

# 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 NO HUNTING, LLC		PHONE (HM)	
PHONE (WK)	CELL (503) 932-9623	FAX	
MAILING ADDRESS 3795 INDEPENDENCE HWY.			
CITY INDEPENDENCE	STATE OR	ZIP 97351	E-MAIL * SCOTT@SETNIKERFARMS.COM

### Organization

NAME		PHONE		FAX
MAILING 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
MAILING 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.) Received by OWRD

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



	Scott Setniker	5/13/24
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

**SECTION 2: PROPERTY OWNERSHIP**

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- 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).*

*Setniker Trading Company, LLC: 3795 Independence Hwy., Independence, OR 97351*  
*David F. Setniker and Joan C. Setniker: 3795 Independence Hwy., Independence, OR 97351*  
*ACMPC Oregon 1, LLC: 1331 NW Lovejoy St., Suite 900, Portland, OR 97209*  
*ACMPC Oregon 2, LLC: 1331 NW Lovejoy St., Suite 900, Portland, OR 97209*

**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: 8S, 4W, 1, SENW and 8S, 4W, 22, SWNW	
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).

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

**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\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

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

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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 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 kept in good operating condition to minimize waste.*

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**Statewide - OAR 690-033-0330 thru -0340**

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

Yes  No

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

**SECTION 5: WATER USE**

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

SOURCE	USE	PERIOD OF USE	AMOUNT
BOR Stored Water (Willamette River)	Irrigation	Mar. 1 – Oct. 31	222.15 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
BOR Stored Water (Willamette River)	Supplemental Irrigation	Mar. 1 – Oct. 31	102.45 <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

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 148.1 Acres      Supplemental: 68.3 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: 324.6 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:

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**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): North POD: 75 HP centrifugal, South POD: 40 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.

North and South PODs convey water to Hayden Slough via 12" buried PVC mainline. Hayden Slough is used as a bulge and held back by a dam downstream. Water is rediverted from two points. Re-diversion Pt. 1 uses a 60 HP centrifugal pump and Re-diversion Pt. 2 uses two 75 HP centrifugal pumps.

**B. Application Method**

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

Hard hose traveler with big gun, Pivot

**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 water requested is needed for crop irrigation and is less than the standard volume. Systems 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: All PODs and re-diversion points will be screened in accordance with 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 clearing or excavation necessary.
- 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 operation of equipment in the water should be required.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Care will be taken to keep irrigation equipment in good operating condition to prevent run-off and erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

**SECTION 8: PROJECT SCHEDULE**

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- 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: Fall 2024 or 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).*

Much of this system is existing and authorized by other water rights. This also explains what may seem like an oversizing in the proposed delivery and conveyance system.

# 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)

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## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water 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**

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).

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# Land Use Information Form

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Oregon Water Resources Department

725 Summer Street NE, Suite A

Salem, Oregon 97301-1266

(503) 986-0900

www.oregon.gov/OWRD

NAME No Hunting, LLC			PHONE (503) 932-9623	
MAILING ADDRESS 3795 Independence Hwy.				
CITY Independence	STATE OR	ZIP 97351	EMAIL scott@setnikerfarms.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:
8S	4W	1	SENW	101	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pump/Pipe
8S	4W	1	NWNW SWNW	101	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	2	NENE NWNE	101	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	22	SWNW	100	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pump/Pipe
8S	4W	22	NWNW	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	21	NENE NWSE	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	16	SWSE SESW NESW	1500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	16	NESW SENW NENW NWNE	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	2	NENW	500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pump/Pipe
8S	4W	2	NWNW	500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	3	NENE	500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	3	NENE NWNE NENW	103	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Pipe
8S	4W	3	NENE NWNE SWNE SENE NENW NWNW	701	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

			SWNW SENW NESW NWSW SWSW SESW NWSE				
8S	4W	3	NWSW SWSW	501	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
8S	4W	4	NESE SESE	501	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
8S	4W	3	SESW SWSE	601	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
8S	4W	10	NWNE NENW NWNW	601	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

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 324.6    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 Supplemental Irrigation

Briefly describe:

It is proposed to use an existing water delivery system for a new BOR stored water contract to irrigate crops on TL 501, 601, and 701. The system pumps water from the Willamette River to Hayden Slough and then rediverts from Hayden Slough and conveys to the place of use.

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC20 136.030(A) \* Farm Use
- Land uses to be served by the proposed water use(s), 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

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

*\* see attached.*

Name: Michael Burns Title: Associate Planner  
 Signature: Michael C. Burns Date: 5/23/2024  
 Governmental Entity: Polk County Phone: (503) 623-9237

**Receipt Acknowledging Request for Land Use Information**

**Note to Local Government Representative:**  
 Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

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\*This serves as notice that a portion of the subject property is located within the Special Flood Hazard Area (SFHA). Any non-structural floodplain development, such as excavating, drilling, removal or fill material, etc., within the SFHA would require a land use application and approval prior to conducting the non-structural floodplain development activities. The applicable review and decision criteria for non-structural floodplain development can be found in chapter 178 of the Polk County Zoning Ordinance (PCZO).

\*The subject property also contains wetlands identified on the National Wetland Inventory (NWI) map. According to the Polk County Significant Resource Area (SRA) map, some of these wetlands are associated with inventoried significant fish bearing streams. These wetlands are subject to the standards listed in PCZO Chapter 182. Any development within the inventoried wetland areas may also require permits from the Oregon Department of State Lands (DSL) and Oregon Department of Fish and Wildlife (ODFW).

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

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#### 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: \$2,467.00  
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)



## CONTRACT DATA SHEET



**1. Applicant Information:**

**A. Landowners**

- 1) Name of landowner(s): No Hunting, LLC
- 2) Address: 3795 Independence Hwy., Independence, OR 97351
- 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: \* \_\_\_\_\_ feet \_\_\_\_\_ and \_\_\_\_\_ feet \_\_\_\_\_ of corner of Section \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_, 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: Not submitted yet.
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)? Yes, partial. 5/4/1961
7. Total quantity of water from storage requested: 264.45 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	table (pg. 3).				
*Multiple POD	locations, see	attached map.			
					Received by OWRD
					MAY 23 2024
					Salem, OR

**Total number of Acres:** 176.3



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.)

Partially, natural flows.

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

ODFW specs will be followed for POD screening. OWRD will require fish screen approval letter.

12. Telephone number where you can be reached during the day: (503) 932-9623, owner / (503) 931-0210, agent

Sign and Date: \_\_\_\_\_

A handwritten signature in blue ink, appearing to be 'J. Kelley', written over a horizontal line.

Received by OWRD

MAY 23 2024

Salem, OR

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.

No Hunting, LLC							
Township	Range	Section	QQ	DLC/GLOT	Taxlot	Primary	Supplemental
8S	4W	3	NENE	59	701	0.4	
8S	4W	3	NWNE	59	701	5.6	
8S	4W	3	SWNE	59	701	16.9	
8S	4W	3	SWNE	60	701	14.1	
8S	4W	3	SENE	59	701	0.1	
8S	4W	3	NENW	59	701	6.2	
8S	4W	3	NWNW	59	701	0.2	
8S	4W	3	SWNW	59	701	0.5	
8S	4W	3	SWNW	60	701	0.6	0.1
8S	4W	3	SENW	59	701	17.8	
8S	4W	3	SENW	60	701	18.6	3.5
8S	4W	3	NESW	60	701		37.4
8S	4W	3	NWSW	60	701		2.0
8S	4W	3	SWSW	60	701		0.8
8S	4W	3	SESW	60	701		5.6
8S	4W	3	NWSE	60	701		5.9
8S	4W	3	NWSW	67	501	9.1	
8S	4W	3	SWSW	67	501	24.5	
8S	4W	4	NESE	67	501	3.9	
8S	4W	4	SESE	67	501	2.5	
<b>Total</b>						<b>121.0</b>	<b>55.3</b>

Received by OWRD

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Salem, OR





## CONTRACT DATA SHEET



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Setniker Trading Co., LLC
- 2) Address: 3795 Independence Hwy., Independence, OR 97351
- 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: \* \_\_\_\_\_ feet \_\_\_\_\_ and \_\_\_\_\_ feet \_\_\_\_\_ of corner of Section \_\_\_\_\_ Township \_\_\_\_\_, Range \_\_\_\_\_, 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: Not submitted yet.
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)? Yes, partial. 3/13/1941
7. Total quantity of water from storage requested: 60.15 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	table (pg. 3).				
*Multiple POD	locations, see	attached map.			
					Received by OWRD
					MAY 23 2024
					Salem, OR

Total number of Acres: 40.1



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.)

Partially, natural flows.

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

ODFW specs will be followed for POD screening. OWRD will require fish screen approval letter.

12. Telephone number where you can be reached during the day: (503) 932-9623, owner / (503) 931-0210, agent

Sign and Date: \_\_\_\_\_

Received by OWRD

MAY 23 2024

Salem, OR

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.

Setniker Trading Co., LLC

Township	Range	Section	QQ	DLC/GLOT	Taxlot	Primary	Supplemental
8S	4W	3	SESW	60	601	0.5	
8S	4W	3	SESW	67	601	6.5	2.6
8S	4W	3	SESW	3	601	2.9	
8S	4W	3	SWSE	60	601	4.8	
8S	4W	3	SWSE	2	601	12.4	
8S	4W	10	NWNE		601		0.1
8S	4W	10	NENW	55	601		0.9
8S	4W	10	NENW	1	601		8.6
8S	4W	10	NWNW	55	601		0.8
<b>Total</b>						<b>27.1</b>	<b>13.0</b>

Received by OWRD

MAY 23 2024

Salem, OR

FIRST AMERICAN 4112229



After recording return to:  
No Hunting, LLC  
3795 Independence Hwy, PO Box 338  
Independence, OR 97351

Until a change is requested all tax  
statements shall be sent to the  
following address:  
No Hunting, LLC  
3795 Independence Hwy, PO Box 338  
Independence, OR 97351

File No.: 7101-4112229 (LG)  
Date: October 26, 2023

THIS SPACE RESERVED FOR RECORDER'S USE	
RECORDED IN POLK COUNTY Kimberly Williams, County Clerk  REC-WD            Cnt=1 Str=5 O. DUTY \$25.00 \$11.00 \$10.00 \$60.00 \$5.00	<b>2023-008274</b> 11/03/2023 08:59:02 AM <b>\$111.00</b>

**STATUTORY WARRANTY DEED**

**Sterling Acres, LLC, an Oregon limited liability company, Grantor, conveys and warrants to No Hunting, LLC, an Oregon limited liability company, 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 **\$1,800,000.00**. (Here comply with requirements of ORS 93.030)

Received by OWRD  
MAY 23 2024  
Salem, OR

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 31<sup>ST</sup> day of OCTOBER, 2023.

Sterling Acres, LLC, an Oregon limited liability company

By: Daniel Hauge

Name: Daniel Hauge

Title: Trustee of the Stephanie J. Hauge  
Family Farm Trust, Member

By: Barbara Hauge

Name: Barbara Hauge

Title: Trustee of the Stephanie J. Hauge  
Family Farm Trust, Member

Received by OWRD

MAY 23 2024

Salem, OR

APN: 222563

Statutory Warranty Deed  
- continued

File No.: 7101-4112229 (LG)

STATE OF ARIZONA )  
County of MARICOPA )ss.  
)

This instrument was acknowledged before me on this 31 day of OCTOBER, 2023  
by Daniel Hauge as trustee of the Stephanie J. Hauge Family Farm Trust, member and Barbara Hauge as  
trustee of the Stephanie J. Hauge Family Farm Trust, member of Sterling Acres, LLC, on behalf of the  
limited liability company.



