the real property described in the attached Exhibit A-1 "Grantor Property".
- 6. Easement Area.** The easement area is 25' in width perpendicular and approximately parallel to a pipeline existing on the date of grant ("Grantor Pipeline") and extending from State Highway 221 (aka "Wallace Road NW") easterly to the water line of the Willamette River and as that route is depicted by the map in Exhibit A-2 - Easement Area ("Easement Area").

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7. **Purpose.** The purpose of this Waterworks Easement is the installation, operation, maintenance, repair, removal, and replacement of waterworks diverting agricultural irrigation water from a Willamette River point-of-diversion and conveying agricultural irrigation water westerly across Grantor Property to the west property boundary at State Highway 221 ("Purpose"). The easement Purpose includes the installation, connection, maintenance, operating, upgrading, and reliance upon pump intakes, pump platform, pumps, controls, pipeline, electric utilities, and monitoring and operating utilities necessary to operate the waterworks ("Grantee Waterworks").
8. **Grantor Pipeline.** Grantee may not interfere with Grantor's use of a pipeline existing within the Easement Area on the Effective Date.
9. **Access.** The easement Purpose includes the right to cross Grantor Property as necessary to access Grantee Waterworks within the Easement Area. Grantor will not obstruct Grantee's access to and use of the Easement Area for the Purpose.
10. **Notice Prior to Entry.** Except in the case of emergency, Grantee will deliver notice prior to entry ("Entry Notice"). In the context of this clause, "emergency" means any condition threatening the operation of Grantee Waterworks during the irrigation season and any condition that threatens personal safety or damage to Grantor Property. Grantee will provide Grantor with an email address to which Grantee may direct all notice communications due under this provision and a phone number as an emergency contact ("Contact Information"). If Grantor fails to deliver Contact Information, Grantee's Entry Notice obligation is waived.
  - 10.1. General Notice: 24-hour notice prior to entry upon Grantor Property ("Entry Notice").
  - 10.2. Excavation Notice: 30-day notice prior to the performance of any excavation work involving removal or fill greater than two-cubic-yards.
  - 10.3. General Consideration. Grantee will make commercially reasonable efforts to accommodate Grantor's reasonable scheduling requests for non-emergency earth work.
11. **Utilities.** Grantee is responsible for the payment of all utility costs incurred by Grantee Waterworks. Grantor will consent to the location, installation, and upgrade of any utility infrastructure requested of the electric utility by Grantee. All utility work and all utility upgrades requested by Grantee will be performed at the cost of Grantee.
12. **Non-Exclusive.** Grantor may use the Easement Area for any use that does not interfere with the Purpose. Grantor may grant other use rights to the Easement Area that do not interfere with the Purpose.
13. **Release.** Grantee and its agents, employees, contractors, subcontractors, guests, and invitees (collectively, the "Grantee Parties") enter upon the Grantor Property at their sole risk and hazard. Grantee releases Grantor from any claims relating to the entry onto and activities upon the Grantor Property by the Grantee Parties.

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**14. Maintenance and Damages.**

- 14.1. **Pipeline Burial.** Grantee will bury all pipeline installed by Grantee from a pump station connection flange to the State Highway 221 right-of-way. Grantee may install a pipeline vent at the State Highway 221 right-of-way.
- 14.2. **Landscaping.** Grantee will return all soil disturbed by pipeline installation, pipeline maintenance, and pipeline replacement to the original grade and condition. Grantee will replant any disturbed non-road surface with grass. Grantee will compact and grade any disturbed private road surface. Grantee will repair or replace any fence disturbed by Grantee.
- 14.3. **Damages.** Grantee will reimburse Grantor for any damages outside the Easement Area caused by Grantee. Grantee is not liable for any damages to any facility (e.g., buildings and structures) constructed over the Easement Area after the date of easement grant.

**15. Indemnification.** To the extent permitted by Oregon law, the parties will indemnify one another, their agents, officers, and employees, for all claims and all costs related to any loss, damage, injury, or legal defense costs resulting from the negligence, misconduct, or intentional acts of one another, their agents, officers, employees, and contractors for each party's actions taken and obligations assumed under this Pipeline Easement. This indemnity obligation will not apply to any claims or costs caused by the negligence of the party seeking indemnification or by the negligence of their own agents, officers, or employees.

**16. Successors and Assigns.** This Waterworks Easement runs with the land and burdens the Grantor Property. This Waterworks Easement binds and inures to the benefit of the parties and their respective executors, administrators, successors-in-interest, and lawful assigns. The term, "successors-in-interest" refers to the successors to all or substantially all of a party's assets and to their successors by merger or consolidation.

**17. Authority.** Each individual signing this Waterworks Easement represents that he or she has legal authority to bind the associated entity.

The parties grant and accept this Waterworks Easement on the Effective Date.

*[Signatures to Follow]*

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GRANTOR:

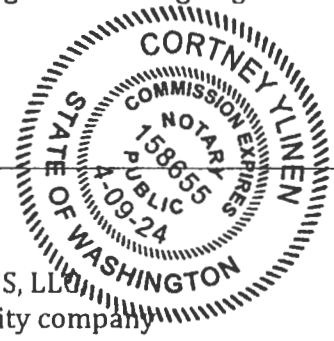
IRENE M SCHLABACH ESTATE

By: Naomi Gunter  
Name: Naomi Gunter  
Its: Personal Representative

STATE OF WA )  
 )  
:SS  
COUNTY OF King )

On 12/8, 2022, personally appeared before me Naomi Gunter, known or satisfactorily proved to me to be a ~~PERSONAL REPRESENTATIVE~~ who acknowledged to me that she signed the foregoing instrument as Personal Representative for said Estate.

Cortney Ylmen  
Notary Public



GRANTEE

GOLDEN VALLEY FARMS, LLC  
an Oregon limited liability company

By: \_\_\_\_\_

Name: Duane Ditchen  
Its: Member

STATE OF )  
 )  
:SS  
COUNTY OF )

On \_\_\_\_\_, 2022, personally appeared before me Duane Ditchen, known or satisfactorily proved to me to be a Member of GOLDEN VALLEY FARMS, LLC, an Oregon limited liability company, who acknowledged to me that he signed the foregoing instrument as Member of said company.

\_\_\_\_\_  
Notary Public

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GRANTOR:

IRENE M SCHLABACH ESTATE

By: \_\_\_\_\_

Name: Naomi Gunter

Its: Personal Representative

STATE OF \_\_\_\_\_ )  
:SS  
COUNTY OF \_\_\_\_\_ )

On \_\_\_\_\_, 2022, personally appeared before me \_\_\_\_\_, known or satisfactorily proved to me to be a \_\_\_\_\_, who acknowledged to me that she signed the foregoing instrument as Personal Representative for said Estate.

\_\_\_\_\_  
Notary Public

GRANTEE

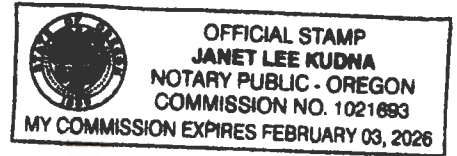
GOLDEN VALLEY FARMS, LLC,  
an Oregon limited liability company

By: *Duane E. Ditchen*

Name: Duane Ditchen

Its: Member

STATE OF Oregon )  
:SS  
COUNTY OF Marion )



On 12-9, 2022, personally appeared before me Duane Ditchen, known or satisfactorily proved to me to be a Member of GOLDEN VALLEY FARMS, LLC, an Oregon limited liability company, who acknowledged to me that he signed the foregoing instrument as Member of said company.

*Janet Lee Kudna*  
Notary Public

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## **Exhibit A-1 Legal Description of Burdened Estate**

### **Exhibit A-1 Legal Description**

All that property conveyed to Schlabach by Book 205, Page 1457, Polk County Deed Records, situated in the northeast one-quarter of Section 32 and the southeast one-quarter of Section 29, Township 6 South, Range 3 West, of the Willamette Meridian, Polk County, Oregon, being more particularly described as follows:

All that part of the following described premises which lies Easterly of the State Highway No. 221; Beginning at an anchor post which is South 89°04' East 1.02 chains from the Northwest corner of the Donation Land Claim of John N. Chambers and wife, Notification No. 181, Claim No. 53, in Township 6 South, Range 3 West of the Willamette Meridian, and running thence South 19.08 chains; thence North 88 East along the center line of a ditch 61.50 chains to the West bank of the Willamette River; thence down the West bank of said river 16.25 chains to the North line of said Claim No. 53; thence North 89°04' West 59.90 chains to the place of beginning.

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## Exhibit A-2 Easement Area

### Exhibit A-2 Legal Description

A 25.00 foot wide strip of land situated in the northeast one-quarter of Section 32 and the southeast one-quarter of Section 29, Township 6 South, Range 3 West, of the Willamette Meridian, Polk County, Oregon, being a portion of that property conveyed to Schlabach by Book 205, Page 1457, Polk County Deed Records, being 12.50 feet on each side of an existing water pipeline, the centerline of which being more particularly described as follows:

Beginning at the intersection of the centerline of said existing pipeline with the approximate east right of way of Wallace Road, being Station 0+00 for this description;

thence, along said pipeline centerline, South 89°41'49" East, 343.17 feet to Station 3+43.17;

thence, continuing along said pipeline centerline, South 88°18'56" East, 259.35 feet to Station 6+02.52;

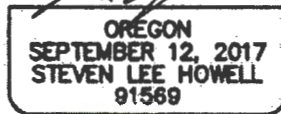
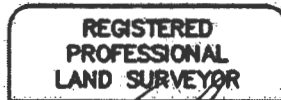
thence, continuing along said pipeline centerline, South 85°13'19" East, 161.35 feet to the Willamette River at Station 7+63.87;

Coordinate Values for said Stations are as follows:

Station	Northing	Easting
0+00	247895.75	164987.09
3+43.17	247893.93	165330.26
6+02.52	247886.31	165589.50
7+63.87	247872.87	165750.28

The sidelines of said easement to be prolonged or shortened to meet at the east right of way of Wallace Road and the west line of the Willamette River.

Bearings and coordinates are based on the Oregon Coordinate Reference System "Salem Zone".



RENEWS: 6-30-2023

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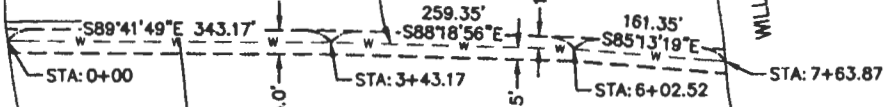
SCALE: 1" = 150'

SCHLABACH  
B.205, P.1457  
TAXLOT 101  
(6S3W32)

WALLACE ROAD

WILLAMETTE RIVER

EXISTING WATERLINE  
AS CONSTRUCTED TO DATE



SCHLABACH  
B.205, P.1457  
TAXLOT 100  
(6S3W32)

SCHLABACH  
B.205, P.1457  
TAXLOT 101  
(6S3W32)

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
SEPTEMBER 12, 2017  
STEVEN LEE HOWELL  
91569

RENEWS: 6-30-2023

**EXHIBIT A-2 MAP**  
IN THE NE 1/4 OF SECTION 32 & THE SE  
1/4 OF SECTION 29, T.6S., R.3W., W.M.  
POLK COUNTY, OREGON  
DATE: OCTOBER 27, 2022

SURVEYED FOR: GOLDEN VALLEY FARMS	
 <b>FORTY FIVE NORTH SURVEYING, LLC</b> 7230 3rd Street SE #145, Turner, OR 97392 P: (503) 558-3330 E: info@ffnsurveying.com	JOB NO. 22-383
	SHEET 1/1

RECEIVED

JAN 04 2024

OWRD

317884  
265890

**RECORDING COVER SHEET**  
**(Per ORS 205.234 or ORS 205.244)**

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any errors in this cover sheet do not effect the Transaction(s) contained in the instrument itself

This space reserved for use by  
the County Recording Office

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	<b>2023-005506</b> 07/21/2023 04:34:01 PM
REC-COR    Cnt=1    Stn=3    C. STECKLEY \$20.00 \$11.00 \$10.00 \$60.00 \$5.00	<b>\$106.00</b>

**After recording return to:**  
First American Title Company  
807 Main Street  
Dallas, OR 97338

**1) Title(s) of Transaction(s)** ORS 205.234(a)  
Personal Representatives Deed

**2) Direct Party/Grantor(s) and address** ORS 205.125(1)(b) and ORS 205.160

Naomi Gunter the duly appointed, qualified and acting personal representative of the estate of Irene M. Schlabach, deceased

**3) Indirect Party/Grantee(s) and address** ORS 205.125(1)(a) and ORS 205.160

David R. Dominquez and Alondra Dominquez Jacobo, not as tenants in common, but with rights of survivorship and Patrick Dominquez Hernandez and Cynthia P Dominquez, not as tenants in common but with rights of survivorship

**3a) Trustee and address, if any**

**True and Actual Consideration** ORS 93.030

**4)** \$718,750.00

**5) Send Tax Statements to:**

David R. Dominquez and Alondra Dominquez Jacobo,  
Patrick Dominquez Hernandez and Cynthia P Dominquez  
5454 Wallace Road NW  
Salem, OR 97304

: **If this box is checked, then below applies:**

**If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "Rerecorded at the request of First American Title to correct the legal description in previously recorded in 2023-004503**

ALL THAT PART OF THE FOLLOWING DESCRIBED PREMISES WHICH LIES EASTERLY OF THE STATE HIGHWAY NO. 221: BEGINNING AT AN ANCHOR POST WHICH IS SOUTH 89°04' EAST 1.02 CHAINS FROM THE NORTHWEST CORNER OF THE DONATION LAND CLAIM OF JOHN N. CHAMBERS AND WIFE, NOTIFICATION NO. 181, CLAIM NO. 53, IN TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE SOUTH 19.08 CHAINS; THENCE NORTH 88° EAST ALONG THE CENTER LINE OF A DITCH 61.50 CHAINS TO THE WEST BANK OF THE WILLAMETTE RIVER; THENCE DOWN THE WEST BANK OF SAID RIVER 16.25 CHAINS TO THE NORTH LINE OF SAID CLAIM NO. 53; THENCE NORTH 89°04' WEST 59.90 CHAINS TO THE PLACE OF BEGINNING.

NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

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JAN 04 2024

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After recording return to:  
David R. Dominguez  
5454 Wallace Road NW  
Salem, OR 97304

Until a change is requested all tax  
statements shall be sent to:  
David R. Dominguez and Alondra  
Dominguez Jacobo and Patrick  
Dominguez Hernandez and Cynthia P.  
Dominguez  
5454 Wallace Road NW  
Salem, OR 97304

File No.: 7081-4002404 (JK)  
Date: March 29, 2023

THIS SPACE RESERVED FOR RECORDER'S USE

RECORDED IN POLK COUNTY      **2023-004503**  
Valerie Unger, County Clerk      06/16/2023 10:40:01 AM  
REC-PRD      Cnt=1 Str=5 K. WILLIAMS  
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00      **\$101.00**

### PERSONAL REPRESENTATIVE'S DEED

Naomi Gunter the duly appointed, qualified and acting personal representative of the estate of Irene M. Schlabach, deceased, conveys to David R. Dominguez and Alondra Dominguez Jacobo, not as tenants in common, but with rights of survivorship and Patrick Dominguez Hernandez and Cynthia P. Dominguez, not as tenants in common, but with rights of survivorship that certain real property situated in the County of Polk, State of Oregon, described as follows, to-wit:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$718,750.00.

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

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JAN 04 2024

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FIRST AMERICAN 4002404

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.

Dated this 13 day of June, 2023.

Estate of Irene Schlabach

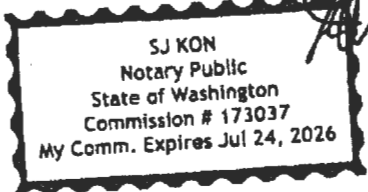
By: Naomi Gunter as Personal Representative  
Naomi Gunter as Personal Representative

STATE OF Washington )  
County of King ) ss.

This instrument was acknowledged before me on this 13 day June, 2023  
by Naomi Gunter, as personal representative of the estate of Irene M. Schlabach

[Signature]

Notary Public for Washington  
My Commission Expires: 7.24.26



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JAN 04 2024  
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**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:

**ALL THAT PART OF THE FOLLOWING DESCRIBED PREMISES WHICH LIES EASTERLY OF THE STATE HIGHWAY NO. 221: BEGINNING AT AN ANCHOR POST WHICH IS SOUTH 89°04' EAST 1.02 CHAINS FROM THE NORTHWEST CORNER OF THE DONATION LAND CLAIM OF JOHN N. CHAMBERS AND WIFE, NOTIFICATION NO. 181, CLAIM NO. 53, IN TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, AND RUNNING THENCE SOUTH 19.08 CHAINS; THENCE NORTH 88 EAST ALONG THE CENTER LINE OF A DITCH 61.50 CHAINS TO THE WEST BANK OF THE WILLAMETTE RIVER; THENCE DOWN THE WEST BANK OF SAID RIVER 16.25 CHAINS TO THE NORTH LINE OF SAID CLAIM NO. 53; THENCE NORTH 89°04' WEST 59.90 CHAINS TO THE PLACE OF BEGINNING.**

**NOTE: THIS LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.**



**CERTIFIED TO BE A TRUE AND  
CORRECT COPY OF THE ORIGINAL  
VALERIE UNGER, Polk County Clerk**

By 

**RECEIVED**  
JAN 04 2024  
**OWRD**

265902



FIRST AMERICAN 4001127

After recording return to:  
Ditchen Land Company, LLC  
7385 Howell Prairie Rd NE  
Silverton, OR 97381

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

Ditchen Land Company, LLC  
7385 Howell Prairie Rd NE  
Silverton, OR 97381

File No.: 7081-4001127 (JK)  
Date: October 24, 2022

THIS SPACE RESERVED FOR RECORDER'S USE	
<p>RECORDED IN POLK COUNTY Valerie Unger, County Clerk</p>	<p><b>2022-012869</b> 12/14/2022 04:28:01 PM</p>
<p>REC-WD      Cnt=1 Stn=1 V. UNGER \$25.00 \$11.00 \$10.00 \$60.00 \$5.00</p>	<p><b>\$111.00</b></p>

### STATUTORY WARRANTY DEED

**James D. Field, Trustee, or his successors in trust, under the James Field Living Trust, dated April 02, 2013, and any amendments thereto, and Naomi Gunter, as Personal Representative of the Estate of Irene M. Schlabach, each as to an undivided one-half (1/2) interest, Grantor, conveys and warrants to Ditchen Land Company, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:**

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$1,100,000.00**. (Here comply with requirements of ORS 93.030)

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JAN 04 2024

OWRD

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.

Dated this 6 day of December, 2022.