SK Holt Clark  
Notary Public for Maricopa Co. / Arizona  
My commission expires: 10/30/2025

Received by OWRD  
MAY 23 2024  
Salem, OR

Received by OWRD

MAY 23 2024

Salem, OR

File No.: 7101-4112229 (LG)

APN: 222563

Statutory Warranty Deed  
- continued

**EXHIBIT A**

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

**PARCEL I: TL 501**

**BEGINNING AT AN IRON PIPE ON THE NORTHWESTERLY LINE OF THE STATE HIGHWAY AT A POINT 500.57 FEET NORTH 78°21'48" EAST FROM THE CORNER OF SECTIONS 3, 4, 9 AND 10 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; AND RUNNING THENCE NORTH 35°00'15" WEST 1883.59 FEET TO A 3/4 INCH IRON BAR; THENCE SOUTH 89°18'30" EAST 1892.29 FEET TO AN IRON PIPE; THENCE SOUTH 969.1 FEET TO AN IRON PIPE ON THE NORTHWESTERLY LINE OF SAID HIGHWAY; THENCE SOUTH 55°50' WEST 980.75 FEET TO THE PLACE OF BEGINNING.**

**SAVE AND EXCEPT THE FOLLOWING DESCRIBED PROPERTY, TO-WIT: BEGINNING AT AN IRON PIPE ON THE NORTHWESTERLY LINE OF THE STATE HIGHWAY AT A POINT 500.57 FEET NORTH 78°21'48" EAST FROM THE CORNER OF SECTIONS 3, 4, 9 AND 10 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON, AND RUNNING THENCE NORTH 35°00'15" WEST 332.25 FEET; THENCE NORTH 55°50' EAST 300.55 FEET; THENCE SOUTH 33°00' EAST 332.3 FEET TO THE NORTHWESTERLY LINE OF SAID STATE HIGHWAY; THENCE SOUTH 55°50' WEST 289.0 FEET TO THE PLACE OF BEGINNING.**

**PARCEL II: TL 701**

**BEGINNING AT A POINT MARKING THE SOUTHWEST CORNER OF THE CATHERINE FUDGE DONATION LAND CLAIM NO. 60, TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; RUNNING THENCE NORTH 2673.0 FEET TO THE SOUTHWEST CORNER OF THE BETHEL DOVE DONATION LAND CLAIM NO. 59 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 00° 17' EAST 850.08 FEET; THENCE EAST 2876.28 FEET TO A POINT ON THE CENTERLINE OF THE SALEM-INDEPENDENCE HIGHWAY AT STATION 100+45; THENCE SOUTHWESTERLY ALONG THE CENTERLINE OF SAID ROAD AS FOLLOWS: SOUTH 22° 45' WEST 1331.0 FEET TO ENGINEER STATION 113+76 P.S.; THENCE ALONG A SPIRAL CURVE RIGHT 400.0 FEET TO ENGINEER STATION 117+76 P.S.C.; THENCE ALONG A CURVE RIGHT 1,254.16 FEET TO ENGINEER STATION 130+30.16 P.C.S.; THENCE ON A SPIRAL CURVE RIGHT 400.0 FEET TO ENGINEER STATION 134+30.16 P.T.; THENCE SOUTH 55° 50' WEST 1300.0 FEET TO A POINT WHERE SAID CENTERLINE INTERSECTS THE SOUTH LINE OF SAID FUDGE DONATION LAND CLAIM; THENCE WEST LEAVING SAID CENTERLINE 10.0 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.**

**SAVE AND EXCEPT, THE FOLLOWING DESCRIBED REAL PROPERTY, TO-WIT: BEGINNING AT A POINT ON THE WEST LINE OF THE STATE HIGHWAY WHICH IS 2661.88 FEET NORTH 50° 31' 33" EAST FROM THE SOUTHWEST CORNER OF THE CATHERINE FUDGE DONATION LAND CLAIM NO. 60 IN SECTION 3 TOWNSHIP 8 SOUTH, RANGE 4 WEST IN THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; AND RUNNING THENCE NORTH 89° 02' 35" WEST 689.67 FEET TO AN IRON ROD; THENCE NORTH 0° 34' 35" EAST 397.50 FEET TO AN IRON ROD; THENCE SOUTH 89° 02' 35" EAST 891.00 FEET TO AN IRON ROD ON THE WEST LINE OF SAID HIGHWAY; THENCE ALONG AN ARC OF A CURVE ON SAID WEST LINE, THE CHORD OF**

**WHICH BEARS SOUTH 27° 31' 00" WEST 444.39 FEET TO AN IRON ROD SET AT THE PLACE OF BEGINNING.**

**TOGETHER WITH AND EASEMENT 30 FEET IN WIDTH OVER AND ACROSS THAT CERTAIN TRACT OF LAND CONVEYED TO CHARLES A. EVANS, ET UX, BY DEED RECORDED OCTOBER 30, 1941, IN VOLUME 109, PAGE 480, DEED RECORDS FOR POLK COUNTY, OREGON, LYING EAST OF THE SALEM-INDEPENDENCE HIGHWAY; SAID EASEMENT BEING CONVEYED HEREINFOR THE PURPOSE OF INSTALLING, OPERATING AND MAINTAINING AN IRRIGATION SYSTEM. THE EASEMENT HEREIN REFERRED TO IS MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE EAST LINE OF THE SALEM-INDEPENDENCE HIGHWAY AT A POINT WHERE A CULVERT CROSSES SAID HIGHWAY BETWEEN ENGINEER STATION 118+00 AND 119+00, SAID BEGINNING POINT BEING AT THE MOST NORTHERLY CORNER OF SAID CULVERT; RUNNING THENCE SOUTHEASTERLY TO A POINT ON THE EAST BANK OF HAYDEN SLOUGH, WHICH POINT IS EAST 37.94 CHAINS, AND NORTH 48° 30' EAST 6.10 CHAINS AND NORTH 49° WEST 9.20 CHAINS AND NORTH 42° EAST 3.00 CHAINS AND NORTH 35° EAST 12.75 CHAINS FROM THE SOUTHWEST CORNER OF SAID CATHERINE FUDGE DONATION LAND CLAIM (SAID POINT ALSO BEING AN ANGLE CORNER ON THE EASTERLY LINE OF SAID EVANS TRACT OF LAND); THENCE SOUTH 35° WEST ALONG SAID EVANS EAST LINE TO A POINT WHICH IS 30 FEET FROM AND AT RIGHT ANGLES TO THE FIRST ABOVE DESCRIBED LINE; THENCE NORTHWESTERLY PARALLEL TO AND AT A DISTANCE OF 30 FEET FROM THE FIRST DESCRIBED LINE TO THE EAST LINE OF SAID HIGHWAY; THENCE NORTHEASTERLY 30 FEET TO THE PLACE OF BEGINNING.**

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

Received by OWRD

MAY 23 2024

Salem, OR





After recording return to:  
Setniker Trading Company LLC  
3795 Independence Hwy  
Independence, OR 97351

Until a change is requested all tax  
statements shall be sent to:  
Setniker Trading Company LLC  
3795 Independence Hwy  
Independence, OR 97351

File No.: 7101-3380945 (LG)  
Date: February 21, 2020

THIS SPACE RESERVED FOR RECORDER'S USE	
RECORDED IN POLK COUNTY Valerie Unger, County Clerk	<b>2020-002883</b> 02/28/2020 03:06:58 PM
REC-PRD      Cnt=1 Stn=3 C. STECKLEY \$20.00 \$11.00 \$10.00 \$60.00 \$5.00	<b>\$106.00</b>

**PERSONAL REPRESENTATIVE'S DEED**

**Daniel Hauge and Barbara Hauge, Co-Personal Representatives of the Estate of Stephanie J. Hauge** THIS INDENTURE made this Twenty-first day of February, 2020 **Stephanie J. Hauge**, deceased, ( **Linn County Probate No. 19PB01766 in the Circuit Court of the State of Oregon**) hereinafter called the first party and **Setniker Trading Company LLC** , hereinafter called the second party; WITNESSETH:

For value received and the consideration hereinafter stated, the first party has granted, bargained, sold and conveyed, and by these presents does grant, bargain, sell and convey unto the second party and second party's heirs, successors and assigns all the estate, right and interest of the estate of the deceased, whether acquired by operation of the law or otherwise, in 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.

TO HAVE AND TO HOLD the same unto the second party, and second party's heirs, successors-in-interest and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is **\$346,500.00**.

IN WITNESS WHEREOF, the first party has executed this instrument; if first party is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

Received by OWRD

MAY 23 2024

Salem, OR

FIRST AMERICAN 3380945

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 26 day of FEBRUARY, 2020.

Estate of Stephanie J. Hauge

By: Daniel Hauge  
Daniel Hauge as Personal Representative

By: Barbara Hauge  
Barbara Hauge as Personal Representative

Received by OWRD

MAY 23 2024

Salem, OR

STATE OF Arizona )  
County of Maricopa ) ss.

This instrument was acknowledged before me on this 26 day of February, 2020  
by Daniel Hauge and Barbara Hauge, as personal representatives of the estate of Stephanie J. Hauge

SK Holt Clark  
Notary Public for Arizona / Maricopa Co.  
My Commission Expires: 10/30/2021



**EXHIBIT A**

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

**BEGINNING AT AN IRON ROD ON THE WESTERLY LINE OF THAT PROPERTY CONVEYED TO DAVID W. GOODRICH AND MELINDA K. GOODRICH BY DEED RECORDED AS DOCUMENT NO. 2001-008455, RECORDS FOR POLK COUNTY, OREGON, SAID IRON ROD BEING NORTH 89° 54' 39" EAST 1001.49 FEET AND SOUTH 45° 28' 07" EAST 166.68 FEET AND SOUTH 00° 25' 42" EAST 107.54 FEET FROM THE SOUTHWEST CORNER OF SECTION 3, TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 43° 23' 10" EAST 473.70 FEET TO AN IRON ROD; THENCE NORTH 47° 38' 55" EAST 356.89 FEET TO AN IRON ROD; THENCE NORTH 68° 22' 00" EAST 216.23 FEET TO AN IRON ROD; THENCE NORTH 53° 52' 10" EAST 166.95 FEET TO AN IRON ROD; THENCE NORTH 45° 50' 55" EAST 190.31 FEET TO AN IRON ROD; THENCE NORTH 81° 27' 00" EAST 317.81 FEET TO AN IRON ROD; THENCE NORTH 44° 30' 25" EAST 199.20 FEET TO AN IRON ROD ON THE NORTHERLY LINE OF THE AFORESAID GOODRICH PROPERTY; THENCE SOUTH 89° 58' 38" EAST ALONG THE NORTHERLY LINE OF SAID GOODRICH PROPERTY, A DISTANCE OF 1387.79 FEET TO THE WESTERLY LINE OF A TRACT OF LAND CONVEYED TO THE ADRIAN VANDERHAVE REVOCABLE LIVING TRUST BY DEED RECORDED AS DOCUMENT NO. 2002-008304, RECORDS FOR POLK COUNTY, OREGON; THENCE SOUTHWESTERLY ALONG SAID WESTERLY LINE AS FOLLOWS: SOUTH 6° 45' EAST 15.38 FEET AND SOUTH 13° 00' WEST 105.00 FEET AND SOUTH 35° 00' WEST 130.00 FEET AND SOUTH 41° 30' WEST 290.00 FEET AND SOUTH 62° 00' WEST 65.00 FEET AND SOUTH 44° 30' WEST 225.00 FEET AND SOUTH 35° 30' WEST 130.00 FEET AND SOUTH 46° 00' WEST 160.00 FEET TO THE SOUTHEASTERLY CORNER OF THE AFORESAID GOODRICH PROPERTY; THENCE SOUTH 89° 50' 22" WEST ALONG THE SOUTHERLY LINE OF SAID GOODRICH PROPERTY, A DISTANCE OF 515.22 FEET, MORE OR LESS TO THE NORTHERLY NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO MADJIC FARMS, INC. BY DEED RECORDED IN B.O.R. 252, PAGE 1555, RECORDS FOR POLK COUNTY, OREGON; THENCE SOUTH 53° 58' 39" WEST ALONG THE NORTHWESTERLY LINE OF SAID MADJIC FARMS TRACT, A DISTANCE OF 1585.12 FEET, MORE OR LESS, TO A POINT ON THE EAST LINE OF THE ELZY C. DICE DONATION LAND CLAIM NO. 55; THENCE NORTH ALONG SAID EAST LINE, A DISTANCE OF 594.00 FEET, MORE OR LESS, TO A POINT WHICH IS SOUTH 330.00 FEET FROM THE NORTHEAST CORNER OF SAID DICE CLAIM, SAID POINT BEING AN ANGLE CORNER IN THE SOUTHERLY LINE OF THE AFORESAID GOODRICH PROPERTY; THENCE SOUTH 89° 54' 39" WEST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 410.99 FEET TO AN ANGLE CORNER IN SAID SOUTHERLY LINE; THENCE NORTH 00° 25' 42" WEST, CONTINUING ALONG THE LINE OF THE GOODRICH PROPERTY, A DISTANCE OF 105.38 FEET TO THE POINT OF BEGINNING.**

**TOGETHER WITH AN EASEMENT FOR INGRESS AND EGRESS OVER AND ACROSS A STRIP OF LAND 40.00 FEET IN WIDTH, BEING 20.00 FEET ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTERLINE: BEGINNING AT A POINT ON THE SOUTHEASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 51, SAID POINT BEING SOUTH 55° 50' 20" WEST 20.00 FEET FROM THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO DAVID W. GOODRICH AND MELINDA K. GOODRICH BY DEED RECORDED AS DOCUMENT NO. 2001-008455, RECORDS FOR POLK COUNTY, OREGON; THENCE SOUTH 33° 54' 34" EAST PARALLEL WITH THE NORTHERLY LINE OF SAID GOODRICH PROPERTY, A DISTANCE OF 238.28 FEET TO A POINT; THENCE SOUTH 82° 00' 00" EAST 209.28 FEET TO A POINT; THENCE SOUTH 55° 43' 00" EAST 175.66 FEET TO A POINT ON THE NORTHWESTERLY LINE**

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MAY 23 2024

Salem, OR

APN: 571482

Personal Representative's Deed  
- continued

File No.: 7101-3380945 (LG)  
Date: February 21, 2020

**OF THE ABOVE DESCRIBED TRACT OF LAND, FROM WHICH POINT AN IRON ROD BEARS  
NORTH 81° 27' 00" EAST 29.42 FEET, SAID POINT BEING THE TERMINUS OF THIS  
CENTERLINE.**

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

Received by OWRD

MAY 23 2024

Salem, OR

After Recording, Return to ✓ Scott McArthur, Attorney, P.O. Box 368, Monmouth, OR 97361

Mail tax statements to: No change

**BARGAIN AND SALE DEED**

DAVID F. SETNIKER and JOAN C. SETNIKER, husband and wife, convey to DAVID F. SETNIKER and JOAN C. SETNIKER, not as tenants by the entirety, but as equal tenants in common, that real property in Polk County, Oregon described as:

**PARCEL 1:**

That real property described in deed from F.G. Rankin and James B. Rankin, Trustees under the F.G. Rankin Trust Agreement dated April 6, 1973, to David F. Setniker and Joan Setniker, husband and wife, dated November 2, 1990, and recorded on February 19, 1991 at Volume 239, Page 17, Book of Records for Polk County, Oregon.

**PARCEL 2:**

That real property described in Deed from Nelda L. Hoover to David F. Setniker and Joan Setniker, husband and wife, dated May 24, 1994, and recorded May 27, 1994, at Volume 288, Page 0227, Book of Records for Polk County, Oregon.

**PARCEL 3:**

That real property described in Deed from Jenks-Olsen Land Company to David Setniker and Joan Setniker, husband and wife, dated June 27, 1991 and recorded on June 28, 1991, at Book 243, Page 995, Book of Records for Polk County, Oregon.

**PARCEL 4:**

That real property described in Deed from David J. Knaupp and LaVerne D. Knaupp, husband and wife, to David F. Setniker and Joan C. Setniker, husband and wife, by Deed dated September 4, 1990 and recorded September 5, 1990 at Volume 235, Page 686, Book of Records for Polk County, Oregon.

The true and actual consideration for this conveyance is nil plus other value.

This instrument will not allow use of the property described in this instrument in violation of applicable land use laws and regulations. Before signing or accepting this instrument, the person acquiring fee title to the property should check with the appropriate City or County Planning Department to verify approved uses, and to determine any limits on lawsuits against farming or forest practices as defined in ORS 30.930.

DATED this 16 day of January, 1996.

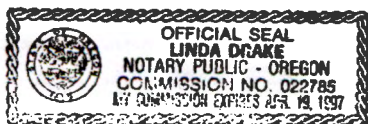
David F. Setniker  
David F. Setniker

Joan C. Setniker  
Joan C. Setniker

Received by OWRE  
MAY 23 2024  
Salem, OR

STATE OF OREGON        )  
                                  ) ss.  
County of Polk         )

On the date last above, personally appeared the above-named David F. Setniker and Joan C. Setniker, and acknowledged the foregoing instrument to be their voluntary act and deed. Before me:



Linda Drake  
Notary Public for Oregon  
My Commission Expires: 4-19-97

B312P0020

96 JAN 17 AM 11:46

409178

STATE OF OREGON )  
 ) SS.  
 COUNTY OF POLK )  
 I hereby certify that the instrument  
 has been duly recorded  
 by me in the public records  
 of the State of Oregon.

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*CS*

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LINDA DAWSON,  
 COUNTY CLERK

Received by OWRD  
 MAY 23 2024  
 Salem, OR

TICOR TITLE 471813029754

GRANTOR:  
Mahonia, Inc., an Oregon corporation  
4985 Battlecreek Rd. SE  
Salem, OR 97302

GRANTEE:  
ACMPC Oregon 1, LLC, an Oregon limited  
liability company  
1331 NW Lovejoy Street, Ste 900  
Portland, OR 97209

SEND TAX STATEMENTS TO:  
ACMPC Oregon 1, LLC, an Oregon limited  
liability company  
1331 NW Lovejoy Street, Ste. 900  
Portland, OR 97209

AFTER RECORDING RETURN TO:  
ACMPC Oregon 1, LLC, an Oregon limited  
liability company  
1331 NW Lovejoy Street, Ste. 900  
Portland, OR 97209

RECORDED IN POLK COUNTY	<b>2014-001244</b>
Valerie Unger, County Clerk	02/14/2014 11:08:34 AM
REC-WD      Cnt=1 Str=1 K. WILLIAMS	\$81.00
\$35.00 \$11.00 \$10.00 \$5.00 \$20.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**WARRANTY DEED – STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

Mahonia, Inc., an Oregon corporation, Grantor, conveys and warrants to ACMPC Oregon 1, LLC, an Oregon limited liability company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See attached Exhibit "A"

The true consideration for this conveyance is \$9,500,000.00.  
ENCUMBRANCES: See attached Exhibit "B"

**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 2-13-14; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Mahonia, Inc., an Oregon corporation

By: John D. Miller  
John D. Miller, President

Received by OWRD

MAY 23 2024

Salem, OR

State of OREGON  
COUNTY of Sherman

This instrument was acknowledged before me on February 14, 2014, by John D. Miller,  
President, Mahonia, Inc., an Oregon Corporation

Korrina J. Osborn, Notary Public - State of Oregon  
My commission expires: 2-9-15

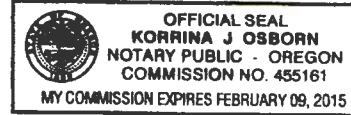


Exhibit A

PARCEL I:

Beginning at an iron pipe marking the Southeast corner of that tract of land conveyed to Louis Lockmond by deed recorded in Volume 110, Page 1, Deed Records for Polk County, Oregon, which point bears North 00°24'19" East, 601.28 feet from the Southeast corner of the Asa Burbank Donation Land Claim No. 41, in Section 15, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 89°36'41" West, along the South line of said Lockmond tract, a distance of 4727.49 feet to an iron pipe on the Easterly right of way line of State Highway 51 (Salem-Independence Highway); thence Northwesterly along said right of way line on the arc of an 11,429.16 foot radius curve to the right (the chord of which bears North 09°29'35" West, 106.99 feet), a distance of 106.99 feet to an iron pipe; thence North 09°13'30" West along said right of way line, a distance of 226.77 feet to an iron pipe; thence Northwesterly along said right of way line on the arc of a 2053.48 foot radius curve to the right (the chord of which bears North 03°50'45" West, 385.01 feet), a distance of 385.58 feet to an iron pipe; thence North 01°32' East along said right of way line, a distance of 639.61 feet to an iron pipe; thence North 02°24' East along said right of way line, a distance of 1103.38 feet to an iron pipe; thence Northeasterly along said right of way line on the arc of a 924.93 foot radius curve to the right (the chord of which bears North 08°30'15" East, 196.71 feet), a distance of 197.08 feet to an iron pipe; thence North 14°36'30" East along said right of way line, a distance of 271.87 feet to an iron pipe; thence Northeasterly along the arc of a 1879.86 foot radius curve to the right (the chord of which bears North 14°44'08" East, 8.78 feet), a distance of 8.78 feet to an iron pipe; thence South 73°34'30" East, 130.97 feet to an iron pipe marking the Southeast corner of that tract of land conveyed to the State of Oregon by deed recorded in Volume 168, Page 33, Deed Records for Polk County, Oregon; thence Northeasterly along the Easterly line of said tract of land on the arc of a 6,276.20 foot radius curve to the right (the chord of which bears North 16°52'29" East, 98.58 feet), a distance of 98.59 feet to an iron pipe marking the Northeast corner thereof; thence North 72°40'30" West along the Northerly line of said tract of land and the Westerly extension thereof, a distance of 131.78 feet to an iron pipe on the Easterly right of way line of said State Highway No. 51; thence Northeasterly along said right of way line on the arc of a 1879.86 foot radius curve to the right (the chord of which bears North 20°38'10" East, 176.57 feet), a distance of 176.63 feet to an iron pipe; thence North 23°19'39" East along said right of way line, a distance of 538.52 feet to an iron pipe; thence Northeasterly along said right of way line on the arc of a 1607.02 foot radius curve to the right (the chord of which bears North 27°33'44" East, 237.33 feet), a distance of 237.55 feet to an iron pipe; thence North 31°47'49" East, along said right of way line, a distance of 1649.92 feet to an iron pipe thence North 32°05'42" East along said right of way line, a distance of 18.51 feet to an iron pipe on the South line of Henry Hawkins Donation Land Claim No. 56; thence South 89°41'38" East along the South line of said Harry Hawkins Claim, a distance of 6757.81 feet to an iron pipe; thence continuing along the South line of the Hawkins Claim, South 89°46'16" East, a distance of 1126.51 feet to an iron pipe marking the Northwest corner of Tract No. 2 of RIVER RANCH, as conveyed to Marx Farms, Inc. by deed recorded in Volume 190, Page 678, Deed Records for Polk County, Oregon; thence South 00°06'44" West along the West line of said Tract No. 2, a distance of 642.15 feet to an iron pipe marking the Southwest corner thereof; thence Southerly following the Westerly boundary line of Tract No. 1 of said RIVER RANCH, as conveyed to said Marx Farms, Inc. as follows: South 80°05' East, 388.14 feet to an iron pipe; thence South 53°40'57" East, 627.97 feet to an iron rod; thence South 59°01'51" East, 297.43 feet to an iron pipe; thence South 33°32'34" West, 123.10 feet to an iron pipe; thence North 69°30'26" West, 267.66 feet to an iron pipe; thence North 68°14'26" West, 620.85 feet to an iron pipe; thence South 83°35'21" West, 219.60 feet to an iron pipe; thence South 63°09'25" West, 239.63 feet to an iron pipe; thence South 47°44'21" West, 380.43 feet to an iron pipe; thence South 29°32'42" West, 308.73 feet to an iron pipe; thence South 22°21'56" West 92.75 feet to an iron pipe; thence South 12°20'23" West, 160.17 feet to an iron pipe; thence South 08°50'56" West, 309.48 feet to an iron pipe; thence South 12°58' East, 272.30 feet to an iron pipe; thence South 22°36'38" East, 139.25 feet to an iron pipe; thence South 31°03' East, 130.22 feet to an iron pipe; thence South 20°53'59" West, 173.64 feet to an iron pipe; thence South 16°11'15" East, 135.50 feet to an iron pipe; thence South 01°34'32" East, 235.34 feet to an iron pipe; thence South 06°40'10" East, 332.53 feet to an iron pipe; thence South 27°56'17" West, 145.86 feet to an iron pipe; thence South 22°45'41" West, 183.41 feet to an iron pipe; thence North 13°49'12" West, 288.45 feet to an iron pipe; thence South 29°15'48" West, 56.50 feet to an iron pipe; thence South 15°55'23" West, 503.56 feet to an iron pipe on the South line of the

471813029754-TTMIDWIL04  
Deed (Warranty - Statutory (Individual or Corporation))

Received by OWRD

MAY 23 2024

Salem, OR



Thomas Burbank Donation Land Claim No. 40; thence North 89°52'17" West along the South line of said Burbank Claim, a distance of 3646.35 feet to an iron pipe marking the Southerly Southwest corner of said Burbank Claim; thence South 00°18'20" West, 1269.23 feet to the point of beginning.

SAVE AND EXCEPT that portion lying within public roads and highways.