The Estate of Irene M. Schlabach

The James Field Living Trust

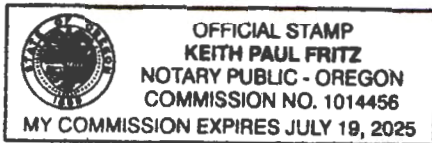
By: Naomi Gunter, Personal Representative

James D. Field  
By: James D. Field, Trustee

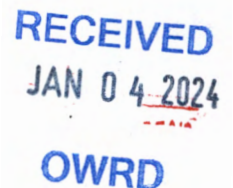
STATE OF Oregon )  
County of Washington )ss.

This instrument was acknowledged before me on this 6 day of December, 2022 by James D. Field as Trustee of The James Field Living Trust, on behalf of the Trust.

Keith Paul Fritz



Notary Public for Oregon  
My commission expires: July 19, 2025





APN: 265902

Statutory Warranty Deed  
- continued

File No.: 7081-4001127 (JK)

STATE OF WA )  
County of KING )ss.  
 )

This instrument was acknowledged before me on this 8 day of DECEMBER, 2022  
by Naomi Gunter as Personal Representative of The Estate of Irene M. Schlabach, on behalf of the Estate



[Signature]  
Notary Public for WA  
My commission expires: 4/9/2024

RECEIVED  
JAN 04 2024  
OWRD

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:

**Only that part of the following described premises which lies Westerly of the State Highway No. 221 in Polk County, Oregon;**

**Beginning at an anchor post which is South 89°04' East 1.02 chains from the Northwest Corner of the Donation Land Claim of John N. Chambers and wife, Not. No. 181, Claim No. 53 in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; and running thence South 19.08 chains; thence North 88° East along the center line of a ditch 61.50 chains to the West bank of the Willamette River; thence down the West bank of said river 16.25 chains to the North line of said Claim No. 53; thence North 89° 04' West 59.90 chains to the place of beginning.**

**EXCEPTING THEREFROM three-quarters (3/4) of an acre deeded by John G. Toner and wife to Robert Skaife, said deed bearing the date of February 22, 1882, and recorded in Vol. 15, Page 339 of the Deed Records for Polk County, Oregon.**

**There is also hereby conveyed an Easement from United States of America (Bonneville Administration) as recorded in Book 109, Page 540, Deed Records of Polk County, Oregon.**

**There is also hereby conveyed an Easement for the present main pipe line as it now exists over and across that portion of the property described in DB 110, Pg. 406, which lies Easterly of State Highway No. 221, together with the right of ingress and egress to maintain and service the irrigation pump located at the river. At such time as said pipe needs replacing it shall be replaced at a depth of no less than its present level.**

**NOTE: This legal description was created prior to January 1, 2008.**





314242  
314255

AFTER RECORDING, RETURN TO:  
Ditchen Land Company, LLC  
7385 Howell Prairie Road  
Silverton, Oregon 97381-9353

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

Ditchen Land Company, LLC  
7385 Howell Prairie Road  
Silverton, Oregon 97381-9353

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2009-009719



\$41.00

00218884200900097190030030

08/14/2009 11:41:41 AM

REC-BS Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00 \$5.00 *[Signature]*

**BARGAIN & SALE DEED**

Dean M. Hammond and Susan E. Hammond ("Grantors") convey to Ditchen Land Company, LLC, an Oregon limited liability company ("Grantee"), that certain real property located in Polk County, Oregon, and more particularly described on **Exhibit A** attached hereto (the "Property").

RESERVING UNTO GRANTORS, their successors and assigns, an easement and right-of-way for full and unencumbered use of the Property for the purpose of exercising Grantors' exclusive right to harvest all agricultural crops on the Property (the "Reserved Easement"). The Reserved Easement shall expire on October 1, 2009.

The true consideration for this conveyance is \$780,000.

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. 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.

1440803  
PPS: AMERICAN TITLE

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JAN 04 2024  
OWRD

DATED this 27<sup>th</sup> day of August, 2009.

GRANTORS:

[Signature]  
Dean M. Hammond

[Signature]  
Susan E. Hammond

County of Marion ) ss.

The foregoing instrument was acknowledged before me on Aug. 13, 2009, by Dean Hammond.



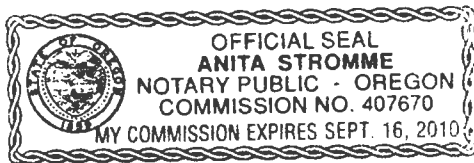
[Signature]  
Notary Public for Oregon  
My commission expires 9/16/2010

County of Marion ) ss.



The foregoing instrument was acknowledged before me on Aug. 13, 2009 by Susan Hammond.

[Signature]  
Notary Public for Oregon  
My commission expires 9/16/2010



RECEIVED  
JAN 04 2024  
OWRD

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:

**Beginning at the Northeast corner of the Jessie Walling Donation Land Claim No. 52 in Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; thence North 16.23 chains; thence South 81° West 7.69 chains; thence North 25°30' West .96 chains; thence North 44° West 1.00 chains; thence North 34° West .84 chains; thence North 15° West 2.63 chains; thence North 10° West 1.87 chains; thence North 86° West .66 chains; thence North 23° West to the Northwest corner of that certain tract of land conveyed to Gus S. Lake by deed recorded June 12, 1908, in Volume 49, Page 152, Deed Records for Polk County, Oregon; thence South 75° West to the Northeast corner of a tract of land sold on contract to Max C. Bopp and disclosed by contract recorded January 12, 1965, in Volume 193, Page 596, Deed Records for Polk County, Oregon; thence South 0°02' West 1646.21 feet to an iron pipe on the North line of said Walling Donation Land Claim; thence North 74°41' East along the North line of said Jessie Walling Donation Land Claim to the place of beginning.**

**NOTE:** This legal description was created prior to January 1, 2008.

265661  
26687 4179378  
265145 265674  
265622  
25858  
266417

AFTER RECORDING RETURN TO:

Daniel A. Ritter, P.C.  
530 Center Street NE, Suite 700  
Salem, OR 97301-3740

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2006-020492

MAIL TAX STATEMENTS TO:

Ditchen Land Company, LLC  
7385 Howell Prairie Road NE  
Silverton, OR 97381



\$96.00

00170283200600204920150152

12/14/2006 12:42:45 PM

REC-COR Cnt=1 Stn=1 K. WILLIAMS  
\$75.00 \$10.00 \$11.00

CORRECTION DEED

DITCHEN LAND COMPANY LIMITED PARTNERSHIP, an Oregon limited partnership, also known as DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, hereinafter called the Grantor, does hereby remise, release, and quitclaim unto DITCHEN LAND COMPANY, LLC, an Oregon limited liability company, hereinafter called Grantee, and unto Grantee's heirs, successors, and assigns all of Grantor's right, title, and interest in that certain real property which is described below, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This correction deed is executed to correct the legal description contained in that Deed recorded September 28, 2006, as Document Number 2006-016123.

This deed is executed and delivered unto Grantee limited liability company as a contribution to the capital of such limited liability company and no monetary consideration has been paid to Grantor.

The real property is situated in the county of Polk, and state of Oregon, and is described as follows, to wit:

**PARCEL 1: (Parcel Number R074310001300, Ref Parcel Number 158158)**  
Beginning at the Southeast corner of the Donation Land Claim of James Kimsey, Claim No. 54, Notification No. 99 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 14.17 chains to point 49.50 chains South of the Southwest corner of the Donation Land Claim of David Goff, Notification No. 113, Claim No. 45; thence East 64.88 chains to a point due South of the Southwest corner of the Donation Land Claim of Samuel Burch, Notification No. 100, Claim No. 47; thence South 10.59 chains to the North line of the Donation Land Claim of Alonzo Wood, Claim No. 39, Notification No. 1618; thence West along the North line of said claim 11.16 chains to the Northwest corner of said claim; thence South 45' West along the West line of said claim 4.40 chains; thence West 53.68 chains; thence North 82 links to the place of beginning.

SAVE AND EXCEPTING from the above, that certain tract or parcel of land sold to the State of Oregon, by and through its State Highway Commission as set forth in that certain deed recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

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ALSO SAVE AND EXCEPT that Parcel laid out and described on Partition No. 1990-0025 in the Northwest quarter of Section 6, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SUBJECT TO:

1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Access Restrictions, including the terms and provisions thereof, contained in deed from O. W. Kellogg and Maud M. Kellogg, husband and wife, to the State of Oregon, by and through its Department of Transportation, dated September 29, 1953, and recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

Modification of said Access Restrictions, including the terms and provisions thereof, recorded April 20, 1954, in Volume 153, Page 612, Deed Records for Polk County, Oregon.

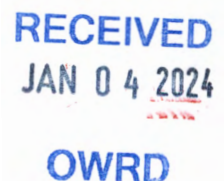
4. Lease, including the terms and provisions thereof, as disclosed by Subordination of Lease by and between Vincent E. Haworth and Joanna Haworth, Lessors, and Edward Brown, Lessee, recorded November 9, 1979, in Volume 144, Page 1964, Book of Records for Polk County, Oregon.
5. Easement as disclosed by Partition No. 1990025, Polk County, Oregon.
6. Any liens or encumbrances suffered or permitted by the grantees herein.

**Parcel 2: (9730 Orrs Corner Rd., Rickreall, Oregon; R 084060000100, Ref. Parcel Number 165967)**

PARCEL A:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence East 59.20 chains to the West line of the Donation Land Claim of Alonzo Wood Claim No. 39, at a point 19.55 chains South from the Northwest corner of said Claim; thence South 45' West along the West line of said Claim, 15.45 chains to the Southeast corner of Lot 5, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.



**PARCEL B:**

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82.00 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim, 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.

**PARCEL C:**

Beginning at the quarter Section post on the line between Section 6, Township 8 South, Range 4 West, and Section 1, Township 8 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence west 20.00 chains to the place of beginning.

SAVE and EXCEPTING 2.00 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East 4.47 chains; thence North 4.47 chains to the point of beginning.

**PARCEL 3: (Parcel Number R 094280000100, Ref. Parcel Number 213693; and Parcel Number R 094330000200, Ref. Parcel Number 214434)**

Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification Number 1554, Claim Number 50, running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River, thence Southerly and Easterly, following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification Number 2567, Claim Number 68; thence Northerly along the West line to place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO the following described property: The West half of the Donation Land Claim of Elijah D. Butler and Sarah E. Butler, his wife, and marked and designated on the official plats and surveys of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the West line of the Elijah D. Butler Donation Land Claim No. 68, Township 9 South, Range 4 West of the Willamette

Meridian in Polk County, Oregon, which is 2920.64 feet South of the Northeast corner of the C.T. Davidson Donation Land Claim, No. 50, in said Township and Range, thence along said Donation Land Claim line South 152.47 feet; thence South 87° East 242.00 feet; thence North 180.00 feet; thence North 87° West 242.00 feet to a point on said Donation Land Claim line; thence South 27.53 feet to the point of beginning.

SAVE AND EXCEPT: Any portion of the above described tract lying within the right of way limits of public roads and highways.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River,
  - 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Luckiamute River as it now exists or has existed.
  - 2) Any adverse claim based on the assertion that:
    - a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
    - b) some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Luckiamute River or has been formed by accretion to such portion.
    - c) any adverse claim based upon the assertion that the Luckiamute River has changed its location.
3. An easement created by instrument, including the terms and provisions thereof, dated June 14, 1974, Recorded June 25, 1974, in Book 59, Page 665, Book of Records, Polk County, Oregon, in favor of R. C. Warner and Nadene Warner (TL 101) for maintaining water line and pump. Affects as set forth in document.
4. An easement created by instrument, including the terms and provisions thereof, dated September 1, 1992, Recorded September 10, 1992 in Book 258, Book of Records, Polk County, Oregon, in favor of adjacent property owner (TL 101) for septic drainfield.

**PARCEL 4: (13025 Corvallis Road, Independence, OR 97351, Parcel Number R094330000300, Ref. Parcel Number 214447; Parcel Number R094280000400, Ref. Parcel Number 213747; Parcel Number R094280000500, Ref. Parcel Number 213750; Parcel Number R094330000100, Ref. parcel Number 214421; Parcel Number R094330000400, Ref Parcel Number 214450; and Parcel Number R094340000600, Ref Parcel Number 214517)**

(Sayer Parcel)

Commencing at the Southwest corner of the property described as the West one half of the Donation Land Claim of Elijah D. Bu and Sarah E. Butler, his wife, situate in Polk County, Oregon, and marked and designated on the official plats and of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, in Township 9 South, Range 4 West of the Willamette Meridian; and running thence to the Southeast corner of the above-described premises; running thence North along the East line of said premises to the Luckiamute River; thence Westerly along the South bank of said Luckiamute River to where the said river crosses the West line of the above described premises; thence South along the West line of said premises to the place of beginning.

ALSO Government Lots 5 and 6 and all Government Lot 4 that lies South of the Luckiamute River in Section 28, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Government Lots 2, 3, 4, 5, 6, 7, 8, and 9, and the Southeast quarter of the Southwest quarter of Section 33 in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the northeast corner of Government Lot 1 of said Section 33; thence running South a distance of 28.59 chains to the township line; thence West along said line a distance of 13.0 chains; thence North a distance of 28.59 chains; thence East a distance of 13.0 chains to the place of beginning. All lying in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO All of the Donation Land Claim of P. W. Lovelady, Notification No. 1584, Claim No. 49, in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the Southeast corner of said Lovelady claim; thence running East to the Southeast corner of Government Lot 4 of Section 34; thence North to said Luckiamute River; thence Northerly along and following the meanderings of said river to point which is 10.44 chains West and 6.7 chains North of the Northeast corner of said P. W. Lovelady Donation Land Claim; thence South a distance of 6.77 chains to the North line of said Claim; thence East a distance of 10.44 chains to the Northeast corner of said claim; thence South along the East line of said claim, a distance of 67.36 chains to the place of beginning, lying in Section 34, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

SAVE AND EXCEPT from the above described tracts of land that certain tract of land conveyed to Ben M. Griffith et ux by deed recorded May 13, 1947, in Volume 128, Page 351, Deed Records for Polk County, Oregon, and more particularly described as follows: Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification No. 1554, Claim No. 50; and running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River thence Southerly and Easterly following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification No. 1567, Claim No. 68; thence Northerly along the West



line to the place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO, SAVE AND EXCEPT that certain tract of land conveyed to Mountain States Power Co., by deed recorded May 29, 1951, in Volume 145, page 6, Deed Records for Polk County, Oregon, and more particularly described as follows: That portion of Government Lot 8 of Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, bounded and particularly described as follows: Beginning at a point on the East boundary and said Government Lot 8 that is 167.64 feet East and North 0°13' East 1603.66 feet from the Northeast corner of the Amon Pyburn Donation Land Claim No. 67 (said Donation Land Claim corner being on the South boundary of Government Lot 9 of said Section 33) and running thence North 0°13' East along the East boundary of said Government Lot 8, a distance of 317.10 feet; thence South 89°46' West a distance of 152.15 feet; thence South 25°03' East a distance of 350.59 feet, more or less, to the point of beginning; subject to the rights of the public in Market Roads No. 7 and 9 along the North and East sides of said parcel.

ALSO SAVE AND EXCEPT that portion of the above described tracts of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT a parcel of land lying in the Preston W. Lovelady Donation Land Claim No. 49, Township 9 South, Range 4 West, Willamette Meridian and in Government Lots 6 and 7 in Section 33, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon, as described in deed conveyed to Polk County, a political subdivision of the State of Oregon, recorded June 12, 1964, in Book 190, page 674, Deed Records for Polk County, Oregon.

ALSO Beginning at the Southeast corner of the George W. Pyburn Donation Land Claim, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the East line of said Donation Land Claim a distance of 101.58 chains to the Northeast corner of said Claim; thence West a distance of 15.23 chains to the most Northerly Northwest corner of said claim; thence South a distance of 21.73 chains to the re-entrant corner on the North line of said Donation Land Claim; thence West on the North line of said Donation Land Claim a distance of 2.42 chains; thence South a distance of 79.83 chains, more or less, to the South line of said Donation Land Claim; thence East on the South line of said Donation Land Claim a distance of 17.65 chains to the place of beginning.

SAVE AND EXCEPT the West 20.0 feet of the South 66 chains of the above described tract reserved for a roadway.

**PARCEL 5: (Parcel Number R 094320002000, Ref Parcel Number 214418)**

(Sayer II Parcel)

Beginning 17.65 chains West of the Southeast corner of the George Pyburn Donation Land Claim No. 69 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence West 17.65 chains to the Southwest corner of the East half of said Claim No. 69; thence North 20 chains to an iron rod; thence East 17.65 chains to an iron rod; thence South 20 chains to the place of beginning.

EXCEPTING a strip of land 20 feet wide off the East side of said tract for a part of roadway North and South.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

**PARCEL 6: (Parcel Number R073060000202A1, Ref Parcel Number 413813; Parcel Number R073060000202, Ref Parcel Number 479378; Parcel Number R063300000406, Ref Parcel Number 265720; Parcel Number R063310000201, Ref Parcel Number 265832; Parcel Number R063310000202, Ref Parcel Number 265845; Parcel Number R063310000300, Ref Parcel Number 265858; Parcel Number R063310000400, Ref Parcel Number 265861; Parcel Number R063310000500, Ref Parcel Number 265874; Parcel Number R064360000800, Ref Parcel Number 266417; Parcel Number R073060000301, Ref Parcel Number 266871; and Parcel Number R073060000304, Ref Parcel Number 266884)**

PARCEL 1: Beginning at an iron pipe which is 39.830 chains South 84°00' West 6.195 chains North and 1018.08 feet North 12°56' East and 172.00 feet South 72°50' East and 311.20 feet South 78°00' East and 1100.00 feet South 81°04' East from the Southeast corner of the Walter M. Walker Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, said iron pipe being on the Southerly right of way line of a County Road; thence South 2°50' West 97.30 feet to an iron pipe; thence North 89°19' East 25.04 feet to an iron pipe; thence North 2°50' East 96.46 feet to a point on the Southerly line of said County Road; thence North 88° 46' West 25.00 feet to the place of beginning.

PARCEL 2: That portion of the following described tracts of land lying Easterly of County Road 648, (now known as Brush College Road) as now located: The East one-half (E ½) of the Donation Land Claim of Jesse D. Walling and Eliza Ann Walling, his wife, being Notification No. 247, Claim No. 52, in Section 31, Township 6 South, Range 3 West, Claim No. 48, in Sections 35 and 36, in Township 6 South, Range 4 West, and Claim No. 58, in Sections 1 and 2 in Township 7 South, Range 4 West, all being West of the Willamette Meridian in Polk County, Oregon.

ALSO: Beginning on the North line of said Jesse D. Walling and wife, Donation Land Claim at a point that is South 74°30' West 78.17 chains from the most Northerly Northeast corner of said Donation Land Claim; said beginning point being also the Northeast corner of the West one-half (W ½) of said Donation Land Claim; thence South 74°30' West along the North line of said Donation Land Claim 38.67 chains; thence South 15° East 22.64 chains; thence North 74°30' East 17 chains; thence North 15° West 7 chains; thence North 74°30' East 21.66 chains to the East line of the West one-half (W 1/2) of said Donation Land Claim; thence North 15° West 15.25 chains to the place of beginning.