PARCEL II:

TRACT I:

Beginning at an iron pipe set at the Southeast corner of the Henry Hawkins Donation Land Claim No. 56, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; thence South 89°44' East, a distance of 1209.07 feet to the Willamette River; thence upstream along the left bank of said river as follows: South 40°00' West, a distance of 145.60 feet; thence South 44°39' West, a distance of 420.40 feet; thence South 36°04' West, a distance of 703.30 feet; thence South 28°19' West, a distance of 300.00 feet; thence South 22°11' West, a distance of 900.00 feet; thence South 15°54' West, a distance of 1018.90 feet; thence South 23°17' West, a distance of 900.00 feet; thence South 24°02' West, a distance of 152.41 feet; thence leaving the left bank of said river and running West 2268.70 feet to an iron pipe; thence North 15°56' East, a distance of 403.90 feet to an iron pipe; thence North 29°10' East, a distance of 56.50 feet to an iron pipe; thence South 13°55' East, a distance of 288.26 feet to an iron pipe; thence North 23°05' East, a distance of 183.21 feet to an iron pipe; thence North 27°55' East, a distance of 145.87 feet to an iron pipe; thence North 6°39' West, a distance of 332.54 feet to an iron pipe; thence North 1°28' West, a distance of 235.40 feet to an iron pipe; thence North 16°01' West, a distance of 135.70 feet to an iron pipe; thence North 20°52' East, a distance of 173.80 feet to an iron pipe; thence North 31°00' West a distance 130.22 feet to an iron pipe; thence North 22°33' West, a distance of 139.20 feet to an iron pipe; thence North 12°54' West, a distance of 272.30 feet to an iron pipe; thence North 8°53' East, a distance of 309.70 feet to an iron pipe; thence North 12°23' East, a distance of 160.50 feet to an iron pipe; thence North 22°33' East, a distance of 92.80 feet to an iron pipe; thence North 29°35' East, a distance of 308.57 feet to an iron pipe; thence North 47°43' East, a distance of 380.47 feet to an iron pipe; thence North 63°10' East, a distance of 239.52 feet to an iron pipe; thence North 83°35' East, a distance of 219.95 feet to an iron pipe; thence South 68°10' East, a distance of 620.75 feet to an iron pipe; thence South 69°26' East, a distance of 267.66 feet to an iron pipe; thence North 33°37' East, a distance of 123.10 feet to an iron pipe; thence North 58°58' West, a distance of 297.54 feet to an iron pipe; thence North 53°36' West, a distance of 628.16 feet to an iron pipe; thence North 80°00' West, a distance of 628.16 feet to an iron pipe; thence North 80°00' West, a distance of 388.14 feet to an iron pipe; thence North 80°59' East, a distance of 652.16 feet to an iron pipe; thence South 89°30' East, a distance of 745.10 feet to an iron pipe; thence North 8°07' East, a distance of 252.20 feet to an iron pipe; thence North 33°14' East, a distance of 148.00 feet to an iron pipe; thence North 4°28' East, a distance of 166.24 feet to an iron pipe set on the South line of said Henry Hawkins Donation Land Claim; thence South 89°44' East, a distance of 640.00 feet to the place of beginning.

SAVE AND EXCEPT that tract of land conveyed to Polk County, a political subdivision of the State of Oregon, dated January 18, 1991, and recorded January 22, 1991, in Book 238, Page 903, as described as follows:

Beginning at a point 801.16 feet South 89°45'25" East, and 82.32 feet South 32°00'51" West of the Southeast corner of the Henry Hawkins Donation Land Claim No. 56, in Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon; and running thence South 32°00'51" West, 768.71 feet; thence South 25°58'28" East, 216.91 feet to the ordinary high water line of the Willamette River; thence North 15°09'15" East along said ordinary high water line, 248.65 feet; thence North 34°05'01" East, 153.43 feet; thence North 44°19'32" East, 234.73 feet; thence North 73°04'21 East, 120.21 feet; thence North 41°52'40" East, 223.18 feet; thence leaving said ordinary high water line North 61°16'39" West, 229.63 feet; thence North 89°45'25" West, 65.09 feet to the place of beginning.

TRACT 2:

Beginning at an iron pipe set at the Southeast corner of the Henry Hawkins Donation Land Claim No. 546, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon, said beginning point being 640.00 feet North 89°44' West from an iron pipe set at the Southeast corner of said Hawkins Donation Land Claim; thence North 89°44' West along the South line of said Hawkins Donation Land Claim, a distance of 1517.34 feet to an iron pipe; thence North 80°59' East, a distance of 652.16 feet to an iron pipe; thence South 89°30' East, a distance of 745.10 feet to an iron pipe; thence North 8°07' East, a distance of 252.20 feet to an iron pipe; thence North 33°14' East, a distance of 148.00 feet to an iron pipe; thence North 33°14' East, a distance of 148.00 feet to an iron pipe; thence North 4°28' East, a distance of 166.24 feet to the place of beginning.

PARCEL III:

Beginning at the Northeast corner of a 16.5 acre tract of land conveyed to H.S. Wood and wife, by deed recorded November 15, 1927, in Volume 85, Page 308, Deed Records for Polk County, Oregon; thence South 0°30' West, a distance of 676.00 feet to the Southeast corner of said 16.5 acre tract; thence North 89°30' West along the South line of said tract, a distance of 920.00 feet to an iron pipe; thence South 25°30' East, a distance of 327 feet to an iron stake near a gate post; thence South 20° East, a distance of 375.00 feet to an iron stake on the dividing line between Hedges' and Davisons' land; thence along said line, South 89°30' East, a distance of 1445.00 feet to the Willamette River and an iron pipe; thence Northerly along the Willamette River, 1385.0 feet, more or less, to the South line of the land formerly owned by the C.A. McLaughlin Estates; thence North 89°30' West, along the South line of said McLaughlin Estates, 1065.00 feet, more or less, to the place of beginning, being situated in Sections 14 and 15, Township 8 South, Range 4 West of the Willamette Meridian, in Polk County, Oregon.

ALSO:

Beginning at the Southeast corner of the Donation Land Claim of Thomas Burbank and wife in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence East on the North line of A.J. Hedges land, a distance of 65.0 rods and 10.0 feet; thence South a distance of 41.0 rods and 11.00 feet; thence West, a distance of 65.0 rods and 10.0 feet; thence North, a distance of 41.0 rods and 11.0 feet to the place of beginning.

TOGETHER WITH an easement and right to travel that certain road from the above described property to the county road, the same being a 20 foot strip, to wit: 10 feet on either side of the following line:

Beginning at a point on the North line of the county road, 1295.0 feet South 89°30' East and 20.0 feet North 0°10' East from the Northwest corner of the South one-half of the Southeast one-quarter of Section 15, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said Northwest corner also being the Northwest corner of the John Jones Donation Land Claim; and running thence North 0°10' East, a distance of 880.2 feet; thence along the arc of a 65.0 foot radius curve to the right (the long chord of which bears North 40°47 ½' East, 98.7 feet); thence South 81°05' East, a distance of 786.0 feet; thence North 36°25' East, a distance of 124.0 feet; thence North 88°55' East, a distance of 73.1 feet; thence South 38°50' East, a distance of 369.3 feet; thence South 28°42' East, a distance of 271.0 feet to the East line of that certain tract of land now particularly described in that certain deed recorded June 17, 1957, in Volume 164, Page 245, Deed Records for Polk County, Oregon.

SAVE AND EXCEPT that portion of the above described real property lying below the ordinary low water mark of the Willamette River.

Exhibit "B"

1. The Land has been classified as Farm use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Any rights, liens, claims or equities, if any, in favor of Polk Soil and Water Conservation District.
3. Rights of the public to any portion of the Land lying within the area commonly known as streets, roads and highways.
4. Any adverse claim based upon the assertion that:
  - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River in the event the boundary of said river has been artificially raised or is now or at any time has been below the high watermark, if said river is in its natural state.
  - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
  - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River, or has been formed by accretion to any such portion.Affects: Parcels II and III
5. Any adverse claim based upon the assertion that:
  - a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Humbug Lake and unnamed pond in the event the boundary of said lake and pond has been artificially raised or is now or at any time has been below the high watermark, if said lake and pond are in their natural state.
  - b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
  - c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Humbug Lake and unnamed pond, or has been formed by accretion to any such portion.Affects: Parcels I and II
6. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Willamette River.  
Affects: Parcels II and III
7. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Hayden Slough.  
Affects: Parcel I
8. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of unnamed creeks or streams.  
Affects: Parcels I and II
9. Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of Humbug Lake and unnamed pond.  
Affects: Parcels I and II
10. Reservations of mineral rights and rights to extract and remove ore therefrom, ditches and reservoirs, as reserved in Deed  
Recorded: June 25, 1927 Volume 85 Page 93  
Reserved by: United States of America
11. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Mountain States Power Company  
Purpose: anchor and wires  
Recording Date: March 20, 1940  
Recording No: Volume 105 Page 486  
Affects: Parcel I exact location not disclosed
12. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Mountain States Power Company  
Purpose: Electric power line  
Recording Date: April 4, 1946  
Recording No: Volume 123 Page 561  
Affects: Parcels I, II and III-exact location not disclosed

13. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: United States of America and its assigns  
Purpose: Right of way for bank protection and/or a channel improvement and rectification project  
Recording Date: March 15, 1950  
Recording No: Book 141 Page 38  
Affects: Parcels II and III-adjacent to the Willamette River as described therein

14. Reservation of use of private road, including the terms and provisions thereof  
Recorded: April 14, 1950 Book 141 Page 258  
Affects: Parcel III as described therein

15. Maintenance provisions for private road as set forth in above document and as provided for by Oregon State Law.

16. Limited access to and from the Land as set forth in Deed shown below, which provides that there shall be no right of easement or right of access to, from or across the State Highway other than as expressly provided for in said Deed:  
Grantor: Margaret Lachmund  
Grantee: State of Oregon, by and through its State Highway Commission  
Recording Date: September 19, 1958  
Recording No.: Book 168 Page 33  
Affects: Parcel

17. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Purpose: Electric transmission and distribution line  
Recording Date: May 27, 1970  
Recording No: Book 5 Page 315  
Affects: Parcels I and II -exact location not stated

18. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Purpose: Electric transmission and distribution line  
Recording Date: July 14, 1970  
Recording No: Book 6 Page 860  
Affects: Parcels I and II exact location not disclosed

19. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Pacific Power & Light Company  
Purpose: Electric transmission and distribution line  
Recording Date: April 25, 1973  
Recording No: Book 42 Page 703  
Affects: Parcels I and II -exact location not stated

20. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Green Villa Farms  
Purpose: Pump site and water transmission line from Willamette River to the most Easterly Northeast extension of Humbug Lake  
Recording Date: December 3, 1974  
Recording No: Book 65 Page 484  
Affects: Parcels I and II as described therein

21. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: Polk County  
Purpose: Recreational roadway purposes  
Recording Date: January 22, 1991  
Recording No: Book 238 Page 907  
Affects: Parcel II as described therein

22. Maintenance provisions for roadway as set forth in above document and as provided for by Oregon State Law.

23. Agreement, including the terms and provisions thereof  
By and Between: Miller Forests, Inc. and Polk County Oregon  
Recorded: January 22, 1991 Book 238 Page 911

24. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:  
Granted to: David F. Setniker and Joan C. Setniker, husband and wife  
Purpose: Buried irrigation PVC mainline pipeline  
Recording Date: October 23, 2003  
Recording No: 2003-021391  
Affects: Parcel I as described therein

471813029754-TTMIDWIL04  
Deed (Warranty – Statutory (Individual or Corporation))

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After Recording Return To:  
John Hasbrook, P.C.  
P.O. Box 368  
Monmouth, Oregon 97361

RECORDED IN POLK COUNTY  
VALERIE UNGER, COUNTY CLERK

2003-021391



\$61.00

Mail Tax Statements To:  
No Change

REC-EAS Cnt=1 Stn=1 A. CAPTAIN  
\$40.00 \$10.00 \$11.00  
10/23/2003 03:23:39 PM

EASEMENT

For valuable consideration, MILLER FORESTS, INC., an Oregon corporation, as Grantor, conveys to DAVID F. SETNIKER and JOAN C. SETNIKER, husband and wife, their successors, heirs and assigns, as Grantees, a non-exclusive easement to use a 12-foot strip of land along and adjacent to the west boundary of the property described in Exhibit A and shown on the schematic sketch in Exhibit C. This easement shall be limited to the point where the pipeline enters the south boundary of Miller Forests, Inc. land and exists at the point where it crosses under Highway 51.

THE TERMS OF THIS EASEMENT ARE AS FOLLOWS:

1. This easement shall benefit and be appurtenant to the property described on Exhibit B attached hereto and incorporated herein by reference. Parcel I is known as Brown Farm, and Parcel II is known as Rogers Farm.

2. Grantees, their agents, independent contractors and invitees, shall use the easement strip only for use of the buried 8-to-10 inch irrigation PVC mainline together with right of ingress and egress to, from, and along lands adjacent to said strip for purposes of constructing, maintaining and repairing said pipeline; and ingress and egress over and across Grantor's property for purposes of all things incidental to, or necessary thereto. Grantees agree that the pipeline shall be buried below subsoil depth, and not less than a depth of 30" in order not to interfere with the ordinary cultivation of the strip, and to pay for damages to fences and crops and all property damage arising from the construction, installation and maintenance of the aforesaid pipeline. In conjunction with such use, Grantees may construct, reconstruct, maintain, repair and replace said pipeline. On each occasion, Grantees shall restore the premises in as good condition as before said work was done.

3. Grantor reserves the right to relocate the irrigation mainline at Grantees' expense at any time, and, in such case, Grantees shall remove and reinstall the mainline at such new location as designated by Grantor.

4. Grantor reserves the right to construct a building or other structure or pave over with asphalt or concrete any or all of the easement area and any additional expense incurred by Grantees as a consequence thereof shall be Grantees' sole responsibility.

TICOR TITLE 16-28226

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5. Grantor reserves the right to fence the easement area and install a suitable gate or gates for ingress and egress by Grantees, and Grantor shall provide Grantees with a key and Grantees agree to comply with Grantor's security requirements.