ALSO: Beginning on the South boundary line of said J. D. Walling and wife Donation Land Claim at a point North 74° 40' East 21.18 chains from the Southwest corner of said Donation Land Claim; thence North 74° 40' East along the south boundary of said Donation Land Claim 35.74 chains; thence North 75°17' East along the South boundary line of said Donation Land Claim 21.99 chains to the Southeast Corner of the West one-half (W ½) of said Walling Donation Land Claim; thence

North 15° West along the East boundary line of the West one-half (W1/2) of said Walling Donation Land Claim 25.59 chains to the Southeast corner of a tract of land heretofore conveyed to Eliza Ann Walling by the heirs of Jesse D. Walling; thence South 74°30' West 21.66 chains; thence South 15° East 7 chains; thence South 74°30' West 36.88 chains; thence South 15° East 17.63 chains to the place of beginning, in Section 36, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, all being a part of the Jesse D. Walling and Eliza Ann Walling, his wife, Donation Land Claim No. 52, in Township 6 South, Range 3 West and No. 48, Township 6 South, Range 4 West, and No. 58, Township 7 South, Range 4 West, all West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above described Parcel 2 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that say be produced from a depth below 5130 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 3: Beginning in the center of the County Road at a point which is 455.20 feet North 75°15' East from a stone set for the Southeast corner of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; thence South 75°15' West 455.20 feet to said stone; thence South 89°51' West, along the South line of said claim, 122.75 feet; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence North 74° 41' East, along the Northerly line of the said Walling claim, 583.83 feet; thence North 0°02' East 1696.21 feet to the place of beginning.

SAVE AND EXCEPT that portion of the above described premises lying within the limits of public roads and roadways.

FURTHER SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the Surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 4: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89°41' West from a stone set for the Southeast corner of said claim; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence South 74°41' West, along the Northerly line of said Walling claim, 550.28 feet to the Southeast corner of a tract of land conveyed to Frank Crawford by deed recorded in Volume 109, Page 422, Deed Records for Polk County, Oregon; thence North 0°02' East, along the East line of the said Crawford Tract, 1878.17 feet to a point on the South line of the said Phillips claim; thence North 89° 41' East, 530.65 feet to the place of beginning.

EXCEPTING THEREFROM premises described in deed to Blanche V. Snyder, recorded June 4, 1968, in Volume 210, Page 694, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM premises described in deed to Mae I. Hampton, recorded June 4, 1968, in Volume 210, Page 695, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 5: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89° 51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West along the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for Polk County, Oregon. 180.00 feet; thence South 89°51' West, parallel with said South line, a distance of 140.00 feet; thence North 0°02' East, parallel with the said East line, 180.00 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said Claim line, 140.00 feet to the place of beginning.

SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 6: Beginning on the South line of the John Phillips Donation land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, at a point which is 413.40 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West parallel to the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for said county, 363.00 feet; thence South 89°51' West, parallel to said South line, 160 feet to a point; thence North 0°02' East parallel to the East line of said Crawford Tract 363 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said South line, 160 feet to the place of beginning.

TOGETHER WITH a perpetual nonexclusive easement to use a strip of land 20 feet wide, the center line of which is located as follows across the Servient Estate: Beginning at a point on the North line of Brush College Road in Polk County, Oregon, said point being North 42°27' West 1212.85 feet from the Southeast corner of the W. M. Walker Donation Land Claim No. 62, in Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North 05°11' East 1964.96 feet; thence South 62°01' West 627.92 feet; thence North 00°52'

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East 2326.87 feet to a point and terminus, said terminus point being approximately 22 feet North of the North line of the W. M. Walker Donation Land Claim No. 43 and approximately South 76° West 1201.35 feet from the Northeast corner of W. M. Walker Donation Land Claim No. 43 in Section 31, Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above Parcel 6 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 below thereof.

PARCEL 7: That tract of land lying within Section 31, Township 6 South, Range 3 West, and Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the Donation Land Claim of Walter M. Walker and wife in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, said point being marked by a stone 24x12x12 inches; thence North 75°17' East 3.44 chains along the South line of Donation Land Claim of Jesse O. Walling; thence South 0°02' West 73.01 chains to the County Road from which an iron pipe bears North 50 links and an oak tree 14 inches in diameter bears North 81°10' East 3.1 links; thence North 56°57' West 19 links, along the South Road; thence North 39°15' West 2.80 chains, along the County Road; thence North 49°40' West 1.80 chains, along said Road to the East line of the Donation Land Claim of Walter M. Walker; thence North 53° West 5 chains, along the County Road; thence North 79° West 3.22 chains, along the County Road; thence North 85° West 8 chains along the County Road; thence North 22.72 chains; thence South 72° West 2.74 chains; thence North 38.20 chains to the North line of the Walter M. Walker Claim; thence North 75°17' East 18.43 chains along the North line of said claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 227.04 feet North 75°17' East and 2948.05 feet South 0°02' West of the Northeast corner of the Walter M. Walker Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; running thence the following bearings and distances: South 0°02' West 1903.61 feet to the center of the County Road, North 56°57' West 12.54 feet along center of County Road, North 39°15' West 184.80 feet along center of County Road, North 49°40' West 118.80 feet along center of County Road, North 53°00' West 330.00 feet along center of County Road, North 79°00' West 97.16 feet along center of County Road, North 0°06'33" West 1459.63 feet to a point, East 580.00 feet to the point of beginning.

SAVE AND EXCEPT all that portion lying within public road and/or highways.

ALSO SAVE AND EXCEPT: Beginning at a 1" axle at the Northeast corner of the Walter Walker Donation land Claim No. 43 in Section 31, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; thence North 76°44'51" East 226.38 feet to a 5/8" rod; thence South 0°01'24" West 2914.99 feet to a 5/8" rod; thence North 89°55'23" West 580.00 feet to a 5/8" rod; thence South 0°25'04" East 289.62 feet to a 5/8" rod at the true point of beginning; thence North 89° 55'23" West 349.26 feet to a 5/8" rod; thence South 4°04'05" West 1114.45 feet to a 5/8" rod on

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the North right of way line of Brush College Road; thence along said right of way, South 89°04'26" East 323.54 feet to a 5/8" rod; thence South 7°21'07" East 108.75 feet to a 5/8" rod; thence leaving said right of way, North 0°05'04" West 1138.36 feet to said true point of beginning; all in the Northwest quarter of Section 6, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon.

PARCEL 8: All of the following described property lying North of the Northerly line of County Road No. 738:

Beginning at a post 18.43 chains South 75°17' West of the Northeast corner of the Donation Land Claim of Walter M. Walker and wife, Notification No. 138, claim Nos. 43, 46, 57, and 62, being part of Sections 36, 31, 6 and 1, Townships 6 and 7 South, Ranges 3 and 4 West of the Willamette Meridian, Polk County, Oregon; and running thence South 75°17' West 30.10 chains to a post; thence South 40.00 chains to a post; thence North 72° East 29.81 chains to a post; thence North 38.20 chains to a post and the place of beginning, and being a part of aforesaid Donation Land Claim.

ALSO: Beginning at the Southeast corner of the Donation Land Claim of Walter M. Walker and wife. Notification No. 138, in Township 7 South, Range 3 West of the Willamette Meridian; And running thence North 9.85 chains to the center of the County Road; thence North 53° West, following the center of said road, 5.07 chains; thence North 79° West, 3.26 chains; thence West 8.00 chains to a post in the road; thence North 22.72 chains; thence South 72° West 25.38 chains to the Township line; thence South along the Township line 33.00 chains, more or less, to the South line of said Donation Land Claim; thence North 84° East 39.80 chains to the place of beginning, and being a part of said Donation Land Claim.

ALSO: Beginning South 84° West 39.43 chains and North 6.195 chains from the Southeast corner of Walter M. Walker's Claim No. 62 in Township 7 South, Range 3 West of the Willamette Meridian, on the Range line between Ranges 3 and 4 at a 1 inch pipe; thence North along Range line 26.34 chains to a stone; thence South 72° West 7.50 chains to a stone; thence South 0°30' East 24.117 chains to a 1 inch pipe; thence North 88°51' East 6.95 chains to the place of beginning. All situated in the County of Polk, State of Oregon.

**Parcel 7: (Parcel Number R063050000100; Ref Parcel Number 275949)**

Batz Tract 1:

Beginning at the intersection of the North line of the George K. Gay Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, with the East line of the Salem-Dayton Highway; thence West along the North line of said claim to a point which is 20.96 chains East from the Northwest corner thereof; thence Southerly along the East line of an 80 acre tract conveyed by deed recorded in Volume 0, page 240, of Yamhill County Deed Records, a distance of 38.12 chains to a stone on the line dividing said Claim into North and South halves; thence East along said dividing line 3887 feet to a stone at the Southern corner of the North half of said Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Palmer Creek Water District Improvement Company by deed recorded in Film Volume 63, page 31, Deed and Mortgage Records; thence North 73°20'48" West 156 feet, more or less, to an iron pipe set on the East line of the Salem-Dayton Highway; thence Northerly

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along the East line of said Highway 154 feet to an iron pipe; thence South 71° East 130 feet, more or less, to the East line of said Gay Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Roy C. Gifford, et ux, by deed recorded in Film Volume 46, page 784, Deed and Mortgage Records, said point being Northeasterly along the Easterly line of said Highway 32 feet and South 71° East from the Northwest corner of said Palmer Creek tract; thence North 71° West to the Easterly line of said Highway; thence Northeasterly along the East line of said Highway to the place of beginning.

Batz Tract 2:

Parcel 1: Being a part of the Adam Matheny Donation Land Claim, Notification No. 1633, Claim No. 60 and a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 65 in Sections 32 and 33, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set in the center of the County Road at a point South 5°09' East 6.312 chains from an iron pipe at the Southwest corner of the Daniel Matheny Donation Land Claim; thence North 88°26' West along the center of ditch, 1.020 chains to angle in ditch; thence North 66°27' West along the center of ditch, 5.140 chains to angle in ditch; thence North 88°19' West along the center of ditch, 19.030 chains to angle in ditch; thence North 84°26' West along the center of ditch, 9.934 chains to angle in ditch; thence South 71°32' West along the center of ditch, 14.385 chains to stake at bend in ditch and end of line fence; thence South 88°21' West along line fence, 17.020 chains to anchor post at the Northwest corner thence South 9°00' West along fence 23.543 chains to stake set for the Southwest corner of Lot 3 and the Northwest corner of Lot 4; thence East on line between Lots 3 and 4 of County Survey No. 2815, 67.992 chains to a point in the center of the County Road; thence North 4° 14' East along the center of County Road, 15.336 chains to angle in road; thence North 1°03' East along the center of road, 4.772 chains to angle in road; thence North 3°33' West along the center of road, 4.621 chains to the place of beginning and being designated as Lots 1, 2, and 3 of County Survey No. 2815 of Yamhill County, Oregon.

Parcel 2: Being a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 59 in Sections 4 and 5, Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake set North 89°25' East 25.780 chains and North 9°00' East 17.467 chains from stone ml the Southwest corner of said Claim; thence East on line between Lot 4 and 5 of County Survey No. 2815, 68.704 chains to a point in the center of the County Road; thence North 4°41' East along the center of road, 8.458 chains to the Northeast corner of Lot 4 and the Southeast corner of Lot 3; thence West on line between Lots 3 and 4, 67.992 chains to stake; thence South 9°00' West 8.540 chains to the place of beginning, and being designated as Lot 4 of County Survey No. 2815, County Surveys of Yamhill County, Oregon.

SAVE AND EXCEPT:

- (1) As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

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- (2) Rights of the public in streets, roads and highways.
- (3) Anchor Permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland, Oregon, recorded August 11, 1958, in Volume 167, page 528, Deed Records for Polk County, Oregon. (Affects Tract I)
- (4) Anchor permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland Oregon, dated May 19, 1958, and recorded June 26, 1958, in Book 187, page 787, Deed Records for Polk County, Oregon. (Affects Tract I.)
- (5) Transmission line easement, given by Lloyd L. Lind and Mary Lind to Portland General Electric Co., recorded May 21, 1953, in Book 169, page 712, Yamhill County Deed Records. (Affects Tract 2.)
- (6) Anchor permit, including the terms and provisions thereof givers by Lloyd L. Lind and Mary Lind to Portland General Electric Company, dated April 22, 1958, and recorded May 2, 1958, in Book 187, page 397, Yamhill County Deed Records, (Affects Tract 2.)
- (7) Easement, including the terms and provisions thereof, form Lloyd L. and Mary Lind to Palmer Creek Water District Improvement Company, dated July 28, 1967, and recorded August 1, 1967, in Film Volume 61, pages 849 and 850, Deed and Mortgage Records for Yamhill County, Oregon, for construction and maintenance of irrigation system. (Affects Tracts 1. and 2.)
- (8) The premises herein described are within and subject to the statutory powers of Palmer Creek Water Irrigation District of Yamhill County, Oregon. (Affects Tracts 1. and 2.)
- (9) Line easement, including the terms and provisions thereof, from John A. Bats and Dolores J. Batz, husband and wife, to Portland General Electric Company, an Oregon corporation, recorded June 22, 1973, in Film Volume 94, page 2267, Deed and Mortgage Records of Yamhill County, Oregon. (Affects Tract 2.)

**Parcel 8: (Parcel Number R084060000101, Ref Parcel Number 445841 and Parcel Number R084060000102, Ref Parcel Number 445854)**

**Parcel 1:**

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the D.L.C. of James Kimsey and wife Lot. No. 99. Claim No. 54 in Township Eight (8) South. Range Four (4) West of the Willamette Meridian in Polk County, Oregon; running thence East 59.20 chains to the West line of the D.L.C. of Alonzo Wood Claim No. 39 at a point 19.55 chains South from the Northwest corner of said claim; thence South 45' West along the West line of said claim 15.45 chains to the Southeast corner of Lot No. 5 in Section 6, Township 8 South, Range 4 West of the Willamette Meridian. in Polk County. Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

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JAN 04 2024

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SAVE AND EXCEPT that portion conveyed to the state of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in Book 152, page 202. Book of Records for Polk County, Oregon.

Parcel 2:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification Number 99, Claim Number 54. in Township 8 South. Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in book 152, page 202, Book of Records for Polk County, Oregon.

Parcel 3:

Beginning at the quarter section post on the line between Section 6, Township 8 South, Range 4 West and Section 1, Township 8 South, Range 5 West of the Willamette Meridian. Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence West 20.00 chains to the place of beginning.

SAVE AND EXCEPTING 2 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife. Notification No. 99, Claim No. 54. in Section 6, Township 8 South. Range 4 West of the Willamette Meridian in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East .4.47 chains; thence North 4.47 chains to the point of beginning.

**SUBJECT TO:**

The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given; The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways; Limited access provision in deed to the State of Oregon, recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon (Parcel I and II); Any lien or encumbrance made or permitted to be may by Grantee subsequent to August 15, 1990, the date of that contract recorded in Book 234, Page 2156, which this deed is given to fulfill.

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

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE

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JAN 04 2024  
OWRD

ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352."

In construing this deed and where the context so requires, the singular includes the plural.

DATED this 28 day of November, 2006.

Ditchen Land Company Limited Partnership, an Oregon limited partnership

By: David L. Ditchen  
David L. Ditchen, General Partner

By: Eldon D. Ditchen  
Eldon D. Ditchen, General Partner

STATE OF OREGON            )  
  ) ss.  
County of Marion         )

On this 28<sup>th</sup> day of November, 2006, before me personally appeared the above named DAVID L. DITCHEN and ELDON D. DITCHEN, GENERAL PARTNERS OF DITCHEN LAND COMPANY LIMITED PARTNERSHIP, and acknowledged the foregoing instrument to be their voluntary act and deed.

Diane L Davis  
Notary Public for Oregon  
My Commission Expires: 3-7-08



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JAN 04 2006

OWRD

68424  
6545  
68242  
1522



RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2004-018123

After Recording Return To:  
Ditchen Land Company LLC  
David Ditchen  
7585 Howell Prairie Road  
Silverton, Oregon 97381



\$36.00

REC-WD Cnt=1 Stn=1 A. CAPTAIN  
\$15.00 \$10.00 \$11.00

11/12/2004 10:15:27 AM

Send Tax Statements To:  
Ditchen Land Company LLC  
David Ditchen  
7585 Howell Prairie Road  
Silverton, OR 97381

Title Order No. 16-30972  
Escrow No. 18-35082  
Tax Account No. 266545, 266558,  
268242, 268424

**WARRANTY DEED**  
(ORS 93.850)

Joseph R Shepard, an estate in fee simple, Grantor, conveys and warrants to Ditchen Land Company LLC, a Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$488,000.00.

Dated this 10 day of November, 2004.

Joseph R. Shepard  
Joseph R Shepard

State of OR, County of Polk )ss.

This instrument was acknowledged before me on 11-10, 2004  
by Joseph R Shepard.

Lori Neva  
Notary Public

My commission expires: 6-15-2006



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JAN 04 2004  
OWRD

TICOR TITLE 16-30972

**EXHIBIT "A"**

**TRACT 1:**

All that part of the following described property lying North of the existing Polk County Road, to-wit: Beginning at a point where the South line of Walter M. Walker's Donation Land Claim crosses the Range line between Ranges 3 and 4 West, Township 7 South, Willamette Meridian, Polk County, Oregon; and running thence North along said range line 6.195 chains to a 1 inch pipe; thence South  $88^{\circ} 51'$  West 6.95 chains to a 1 inch pipe; thence North  $0^{\circ} 30'$  West, 24.117 chains to a stone; thence North 40.00 chains to the North line of said Walter M. Walker's Donation Land Claim; thence South  $75^{\circ} 17'$  West 13.50 chains; thence South 69.05 chains to the South line of the said Walter N. Walker's Donation Land Claim; thence North  $84^{\circ}$  East, 21.07 chains to the place of beginning.

**TRACT 2:**

Beginning at the Northwest corner of the Donation Land Claim of Walter M. Walker and Jane Walker, his wife, Notification No. 1138 and being part of Section 31 in Township 6 South and part of Section 6 in Township 7 South, Range 3 West and part of Section 36 in Township 6 south, and part of Section 1 in Township 7 South, Range 4 West, all of Willamette Meridian in Polk County, Oregon, and running thence North  $74^{\circ} 40'$  East 20.52 chains; thence North  $75^{\circ} 17'$  East 10.29 chains to a post; thence South 68.05 chains to a post on the South line of the said Donation Land Claim; thence South  $84^{\circ}$  West along said South line 28.75 chains to the Southwest corner of said Donation Land Claim; thence North along the West line of the said Donation Land Claim 68.56 chains to the place of beginning.