6. Grantees agree to indemnify and defend Grantor from any loss, claim or liability to Grantor arising in any manner out of use of the easement by Grantees, and Grantees' invitees and licensees, and to hold Grantor harmless from any claims, judgments, damages, penalties, fines, costs, liabilities (including sums paid in settlement of claims) or loss including attorney fees, consultant fees, and expert fees (attorneys, consultants and experts to be selected by Grantor) which arise at any time after the grant of the easement.

7. This easement shall be perpetual.

8. This easement is granted subject to all prior easements or encumbrances of record, and Grantees assume all risk in connection with such prior easements.

9. The covenants, conditions and terms of this agreement shall extend to and be binding upon and inure to the benefit of the heirs, personal representatives, and assigns of the parties hereto, provided, however, that nothing contained in this paragraph shall alter the transfer restrictions hereinabove contained.

10. This document is the entire, final and complete agreement of the parties pertaining to the easement, and supersedes and replaces all written and oral agreements heretofore made or existing by and between the parties or their representatives insofar as the property is concerned.

11. The foregoing terms and provisions shall bind and inure to the benefit of, and be enforceable by, suit or injunction or for damages by the Grantor, and a failure by the Grantor to enforce any of such terms and provisions shall in no event be deemed a waiver of the right to do so thereafter.

12. In the event suit or action is instituted to enforce any of the terms of this easement, the prevailing party shall be entitled to recover from the other party such sums as the Court may adjudge reasonable as attorney fees at trial or on appeal of such suit or action, in addition to all other sums provided by law.

13. In addition, Grantor grants to Grantees a limited power of attorney which will only allow Grantees to record and grant their rights under this easement to any property acquired by Grantees after the date of this agreement. It is the intent that Grantees shall have the authority to directly deed such easement rights to any property served by the water line after the date of this easement.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed on the dates below.

MILLER FORESTS, INC.

DATED: 10/20/, 2003

By: Walter R Miller  
Its President

DATED: 10/20, 2003

By: John D. Math  
Its Secretary

DATED: 10/23/, 2003

David F. Setniker  
David F. Setniker

DATED: 10-23-03, 2003

Joan C. Setniker  
Joan C. Setniker

STATE OF OREGON )  
 ) ss.  
County of Marion )

On the date last above, personally appeared Walter R Miller, Pres., President of Miller Forests, Inc., and acknowledged the foregoing instrument to be his/her voluntary act. Before me:



Elizabeth G Steinberg  
Notary Public for Oregon  
Commission Exp 5/12/07

STATE OF OREGON )  
 ) ss.  
County of Polk )

On the date last above, personally appeared the above named David F. Setniker and Joan C. Setniker, and acknowledged the foregoing instrument to be their voluntary act. Before me:

[Signature]  
Notary Public for Oregon



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STATE OF OREGON            )  
  ) ss.  
County of Marion            )

On the date last above, personally appeared John D. Miller, Ssecretary, of Miller Forests, Inc. and acknowledged the foregoing instrument to be his/her voluntary act. Before me:



Donna Jean Burgess  
Notary Public for Oregon

My commission expires: 12-30-2005

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Page 4 of 8

Beginning at an iron pipe marking the Southeast corner of that tract of land conveyed to Louis Lockmond by deed recorded in Volume 110, Page 1, Deed Records for Polk County, Oregon, which point bears North 00°24'19" East 601.28 feet from the Southeast corner of the Asa Burbank Donation Land Claim No. 41 in Section 15, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence North 89°36'41" West along the South line of said Lockmond Tract, a distance of 4727.49 feet to an iron pipe on the Easterly right-of-way line of State Highway No. 51 (Salem-Independence Highway); thence Northwesterly along said right-of-way line on the arc of a 11,429.16 foot radius curve to the right (the chord of which bears North 09°29'35" West 106.99 feet) a distance of 106.99 feet to an iron pipe; thence North 09°13'30" West along said right-of-way line, a distance of 226.77 feet to an iron pipe; thence Northwesterly along said right-of-way line on the arc of a 2053.48 foot radius curve to the right (the chord of which bears North 03°50'45" West 385.01 feet) a distance of 385.58 feet to an iron pipe; thence North 01°32' East along said right-of-way line, a distance of 639.61 feet to an iron pipe; thence North 02°24' East along said right-of-way line, a distance of 1103.38 feet to an iron pipe; thence Northeasterly along said right-of-way line on the arc of a 924.93 foot radius curve to the right (the chord of which bears North 08°30'15" East 196.71 feet) a distance of 197.08 feet to an iron pipe; thence North 14°36'30" East along said right-of-way line, a distance of 271.87 feet to an iron pipe; thence Northeasterly along the arc of a 1879.86 foot radius curve to the right (the chord of which bears North 14°44'08" East 8.78 feet) a distance of 8.78 feet to an iron pipe; thence South 73°34'30" East 130.97 feet to an iron pipe marking the Southeast corner of that tract of land conveyed to the State of Oregon by deed recorded in Volume 168, Page 33, Deed Records for Polk County, Oregon; thence Northeasterly along the Easterly line of said Tract of land on the arc of a 6276.20 foot radius curve to the right (the chord of which bears North 16°52'29" East 98.58 feet) a distance of 98.59 feet to an iron pipe marking the Northeast corner thereof; thence North 72°40'30" West along the Northerly line of said Tract of land and the Westerly extension thereof, a distance of 131.78 feet to an iron pipe on the Easterly right-of-way line of said State Highway No. 51; thence Northeasterly along said right-of-way line on the arc of a 1879.86 foot radius curve to the right (the chord of which bears North 20°38'10" East 176.57 feet) a distance of 176.63 feet to an iron pipe; thence North 23°19'39" East along said right-of-way line, a distance of 538.52 feet to an iron pipe; thence Northeasterly along said right-of-way line on the arc of a 1607.02 foot radius curve to the right (the chord of which bears North 27°33'44" East 237.33 feet) a distance of 237.55 feet to an iron pipe; thence North 31°47'49" East along said right-of-way line, a distance of 1649.92 feet to an iron pipe; thence North 32°05'42" East along said right-of-way line, a distance of 18.51 feet to an iron pipe on the South line of the Henry Hawkins Donation Land Claim No. 56; thence South 89°41'38" East along the South line of said Hawkins Claim, a distance of 6757.81 feet to an iron pipe; thence continuing along the South line of the Hawkins Claim South 89°46'16" East, a distance of 1126.51 feet to an iron pipe marking the Northwest corner of Tract No. 2 of RIVER RANCH, as conveyed to Marx Farms, Inc. by deed recorded in Volume 190, Page 678, Deed Records for Polk County, Oregon; thence South 00°06'44" West along the West line of said Tract No. 2, a

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Exhibit     A    

MAY 23 2024

Salem, OR

distance of of 642.15 feet to an iron pipe marking the Southwest corner thereof; thence Southerly following the Westerly boundary line of Tract No. 1 of said RIVER RANCH, as conveyed to said Marx Farms, Inc. as follows: South 80°05' East 388.14 feet to an iron pipe; thence South 53°40'57" East 627.97 feet to an iron rod; thence South 59°01'51" East 297.43 feet to an iron pipe; thence South 33°32'34" West 123.10 feet to an iron pipe; thence North 69°30'26" West 267.66 feet to an iron pipe; thence North 68°14'26" West 620.85 feet to an iron pipe; thence South 83°35'21" West 219.60 feet to an iron pipe; thence South 63°09'25" West 239.63 feet to an iron pipe; thence South 47°44'21" West 380.43 feet to an iron pipe; thence South 29°32'42" West 308.73 feet to an iron pipe; thence South 22°21'56" West 92.75 feet to an iron pipe; thence South 12°20'23" West 160.17 feet to an iron pipe; thence South 08°50'56" West 309.48 feet to an iron pipe; thence South 12°58' East 272.30 feet to an iron pipe; thence South 22°36'38" East 139.25 feet to an iron pipe; thence South 31°03' East 130.22 feet to an iron pipe; thence South 20°53'59" West 173.64 feet to an iron pipe; thence South 16°11'15" East 135.50 feet to an iron pipe; thence South 01°34'32" East 235.34 feet to an iron pipe; thence South 06°40'10" East 332.53 feet to an iron pipe; thence South 27°56'17" West 145.86 feet to an iron pipe; thence South 22°45'41" West 183.41 feet to an iron pipe; thence North 13°49'12" West 288.45 feet to an iron pipe; thence South 29°15'48" West 56.50 feet to an iron pipe; thence South 15°55'23" West 403.56 feet to an iron pipe on the South line of the Thomas Burbank Donation Land Claim No. 40; thence North 89°52'17" West along the South line of said Burbank Claim, a distance of 3646.35 feet to an iron pipe marking the Southerly Southwest corner of said Burbank Claim; thence South 00°18'21" West 1269.23 feet to the point of beginning.

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Exhibit A  
 Page 2 of 2

MAY 23 2024

## LEGAL DESCRIPTION

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**PARCEL I:** (Brown Farm)

Beginning at a point 25.95 chains South and 26.82 chains East of the corner common to Sections 8, 9, 16 and 17, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point being also the Northeast corner of the tract of land conveyed by H. Hirschberg to John C. Brown by deed recorded Page 430, in Book 23, Record of Deeds for Polk County, Oregon, and said point also being in the center of the County Road leading from Independence to Salem; thence in a Northeasterly direction along the center of said road to the point of intersection of said County Road with the County Road leading West to Dallas, Oregon, thence West along center of said Road 38.85 chains to the East boundary line of the right-of-way of the S.P.R.R. Co.; thence South 19°30' East along said right-of-way 29 chains to the Northwest corner of a tract of land conveyed to said J.C. Brown; thence East 22.11 chains to the place of beginning.

**PARCEL II:** (Rogers Farm)

Beginning at a point which is 3.48 chains North from the Southwest corner of the Northwest Quarter of Section 9 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, said point being on the North line of the Henry Hawkins Donation Land Claim No. 56 of said township and range; and running thence South 89°31'59" East along the North line of said Hawkins Donation Land Claim, 1717.32 feet to a point from which an iron pipe bears South 0°15' East 3.02 feet, said point being the Northwest corner of that tract of land conveyed to J. J. Williams; thence South 0°15' East 2711.91 feet to a point in the County Road from which an iron pipe bears North 0°15' West 19.99 feet; thence North 89°31'22" West 20.00 feet to a point from which an iron rod bears North 0°15' West 20.00 feet; thence North 0°15' West 1564.10 feet to an iron rod; thence North 89°31'22" West 2515.14 feet to an iron rod on the Easterly right-of-way line of the Southern Pacific Railroad; thence North 18°39'40" West along said right-of-way 1214.33 feet to an iron rod on the North line of the said Hawkins Donation Land Claim; thence continuing North 18°39'40" West along said right-of-way 1097.55 feet to an iron rod at the Southwest corner of that tract of land conveyed to Riddell Farms, Inc. by deed recorded in Book of Records 212, Page 1811, Deed Records of Polk County, Oregon; thence North 89°38'52" East 16.85 feet to an iron rod; thence South 18°39'40" East parallel to and 16.00 feet from the Easterly right-of-way line of the Southern Pacific Railroad, 1097.81 feet to an iron rod on the North line of said Hawkins Donation Land Claim; thence South 89°31'59" East 1184.45 feet to the point of beginning.

TOGETHER WITH a 10 foot wide easement for ingress and egress, the Easterly line of which is described as follows: Beginning at an iron rod which is 3.48 chains North and 1717.32 feet South 89°31'59" East and 1147.82 feet South 0°15' East and 20.00 feet North 89°31'22" West from the Southwest corner of the Northwest Quarter of Section 9 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; and running thence South 0°15' East 1544.10 feet to the North line of the County Road.

SUBJECT TO a power line easement held by Bonneville Power Administration of the United States of America.

SAVE AND EXCEPT that portion lying within the boundaries of public roads and highways.

ED BROWN FARMS

Dec '91  
SCALE:  
1" = 400 FT  
(APPROX)

ED BROWN  
1300 FT 6" PIPE  
POUND FILLING VALVE  
180' R/W  
(NOT)

EXHIBIT C

4400 FEET  
8" PLASTIC PIPE

BORE UNDER HIGHWAY

SLOUGH  
WELL (100')

M-2

M-1

M-3

M

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Exhibit C  
TIE INTO  
OLD 8" PVC LINE  
Page 1 of 1

Page 1 of 1

WARRANTY DEED

McKay Land Co., LLC, an Oregon limited liability company, Grantor, conveys and warrants to ACMPC Oregon 2, LLC, an Oregon limited liability company, Grantee, the following described real property, free of all liens and encumbrances except those exceptions to title listed in Exhibit A, attached hereto and incorporated by this reference, as specifically set forth herein:

See legal description of the real property attached hereto as Exhibit B and incorporated by this reference.

The true and actual consideration for this conveyance is other property or value given or promised, the receipt and sufficiency of which is hereby acknowledged by Grantor.

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.