SAVE AND EXCEPT the following described portion thereof; Beginning at the Southwest corner of the Donation Land Claim of W.M. Walker, Claim 50, in Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence North along the West line of said Claim 8.24 chains to a stake; thence East 14.17 chains to a 1" x 3 feet iron pipe; thence North 36.05 chains to a pipe on the West side of the County road; thence South  $70^{\circ} 50'$  East to the center of said road and along center line of said 4.32 chains; thence South  $63^{\circ}$  East along center of said road 12.76 chains to the East line of the said land deeded by W.M. Walker to Dora Walker as recorded in Volume 42, Page 296, Polk County Records; thence South along said East line 33.87 chains to the South line of the Donation Land Claim of W.M. Walker; thence South  $84^{\circ}$  West along said line 29.75 chains, more or less, to the place of beginning.

ALSO SAVE AND EXCEPT the following described portion thereof: Beginning at a stake 8.24 chains North of the Southwest corner of the Walter M. Walker Donation Land Claim Notification No. 138, Claim No. 57 in Section 1 of Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the West line of said Claim 36.59 chains to an iron pipe; thence North  $76^{\circ} 49'$  East 14.78 chains to the County Road; thence South  $1^{\circ} 40'$  East 4.07 chains to an iron pipe on the West side of the County Road; thence South 36.05 chains to an iron pipe; thence West 14.17 chains to the place of beginning.

FURTHER SAVE AND EXCEPT the following described portion thereof: Beginning at the Northwest corner of the Walter M. Walker D.L.C. 47, Township 6 South, Range 4 West, W.M., Polk County, Oregon; thence South 19.27 chains to a 1" iron pipe at the Southwest corner of that parcel described in deed recorded in MF B.O.R. 167, Page 2246, Polk County Microfilm Records, which point is also the Northwest corner of Lot 16, Pioneer Park; thence North  $76^{\circ} 40'$  East along the South line of said parcel and the North line of Pioneer Park 660.28 feet to a 5/8" anchor rod; thence North  $8^{\circ} 14' 35''$  West 359.23 feet to a 5/8" iron rod; thence North  $81^{\circ} 28'$

10" East 322.93 feet to the center of Brush College Road; thence along the center of Brush College Road, North 8° 14' West 818.88 feet and on a 5729.58 foot radius curve left 119.86 feet, the chord of which bears North 8° 39' 58" West, 119.86 feet to the North line of said claim; thence South 74° 40' West 806.06 feet to the point of beginning.

TOGETHER WITH AN EASEMENT(s) for water line and related purposes, as set forth in:  
Agreement for right of way, recorded June 18, 1935 in Book 98, Page 68, Deed Records of Polk County, Oregon.

Agreement, recorded July 10, 1956 in Book 191, Page 311, Deed Records of Polk County, Oregon.

Subject to:

1. Taxes for the fiscal year 2004-2005, a lien in an amount to be determined, but not yet payable.
2. The assessment and tax rolls disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land. In addition thereto, a penalty may be levied if notice of disqualification is not timely given.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.
4. An Easement created by instrument, including the terms and provisions thereof,  
In favor of: Portland General Electric  
For: electrical transmission & distribution lines  
Dated: January 20, 1956  
Recorded: January 23, 1956  
Book: 159 Page: 334  
in Polk County, Oregon.

Fidelity National Title # 140048892

266181  
266235

RECORDING REQUESTED BY:  
Fidelity National Title Company of Oregon

GRANTOR:  
Cheryl T. Dunn

GRANTEE:  
Brian & Duane, LLC, an Oregon limited liability company

SEND TAX STATEMENTS TO:  
Brian & Duane, LLC  
7385 Howell Prairie Road NE  
Silverton, OR 97381

AFTER RECORDING RETURN TO:  
Brian & Duane, LLC  
7385 Howell Prairie Road NE  
Silverton, OR 97381

Escrow No: FT140048892-FTMWV01

6530 Spring Valley Road NW  
Salem, OR 97304

RECORDED IN POLK COUNTY	<b>2015-000859</b>
Valerie Unger, County Clerk	01/29/2015 11:13:12 AM
REC-WD      Cnt=1 Stn=11 K. WILLIAMS	\$66.00
\$20.00 \$11.00 \$10.00 \$5.00 \$20.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Cheryl T. Dunn, Grantor, conveys and warrants to

Brian & Duane, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Polk, State of Oregon:

SEE LEGAL DESCRIPTION ATTACHED HERETO

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$2,500,000.00.  
(See ORS 93.030)

Subject to and excepting:

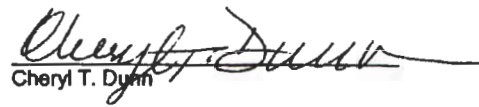
See attached Exhibit "A"

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.

FT140048892-FTMWV01  
Deed (Warranty-Statutory)

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JAN 04 2024  
OWRD

DATED: January 28, 2015

  
Cheryl T. Dunn

State of VIRGINIA

COUNTY of Fairfax

This instrument was acknowledged before me on January 28<sup>th</sup>, 2015 by Cheryl T. Dunn.

  
Notary Public - State of Virginia

My commission expires: 05 31 2017



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JAN 04 2014  
OWRD

## EXHIBIT "A"

### LEGAL DESCRIPTION

Parcel I:

The following-described premises situate in Sections 19 and 30, Township 6 South, Range 3 West, and Sections 25 and 24, Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon:

Beginning at the Northeast corner of the Donation Land Claim of John Phillips and wife, Notification No. 279, Claim No. 50, in said Township and Range; thence West along the North line of said Donation Land Claim, 40.00 chains; thence South 40.00 chains to a point on the North line of that certain tract of land conveyed to Samuel Phillips by Deed Recorded February 23, 1884, in Volume 16, Page 399, Deed Records for Polk County, Oregon; thence East along the North line of said Phillips tract and along the North line of that certain tract of land conveyed to Samuel Phillips, et ux. by Deed dated October 27, 1893, Recorded October 27, 1893, Book 25, Page 436, Deed Records of Polk County, Oregon, a distance of 40.00 chains to the East line of said Donation Land Claim; thence North along said East line 40.00 chains to the place of beginning.

Parcel II:

A right-of-way for pipe line as disclosed by Suit No. 11565 in the Circuit Court of the State of Oregon for Polk County, described as follows:

"That plaintiffs have a right-of-way over and across the property of B. J. Purvine, et al, located as the pipe line is now located and installed thereon, for the purpose of maintaining a pipe line from spring located North 15° 51'-1/4' West 1497.6 feet from the Southwest corner of the C. C. Walker Donation Land Claim, Polk County, Oregon."

Parcel III:

A right-of-way for pipe line as disclosed by Suit No. 15178 in the Circuit Court of the State of Oregon for Polk County, described as follows:

"A right-of-way over and across the hereinafter-described portion of defendants' Harold V. Jenkins, et ux, premises for the purpose of maintaining said pipe line under the ground at a depth so that the same will not interfere with the use of the land for agricultural or other purposes, and for the purpose of going on said right-of-way to make repairs to said pipe line, or replace the same in case it rusts out or otherwise needs repair, said right-of-way to be 10.00 feet in width, 5.00 feet on either side of the center line of said right-of-way where the same crosses defendants' property as follows:

Beginning at an iron pipe 3.00 feet South of the center of the spring, as described; and running (sic), thence South 46° 15' East 240.00 feet to Station No. 1; thence South 18° East 40.00 feet to Station No. 2; thence South 13° 15' East 45.00 feet to Station No. 3; thence South 04° 30' East 314.00 feet to Station No. 4; thence South 14° 49' East 4.6 feet to the place where said right-of-way enters defendants' property on the North line thereof; said right-of-way then proceeds as follows across defendants land; running South 14° 49' East 456.8 feet to Station No. 5; thence South 17° 19' East 200.00 feet to Station No. 6; thence South 16° 04' East 56.4 feet where said right-of-way crosses said defendants' East line. (sic)

Parcel IV:

A right-of-way for pipe line as disclosed by Suit No. 15264 in the Circuit Court of the State of Oregon for Polk County, described as follows:

"A right-of-way over and across the hereinafter-described portion of defendants' Roy Barker et al premises for the purpose of maintaining said pipe line under the ground at a depth so that the same will not interfere with the use of the land for agricultural or other purposes, and for the purpose of going on said right-of-way to make repairs to said pipe line or replace the same in case it rusts out, or otherwise needs repair, said right-of-way to be 10.00 feet in width, 5.00 feet on either side of the center line of said right-of-way where the same crosses defendants' property as follows:

Commencing at a point on the South line of the Donation Land Claim of C. C. Walker, Claim No. 51, in Township 6 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, 59.00 feet East from the Southwest corner of said Claim; thence South 16° 04' East 662.5 feet to a point where the said line crosses defendants' East line, as described in the complaint herein, said pipe line to be located on said premises at said place at a sufficient depth not to interfere with the rules of good husbandry,"

Parcel V:

FT140048892-FTMWV01  
Deed (Warranty-Statutory)

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JAN 04 2024  
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Private roadway easement for ingress and egress to the above-described property as set forth in County Court proceedings, Circuit Court No. 4468 filed February 20, 1914, Polk County, Oregon, said roadway more particularly described as follows:

Commencing at a point on the West boundary line of the promises described above and belonging to petitioner, 80.00 rods North of the Southwest corner of said premises; thence due West 41.00 rods to the said Zena Spring Valley Road; thence South on said road, 25.00 feet; thence East 41.00 rods to the West boundary line of said petitioner's premises above described; thence North 25.00 feet to the place of beginning.

SUBJECT TO rights of the public in and to that portion of the above-described property lying within the boundaries of public roads and/or highways.

TOGETHER WITH Water Permit No. 20133 issued February 9, 1944 to use water from a spring appurtenant to the above-described property.

Parcel VI:

Beginning at the Southeast corner of the John Phillips Donation Land Claim No. 50, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; running, thence North 40.0 chains; thence West 55.56 chains to a rock in the center of the Zena-Wheatland Road (also called the Spring Valley Road); thence South 15° West along the center of said Road 42.25 chains to the South line of said Phillips Claim; thence East 66.10 chains to the place of beginning.

SAVE AND EXCEPT the following-described parcel: Beginning at the Southeast corner of the John Phillips Donation Land Claim in Township 6 South, Range 3 West, of Willamette Meridian, Polk County, Oregon; thence West along the South line of said claim a distance of 560.0 feet; thence North 1299.09 feet parallel to the East line of said Claim to an iron pipe; thence North 85° 41' East 255.53 feet to an iron pipe; thence North 89° 07' East 305.24 feet to an Ash tree 12 inches in diameter (July 9, 1966), said tree being on the East line of said Donation Land Claim; thence South 1322.0 feet along said East line to the place of beginning. FURTHER SAVE AND EXCEPT that portion of the above-described tract of land lying within the boundaries of public roads and highways. SAVE AND EXCEPT the tract conveyed to Polk County, Oregon by Deed Recorded July 22, 1958, in Volume 167 on Page 416, Deed Records for Polk County, Oregon.

**SUBJECT TO:**

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 subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien or right to a lien for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. The Land has been classified as Farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
7. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
9. Any right, interest or claim that may exist, arise or be asserted under or pursuant to the Perishable Agricultural Commodities Act of 1930, as amended, 7 USC 499a et seq., the Packers and Stockyard Act of 1921, as amended, 7 USC 181 et seq., or any similar state laws.



After recording return to:  
Dean M. Hammond and Susan E.  
Hammond  
P.O. Box 48  
Gervais, OR 97026

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


File No.: 7081-1076166 (ALS)  
Date: August 16, 2007

THIS SPACE RESERVED FOR RECORDER'S USE

---

**RECORDED IN POLK COUNTY**  
Valerie Unger, County Clerk

**2007-013894**



**\$46.00**

00186260200700138940040047

09/06/2007 11:32:08 AM

REC-BS      Cnt=1    Stn=1    K. WILLIAMS  
\$20.00 \$10.00 \$11.00 \$5.00

7081-1076166

### STATUTORY BARGAIN AND SALE DEED


**Dean M. Hammond** , Grantor, conveys to **Dean M. Hammond and Susan E. Hammond, husband and wife as tenants by the entirety**, Grantee, the following described real property:

**See Attached Exhibit "A" Legal Description**

The true consideration for this conveyance is **\$to correct vesting**. (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352.

Dated this 24<sup>th</sup> day of August, 2007.

  
\_\_\_\_\_  
**Dean M. Hammond**

**RECEIVED**  
**JAN 04 2024**  
**OWRD**

APN: 265915

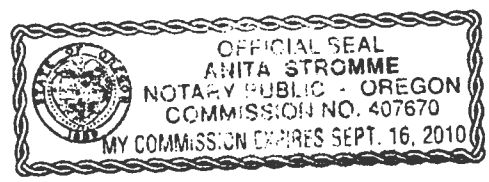
Bargain and Sale Deed  
- continued

File No.: 7081-1076166 (ALS)  
Date: 08/16/2007

STATE OF Oregon )  
 )ss.  
County of Marion )

This instrument was acknowledged before me on this 20th day of August, 2007  
by **Dean M. Hammond**.

Anita Stromme  
Anita Stromme  
Notary Public for Oregon  
My commission expires: September 16, 2010



RECEIVED  
JAN 04 2024

OWRD

**EXHIBIT A**

LEGAL DESCRIPTION:

PARCEL I:

THE NORTH HALF OF THE DONATION LAND CLAIM OF JOHN N. CHAMBERS AND WIFE NOTIFICATION NO. 181, CLAIM NO. 53, BEING PARTS OF SECTIONS 29,30, 31, 32, AND 33 IN TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON.

EXCEPTING AND RESERVING THEREFROM THE FOLLOWING DESCRIBED TRACT: BEGINNING AT AN ANCHOR POST WHICH IS SOUTH 89° 04' EAST 1.02 CHAINS FROM THE NORTHWEST CORNER OF SAID CHAMBERS DONATION LAND CLAIM AND RUNNING THENCE SOUTH 19.08 CHAINS, THENCE NORTH 88° EAST ALONG THE CENTER LINE OF A DITCH 61.50 CHAINS TO THE WEST BANK OF THE WILLAMETTE RIVER, THENCE DOWN THE WEST BANK OF SAID RIVER 8.25 CHAINS TO THE NORTH LINE OF SAID CLAIM NO. 53, THENCE NORTH 89° 04' WEST 59.90 CHAINS TO THE POINT OF BEGINNING.

ALSO EXCEPTING AND RESERVING THEREFROM A STRIP OF LAND 78 FEET IN WIDTH OFF THE WEST SIDE OF THE LAND ABOVE DESCRIBED.

ALSO EXCEPTING THEREFROM A CERTAIN STRIP OF LAND TAKEN BY THE UNITED STATES OF AMERICA FOR ELECTRIC TRANSMISSION LINE OVER AND ACROSS SAID PREMISES.

FURTHER EXCEPTING: BEGINNING AT AN IRON ROD WHICH IS 4558.19 FEET NORTH 00° 10' 35" WEST, AND 3117.97 FEET NORTH 88° 54' 53" EAST FROM THE SOUTHWEST CORNER OF THE J.N. CHAMBERS DONATION LAND CLAIM NO. 53 IN TOWNSHIP 6 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON, SAID ROD BEING ON THE NORTHERLY LINE OF THAT TRACT OF LAND CONVEYED TO M.A. GETZENDANER AND RECORDED IN BOOK 112, PAGE 443 OF THE POLK COUNTY DEED RECORDS, POLK COUNTY, OREGON AS SAID LINE HAS BEEN ESTABLISHED BY A SURVEY OF SAID LINE BY RONALD W. SCHULSON, A DULY REGISTERED LAND SURVEYOR IN THE STATE OF OREGON, SAID SURVEY BEING COMPLETED IN MAY OF 1986 AND FILED IN THE OFFICE OF THE POLK COUNTY SURVEYOR; THENCE NORTH 88° 54' 53" EAST ALONG SAID NORTHERLY LINE, 1042.83 FEET MORE OR LESS TO THE WEST BANK OF THE WILLAMETTE RIVER; THENCE SOUTHERLY ALONG THE WEST BANK OF SAID RIVER, 575.17 FEET MORE OR LESS, THE APPROXIMATE COURSE OF SAID RIVER BANK BEING SOUTH 24° 46' 37" EAST AT THIS TIME; THENCE NORTH 89° 58' 23" WEST 827.71 FEET TO A POINT ON THE EAST LINE OF STATE HIGHWAY NO. 221 AS IT NOW EXISTS; THENCE NORTH 03° 34' 15" WEST ALONG SAID EAST LINE 42.51 FEET; THENCE WEST 436.63 FEET TO AN IRON ROD; THENCE NORTH 02° 04' 51' WEST, 459.96 FEET TO THE POINT OF BEGINNING.

SAVE AND EXCEPT: THE RIGHTS OF THE PUBLIC AND/OR THE STATE OF OREGON IN AND TO THAT PORTION OF THE ABOVE DESCRIBED TRACT WHICH LIES WITHIN PUBLIC ROADS AND/OR RIGHTS OF WAY.

FURTHER EXCEPTING ALL OF THE LAND LYING EAST OF THE OREGON HIGHWAY NUMBER 221 ALSO KNOWN AS WALLACE ROAD IN POLK COUNTY, OREGON.

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FURTHER EXCEPTING THE FOLLOWING: BEGINNING AT A POINT, WHICH POINT IS THE CENTER LINE OF THE LINCOLN-SALEM HIGHWAY, ALSO KNOWN AS WALLACE ROAD, AND ON THE SOUTH LINE OF THE REAL PROPERTY DESCRIBED IN THAT CERTAIN DEED EXECUTED BY A.F. TONER AND BERTHA TONER, HIS WIFE, TO M.A. GETZENDANER AND CATHERINE GETZENDANER, RECORDED IN BOOK 107, PAGE 573, DEED RECORDS FOR POLK COUNTY, OREGON; THENCE WEST ALONG THE SOUTH LINE OF SAID REAL PROPERTY 217.80 FEET, THENCE NORTH AT RIGHT ANGLES AND PARALLEL WITH THE LINCOLN-SALEM HIGHWAY 200 FEET; THENCE EAST AT RIGHT ANGLES AND PARALLEL WITH THE SOUTH LINE OF SAID REAL PROPERTY 217.80 FEET TO THE CENTER LINE OF SAID LINCOLN-SALEM HIGHWAY TO THE POINT OF BEGINNING, ALL LOCATED IN POLK COUNTY, OREGON.

SAVE AND EXCEPT THAT PORTION OF THE ABOVE DESCRIBED TRACT OF LAND LYING WITH IN THE BOUNDARIES OF PUBLIC ROADS AND HIGHWAYS.

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RECORDING REQUESTED BY:

DiMattia & Associates

B342P0109

97 OCT -3 PM 3:56

WHEN RECORDED MAIL TO: ✓

M/M John Perry  
2516 Chapala St.  
Santa Barbara, Ca. 93105

215629

215713

Mail Tax Statements to:

Same as Above

SPACE-ABOVE-THIS-LINE-FOR-RECORDERS-USE

QUITCLAIM DEED

The undersigned grantors declare: the documentary transfer tax is -0-. Consideration is transfer to Revocable Trust.