FIRST AMERICAN TITLE 2/19/14

Dated this 23 day of May, 2014.

GRANTOR:

McKay Land Co., LLC,  
an Oregon limited liability company

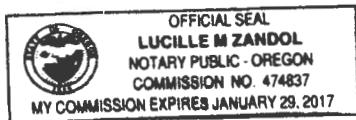
McKay Land Co., LLC,  
an Oregon limited liability company

By: [Signature]  
Mark A. McKay, Member

By: [Signature]  
Dean A. McKay, Member

STATE OF OREGON )  
County of Marion ) ss.

The forgoing instrument was acknowledged before me this 23 day of May, 2014, by Mark A. McKay, Member of McKay Land Co., LLC, an Oregon limited liability company, to be its voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

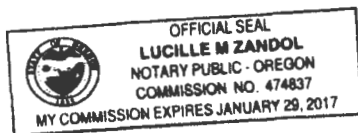
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MAY 23 2014

Salem, OR

STATE OF OREGON )  
County of Marion ) ss.

The forgoing instrument was acknowledged before me this 23 day of May, 2014, by Dean A. McKay, Member of McKay Land Co., LLC, an Oregon limited liability company, to be its voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 1/29/17

AFTER RECORDING,  
RETURN TO:  
ACMPC Oregon 2, LLC  
1331 NW Lovejoy Street, Ste. 900  
Portland, OR 97209

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:

Same

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2014-004282

Page 1 of 1 WARRANTY DEED

Churchill  
PO Box 804  
(50)



\$86.00

00285256201400042820080080 06/29/2014 10:43:35 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
\$40.00 \$10.00 \$11.00 \$20.00 \$5.00

**EXHIBIT A:**

**Permitted Exceptions to Title**

1. The right of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Willamette River and the ownership of the State of Oregon in that portion lying below the high water mark of Willamette River.
3. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion as so created.
4. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Rickreall Creek, Hayden Lake and Hayden Slough.
5. Easement, including terms and provisions contained therein:  
Recording Information: September 16, 1904 in Book 41, Page 5 and January 20, 1931 in Book 91, Page 600, in Deed Records  
In Favor of: adjoining property owners to the west  
For: Roadway over the Westerly 20 feet of TL102 8-4-11
6. Easement, including terms and provisions contained therein:  
Recording Information: December 28, 1937 in Book 101, Page 521, in Deed Records  
In Favor of: Eola Bend District Improvement Company  
For: water control  
(Affects portion of 7-4-36-200 north of road)
7. Easement, including terms and provisions contained therein:  
Recording Information: August 29, 1950 in Book 142, Page 397, in Deed Records  
In Favor of: United States of America  
For: general water control along Willamette River  
(Affects portion of 7-4-36-200 north of road)
8. Easement, including terms and provisions contained therein:  
Recording Information: November 01, 1957 in Book 165, Page 313, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
(Affects all of 8-4-2, not plottable)
9. Easement, including terms and provisions contained therein:  
Recording Information: June 12, 1969 in Book 217, Page 660, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
  
(Affects all of 8-4-2, not plottable)
10. Easement, including terms and provisions contained therein:  
Recording Information: June 11, 1969 in Book 218, Page 221, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution
11. Easement, including terms and provisions contained therein:  
Recording Information: June 01, 1971 in Book 17, Page 95, Book of Records  
In Favor of: Pacific Northwest Bell Telephone Company  
For: communication lines & related facilities
12. Easement, including terms and provisions contained therein:  
Recording Information: October 26, 1971 in Book 23, Page 253, Book of Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
(Affects 8-4-2, not plottable)
13. Easement, including terms and provisions contained therein:  
Recording Information: July 06, 1998 in Book 358, Page 913, Book of Records  
In Favor of: David Setniker  
For: Irrigation Line and Maintenance Agreement  
(Affects 8-4-2-101, from river to Hayden Lake, not plottable)

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14. Easement, including terms and provisions contained therein:  
 Recording Information: August 23, 2000, Document No. 2000-09203 Book of Records  
 In Favor of: David Setniker  
 For: irrigation line and maintenance agreement  
 (Affects 8-4-2-101)
15. Unrecorded Lease, including the terms and provisions thereof and such other exceptions as may appear necessary upon the recording thereof,  
 Lessor: Hermann Strube and Eva Maria Strube, as to an undivided 90% interest and Henning Hansen-Hogrefe, as to an undivided 10% interest  
 Lessee: Western PCS 1 Corporation  
 Dated: May 30, 1996, and further extended/renewed  
 For: cell phone tower  
 Disclosed by: Agreement recorded August 8, 2013 in 2013-008636  
  
 The assignment of lessee's interest under the lease.  
 Assigned By: T-Mobile West Tower LLC, a Delaware limited liability company  
 Assigned To: CCTMO LLC, a Delaware limited liability company  
 Dated: August 2, 2013  
 Recorded: August 8, 2013  
 Recording No.: 2013-008636  
 (Affects Parcel I)
16. Easement, including terms and provisions contained therein:  
 Recording Information: February 25, 2005, Document No. 2005-002843 Book of Records  
 In Favor of: Pacificorp  
 For: electrical transmission & distribution  
  
 Said document was re-recorded March 04, 2005, Document No. 2005-003257 Book of Records  
 Affects 11-8-4-200
17. Easement, including terms and provisions contained therein:  
 Recording Information: August 19, 2005, Document No. 2005-013911 Book of Records  
 In Favor of: PacifiCorp  
 For: electrical transmission & distribution  
 Affects 11-8-4-200
18. An easement reserved in a deed, including the terms and provisions thereof,  
 Recorded: September 29, 2004  
 Recording Information: Document No. 2004-015704  
 From: Hermann Strube and Eva Maria Strube and Henning Hansen-Hogrefe  
 To: Eola Bend RV Park, Inc.  
 For: Access  
 Affects: 7-4-25-1001 and 7-4-36-200
19. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Rickreall Creek, Hayden Lake and Hayden Slough or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion as so created.
20. Reservation of an undivided 1/2 interest in the water rights in and to Hayden Lake and 1/2 of all water therein available for irrigation purposes, together with a 10.00 foot wide water line as set forth in a deed, including the terms and provisions thereof,  
 Recorded: October 4, 1990  
 Recording Information: Book 235, Page 2263, Book of Records  
 From: Interscaldis Investments, B.V.  
 To: Hermann Strube and Eva Maria Strube, et al  
 For: water  
 Affects: Parcel I
21. Easement as shown on the recorded plat/partition  
 For: ingress, egress and utilities  
 Affects: 30 feet as show on partition plat
22. Restrictive Covenant, including terms and provisions thereof.  
 Recorded: April 9, 2002 in Document No. 2002-005353
21. Restrictive Covenant, including terms and provisions thereof.  
 Recorded: February 11, 2004 in Document No. 2004-003008

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23. Easement, including terms and provisions contained therein.  
Recorded Information: July 25, 2008 in Document No. 2008-009359  
In Favor of: Northwest Natural Gas Company  
For: gas pipelines
24. Restrictive Covenant, including terms and provisions thereof.  
Recorded: August 31, 2011 in Document No. 2011-007878
25. Subject to any easement rights as disclosed by Development Agreement dated June 21, 2001 between Adrian Vanderhave and Ary Gerhard Dirkwager (AATC) and J.C. Compton Company (Compton).
26. Grant of Easement and Assignment of Lease including terms and provisions thereof.  
Recorded: 5/29/14 Date of Recording: 2014-004274
27. Ingress/Egress Easement Agreement for Hayden Island, including terms and provisions thereof.  
Recorded: 5/29/14 Date of Recording: 2014-004281

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**EXHIBIT B:**

**Legal Description of Real Property**

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

PARCEL I:

BEGINNING AT THE SOUTHEAST CORNER OF THE HENRY HAWKINS DONATION LAND CLAIM NO. 56 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON, AND RUNNING THENCE NORTH 89° 45' 25" WEST, ALONG THE SOUTH LINE OF SAID HAWKINS DONATION LAND CLAIM, 461.76 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO JOHN HAAS, INC BY DEED RECORDED IN VOLUME 106, PAGE 150 OF THE POLK COUNTY DEED RECORDS, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL 1 OF PARTITION PLAT 1997-0021 AS THE SAME IS PLATTED AND RECORDED IN VOLUME 1997, PAGE 0021 OF THE POLK COUNTY BOOK OF PARTITION PLATS AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 45' 35" WEST, ALONG THE SOUTH LINE OF SAID HAWKINS CLAIM, 2681.82 FEET TO A POINT WHICH BEARS SOUTH 89° 45' 35" EAST 140.04 FEET FROM THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO MCKAY LAND CO., LLC BY DEED RECORDED IN RECORDED IN BOR 2011, PAGE 010468 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 01° 05' 38" WEST, PARALLEL WITH AND 140 EASTERLY OF THE WEST LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND, WHEN MEASURED AT RIGHT ANGLES THERETO, 1309.50 FEET TO A POINT ON THE NORTH LINE OF SAID MCKAY TRACT OF LAND, SAID POINT ALSO BEING ON THE NORTH LINE OF PARCEL 1 OF PARTITION PLAT 1997-0021 AS THE SAME IS PLATTED AND RECORDED IN VOLUME 1997, PAGE 0021 OF THE POLK COUNTY BOOK OF PARTITION PLATS; THENCE SOUTH 89° 40' 16" EAST, ALONG SAID NORTH LINE, 480.39 FEET; THENCE NORTH 35° 00' EAST 400.81 FEET; THENCE NORTH 44° 00' EAST 231.00 FEET; THENCE NORTH 01° 00' WEST 296.00 FEET; THENCE NORTH 66° 30' EAST 214.00 FEET; THENCE NORTH 42° 30' EAST 198.44 FEET TO A POINT; THENCE ALONG THE ARC OF A 515.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 02° 10' 09" WEST 29.46 FEET) A DISTANCE OF 29.47 FEET TO A POINT OF TANGENCY; THENCE NORTH 00° 31' 48" WEST 2334.16 FEET TO A POINT; THENCE ALONG THE ARC OF A 4711.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 14° 57' 23" WEST 335.92 FEET) A DISTANCE OF 335.99 FEET TO A POINT; THENCE SOUTH 89° 51' WEST 2060.54 FEET TO THE EASTERLY (RIGHT) BANK OF HAYDEN SLOUGH, THAT ALSO BEING THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO E.C. HORST ON JUNE 22, 1899 BY DEED RECORDED IN VOLUME 34, PAGE 406 OF THE POLK COUNTY DEED RECORDS, THENCE ALONG THE WESTERLY LINE OF SAID HORST TRACT OF LAND AS FOLLOWS: NORTH 49° WEST 267.85 FEET AND NORTH 42° EAST 198.00 FEET AND NORTH 35° EAST 841.5 FEET TO AN ANGLE POINT IN THE WEST LINE OF SAID HORST TRACT OF LAND, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED AS TRACT 2 TO WALTER H. HUSTON AND FREDDENA J. HUSTON BY DEED RECORDED IN VOLUME 212, PAGE 618 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 56° 37' 31" WEST ALONG THE NORTHERLY LINE OF SAID HUSTON TRACT OF LAND, 802.19 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 51; THENCE NORTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, ON THE ARC OF A SPIRAL CURVE TO THE LEFT (THE CHORD OF WHICH BEARS NORTH 23° 49' 32" EAST 360.61 FEET) A DISTANCE OF 360.7 FEET, MORE OR LESS, TO A POINT OPPOSITE ENGINEER'S STATION P.S. 113+76.00; THENCE NORTH 22° 45' 02" EAST, ALONG SAID RIGHT-OF-WAY LINE, 1171.93 FEET TO A POINT OPPOSITE ENGINEER'S STATION P.T. 102+03.90; THENCE NORTHEASTERLY ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 22° 45' 02" EAST 3.35 FEET) A DISTANCE OF 3.35 FEET TO A POINT ON THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO THEODORE MULLER AND VIRGINIA MULLER BY DEED RECORDED IN VOLUME 105, PAGE 294 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 89° 47' 18" EAST, ALONG THE SOUTH LINE OF SAID MULLER TRACT OF LAND, 568.68 FEET TO THE MOST SOUTHERLY SOUTHEAST CORNER THEREOF; THENCE NORTH 22° 45' 02" EAST 159.72 FEET TO AN ANGLE POINT IN THE SOUTHERLY BOUNDARY LINE OF SAID MULLER TRACT OF LAND; THENCE NORTH 89° 47' 18" EAST, ALONG THE SOUTH LINE OF SAID MULLER TRACT OF LAND, 2735.04 FEET TO THE MOST EASTERLY SOUTHEAST CORNER THEREOF; SAID POINT ALSO BEING ON THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO ADRIAN VANDERHAVE AND ARY GERHARD DIRKZWAGER BY DEED RECORDED IN BOR 368, PAGE 964 OF THE POLK COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID VANDERHAVE AND DIRKZWAGER TRACT OF LAND NORTH 44° 45' 29" EAST 407.40 FEET; THENCE NORTH 57° 47' 57" EAST 783.43 FEET; THENCE NORTH 88° 59' 15" WEST 959.30 FEET; THENCE NORTH 70° 41' 18" EAST 302.47 FEET; THENCE NORTH 80° 34' 55" EAST 450.00 FEET; THENCE NORTH 87° 44' 55" EAST 470.00 FEET; THENCE NORTH 54° 14' 55" EAST 29.80 FEET TO THE NORTHEAST CORNER OF SAID VANDERHAVE AND DIRKZWAGER TRACT OF LAND, SAID POINT ALSO BEING ON THE CENTERLINE OF HAYDEN SLOUGH; THENCE ALONG SAID SLOUGH CENTERLINE NORTH 54° 15' EAST 420.20 FEET AND NORTH 19° 15' EAST 480.00 FEET AND NORTH 26° 40' EAST 710.00 FEET AND NORTH 34° 00' EAST 305.00 FEET AND NORTH 64° 10' EAST 815.48 FEET AND NORTH 51° 25' EAST 135.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORMAN SCOTT DONATION LAND CLAIM NO. 65 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 88° 48' 02" EAST, ALONG SAID CLAIM LINE, 68.35 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 02' 16" WEST, ALONG THE EAST LINE OF SAID