We, John Perry and Rose Marie Perry, husband and wife, the undersigned grantors do hereby remise, release and quitclaim to:

The Perry Family Trust; Dated September 10, 1997; John Perry or Rose Marie Perry as Trustee, for the benefit of John Perry and Rose Marie Perry and their designated beneficiaries; all rights, title, and interest of the undersigned in and to the real property situated in the County of Polk, State of Oregon, described as follows: Tax Account Number:

32-17 06331-00-00100  
32-17 06330-00-00500 A1  
32-17 06330-00-00500

See attached Exhibit "A" for complete legal description.

Executed on this 10<sup>th</sup> day of September, 1997, at Los Angeles, California.

John Perry  
John Perry  
STATE OF CALIFORNIA )  
SS.

Rose Marie Perry  
Rose Marie Perry

COUNTY OF LOS ANGELES)

On September 10, 1997 before me, Vic Dimattia, personally appeared John Perry and Rose Marie Perry, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official Seal.

Vic Dimattia  
NOTARY PUBLIC



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B342P0110  
Exhibit "A"

97 OCT -3 PM 3:56

Beginning at the Southeast corner of the Donation Land Claim of J.D. Walling, Lot. No. 247, Claims No. 52 and 48 in Township 6 South, Ranges 3 and 4 West of the Willamette Meridian in Polk County, Oregon; thence North 75° 15' East 9.448 chains to the West line of the tract of land acquired by the United States for the Bonneville Transmission line as shown by deed recorded June 22, 1939 in Volume 104, Page 451, Deed Records for Polk County, Oregon, and deed recorded March 20, 1941 in Volume 108, Page 247, Deed Records for Polk County, Oregon; thence North 25.358 chains along the West line of U.S. Bonneville tract to an angle in said West line; thence North 40° 38-1/2' East along a Northwesterly line of said right-of-way, 2.326 chains to the East line of the tract of land conveyed to Gus S. Lake by deed recorded December 10, 1903 in Volume 39, Page 455, Deed Records for Polk County, Oregon; thence North along said East line 41.50 chains to the center of the County Road thence South 75° 15' West 33.80 chains along said road center line to the Northwest corner of the 8.10 acre tract of land conveyed to Gus S. Lake by deed recorded June 12, 1908 in Volume 49, Page 152, Deed Records for Polk County, Oregon; thence South 23° East 0.64 chains to an ash tree 10 inches in diameter marked A; thence South 86° East 0.68 of a chain to an ash tree 30 inches in diameter marked A; thence South 10° East 1.87 chains to an ash tree 20 inches in diameter marked A; thence South 15° East 2.63 chains to an ash tree 6 inches in diameter marked A; thence South 34° East 0.84 chain to an ash tree 20 inches in diameter marked A; thence South 44° East 1.00 chains to an ash tree 24 inches in diameter marked A; thence South 25° 30' East 0.96 of a chain to an ashtree 7 inches in diameter marked A; thence North 81° East 7.69 chains; thence South 16.23 chains to the Northeast corner of said Walling Claim; thence South 15° 13' East along the Easterly line of said Donation Land Claim 41.47 chains to the place of beginning. EXCEPT all roads and rights-of-way.

SUBJECT TO: An Easement to the United States of American dated November 28, 1942, and recorded December 30, 1942, in Volume 112, Page 162, Deed Records for Polk County, Oregon, and an easement to the Portland General Electric Co. dated May 29, 1952, and recorded June 5, 1952, in Volume 147, Page 604, Deed Records for Polk County, Oregon, and subject to any easement or easement by prescription for ditches and drainage.

LINDA DAWSON,  
COUNTY CLERK

STATE OF OREGON )  
COUNTY OF POLK )  
NOTARY PUBLIC )  
SS.

19

AC

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CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Brian and Duane, LLC
- 2) Address: 7385 Howell Prairie Rd. NE, Silverton, OR 97381
- 3) Mailing Address (if different): \_\_\_\_\_
- 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: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 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 River
- 3. Proposed point of diversion: 60 feet S and 1430 feet W of <sup>NE</sup> corner of Section 32 Township 6S, Range 3W, 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: OWRD application submitted simultaneously.
- 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)? No
- 7. Total quantity of water from storage requested: 355.1 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>
See attached					Grass Seed
acreage table					
for proposed					
place of use.					

Total number of Acres: 355.1



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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

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:

Applicant will install ODFW approved fish screen prior to diverting water.

12. Telephone number where you can be reached during the day: Applicant: 503-932-0561, Agent: 503-931-0210

Sign and Date: *Joseph C. Johnson* 10/25/23

E-mail completed form and associated information to: [jkelly@usbr.gov](mailto: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

<sup>1</sup>The 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.

<b>Brian and Duane, LLC – BOR Contract Data Sheet</b>				
<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>QQ</b>	<b>No. of Acres</b>
6S	3W	19	SWSW	4.3
6S	3W	30	NWNW	10.4
6S	3W	30	SWNW	10.4
6S	3W	30	NWSW	3.8
6S	4W	24	SWSE	12.2
6S	4W	24	SESE	17.7
6S	4W	25	NENE	40.0
6S	4W	25	NWNE	25.4
6S	4W	25	SWNE	34.0
6S	4W	25	SENE	40.0
6S	4W	25	SENE	8.0
6S	4W	25	NESW	22.9
6S	4W	25	SESW	16.1
6S	4W	25	NESE	31.9
6S	4W	25	NWSE	36.4
6S	4W	25	SWSE	22.9
6S	4W	25	SESE	18.7
<b>Total</b>				<b>355.1</b>

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**OWRD**



CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Ditchen Land Company, LLC
- 2) Address: 7385 Howell Prairie Rd. NE, Silverton, OR 97381
- 3) Mailing Address (if different): \_\_\_\_\_
- 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: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 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 River
3. Proposed point of diversion: 60 feet S and 1430 feet W of <sup>NE</sup> corner of Section 32 Township 6S, Range 3W, 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: OWRD application submitted simultaneously.
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)? No
7. Total quantity of water from storage requested: 878.7 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>
See attached					Grass Seed
acreage table					
for proposed					
place of use.					

Total number of Acres: 878.7



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.)

OWRD

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:

Applicant will install ODFW approved fish screen prior to diverting water.

12. Telephone number where you can be reached during the day: Applicant: 503-932-0561, Agent: 503-931-0210

Sign and Date:

*Juan C. P. [Signature]* 10/25/23

E-mail completed form and associated information to: [jkelly@usbr.gov](mailto: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

<sup>1</sup>The 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.

**Ditchen Land Company, LLC – BOR Contract Data Sheet**

Township	Range	Section	QQ	No. of Acres
6S	3W	30	SWSW	17.2
6S	3W	30	SESW	27.3
6S	3W	30	SWSE	14.1
6S	3W	31	NWNE	8.5
6S	3W	31	SWNE	31.4
6S	3W	31	SENE	9.4
6S	3W	31	NENW	36.4
6S	3W	31	NWNW	38.3
6S	3W	31	SWNW	40.0
6S	3W	31	SENW	40.0
6S	3W	31	NESW	40.0
6S	3W	31	NWSW	40.0
6S	3W	31	SWSW	40.0
6S	3W	31	SESW	40.0
6S	3W	31	NESE	4.2
6S	3W	31	NWSE	21.0
6S	3W	31	SWSE	9.3
6S	4W	25	SESE	0.5
6S	4W	36	NENE	7.7
6S	4W	36	SWNE	24.9
6S	4W	36	SENE	36.9
6S	4W	36	SENW	8.0
6S	4W	36	NESW	3.0
6S	4W	36	NESE	40.0
6S	4W	36	NWSE	39.5
6S	4W	36	SWSE	34.9
6S	4W	36	SESE	40.0
7S	3W	6	NWNE	4.3
7S	3W	6	NENW	34.7
7S	3W	6	NWNW	40.0
7S	3W	6	SWNW	21.9
7S	3W	6	SENW	3.6
7S	4W	1	NENE	40.0
7S	4W	1	NWNE	27.2
7S	4W	1	SWNE	0.6
7S	4W	1	SENE	13.9
<b>Total</b>				<b>878.7</b>

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## CONTRACT DATA SHEET



**1. Applicant Information:**

**A. Landowners**

- 1) Name of landowner(s): Dean M. & Susan E. Hammond
- 2) Address: 6332 Lake Labish Rd. NE, Salem, OR 97305
- 3) Mailing Address (if different): \_\_\_\_\_
- 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: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 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 River
3. Proposed point of diversion: 60 feet S and 1430 feet W of corner of Section 32 Township 6S, Range 3W, 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: OWRD application submitted simultaneously.
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)? No
7. Total quantity of water from storage requested: 93 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>
See attached					Grass Seed
acreage table					
for proposed					
place of use.					
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					<b>JAN 04 2024</b>
					<b>OWRD</b>

**Total number of Acres:** 149.2



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

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:

Applicant will install ODFW approved fish screen prior to diverting water.

12. Telephone number where you can be reached during the day: Applicant: 503-932-9851, Agent: 503-931-0210

Sign and Date:

*Ann McPherson* 12/12/23  
*Susan E. Hansen* 12/12/23

E-mail completed form and associated information to: [jkelly@usbr.gov](mailto: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

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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

<sup>1</sup>The 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.

Hammond – BOR Contract Data Sheet				
Township	Range	Section	QQ	No. of Acres
6S	3W	32	NWNE	7.5
6S	3W	32	SWNE	24.8
6S	3W	32	NENW	19.0
6S	3W	32	NWNW	15.0
6S	3W	32	SWNW	39.0
6S	3W	32	SEnw	40.0
6S	3W	32	NESW	1.6
6S	3W	32	NWSW	1.5
6S	3W	32	NWSE	0.8
Total				149.2

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## CONTRACT DATA SHEET



**1. Applicant Information:**

**A. Landowners**

- 1) Name of landowner(s): Perry Family Trust (John Perry)
- 2) Address: 40814 Sandpiper Ct., Palm Desert, CA 92260
- 3) Mailing Address (if different): \_\_\_\_\_
- 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: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 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 River
3. Proposed point of diversion: 60 feet S and 1430 feet W of <sup>N/E</sup> corner of Section 32 Township 6S, Range 3W, 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: OWRD application submitted simultaneously.
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)? No
7. Total quantity of water from storage requested: 93 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>
See attached					Grass Seed
acreage table					
for proposed					
place of use.					

**Total number of Acres:** 93.0

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 OWRD



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

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:

Applicant will install ODFW approved fish screen prior to diverting water.

12. Telephone number where you can be reached during the day: Applicant: (760) 568-0681, Agent: 503-931-0210

Sign and Date: John Perry 10/30/23

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E-mail completed form and associated information to: [jkelly@usbr.gov](mailto: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:

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- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE 1., MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup>The 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.

<b>Perry Family Trust – BOR Contract Data Sheet</b>				
<b>Township</b>	<b>Range</b>	<b>Section</b>	<b>QQ</b>	<b>No. of Acres</b>
6S	3W	30	NESE	7.4
6S	3W	30	NWSE	0.3
6S	3W	30	SWSE	3.7
6S	3W	30	SESE	40.0
6S	3W	31	NENE	26.1
6S	3W	31	NWNE	0.7
6S	3W	31	SENE	12.1
6S	3W	31	NESE	2.7
<b>Total</b>				<b>93.0</b>

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# 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](http://www.oregon.gov/OWRD)

## 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.

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## 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.

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# 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](http://www.oregon.gov/OWRD)

**Applicant**

NAME GOLDEN VALLEY FARMS, LLC		PHONE (HM)	
PHONE (WK)	CELL (503) 932-0561	FAX	
ADDRESS 7385 HOWELL PRAIRIE RD. NE			
CITY SILVERTON	STATE OR	ZIP 97381	E-MAIL* DUANE@GVFUSA.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:
6S	3W	32	NWNE	101	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Farming
6S	3W	32	NWNE	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Farming
6S	3W	32	NWNE NENW NWNW	200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Farming
6S	3W	30	NESE NWSE SWSE SESE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NENE NWNE SENE NESE	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	3W	32	NWNE SWNE NENW NWNW SWNW SENE NESW NWSW NWSE	300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	3W	19	SWSW	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	24	SWSE SESE	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	4W	25	NENE NWNE SWNE SENE	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
6S	3W	30	NWNW SWNW	100	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

Attachment 2: Land Use Information Form

6S	4W	25	SWNE SENE SENW NESW SESW NESE NWSE SWSE SESE	402	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used <b>RECEIVED</b> <b>JAN 04 2024</b> <b>OWRD</b>	Farming
6S	3W	30	SWNW NWSW	402	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	30	SWSW SESW SWSE	400	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	30	SWSW	201	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NWNW	201	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	30	SWSW	202	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NWNW	202	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	25	SESE	202	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	36	NENE	202	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NENW NWNW NWNW	200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	SWNE SENE NENW NWNW SWNW SENW NESW NWSW SWSW NESE NWSE	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	36	NENE SWNE SENE SENW NESW NESE NWSE SWSE SESE	800	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NESW SESW NWSE SWSE	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	3W	31	NESW NWSW SWSW SESW	400	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	36	SESE	400	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	36	SESE	1100	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
6S	4W	36	SWSE	1000	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
7S	4W	1	NWNE SWNE	200	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming

7S	4W	1	NENE NWNE SWNE SENE	100	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
7S	4W	1	NENE SENE	301	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
7S	3W	6	NENW NWNW SWNW SENW	301	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
7S	3W	6	NWNE NENW SENW	202	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming

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

Polk

**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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water:  Reservoir/Pond  Groundwater  Surface Water (name) BOR Stored Water via Willamette River

Estimated quantity of water needed: 1,476  cubic feet per second  gallons per minute  acre-feet

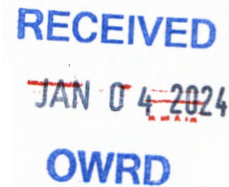
Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)  
 Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

*It is proposed to cover the listed tax lots with irrigation from BOR stored water through a common irrigation system from an existing pump site.*



**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): PC70 136.030(A)
- 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

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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.

NAME <u>Hannah R. Brickner</u>	TITLE: <u>Associate Planner</u>	
SIGNATURE <u>Hannah R. Brickner</u>	PHONE: <u>503-623-9237</u>	DATE: <u>12/12/23</u>
GOVERNMENT ENTITY <u>Polk County</u>		

**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: \_\_\_\_\_





**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

*minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)].*

Examples:

- Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ & SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.
- T16S, R18E, Sec18, SWSE & SESE, TL 1700
- T6N, R35E, Sec 27, S½, TL 1100

Enter legal description here: T7S, R3W, Sec. 6, NENW, NWNW, SWNW, SENW; T7S, R4W, Sec. 1, NENE, SENE; all within TL 301.

2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

- voluntary cancellation of and have abandoned any and all interest in the ENTIRE water right Certificate # \_\_\_\_\_.
- voluntary cancellation of and have abandoned any and all interest a PORTION of water right Certificate # \_\_\_\_\_.
- voluntary diminution of the ENTIRE water right Certificate # **26068**.
- voluntary diminution of a PORTION of water right Certificate # \_\_\_\_\_.

3. The appurtenant water right  is or  is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the right is located within a district or reclamation project, name it here: \_\_\_\_\_.

a. The water right, or portion thereof, being  cancelled or  diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of district manager      Printed Name  
Date \_\_\_\_\_

4. Complete this item (#4) only if this is a CANCELLATION for a PORTION of the water right.

I/We have abandoned any and all interest in and wish to cancel the following portion(s) of the water right certificate number listed in Item #2, above:

- A place of use, or use.
  - For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - IF FOR IRRIGATION OR NURSERY USE: Total number of acres to be cancelled \_\_\_\_\_
  - In the amount of \_\_\_\_\_ cubic foot per second
  - From the water source (s) \_\_\_\_\_
  - At the following location(s) (*attach a larger table if needed*):

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ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	WM	_____	_____	_____	_____	_____	_____

**Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate**

ABANDONED PORTION TO BE CANCELLED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
				WM						

- Locations of the place of use or acres being cancelled are clearly identified on a copy of the certificate map of record (decree map, final proof map, or claim of beneficial use map); or, if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the certificate map of record; or if there is no certificate map of record, then an alternate map is being submitted with information sufficient to determine the lands on which the right is NOT to be cancelled.

**AND/OR (less common)**

- One or more of the authorized points of diversion (surface water) or points of appropriation (groundwater) authorized under the certificate.
  - For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - From the water source (s) \_\_\_\_\_
  - Located within the \_\_\_\_\_<sup>1</sup>/<sub>4</sub>, Section \_\_\_\_\_, Township \_\_\_\_\_ (N or S), Range \_\_\_\_\_ (E or W, W.M.
  - Location Description (if given on the certificate) \_\_\_\_\_

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**5. Complete this section (Item #5a-c) for a DIMINUTION of ALL or a PORTION of the water right.**

- I/We have found a more dependable source of primary water, and therefore request the water right certificate  in its entirety, or  as described in Item #6, below, (check one box) be diminished from a right for primary use to a right for supplemental use.
- I/We agree that if this change is approved, it is permanent and the right to the use of water from unnamed stream (source) cannot be changed back to the primary use unless otherwise provided by law.
- I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from unnamed stream (source of water) for primary use on these lands.

**6. Complete this item (#6) for a DIMINUTION of a PORTION of the water right.**

I/We, being the legal owners of the property described below are requesting a partial diminution of the water right certificate (identified in Item #2 above in the amount of \_\_\_\_\_ (cfs) from \_\_\_\_\_ (sources) for irrigation (if applicable) of \_\_\_\_\_ acres at the following location(s) as listed on the certificate (attach a larger table if needed):

PORTION TO BE DIMINISHED FROM PRIMARY TO SUPPLEMENTAL IRRIGATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Quarter-Quarter	Acres	Tax Lot #
				WM						
				WM						
				WM						
				WM						

Affidavit for the VOLUNTARY CANCELLATION or DIMINUTION of a Water Right Certificate

Signatures and Notary:

*Quane C. Ditcher*

Signature of legal owner as listed on deed, or authorized agent

Printed Name Quane C. Ditcher

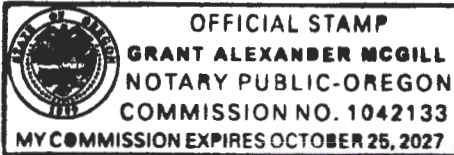
Date 12/12/23

Signature of legal co-owner as listed on deed (if applicable)

Printed Name \_\_\_\_\_

Date \_\_\_\_\_

Subscribed and Sworn to Before Me this 12 day of 12, 20 23.



*Grant McGill*

Signature of Notary Public for Oregon

My Commission Expires 10/25/2027

**REQUIRED ATTACHMENTS (LEGIBLE COPIES):**

- 1) A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of cancellation or diminution.
- 2) An adjudication map, water right final proof map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range and quarter-quarter of the lands described on the water right being cancelled or diminished, and
  - b. the remaining locations and acreages within each township, range and quarter-quarter of the lands described on entire water right NOT being cancelled or diminished, if any.
- 3) A list of names and addresses of other property owners with lands appurtenant to portions of the water right certificate not legally owned by the person(s) signing the affidavit.
- 4) If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

**MISSING ATTACHMENTS WILL RESULT IN THE AFFIDAVIT BEING RETURNED, AND NO ACTION TAKEN ON THE AFFIDAVIT.**

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**STATE OF OREGON**  
**COUNTY OF POLK**  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That K. W. Noteboom**

of **Box 774, Route 1, Salem**, State of **Oregon**, has made proof to the satisfaction of the **STATE ENGINEER** of Oregon, of a right to the use of the waters of an unnamed stream a tributary of **Willamette River** for the purpose of **irrigation** under Permit No. **19692** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **June 30, 1950**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.226 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NW $\frac{1}{4}$  NW $\frac{1}{4}$** , as projected within Walker DLC #62, Section 6, Township 7 South, Range 3 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$  acre feet per acre** for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

- 3.5 acres in the **S $\frac{1}{2}$  NE $\frac{1}{4}$  NW $\frac{1}{4}$** , as projected within Walker DLC #62
- 12.8 acres in the **S $\frac{1}{2}$  NW $\frac{1}{4}$  NW $\frac{1}{4}$** , as projected within Walker DLC #62
- 23.6 acres in the **SW $\frac{1}{4}$  NW $\frac{1}{4}$** , as projected within Walker DLC #62
- 2.5 acres in the **SE $\frac{1}{4}$  NW $\frac{1}{4}$** , as projected within Walker DLC #62
- Section 6, Township 7 South, Range 3 West, W. M.
- 2.8 acres in the **S $\frac{1}{2}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$** , as projected within Walker DLC #57
- 1.3 acres in the **SE $\frac{1}{4}$  NE $\frac{1}{4}$** , as projected within Walker DLC #57
- Section 1, Township 7 South, Range 4 West, W. M.

**NOTE:** This certificate together with certificate recorded at page 26069, Volume 18, State Record of Water Right Certificates, is issued to confirm a change in point of diversion and place of use of water approved by an Order of the State Engineer entered April 7, 1958, pursuant to the provisions of ORS 540.510 to 540.530, and to supersede certificate of water right heretofore issued to K. W. Noteboom and recorded at page 23553, Volume 17, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

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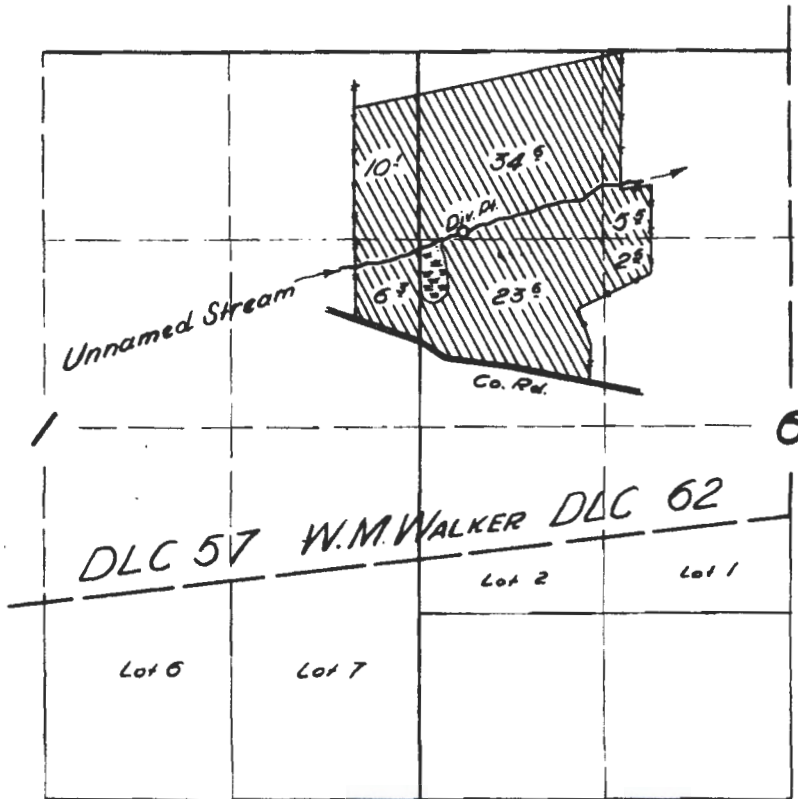
WITNESS the signature of the State Engineer, affixed

this 30th day of July, 1959.

LEWIS A. STANLEY

State Engineer

T.7S.R.3&4W.W.M.



**FINAL PROOF SURVEY**

UNDER

Application No. 24947 Permit No. 19692

IN NAME OF

**K. W. NOTEBOOM**

Surveyed 13 Mar. 1957, by [Signature]

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265061  
266871 479378  
265845 265874  
265832  
265858  
266417

AFTER RECORDING RETURN TO:

Daniel A. Ritter, P.C.  
530 Center Street NE, Suite 700  
Salcm, OR 97301-3740

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2006-020492

MAIL TAX STATEMENTS TO:

Ditchen Land Company, LLC  
7385 Howell Prairie Road NE  
Silverton, OR 97381



\$96.00

00170283200600204920150152

12/14/2006 12:42:45 PM

REC-COR Cnt=1 Stn=1 K. WILLIAMS  
\$75.00 \$10.00 \$11.00

CORRECTION DEED

DITCHEN LAND COMPANY LIMITED PARTNERSHIP, an Oregon limited partnership, also known as DITCHEN LAND COMPANY AN OREGON LIMITED PARTNERSHIP, hereinafter called the Grantor, does hereby remise, release, and quitclaim unto DITCHEN LAND COMPANY, LLC, an Oregon limited liability company, hereinafter called Grantee, and unto Grantee's heirs, successors, and assigns all of Grantor's right, title, and interest in that certain real property which is described below, together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

This correction deed is executed to correct the legal description contained in that Deed recorded September 28, 2006, as Document Number 2006-016123.

This deed is executed and delivered unto Grantee limited liability company as a contribution to the capital of such limited liability company and no monetary consideration has been paid to Grantor.

The real property is situated in the county of Polk, and state of Oregon, and is described as follows, to wit:

**PARCEL 1: (Parcel Number R074310001300, Ref Parcel Number 158158)**  
Beginning at the Southeast corner of the Donation Land Claim of James Kimsey, Claim No. 54, Notification No. 99 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 14.17 chains to point 49.50 chains South of the Southwest corner of the Donation Land Claim of David Goff, Notification No. 113, Claim No. 45; thence East 64.88 chains to a point due South of the Southwest corner of the Donation Land Claim of Samuel Burch, Notification No. 100, Claim No. 47; thence South 10.59 chains to the North line of the Donation Land Claim of Alonzo Wood, Claim No. 39, Notification No. 1618; thence West along the North line of said claim 11.16 chains to the Northwest corner of said claim; thence South 45' West along the West line of said claim 4.40 chains; thence West 53.68 chains; thence North 82 links to the place of beginning.

SAVE AND EXCEPTING from the above, that certain tract or parcel of land sold to the State of Oregon, by and through its State Highway Commission as set forth in that certain deed recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

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ALSO SAVE AND EXCEPT that Parcel laid out and described on Partition No. 1990-0025 in the Northwest quarter of Section 6, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SUBJECT TO:

1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Rights of the public in streets, roads and highways.
3. Access Restrictions, including the terms and provisions thereof, contained in deed from O. W. Kellogg and Maud M. Kellogg, husband and wife, to the State of Oregon, by and through its Department of Transportation, dated September 29, 1953, and recorded September 30, 1953, in Volume 151, Page 736, Deed Records for Polk County, Oregon.

Modification of said Access Restrictions, including the terms and provisions thereof, recorded April 20, 1954, in Volume 153, Page 612, Deed Records for Polk County, Oregon.

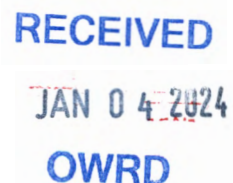
4. Lease, including the terms and provisions thereof, as disclosed by Subordination of Lease by and between Vincent E. Haworth and Joanna Haworth, Lessors, and Edward Brown, Lessee, recorded November 9, 1979, in Volume 144, Page 1964, Book of Records for Polk County, Oregon.
5. Easement as disclosed by Partition No. 1990025, Polk County, Oregon.
6. Any liens or encumbrances suffered or permitted by the grantees herein.

**Parcel 2: (9730 Orrs Corner Rd., Rickreall, Oregon; R 084060000100, Ref. Parcel Number 165967)**

PARCEL A:

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence East 59.20 chains to the West line of the Donation Land Claim of Alonzo Wood Claim No. 39, at a point 19.55 chains South from the Northwest corner of said Claim; thence South 45' West along the West line of said Claim, 15.45 chains to the Southeast corner of Lot 5, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.





PARCEL B:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82.00 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim, 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE and EXCEPT that portion conveyed to the State of Oregon, by its State Highway Commission, by Deed recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon.

PARCEL C:

Beginning at the quarter Section post on the line between Section 6, Township 8 South, Range 4 West, and Section 1, Township 8 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence west 20.00 chains to the place of beginning.

SAVE and EXCEPTING 2.00 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54, in Section 6, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East 4.47 chains; thence North 4.47 chains to the point of beginning.

**PARCEL 3: (Parcel Number R 094280000100, Ref. Parcel Number 213693; and Parcel Number R 094330000200, Ref. Parcel Number 214434)**

Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification Number 1554, Claim Number 50, running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River, thence Southerly and Easterly, following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification Number 2567, Claim Number 68; thence Northerly along the West line to place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO the following described property: The West half of the Donation Land Claim of Elijah D. Butler and Sarah E. Butler, his wife, and marked and designated on the official plats and surveys of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at a point on the West line of the Elijah D. Butler Donation Land Claim No. 68, Township 9 South, Range 4 West of the Willamette

Meridian in Polk County, Oregon, which is 2920.64 feet South of the Northeast corner of the C.T. Davidson Donation Land Claim, No. 50, in said Township and Range, thence along said Donation Land Claim line South 152.47 feet; thence South 87° East 242.00 feet; thence North 180.00 feet; thence North 87° West 242.00 feet to a point on said Donation Land Claim line; thence South 27.53 feet to the point of beginning.

SAVE AND EXCEPT: Any portion of the above described tract lying within the right of way limits of public roads and highways.

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
2. The following matters are excluded from the coverage of the policy based on the proximity of the property to Luckiamute River,
  - 1) Rights of the public and governmental bodies (including claims of ownership) to that portion of the premises lying below the high water mark of the Luckiamute River as it now exists or has existed.
  - 2) Any adverse claim based on the assertion that:
    - a) Some portion of said land has been created by artificial means, or has accreted to such portion so created.
    - b) some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Luckiamute River or has been formed by accretion to such portion.
    - c) any adverse claim based upon the assertion that the Luckiamute River has changed its location.
3. An easement created by instrument, including the terms and provisions thereof, dated June 14, 1974, Recorded June 25, 1974, in Book 59, Page 665, Book of Records, Polk County, Oregon, in favor of R. C. Warner and Nadene Warner (TL 101) for maintaining water line and pump. Affects as set forth in document.
4. An easement created by instrument, including the terms and provisions thereof, dated September 1, 1992, Recorded September 10, 1992 in Book 258, Book of Records, Polk County, Oregon, in favor of adjacent property owner (TL 101) for septic drainfield.

**PARCEL 4: (13025 Corvallis Road, Independence, OR 97351, Parcel Number R094330000300, Ref. Parcel Number 214447; Parcel Number R094280000400, Ref. Parcel Number 213747; Parcel Number R094280000500, Ref. Parcel Number 213750; Parcel Number R094330000100, Ref. parcel Number 214421; Parcel Number R094330000400, Ref Parcel Number 214450; and Parcel Number R094340000600, Ref Parcel Number 214517)**

(Sayer Parcel)

Commencing at the Southwest corner of the property described as the West one half of the Donation Land Claim of Elijah D. Bu and Sarah E. Butler, his wife, situate in Polk County, Oregon, and marked and designated on the official plats and of the United States as Notification No. 1567, Claim No. 68, being parts of Sections 27, 28, 33, and 34, in Township 9 South, Range 4 West of the Willamette Meridian; and running thence to the Southeast corner of the above-described premises; running thence North along the East line of said premises to the Luckiamute River; thence Westerly along the South bank of said Luckiamute River to where the said river crosses the West line of the above described premises; thence South along the West line of said premises to the place of beginning.

ALSO Government Lots 5 and 6 and all Government Lot 4 that lies South of the Luckiamute River in Section 28, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Government Lots 2, 3, 4, 5, 6, 7, 8, and 9, and the Southeast quarter of the Southwest quarter of Section 33 in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the northeast corner of Government Lot 1 of said Section 33; thence running South a distance of 28.59 chains to the township line; thence West along said line a distance of 13.0 chains; thence North a distance of 28.59 chains; thence East a distance of 13.0 chains to the place of beginning. All lying in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO All of the Donation Land Claim of P. W. Lovelady, Notification No. 1584, Claim No. 49, in Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO Beginning at the Southeast corner of said Lovelady claim; thence running East to the Southeast corner of Government Lot 4 of Section 34; thence North to said Luckiamute River; thence Northerly along and following the meanderings of said river to point which is 10.44 chains West and 6.7 chains North of the Northeast corner of said P. W. Lovelady Donation Land Claim; thence South a distance of 6.77 chains to the North line of said Claim; thence East a distance of 10.44 chains to the Northeast corner of said claim; thence South along the East line of said claim, a distance of 67.36 chains to the place of beginning, lying in Section 34, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

SAVE AND EXCEPT from the above described tracts of land that certain tract of land conveyed to Ben M. Griffith et ux by deed recorded May 13, 1947, in Volume 128, Page 351, Deed Records for Polk County, Oregon, and more particularly described as follows: Beginning at the Southeast corner of the C. T. Davidson Donation Land Claim, Notification No. 1554, Claim No. 50; and running thence West to the intersection of the South line of said claim with the West line of the Luckiamute River thence Southerly and Easterly following the said West bank to a point where the said river crosses the West line of the Elijah D. Butler Donation Land Claim, Notification No. 1567, Claim No. 68; thence Northerly along the West

line to the place of beginning, being in Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

ALSO, SAVE AND EXCEPT that certain tract of land conveyed to Mountain States Power Co., by deed recorded May 29, 1951, in Volume 145, page 6, Deed Records for Polk County, Oregon, and more particularly described as follows: That portion of Government Lot 8 of Section 33, Township 9 South, Range 4 West of the Willamette Meridian, Polk County, Oregon, bounded and particularly described as follows: Beginning at a point on the East boundary and said Government Lot 8 that is 167.64 feet East and North 0°13' East 1603.66 feet from the Northeast corner of the Amon Pyburn Donation Land Claim No. 67 (said Donation Land Claim corner being on the South boundary of Government Lot 9 of said Section 33) and running thence North 0°13' East along the East boundary of said Government Lot 8, a distance of 317.10 feet; thence South 89°46' West a distance of 152.15 feet; thence South 25°03' East a distance of 350.59 feet, more or less, to the point of beginning; subject to the rights of the public in Market Roads No. 7 and 9 along the North and East sides of said parcel.

ALSO SAVE AND EXCEPT that portion of the above described tracts of land lying within the boundaries of public roads and highways.

ALSO SAVE AND EXCEPT a parcel of land lying in the Preston W. Lovelady Donation Land Claim No. 49, Township 9 South, Range 4 West, Willamette Meridian and in Government Lots 6 and 7 in Section 33, Township 9 South, Range 4 West, Willamette Meridian, in Polk County, Oregon, as described in deed conveyed to Polk County, a political subdivision of the State of Oregon, recorded June 12, 1964, in Book 190, page 674, Deed Records for Polk County, Oregon.

ALSO Beginning at the Southeast corner of the George W. Pyburn Donation Land Claim, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North along the East line of said Donation Land Claim a distance of 101.58 chains to the Northeast corner of said Claim; thence West a distance of 15.23 chains to the most Northerly Northwest corner of said claim; thence South a distance of 21.73 chains to the re-entrant corner on the North line of said Donation Land Claim; thence West on the North line of said Donation Land Claim a distance of 2.42 chains; thence South a distance of 79.83 chains, more or less, to the South line of said Donation Land Claim; thence East on the South line of said Donation Land Claim a distance of 17.65 chains to the place of beginning.

SAVE AND EXCEPT the West 20.0 feet of the South 66 chains of the above described tract reserved for a roadway.

**PARCEL 5: (Parcel Number R 094320002000, Ref Parcel Number 214418)**

(Sayer II Parcel)

Beginning 17.65 chains West of the Southeast corner of the George Pyburn Donation Land Claim No. 69 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence West 17.65 chains to the Southwest corner of the East half of said Claim No. 69; thence North 20 chains to an iron rod; thence East 17.65 chains to an iron rod; thence South 20 chains to the place of beginning.

EXCEPTING a strip of land 20 feet wide off the East side of said tract for a part of roadway North and South.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

**PARCEL 6: (Parcel Number R073060000202A1, Ref Parcel Number 413813; Parcel Number R073060000202, Ref Parcel Number 479378; Parcel Number R063300000406, Ref Parcel Number 265720; Parcel Number R063310000201, Ref Parcel Number 265832; Parcel Number R063310000202, Ref Parcel Number 265845; Parcel Number R063310000300, Ref Parcel Number 265858; Parcel Number R063310000400, Ref Parcel Number 265861; Parcel Number R063310000500, Ref Parcel Number 265874; Parcel Number R064360000800, Ref Parcel Number 266417; Parcel Number R073060000301, Ref Parcel Number 266871; and Parcel Number R073060000304, Ref Parcel Number 266884)**

PARCEL 1: Beginning at an iron pipe which is 39.830 chains South 84°00' West 6.195 chains North and 1018.08 feet North 12°56' East and 172.00 feet South 72°50' East and 311.20 feet South 78°00' East and 1100.00 feet South 81°04' East from the Southeast corner of the Walter M. Walker Donation Land Claim in Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, said iron pipe being on the Southerly right of way line of a County Road; thence South 2°50' West 97.30 feet to an iron pipe; thence North 89°19' East 25.04 feet to an iron pipe; thence North 2°50' East 96.46 feet to a point on the Southerly line of said County Road; thence North 88° 46' West 25.00 feet to the place of beginning.

PARCEL 2: That portion of the following described tracts of land lying Easterly of County Road 648, (now known as Brush College Road) as now located: The East one-half (E ½) of the Donation Land Claim of Jesse D. Walling and Eliza Ann Walling, his wife, being Notification No. 247, Claim No. 52, in Section 31, Township 6 South, Range 3 West, Claim No. 48, in Sections 35 and 36, in Township 6 South, Range 4 West, and Claim No. 58, in Sections 1 and 2 in Township 7 South, Range 4 West, all being West of the Willamette Meridian in Polk County, Oregon.