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SCOTT CLAIM, 53.06 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED AS PARCEL 3 TO MCKAY LAND CO., LLC BY DEED RECORDED IN BOR 2006, PAGE 12026 OF THE POLK COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND AS FOLLOWS: NORTH 51° 25' EAST 130.0 FEET AND NORTH 32° 30' EAST 283.0 FEET AND NORTH 27° 00' EAST 485.86 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89° 55' 48" WEST, ALONG THE NORTH LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND, 474.75 FEET TO THE NORTHWEST CORNER THEREOF AND THE MOST EASTERLY NORTHEAST CORNER OF THE BEFORESAID NORMAN SCOTT DONATION LAND CLAIM; THENCE NORTH 00° 31' 33" EAST 9.90 FEET TO THE ¼ CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 00° 03' 35" WEST, ALONG THE SECTION LINE COMMON TO SECTIONS 35 AND 36, AND CONTINUING ALONG THE SECTION LINE COMMON TO SECTIONS 25 AND 26, 3017.22 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID SECTION LINE WITH THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO GLENN MONNIER AND DOROTHY MONNIER BY DEED RECORDED IN VOLUME 38, PAGE 200 OF THE POLK COUNTY DEED RECORDS; THENCE SOUTH 89° 57' 57" EAST, ALONG THE SOUTH LINE OF SAID MONNIER TRACT OF LAND, 880.90 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 04' 12" EAST, ALONG THE EAST LINE OF SAID MONNIER TRACT OF LAND, 1108.06 FEET TO A POINT IN THE CENTER OF LACREOLE RIVER (ALSO KNOWN AS RICKREALL CREEK); THENCE DOWNSTREAM ALONG THE CENTERLINE OF SAID LACREOLE RIVER AS FOLLOWS: NORTH 79° 30' EAST 105.43 FEET AND NORTH 88° 00' EAST 230.00 FEET AND SOUTH 74° 20' EAST 315.00 FEET AND SOUTH 61° EAST 185.00 FEET AND NORTH 88° 00' EAST 80.00 FEET AND NORTH 75° 45' EAST 93.00 FEET AND NORTH 88° 00' EAST 207.00 FEET AND NORTH 81° 00' EAST 123.00 FEET AND SOUTH 44° 00' EAST 265.00 FEET AND SOUTH 27° 35' EAST 271.00 FEET AND SOUTH 45° 15' EAST 338.00 FEET AND SOUTH 85° 45' EAST 160.00 FEET AND SOUTH 75° 45' EAST 384.00 FEET AND NORTH 72° 30' EAST 123.61 FEET; THENCE, LEAVING SAID LACREOLE RIVER CENTERLINE, SOUTH 53° 38' 48" EAST 616.38 FEET; THENCE SOUTH 25° 38' 48" EAST 687.31 FEET TO A POINT ON THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL; THENCE SOUTHERLY, ALONG THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL (WEST), FOLLOWING THE ORDINARY HIGH WATER LINE, AS FOLLOWS: SOUTH 21° 15' WEST 208.87 FEET AND SOUTH 10° 30' WEST 175.00 FEET AND SOUTH 21° 00' EAST 180.00 FEET AND SOUTH 03° 00' WEST 105.00 FEET AND SOUTH 21° 45' WEST 95.00 FEET AND SOUTH 01° 00' WEST 90.00 FEET AND SOUTH 08° 30' WEST 190.00 FEET AND SOUTH 24° 30' WEST 260.00 FEET AND SOUTH 32° 00' WEST 250.00 FEET AND SOUTH 28° 00' WEST 144.82 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF THAT TRACT OF LAND CONVEYED TO GORDON DAGUE AND LEOTA DAGUE BY DEED RECORDED IN VOLUME 194, PAGE 301 OF THE POLK COUNTY DEED RECORDS WITH SAID ORDINARY HIGH WATER LINE; THENCE SOUTH 89° 43' 22" WEST, ALONG THE NORTHERLY LINE OF SAID DAGUE TRACT OF LAND, 66.60 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, SOUTH 31° 33' 45" WEST, ALONG THE EASTERLY LINE OF SAID DAGUE TRACT OF LAND, 763.62 FEET; THENCE SOUTH 14° 41' 15" EAST 33.00 FEET; THENCE SOUTH 38° 52' 44" WEST 76.74 FEET TO A POINT WHICH BEARS SOUTH 87° 58' 53" EAST 330.49 FEET FROM THE SOUTHEAST CORNER OF THE JOSHUA SHAW DONATION LAND CLAIM NO. 60 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE SOUTH 31° 15' WEST, ALONG THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO HILROY ENTERPRISES BY DEED RECORDED IN BOR 205, PAGE 62 OF THE POLK COUNTY DEED RECORDS, 552.16 FEET TO A POINT MARKING THE ORDINARY HIGH WATER LINE ON THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL; THENCE ALONG SAID WESTERLY BANK FOLLOWING SAID ORDINARY HIGH WATER LINE AS FOLLOWS: SOUTH 60° 00' WEST 218.96 FEET AND SOUTH 50° 35' WEST 320.00 FEET AND SOUTH 46° 00' WEST 250.00 FEET AND SOUTH 25° 45' WEST 470.00 FEET AND SOUTH 39° 30' WEST 205.00 FEET AND SOUTH 05° 00' EAST 100.00 FEET AND SOUTH 09° 40' EAST 160.00 FEET AND SOUTH 06° 45' WEST 100.00 FEET AND SOUTH 15° 45' WEST 385.00 FEET AND SOUTH 12° 50' WEST 315.00 FEET AND SOUTH 16° 00' WEST 270.00 FEET AND SOUTH 14° 00' WEST 395.00 FEET AND SOUTH 20° 30' WEST 475.00 FEET AND SOUTH 11° 45' WEST 215.00 FEET TO THE INTERSECTION OF THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL WITH THE WESTERLY BANK OF THE WILLAMETTE RIVER; THENCE SOUTH 63° 00' EAST 107.00 FEET TO A POINT MARKING THE ORDINARY LOW WATER LINE OF SAID WILLAMETTE RIVER; THENCE SOUTHWESTERLY ALONG THE WESTERLY BANK OF THE PRESENT WILLAMETTE RIVER FOLLOWING SAID ORDINARY LOW WATER LINE AS FOLLOWS: SOUTH 33° 00' WEST 237.00 FEET AND SOUTH 24° 20' WEST 900.00 FEET AND SOUTH 22° 40' WEST 425.00 FEET AND SOUTH 19° 14' 38" WEST 505.00 FEET AND SOUTH 16° 29' 38" WEST 192.93 FEET AND SOUTH 16° 30' WEST 457.07 FEET AND SOUTH 20° 15' WEST 400.00 FEET AND SOUTH 11° 55' WEST 440.00 FEET AND SOUTH 12° 50' WEST 595.00 FEET AND SOUTH 16° 45' WEST 297.00 FEET AND SOUTH 12° 00' WEST 195.00 FEET AND SOUTH 10° 00' WEST 265.00 FEET TO A POINT ON THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO JOHN HASS, INC BY DEED RECORDED IN VOLUME 106, PAGE 150 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 89° 36' 51" WEST, ALONG THE NORTH LINE OF SAID HASS TRACT OF LAND, 175.00 FEET TO A POINT WHICH BEARS SOUTH 12° 20' 11" WEST 675.49 FEET FROM THE NORTHEAST CORNER OF SECTION 11 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 89° 36' 51" WEST CONTINUING ALONG THE NORTH LINE OF SAID HASS TRACT OF LAND, 1600.00 FEET; THENCE SOUTH 15° 00' WEST 1090.00 FEET; THENCE SOUTH 26° 00' WEST 760.00 FEET; THENCE SOUTH 30° 00' WEST 545.00 FEET; THENCE SOUTH 45° 00' WEST 190.00 FEET; THENCE SOUTH 81° 56' 02" WEST 61.16 FEET TO A POINT ON THE EAST LINE OF THE BEFORESAID PARCEL 1 OF PARTITION PLAT 1997-0021 AT A POINT WHICH BEARS SOUTH 18° 12' 06"

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WEST 409.91 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH 18° 12' 06" WEST, ALONG THE WESTERLY LINE OF SAID PARCEL 1, 961.12 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED WITHIN SECTIONS 25, 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST AND SECTIONS 2, 3, 10 AND 11 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

SAVE AND EXCEPT: THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF HALLS FERRY ROAD.

SAVE AND EXCEPT: THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF STATE FARM ROAD (CO RD NO. 7410) AND A 60-FOOT WIDE PUBLIC ROAD DESCRIBED IN VOLUME 196, PAGE 583 OF THE POLK COUNTY DEED RECORDS.

PARCEL II:

BEGINNING AT THE ¼ CORNER COMMON TO SECTION 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 89° 47' 57" WEST, ALONG THE NORTHERLY BOUNDARY LINE OF THAT TRACT OF LAND CONVEYED TO WALTER H. BROWN BY DEED RECORDED IN VOLUME 137, PAGE 516 OF THE POLK COUNTY DEED RECORDS, 2132.22 FEET TO AN IRON BAR MARKING THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THOMAS MUELLER AND K. CHRISTINE MUELLER BY DEED RECORDED IN BOR 103, PAGE 1380 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 10° 03' 41" WEST, ALONG THE EASTERLY BOUNDARY LINE OF SAID MUELLER TRACT OF LAND, 663.11 FEET TO AN IRON ROD MARKING AN ANGLE POINT THEREIN; THENCE NORTH 15° 43' 43" WEST, ALONG SAID EASTERLY LINE, 418.16 FEET TO A POINT IN THE CENTER OF CHINAMAN'S DITCH; THENCE NORTHERLY, ALONG THE CENTERLINE OF CHINAMAN'S DITCH AS FOLLOWS: NORTH 55° 27' 11" EAST 24.71 FEET AND NORTH 29° 07' 40" EAST 50.66 FEET AND NORTH 03° 13' 28" EAST 127.06 FEET AND NORTH 41° 25' 49" EAST 36.95 FEET AND NORTH 86° 41' 43" EAST 116.69 FEET AND NORTH 50° 47' 59" EAST 109.18 FEET AND NORTH 15° 09' 44" EAST 76.76 FEET AND NORTH 08° 39' 37" EAST 128.80 FEET AND NORTH 50° 06' 55" EAST 101.46 FEET AND NORTH 26° 50' 45" EAST 42.91 FEET AND NORTH 06° 23' 53" EAST 110.18 FEET AND NORTH 27° 43' 40" EAST 120.87 FEET AND NORTH 36° 30' 13" EAST 57.88 FEET AND NORTH 49° 42' 12" EAST 68.05 FEET AND NORTH 17° 55' 53" EAST 52.66 FEET AND NORTH 00° 26' 39" WEST 83.83 FEET AND NORTH 12° 28' 21" WEST 53.19 FEET AND NORTH 34° 41' 34" EAST 42.70 FEET AND NORTH 68° 09' 02" EAST 89.06 FEET AND NORTH 25° 07' 39" EAST 37.77 FEET AND NORTH 47° 25' 02" WEST 81.05 FEET AND NORTH 37° 03' 45" EAST 72.08 FEET AND NORTH 12° 53' 10" EAST 76.20 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF LACREOLE RIVER (ALSO KNOWN AS RICKREALL CREEK); THENCE DOWNSTREAM ALONG THE CENTERLINE OF SAID LACREOLE RIVER AS FOLLOWS: SOUTH 89° 14' 45" EAST 196.86 FEET AND NORTH 34° 25' EAST 148.00 FEET AND NORTH 35° 00' WEST 208.00 FEET AND NORTH 24° 00' WEST 296.00 FEET AND SOUTH 84° 40' EAST 236.50 FEET AND SOUTH 66° 00' EAST 248.50 FEET AND NORTH 82° 55' EAST 438.00 FEET AND NORTH 00° 30' WEST 88.21 FEET; THENCE SOUTH 89° 57' 57" EAST, LEAVING SAID LACREOLE RIVER CENTERLINE, 327.83 FEET TO AN IRON PIPE AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO GLENN MONNIER AND DOROTHY MONNIER BY DEED RECORDED IN BOR 38, PAGE 200 OF THE POLK COUNTY DEED RECORDS; THENCE SOUTH 89° 57' 57" EAST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, 396.86 FEET TO A ½-INCH IRON PIPE SET AT THE INTERSECTION OF SAID SOUTH LINE WITH THE EAST LINE OF SECTION 26 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 00° 03' 35" EAST, ALONG SAID SECTION LINE AND THE EAST LINE OF SECTION 35, IN SAID TOWNSHIP AND RANGE, 3017.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. ALL BEING SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 35 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