ALSO: Beginning on the North line of said Jesse D. Walling and wife, Donation Land Claim at a point that is South 74°30' West 78.17 chains from the most Northerly Northeast corner of said Donation Land Claim; said beginning point being also the Northeast corner of the West one-half (W ½) of said Donation Land Claim; thence South 74°30' West along the North line of said Donation Land Claim 38.67 chains; thence South 15° East 22.64 chains; thence North 74°30' East 17 chains; thence North 15° West 7 chains; thence North 74°30' East 21.66 chains to the East line of the West one-half (W 1/2) of said Donation Land Claim; thence North 15° West 15.25 chains to the place of beginning.

ALSO: Beginning on the South boundary line of said J. D. Walling and wife Donation Land Claim at a point North 74° 40' East 21.18 chains from the Southwest corner of said Donation Land Claim; thence North 74° 40' East along the south boundary of said Donation Land Claim 35.74 chains; thence North 75°17' East along the South boundary line of said Donation Land Claim 21.99 chains to the Southeast Corner of the West one-half (W ½) of said Walling Donation Land Claim; thence

North 15° West along the East boundary line of the West one-half (W1/2) of said Walling Donation Land Claim 25.59 chains to the Southeast corner of a tract of land heretofore conveyed to Eliza Ann Walling by the heirs of Jesse D. Walling; thence South 74°30' West 21.66 chains; thence South 15° East 7 chains; thence South 74°30' West 36.88 chains; thence South 15° East 17.63 chains to the place of beginning, in Section 36, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, all being a part of the Jesse D. Walling and Eliza Ann Walling, his wife, Donation Land Claim No. 52, in Township 6 South, Range 3 West and No. 48, Township 6 South, Range 4 West, and No. 58, Township 7 South, Range 4 West, all West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above described Parcel 2 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 5130 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 3: Beginning in the center of the County Road at a point which is 455.20 feet North 75°15' East from a stone set for the Southeast corner of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; thence South 75°15' West 455.20 feet to said stone; thence South 89°51' West, along the South line of said claim, 122.75 feet; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence North 74°41' East, along the Northerly line of the said Walling claim, 583.83 feet; thence North 0°02' East 1696.21 feet to the place of beginning.

SAVE AND EXCEPT that portion of the above described premises lying within the limits of public roads and roadways.

FURTHER SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the Surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 4: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89°41' West from a stone set for the Southeast corner of said claim; thence South 0°02' West 1734.20 feet to a point on the Northerly line of the Jesse Walling Donation Land Claim; thence South 74°41' West, along the Northerly line of said Walling claim, 550.28 feet to the Southeast corner of a tract of land conveyed to Frank Crawford by deed recorded in Volume 109, Page 422, Deed Records for Polk County, Oregon; thence North 0°02' East, along the East line of the said Crawford Tract, 1878.17 feet to a point on the South line of the said Phillips claim; thence North 89°41' East, 530.65 feet to the place of beginning.

EXCEPTING THEREFROM premises described in deed to Blanche V. Snyder, recorded June 4, 1968, in Volume 210, Page 694, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM premises described in deed to Mae I. Hampton, recorded June 4, 1968, in Volume 210, Page 695, Deed Records for Polk County, Oregon.

ALSO EXCEPTING THEREFROM an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 5: Beginning on the South line of the John Phillips Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, at a point which is 122.75 feet South 89° 51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West along the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for Polk County, Oregon. 180.00 feet; thence South 89°51' West, parallel with said South line, a distance of 140.00 feet; thence North 0°02' East, parallel with the said East line, 180.00 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said Claim line, 140.00 feet to the place of beginning.

SAVE AND EXCEPT an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 feet below thereof.

PARCEL 6: Beginning on the South line of the John Phillips Donation land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, at a point which is 413.40 feet South 89°51' West from a stone marking the Southeast corner of said claim; thence South 0°02' West parallel to the East line of that tract of land conveyed to Harold D. Jones and Marjorie I. Jones, by instrument recorded in Volume 193, Page 378, Deed Records for said county, 363.00 feet; thence South 89°51' West, parallel to said South line, 160 feet to a point; thence North 0°02' East parallel to the East line of said Crawford Tract 363 feet to a point on the South line of said Phillips claim; thence North 89°51' East along said South line, 160 feet to the place of beginning.

TOGETHER WITH a perpetual nonexclusive easement to use a strip of land 20 feet wide, the center line of which is located as follows across the Servient Estate: Beginning at a point on the North line of Brush College Road in Polk County, Oregon, said point being North 42°27' West 1212.85 feet from the Southeast corner of the W. M. Walker Donation Land Claim No. 62, in Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon; thence North 05°11' East 1964.96 feet; thence South 62°01' West 627.92 feet; thence North 00°52'

East 2326.87 feet to a point and terminus, said terminus point being approximately 22 feet North of the North line of the W. M. Walker Donation Land Claim No. 43 and approximately South 76° West 1201.35 feet from the Northeast corner of W. M. Walker Donation Land Claim No. 43 in Section 31, Township 6 South, Range 3 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT from the above Parcel 6 an undivided one-half interest of all oil, gas and other hydrocarbons, in and under or that may be produced from a depth below 500 feet of the surface of said premises without right of entry upon the surface of said premises for the purpose of drilling, exploring, refining or extracting such oil, gas and other hydrocarbons or other use of or rights in or to any portion of the surface of said premises to a depth of 500 below thereof.

PARCEL 7: That tract of land lying within Section 31, Township 6 South, Range 3 West, and Section 6, Township 7 South, Range 3 West of the Willamette Meridian in Polk County, Oregon, more particularly described as follows: Beginning at the Northeast corner of the Donation Land Claim of Walter M. Walker and wife in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon, said point being marked by a stone 24x12x12 inches; thence North 75°17' East 3.44 chains along the South line of Donation Land Claim of Jesse O. Walling; thence South 0°02' West 73.01 chains to the County Road from which an iron pipe bears North 50 links and an oak tree 14 inches in diameter bears North 81°10' East 3.1 links; thence North 56°57' West 19 links, along the South Road; thence North 39°15' West 2.80 chains, along the County Road; thence North 49°40' West 1.80 chains, along said Road to the East line of the Donation Land Claim of Walter M. Walker; thence North 53° West 5 chains, along the County Road; thence North 79° West 3.22 chains, along the County Road; thence North 85° West 8 chains along the County Road; thence North 22.72 chains; thence South 72° West 2.74 chains; thence North 38.20 chains to the North line of the Walter M. Walker Claim; thence North 75°17' East 18.43 chains along the North line of said claim to the place of beginning.

SAVE AND EXCEPT: Beginning at a point which is 227.04 feet North 75°17' East and 2948.05 feet South 0°02' West of the Northeast corner of the Walter M. Walker Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Polk County, Oregon; running thence the following bearings and distances: South 0°02' West 1903.61 feet to the center of the County Road, North 56°57' West 12.54 feet along center of County Road, North 39°15' West 184.80 feet along center of County Road, North 49°40' West 118.80 feet along center of County Road, North 53°00' West 330.00 feet along center of County Road, North 79°00' West 97.16 feet along center of County Road, North 0°06'33" West 1459.63 feet to a point, East 580.00 feet to the point of beginning.

SAVE AND EXCEPT all that portion lying within public road and/or highways.

ALSO SAVE AND EXCEPT: Beginning at a 1" axle at the Northeast corner of the Walter Walker Donation land Claim No. 43 in Section 31, Township 6 South, Range 3 West, Willamette Meridian, Polk County, Oregon; thence North 76°44'51" East 226.38 feet to a 5/8" rod; thence South 0°01'24" West 2914.99 feet to a 5/8" rod; thence North 89°55'23" West 580.00 feet to a 5/8" rod; thence South 0°25'04" East 289.62 feet to a 5/8" rod at the true point of beginning; thence North 89° 55'23" West 349.26 feet to a 5/8" rod; thence South 4°04'05" West 1114.45 feet to a 5/8" rod on



the North right of way line of Brush College Road; thence along said right of way, South 89°04'26" East 323.54 feet to a 5/8" rod; thence South 7°21'07" East 108.75 feet to a 5/8" rod; thence leaving said right of way, North 0°05'04" West 1138.36 feet to said true point of beginning; all in the Northwest quarter of Section 6, Township 7 South, Range 3 West, Willamette Meridian, Polk County, Oregon.

PARCEL 8: All of the following described property lying North of the Northerly line of County Road No. 738:

Beginning at a post 18.43 chains South 75°17' West of the Northeast corner of the Donation Land Claim of Walter M. Walker and wife, Notification No. 138, claim Nos. 43, 46, 57, and 62, being part of Sections 36, 31, 6 and 1, Townships 6 and 7 South, Ranges 3 and 4 West of the Willamette Meridian, Polk County, Oregon; and running thence South 75°17' West 30.10 chains to a post; thence South 40.00 chains to a post; thence North 72° East 29.81 chains to a post; thence North 38.20 chains to a post and the place of beginning, and being a part of aforesaid Donation Land Claim.

ALSO: Beginning at the Southeast corner of the Donation Land Claim of Walter M. Walker and wife. Notification No. 138, in Township 7 South, Range 3 West of the Willamette Meridian; And running thence North 9.85 chains to the center of the County Road; thence North 53° West, following the center of said road, 5.07 chains; thence North 79° West, 3.26 chains; thence West 8.00 chains to a post in the road; thence North 22.72 chains; thence South 72° West 25.38 chains to the Township line; thence South along the Township line 33.00 chains, more or less, to the South line of said Donation Land Claim; thence North 84° East 39.80 chains to the place of beginning, and being a part of said Donation Land Claim.

ALSO: Beginning South 84° West 39.43 chains and North 6.195 chains from the Southeast corner of Walter M. Walker's Claim No. 62 in Township 7 South, Range 3 West of the Willamette Meridian, on the Range line between Ranges 3 and 4 at a 1 inch pipe; thence North along Range line 26.34 chains to a stone; thence South 72° West 7.50 chains to a stone; thence South 0°30' East 24.117 chains to a 1 inch pipe; thence North 88°51' East 6.95 chains to the place of beginning. All situated in the County of Polk, State of Oregon.

**Parcel 7: (Parcel Number R063050000100; Ref Parcel Number 275949)**

Batz Tract 1:

Beginning at the intersection of the North line of the George K. Gay Donation Land Claim in Township 6 South, Range 3 West of the Willamette Meridian, Yamhill County, Oregon, with the East line of the Salem-Dayton Highway; thence West along the North line of said claim to a point which is 20.96 chains East from the Northwest corner thereof; thence Southerly along the East line of an 80 acre tract conveyed by deed recorded in Volume 0, page 240, of Yamhill County Deed Records, a distance of 38.12 chains to a stone on the line dividing said Claim into North and South halves; thence East along said dividing line 3887 feet to a stone at the Southern corner of the North half of said Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Palmer Creek Water District Improvement Company by deed recorded in Film Volume 63, page 31, Deed and Mortgage Records; thence North 73°20'48" West 156 feet, more or less, to an iron pipe set on the East line of the Salem-Dayton Highway; thence Northerly

along the East line of said Highway 154 feet to an iron pipe; thence South 71° East 130 feet, more or less, to the East line of said Gay Claim; thence North 12° East along the East line of said Claim to the Southeast corner of that tract conveyed to Roy C. Gifford, et ux, by deed recorded in Film Volume 46, page 784, Deed and Mortgage Records, said point being Northeasterly along the Easterly line of said Highway 32 feet and South 71° East from the Northwest corner of said Palmer Creek tract; thence North 71° West to the Easterly line of said Highway; thence Northeasterly along the East line of said Highway to the place of beginning.

Batz Tract 2:

Parcel 1: Being a part of the Adam Matheny Donation Land Claim, Notification No. 1633, Claim No. 60 and a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 65 in Sections 32 and 33, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at an iron pipe set in the center of the County Road at a point South 5°09' East 6.312 chains from an iron pipe at the Southwest corner of the Daniel Matheny Donation Land Claim; thence North 88°26' West along the center of ditch, 1.020 chains to angle in ditch; thence North 66°27' West along the center of ditch, 5.140 chains to angle in ditch; thence North 88°19' West along the center of ditch, 19.030 chains to angle in ditch; thence North 84°26' West along the center of ditch, 9.934 chains to angle in ditch; thence South 71°32' West along the center of ditch, 14.385 chains to stake at bend in ditch and end of line fence; thence South 88°21' West along line fence, 17.020 chains to anchor post at the Northwest corner thence South 9°00' West along fence 23.543 chains to stake set for the Southwest corner of Lot 3 and the Northwest corner of Lot 4; thence East on line between Lots 3 and 4 of County Survey No. 2815, 67.992 chains to a point in the center of the County Road; thence North 4° 14' East along the center of County Road, 15.336 chains to angle in road; thence North 1°03' East along the center of road, 4.772 chains to angle in road; thence North 3°33' West along the center of road, 4.621 chains to the place of beginning and being designated as Lots 1, 2, and 3 of County Survey No. 2815 of Yamhill County, Oregon.

Parcel 2: Being a part of the William Miller Donation Land Claim, Notification No. 280, Claim No. 59 in Sections 4 and 5, Township 6 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at a stake set North 89°25' East 25.780 chains and North 9°00' East 17.467 chains from stone ml the Southwest corner of said Claim; thence East on line between Lot 4 and 5 of County Survey No. 2815, 68.704 chains to a point in the center of the County Road; thence North 4°41' East along the center of road, 8.458 chains to the Northeast corner of Lot 4 and the Southeast corner of Lot 3; thence West on line between Lots 3 and 4, 67.992 chains to stake; thence South 9°00' West 8.540 chains to the place of beginning, and being designated as Lot 4 of County Survey No. 2815, County Surveys of Yamhill County, Oregon.

**SAVE AND EXCEPT:**

- (1) As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.

- (2) Rights of the public in streets, roads and highways.
- (3) Anchor Permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland, Oregon, recorded August 11, 1958, in Volume 167, page 528, Deed Records for Polk County, Oregon. (Affects Tract I)
- (4) Anchor permit, including the terms and provisions thereof, granted by H. W. Torbet and Gladys N. Torbet, husband and wife, to Portland General Electric Company, Portland Oregon, dated May 19, 1958, and recorded June 26, 1958, in Book 187, page 787, Deed Records for Polk County, Oregon. (Affects Tract I.)
- (5) Transmission line easement, given by Lloyd L. Lind and Mary Lind to Portland General Electric Co., recorded May 21, 1953, in Book 169, page 712, Yamhill County Deed Records. (Affects Tract 2.)
- (6) Anchor permit, including the terms and provisions thereof givers by Lloyd L. Lind and Mary Lind to Portland General Electric Company, dated April 22, 1958, and recorded May 2, 1958, in Book 187, page 397, Yamhill County Deed Records, (Affects Tract 2.)
- (7) Easement, including the terms and provisions thereof, form Lloyd L. and Mary Lind to Palmer Creek Water District Improvement Company, dated July 28, 1967, and recorded August 1, 1967, in Film Volume 61, pages 849 and 850, Deed and Mortgage Records for Yamhill County, Oregon, for construction and maintenance of irrigation system. (Affects Tracts 1. and 2.)
- (8) The premises herein described are within and subject to the statutory powers of Palmer Creek Water Irrigation District of Yamhill County, Oregon. (Affects Tracts 1. and 2.)
- (9) Line easement, including the terms and provisions thereof, from John A. Bats and Dolores J. Batz, husband and wife, to Portland General Electric Company, an Oregon corporation, recorded June 22, 1973, in Film Volume 94, page 2267, Deed and Mortgage Records of Yamhill County, Oregon. (Affects Tract 2.)

**Parcel 8: (Parcel Number R084060000101, Ref Parcel Number 445841 and Parcel Number R084060000102, Ref Parcel Number 445854)**

**Parcel 1:**

Beginning at a point 15.97 chains South and 5.76 chains West from the Southeast corner of the D.L.C. of James Kimsey and wife Lot. No. 99. Claim No. 54 in Township Eight (8) South. Range Four (4) West of the Willamette Meridian in Polk County, Oregon; running thence East 59.20 chains to the West line of the D.L.C. of Alonzo Wood Claim No. 39 at a point 19.55 chains South from the Northwest corner of said claim; thence South 45' West along the West line of said claim 15.45 chains to the Southeast corner of Lot No. 5 in Section 6, Township 8 South, Range 4 West of the Willamette Meridian. in Polk County. Oregon; running thence West 58.97 chains; thence North 15.82 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the state of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in Book 152, page 202. Book of Records for Polk County, Oregon.

Parcel 2:

Beginning at the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification Number 99, Claim Number 54. in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 82 links; thence East 53.68 chains to the West line of the Alonzo Wood Donation Land Claim; thence South 54' West along said West line of the said Wood Donation Land Claim 15.15 chains; thence West 59.20 chains to the East line of the Eben B. Hill Donation Land Claim; thence North along said East line 15.97 chains to the South line of the said James Kimsey Donation Land Claim; thence East along said South line 5.76 chains to the place of beginning.

SAVE AND EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded October 29, 1953 in book 152, page 202, Book of Records for Polk County, Oregon.

Parcel 3:

Beginning at the quarter section post on the line between Section 6, Township 8 South, Range 4 West and Section 1, Township 8 South, Range 5 West of the Willamette Meridian, Polk County, State of Oregon; thence North 31.79 chains; thence East 20.00 chains; thence South 31.79 chains; thence West 20.00 chains to the place of beginning.

SAVE AND EXCEPTING 2 acres in a square out of the Northeast corner of said premises more particularly described as follows: Beginning at a point 5.76 chains West of the Southeast corner of the Donation Land Claim of James Kimsey and wife, Notification No. 99, Claim No. 54. in Section 6, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence running West 4.47 chains; thence South 4.47 chains; thence East .4.47 chains; thence North 4.47 chains to the point of beginning.

**SUBJECT TO:**

The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given; The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways; Limited access provision in deed to the State of Oregon, recorded October 29, 1953, in Book 152, Page 202, Book of Records for Polk County, Oregon (Parcel I and II); Any lien or encumbrance made or permitted to be may by Grantee subsequent to August 15, 1990, the date of that contract recorded in Book 234, Page 2156, which this deed is given to fulfill.

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

The following is the notice as required by Oregon law: "BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE

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ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 197.352."

In construing this deed and where the context so requires, the singular includes the plural.

DATED this 28 day of November, 2006.

Ditchen Land Company Limited Partnership, an Oregon limited partnership

By: David L. Ditchen  
David L. Ditchen, General Partner

By: Eldon D. Ditchen  
Eldon D. Ditchen, General Partner

STATE OF OREGON )  
County of Marion ) ss.

On this 28<sup>th</sup> day of November, 2006, before me personally appeared the above named DAVID L. DITCHEN and ELDON D. DITCHEN, GENERAL PARTNERS OF DITCHEN LAND COMPANY LIMITED PARTNERSHIP, and acknowledged the foregoing instrument to be their voluntary act and deed.



Diane L. Davis  
Notary Public for Oregon  
My Commission Expires: 3-7-08

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**Affidavit of Voluntary Abandonment or Diminution (Entire or Partial) of a Groundwater Registration Statement**



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
[www.oregon.gov/OWRD](http://www.oregon.gov/OWRD)

**A GROUNDWATER REGISTRATION STATEMENT (GR)** is a claim filed and recognized by the Department for the right to appropriate groundwater under ORS 537.585 or 537.595 for groundwater uses made prior to August 3, 1955. [A groundwater registration statement is not subject to “cancellation” procedures per se. Registrations are for uses that haven’t yet been adjudicated (determined by a court), so will not have been confirmed with issuance of a water right certificate. Only confirmed water rights are subject to cancellation.] [*Generally, Oregon Revised Statutes (ORS) 537.585-.537.695*]

**VOLUNTARY ABANDONMENT or DIMINUTION of a GR – FULL OR PARTIAL**  
 A request to give up all or a portion of, or to diminish all or a portion of a Groundwater Registration Statement needs to be submitted on an affidavit to abandon or diminish a groundwater registration statement.

**WHO CAN FILE AN AFFIDAVIT FOR VOLUNTARY ABANDONMENT or DIMINUTION of a GR?**

- The person named on the registration statement or to whom the registration statement has been assigned; or
- The owner of the land to which the registration statement is appurtenant provided that the affidavit is accompanied by a request for [assignment](#) under OAR 690-320-0060; or
- Any other person or entity who can demonstrate that they are authorized to request recognition of an abandonment.

**Required Attachments (Legible Copies) – Missing attachments will result in the affidavit being returned.**

- A recorded property deed which lists landowner(s) and includes a legal description of lands affected by this affidavit of abandonment.
- The groundwater registration map, or a tax lot map that clearly shows:
  - a. Location and acreages within each township, range, section, and quarter-quarter of the lands described on the registration statement being abandoned or diminished, and
  - b. The remaining locations and acreages within each township, range, section, and quarter-quarter of the lands described on the remaining registration statement right NOT being abandoned or diminished, if any.
- A list of names and addresses of other property owners with lands upon which portions of the registration statement are appurtenant that are not not legally owned by the person(s) signing the affidavit, if any.
- If acting as an authorized agent, include a copy of the Power of Attorney or other documents granting authority to act on behalf of legal owner(s) as listed on the deed.

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**(For Staff Use Only)**

**WE ARE RETURNING YOUR AFFIDAVIT FOR THE FOLLOWING REASON(S):**

Recorded deed not included                       Registration Map not included or incomplete  
 Other/Explanation \_\_\_\_\_  
 Staff: \_\_\_\_\_    Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**Groundwater Registration Statement Information:**

Registration Statement Number: <b>GR- 288</b>	Certificate of Registration Number: <b>GR- 261</b>
Issued for use within the State of Oregon, County of: <b>Polk</b>	
Issued in the name of: <b>Nick J. Nelke</b>	
Name GR is currently assigned to:	Date GR was assigned: ( <input type="checkbox"/> Check here if not applicable.)
Date on registration statement that construction work began: <b>April 1952</b>	
Rate or Volume on entire GR: <b>300</b> in <input checked="" type="checkbox"/> gallons per minute <i>or</i> <input type="checkbox"/> cubic feet per second <i>or</i> <input type="checkbox"/> acre-feet).	
Source(s) of water identified on GR: <b>Pump Well</b>	
Use(s) of water listed on GR: <b>Irrigation</b> (purposes)	
If for irrigation (IR), total number of acres on GR for primary IR <b>35.0</b> , supplemental IR	

**Describe in your words what you want to accomplish with this affidavit: It is desired to diminish a portion of GR 288 to a supplemental source only upon approval of the applied for BOR stored water permit that covers the same POU.**

**Statement of Oath**

I/we (or authorized agent) <b>John Perry</b>			
Residing at <b>40814 Sandpiper Ct.</b>	City <b>Palm Desert</b>	State <b>CA</b>	Zip <b>92260</b>
With a mailing address of (if different) "	City	State	Zip
With a telephone number of <b>(760) 568-0681</b>	With an email address of		
<b>Being, first duly sworn depose and say:</b>			
1. I/We are the legal owners of property appurtenant to: <input type="checkbox"/> <u>all</u> <i>or</i> <input checked="" type="checkbox"/> <u>a portion</u> ( <b>check one box</b> ) of the groundwater statement of registration described above. My/Our property is described on a recorded property deed in my/our/an entity name(s). The property is located within the following legal description [ <i>must include at a minimum, township(s), range(s), section number(s), quarter- quarter(s) and tax lot number(s)</i> ].			
Examples:			
<ul style="list-style-type: none"> <li>• Township 3 South, Range 5 East, Section 12, NW¼, NW¼ SW¼ &amp; SW¼ SW¼; Section 13 NWNW, SWNW, all within Tax Lot 700.</li> <li>• T16S, R18E, Sec18, SWSE &amp; SESE, TL 1700</li> <li>• T6N, R35E, Sec 27, S½, TL 1100</li> </ul>			
<b>Enter legal description here:</b>			
<b>T6S, R3W, Sec. 30, NESE &amp; SESE, TL 500</b>			

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2. I/We are requesting a [**check one box - the affidavit will be returned if more than one box is checked**]:

Voluntary abandonment of any and all interest in the ENTIRE Groundwater Registration Statement Number: GR- \_\_\_\_\_ & Certificate of Registration Number: GR-\_\_\_\_\_.

Voluntary abandonment of any and all interest a PORTION of Groundwater Registration Statement Number: GR- \_\_\_\_\_ & Certificate of Registration Number: GR-\_\_\_\_\_.

Voluntary diminution of primary irrigation to supplemental irrigation of any and all interest in the ENTIRE Groundwater Registration Statement Number: GR- \_\_\_\_\_ & Certificate of Registration Number: GR-\_\_\_\_\_.

Voluntary diminution of primary irrigation to supplemental irrigation of any and all interest a PORTION of Groundwater Registration Statement Number: GR- **288** & Certificate of Registration Number: GR-**261**.

3. The appurtenant GR  is or  is not (**check one box**) located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (district). If the GR is located within a district or reclamation project, name it here: \_\_\_\_\_.

b. The the GR water right, or portion thereof, being  cancelled or  diminished (**check one box**) is in the name of or served by a district. The signature of district manager on the line below documents the concurrence of the district to the changes to the water right specified in this affidavit, for the portion of the water right in the name of or served by the district.

\_\_\_\_\_  
Signature of District Manager  
(if applicable)

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date

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Complete this item (#4 below) only if this is an **ABANDONMENT** for a **PORTION** of the GR. Use the original GR to fill in all the needed information indicated below:

4. I/We have abandoned any and all interest in the following portion(s) of the GR identified in the *Groundwater Registration Statement Information* section, above. The portion of the GR to be abandoned is as follows:

- A place of use, or type of use.
  - For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
  - **IF FOR IRRIGATION:** Total number of acres to be cancelled \_\_\_\_\_
  - In the amount of: \_\_\_\_\_  gallons per minute or  cubic feet per second *and/or* \_\_\_\_\_ acre-feet per year

*[rate to be abandoned = (total rate on GR/total acres on GR) x number of acres being abandoned]*

- From the water source (s) \_\_\_\_\_
- At the following location(s) *(attach a larger table if needed)*:

ABANDONED PORTION OF GR										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Q-Q (¼%)	Acres	Tax Lot #
				WM						
				WM						
				WM						
				WM						
				WM						
				WM						
				WM						
				WM						

- Locations of the place of use or acres being abandoned are clearly identified on a copy of the groundwater registration map or an alternate map is being submitted with information sufficient to determine the lands on which the GR is to be cancelled)
- Locations of the place of use or acres **NOT** being cancelled are clearly identified on a copy of the groundwater registration map or an alternate map is being submitted with information sufficient to determine the lands on which the GR is **NOT** to be cancelled.

**AND/OR**

- One or more of the authorized points of appropriation authorized under the Groundwater Registration Statement.

- For the use of (specify irrigation, domestic, etc.) \_\_\_\_\_
- From the water source (s) \_\_\_\_\_
- Location Description (if included on the groundwater registration) \_\_\_\_\_

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LOCATION OF ABANDONED POINT(S) OF APPROPRIATION										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Q-Q (¼%)	Acres	Tax Lot #
				WM						
				WM						
				WM						

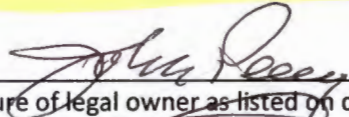
Complete this section (#6 below) only for a DIMINUTION of a PORTION of the GR.

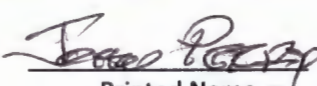
5. I/We being the legal owners of the property described below are requesting a partial diminution of the GR identified in the *Groundwater Registration Statement Information* section, above, in the amount of 231.4  gallons per minute or  cubic feet per second *and/or* \_\_\_\_\_ acre-feet per year, from **Pump Well** (sources) from primary irrigation of 27.0 acres to supplemental irrigation at the following location(s) as listed on the GR (*attach a larger table if needed*):

PORTION OF GR TO BE DIMINISHED										
Township	N or S	Range	E or W	Mer	Section #	DLC #	G-LOT #	Q-Q (¼)	Acres	Tax Lot #
6	S	3	W	WM	30	54		NESE	7.0	500
6	S	3	W	WM	30	54		SESE	20.0	500
				WM						
				WM						
				WM						
				WM						

- Locations of the place of use or acres being diminished from primary to supplemental irrigation are clearly identified on a copy of the groundwater registration map or an alternate map is being submitted with information sufficient to determine the lands on which the GR is to be diminished).

**Signatures and Notary:**

  
 Signature of legal owner as listed on deed or authorized agent

  
 Printed Name

12/27/23  
 Date

\_\_\_\_\_  
 Signature of legal co-owner as listed on deed (if applicable)

\_\_\_\_\_  
 Printed Name

\_\_\_\_\_  
 Date

Subscribed and Sworn to Before Me this 17<sup>th</sup> day of Dec 20 23.

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\_\_\_\_\_  
 Notary Public for Oregon

My Commission Expires: \_\_\_\_\_

**NOTE: A copy of the affidavit and all supporting documentation will be filed with the original request for Groundwater Registration Statement and made available at the time of adjudication under ORS 537.670 to 537.695.**

# JURAT


A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Riverside

Subscribed and sworn to (or affirmed) before me on this 27 day of December,  
2023 by John Perry

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Signature 

(Seal)



## OPTIONAL INFORMATION

### DESCRIPTION OF THE ATTACHED DOCUMENT

Affidavit of voluntary abandonment  
of mineral rights (entire or partial) of  
(Title or description of attached document)

a groundwater registration statement.  
(Title or description of attached document continued)

Number of Pages \_\_\_\_\_ Document Date \_\_\_\_\_

Additional information \_\_\_\_\_

## INSTRUCTIONS

The wording of all Jurats completed in California after January 1, 2015 must be in the form as set forth within this Jurat. There are no exceptions. If a Jurat to be completed does not follow this form, the notary must correct the verbiage by using a jurat stamp containing the correct wording or attaching a separate jurat form such as this one which does contain the proper wording. In addition, the notary must require an oath or affirmation from the document signer regarding the truthfulness of the contents of the document. The document must be signed AFTER the oath or affirmation. If the document was previously signed, it must be re-signed in front of the notary public during the jurat process.

- State and county information must be the state and county where the document signer(s) personally appeared before the notary public.
- Date of notarization must be the date the signer(s) personally appeared which must also be the same date the jurat process is completed.
- Print the name(s) of the document signer(s) who personally appear at the time of notarization.
- Signature of the notary public must match the signature on file with the office of the county clerk.
- The notary seal impression must be clear and photographically reproducible. Impression must not cover text or lines. If seal impression smudges, re-seal if a sufficient area permits, otherwise complete a different jurat form.
  - ◆ Additional information is not required but could help to ensure this jurat is not misused or attached to a different document.
  - ◆ Indicate title or type of attached document, number of pages and date.
- Securely attach this document to the signed document with a staple.

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NOV 1956  
STATE ENGINEER  
SALEM, OREGON

REGISTRATION NO. GR-288

CERTIFICATE NO. GR-261

### Registration Statement

#### OF CLAIMANT OF RIGHT TO APPROPRIATE GROUND WATER

(Under Chapter 708, Oregon Laws 1955.)

TO THE STATE ENGINEER OF OREGON:

I, Nick J. Nelke Rt 1, Box 732 Salem, Ore.

of \_\_\_\_\_ County of Polk

State of Oregon, do hereby make application for a certificate of registration as evidence of a right to appropriate ground water.

1. Source from which water is withdrawn is Pump well  
(Flowing well, pump well, infiltration trench, or tunnel)

2. Location is: Approx. 6 miles NW of Salem, Oregon  
(Approximate distance and direction from nearest city or town)

and is more particularly described as follows:

(a) 100 feet north and 500 feet west from SE corner of section 30.  
(Give distances and bearing to corner of section or other legal subdivision)

being within SE 1/4 of SE 1/4 of Sec. 30, Twp. 6S, Rge. 3W  
(Smallest legal subdivision) (N. or S.) (E. or W.)

or (b) within limits of recorded platted property, town or city: \_\_\_\_\_

in Lot \_\_\_\_\_, Block \_\_\_\_\_ of \_\_\_\_\_  
(Name of plat or addition)

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

3. Construction Work was begun on April 1952; was completed on April 1952  
(Date) (Date)

and the ground water claimed was first used for the purposes set out below on April 1952  
(Date)

since which time the water has been used continuously during season  
(Continuously or intermittently)

from April 1952 to Oct. 1956  
(Date) (Date)

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

5. Purpose or Purposes for which water is used irrigation  
(Domestic, irrigation, municipal, manufacturing, industrial, etc.)

6. Description of Well: Depth 77 feet. Type Drilled  
(Dug or drilled)

diameter 8 inches. Elevation of ground at well site 172 feet, mean sea level.  
(As near as known)

Depth to water table 52.6 feet. summer

7. Capacity of Well: 250 g.p.m. with 49 feet drawdown.

350 g.p.m. with 70 feet drawdown.

Date of test 5-4-1952

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

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

Water is controlled by \_\_\_\_\_  
(Cap, valve, etc.)

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RECORDING REQUESTED BY:

DiMattia & Associates.

B342P0109

97OCT-3 PM 3:56

WHEN RECORDED MAIL TO: ✓

M/M John Perry  
2516 Chapala St.  
Santa Barbara, Ca. 93105

265829

265733

Mail Tax Statements to:

Same as Above

SPACE-ABOVE-THIS-LINE-FOR-RECORDERS-USE

QUITCLAIM DEED

The undersigned grantors declare: the documentary transfer tax is -0-. Consideration is transfer to Revocable Trust.

We, John Perry and Rose Marie Perry, husband and wife, the undersigned grantors do hereby remise, release and quitclaim to:

The Perry Family Trust; Dated September 10, 1997; John Perry or Rose Marie Perry as Trustee, for the benefit of John Perry and Rose Marie Perry and their designated beneficiaries; all rights, title, and interest of the undersigned in and to the real property situated in the County of Polk, State of Oregon, described as follows: Tax Account Number:

32-17 06331-00-00100  
32-17 06330-00-00500 A1  
32-17 06330-00-00500

See attached Exhibit "A" for complete legal description.

Executed on this 10<sup>th</sup> day of September, 1997, at Los Angeles, California.

John Perry  
John Perry  
STATE OF CALIFORNIA )

Rose Marie Perry  
Rose Marie Perry

SS.  
COUNTY OF LOS ANGELES)

On September 10, 1997 before me, Vic Dimattia, personally appeared John Perry and Rose Marie Perry, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to that he/she/they executed the same in his/her/their authorized capacity(ies) and that by his/her/their signature(s) on the instrument the person(s) or entity upon behalf of which the person(s) acted, executed the instrument.  
WITNESS my hand and official Seal.

Vic Dimattia  
NOTARY PUBLIC



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B342P0110  
Exhibit "A"

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Beginning at the Southeast corner of the Donation Land Claim of J.D. Walling, Lot. No. 247, Claims No. 52 and 48 in Township 6 South, Ranges 3 and 4 West of the Willamette Meridian in Polk County, Oregon; thence North 75° 15' East 9.448 chains to the West line of the tract of land acquired by the United States for the Bonneville Transmission line as shown by deed recorded June 22, 1939 in Volume 104, Page 451, Deed Records for Polk County, Oregon, and deed recorded March 20, 1941 in Volume 108, Page 247, Deed Records for Polk County, Oregon; thence North 25.358 chains along the West line of U.S. Bonneville tract to an angle in said West line; thence North 40° 38-1/2' East along a Northwesterly line of said right-of-way, 2.326 chains to the East line of the tract of land conveyed to Gus S. Lake by deed recorded December 10, 1903 in Volume 39, Page 455, Deed Records for Polk County, Oregon; thence North along said East line 41.50 chains to the center of the County Road thence South 75° 15' West 33.80 chains along said road center line to the Northwest corner of the 8.10 acre tract of land conveyed to Gus S. Lake by deed recorded June 12, 1908 in Volume 49, Page 152, Deed Records for Polk County, Oregon; thence South 23° East 0.64 chains to an ash tree 10 inches in diameter marked A; thence South 86° East 0.68 of a chain to an ash tree 30 inches in diameter marked A; thence South 10° East 1.87 chains to an ash tree 20 inches in diameter marked A; thence South 15° East 2.63 chains to an ash tree 6 inches in diameter marked A; thence South 34° East 0.84 chain to an ash tree 20 inches in diameter marked A; thence South 44° East 1.00 chains to an ash tree 24 inches in diameter marked A; thence South 25° 30' East 0.96 of a chain to an ashtree 7 inches in diameter marked A; thence North 81° East 7.69 chains; thence South 16.23 chains to the Northeast corner of said Walling Claim; thence South 15° 13' East along the Easterly line of said Donation Land Claim 41.47 chains to the place of beginning. EXCEPT all roads and rights-of-way.

SUBJECT TO: An Easement to the United States of American dated November 28, 1942, and recorded December 30, 1942, in Volume 112, Page 162, Deed Records for Polk County, Oregon, and an easement to the Portland General Electric Co. dated May 29, 1952, and recorded June 5, 1952, in Volume 147, Page 604, Deed Records for Polk County, Oregon, and subject to any easement or easement by prescription for ditches and drainage.

LINDA DAWSON,  
COUNTY CLERK



435749

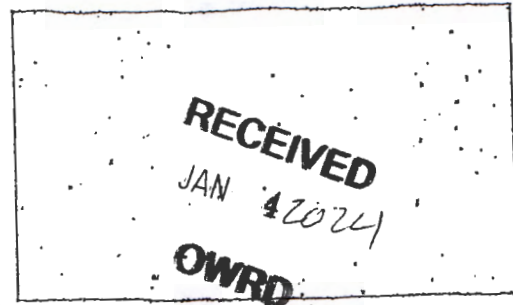
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OREGON



WATER RESOURCES  
DEPARTMENT



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Golden Valley Farms LLC

7385 Howell Prairie Rd. Silverton OR 97381

Transaction Type: Application

Fees Received: \$ 4078.40

Cash  Check: Check No. 2226

Name(s) on Check: Will McGill Surveying LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash, and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.