PARCEL III:

BEGINNING AT THE MOST EASTERLY NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN BOOK 137, PAGE 516, DEED RECORDS FOR POLK COUNTY, OREGON, SAID CORNER BEING THE ONE-QUARTER CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; THENCE SOUTH 01°51'08" WEST 815.14 FEET TO AN 1-1/2 INCH IRON PIPE; THENCE NORTH 89°18'57" WEST 1745.15 FEET TO A 1-1/2 INCH IRON PIPE MARKING THE NORTHEAST CORNER OF THE BETHUEL DOVE DONATION LAND CLAIM NO. 45 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 88° 04' 09" WEST 2781.48 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 01°55'51" EAST 843.65 FEET TO A 5/8 INCH IRON ROD PLACED ON THE MOST EASTERLY, NORTH BOUNDARY LINE OF THE PARCEL OF LAND DESCRIBED IN AFOREMENTIONED BOOK 137, PAGE 516; THENCE SOUTH 88°11' 20" EAST COINCIDENT WITH SAID NORTH BOUNDARY, 4525.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT 30.00 FEET IN WIDTH, FOR INGRESS AND EGRESS, LYING SOUTHERLY IN DIRECTION AND CONTIGUOUS WITH THE FOLLOWING DESCRIBED LINE: BEGINNING AT A 5/8" INCH IRON ROD MARKING THE POINT OF INTERSECTION OF THE MOST EASTERLY NORTH BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 137, PAGE 516, DEED RECORDS FOR POLK COUNTY, OREGON, SAID POINT BEARS NORTH 88° 11' 20" WEST 4760.62 FEET FROM THE QUARTER

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CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 88° 110' 20" EAST 235.51 FEET TO THE POINT OF TERMINUS.

PARCEL IV:

BEGINNING AT A POINT AT THE CENTERLINE OF THE HAYDEN SLOUGH WHICH IS 53.06 FEET NORTH 0° 02' 16" WEST FROM THE S.E. CORNER OF THE NORMAN SCOTT DLC NO. 65 AS DELINEATED ON SHEET 3 OF A SURVEY BY C.E. BAKER, CS 5496 FOR GREEN VILLA FARMS DATED APRIL 1979 AND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO HERMANN STRUBE AND EVA-MARIA STRUBE, HUSBAND AND WIFE ET AL. AS RECORDED IN BOR 235, PAGE 2263, DEED RECORDS FOR POLK COUNTY, OREGON; SAID POINT OF BEGINNING IS BY SAID SURVEY 9.90 FEET SOUTH 0°31'33" WEST AND 752.08 FEET SOUTH 0°02'16" EAST FROM THE ONE-QUARTER CORNER COMMON TO SECTIONS 35 AND 36, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE, ALONG THE CENTERLINE OF HAYDEN SLOUGH IN AGREEMENT WITH SAID CS 5496 AND SAID DEED, NORTH 51° 25' EAST 130.00 FEET; THENCE NORTH 32° 30' EAST 283.00 FEET; THENCE NORTH 27°00' EAST 485.86 FEET TO A POINT ON THE SOUTH LINE OF THE JOSHUA SHAW DLC NO. 60; THENCE LEAVING SAID SLOUGH AND ALONG SAID SOUTH DLC LINE, SOUTH 89° 55' 48" WEST 474.75 FEET TO THE EASTERLY NORTHEAST CORNER OF THE NORMAN SCOTT DLC NO. 115; THENCE, IN AGREEMENT WITH SAID CS 5496, SOUTH 0° 02' 16" EAST 752.08 FEET TO THE POINT OF BEGINNING.

PARCEL V:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 368, PAGE 205, POLK COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID TRACT, SOUTH 57°40'28" WEST, 782.77 FEET; THENCE SOUTH 44°48'18" WEST, 407.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE ALONG THE SOUTH LINE OF SAID TRACT, SOUTH 89°42'38" WEST, 1428.66 FEET TO THE CENTERLINE OF HAYDEN SLOUGH; THENCE ALONG THE CENTERLINE OF SAID SLOUGH, NORTH 56°13'38" EAST, 423.37 FEET; THENCE NORTH 72°08'07" EAST, 635.65 FEET; THENCE NORTH 56°55'32" EAST, 550.69 FEET TO INTERSECT THE NORTH LINE OF THE SAID TRACT OF LAND DESCRIBED IN SAID BOOK 368, PAGE 205; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°03'54" EAST, 959.32 FEET TO THE POINT OF BEGINNING.

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**IRRIGATION LINE EASEMENT  
AND MAINTENANCE AGREEMENT**

This is an agreement by and between David Setniker (Setniker) and Hermann Strube, Eva-Maria Strube, and Henning Hansen-Hogrefe (Green Villa).

The parties have, since approximately 1990, maintained and jointly operated and shared the use of a buried water irrigation line and pump site serving both of their properties as hereinafter described.

The purpose of this agreement is to memorialize that agreement.

Green Villa does hereby grant to Setniker the right to use, in common with Green Villa, that existing buried 12 inch water line and pump site located as follows:

Beginning at the existing pump site which is located on the west bank of the Willamette River approximately 1650 feet south and 1150 feet east from the northwest corner of Section 1, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and going thence in a west-northwesterly direction to a point on the east bank of Hayden Slough, which point is located at the north line of Section 2, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon

- - Together with the right of access for the purpose of maintenance, repair, and replacement of such line as the same may be required.

In connection therewith, each party agrees as follows:

1. The parties shall jointly share the use of such line for the purpose of pumping irrigation water from the Willamette River into Hayden Slough for storage purposes.
2. Setniker shall perform and pay for such minor maintenance as may be required to the line.
3. Any damage to the line or the land over which such line lies shall be repaired by the party doing the damage.

Received by OWRD

MAY 23 2024

Salem, OR



STATE OF OREGON )  
 ) ss.  
County of Polk )

On the date last above, personally appeared David Setniker and acknowledged the foregoing instrument to be his voluntary act. Before me:



*Jennifer Hanby*  
Notary Public for Oregon  
My Commission Expires: 8-11-00

STATE OF OREGON )  
 ) ss.  
County of Polk )

On the date last above, personally appeared Hermann Strube and Eva-Maria Strube, and acknowledged the foregoing instrument to be their voluntary act. Before me:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

STATE OF OREGON )  
 ) ss.  
County of Polk )

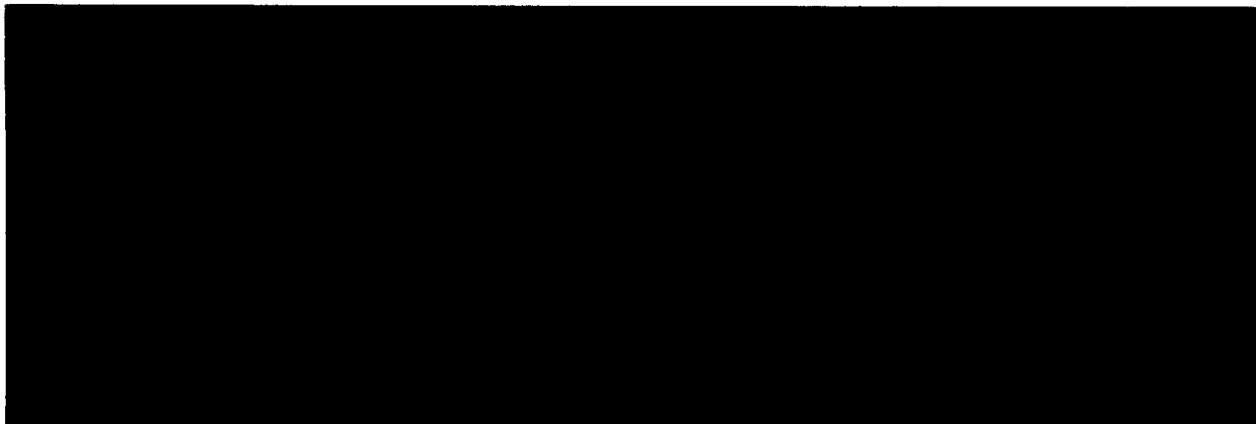
On the date last above, personally appeared \_\_\_\_\_, an authorized representative of Henning Hansen-Hogrefe, and acknowledged the foregoing instrument to be its voluntary act. Before me:

\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_

Received by OWRD

MAY 23 2024

Salem, OR



Such easement is perpetual and inures to the benefit of both the Green Villa property described in Deed at Volume 235, Page 2263, Book of Records for Polk County, Oregon, and to the property of Setniker known as Tax Lot 500, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, lying to the east and north of Hayden Slough and the northerly end of such easement and existing pipeline.

Mail tax statements to: No change.

DATED: June 3, 1998 David Setniker  
David Setniker

DATED: June 3, 1998 Hermann Strube by Vadant Hau  
Hermann Strube Power of Attn.

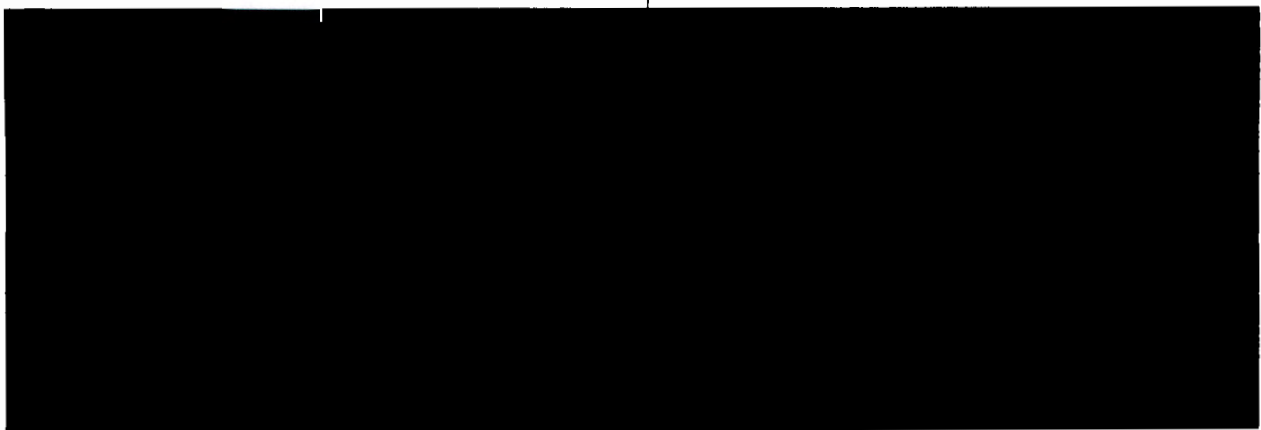
DATED: June 3, 1998 Eva-Maria Strube by Vadant Hau  
Eva-Maria Strube Power of Attn.  
Henning Hansen-Hogrefe

DATED: June 3, 1998 Henning Hansen Hogrefe by Vadant Hau  
By: Power of Attn.

Received by OWRD

MAY 23 2024

Salem, OR





STATE OF OREGON,

B358P0916

93 JUL -6 AM 10:26

County of Polk

ss.

On this the 3rd day of June, 19 98 personally appeared Joost Van Der Have

who, being duly sworn (or affirmed), did say that he is the attorney in fact for Hermann Strube & Eva Marie Strube and

that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.



Before me:

Jennifer Hanby (Signature)

Escrow Closer 8-11-00

(Title of Officer)

STATE OF OREGON,

County of Polk

ss.

On this the 3rd day of June, 19 98 personally appeared Joost Van Der Have

who, being duly sworn (or affirmed), did say that he is the attorney in fact for Henning Hansen - Hogrefe and

that he executed the foregoing instrument by authority of and in behalf of said principal; and he acknowledged said instrument to be the act and deed of said principal.



Before me:

Jennifer Hanby (Signature)

Escrow Closer 8-11-00

(Title of Officer)

449167



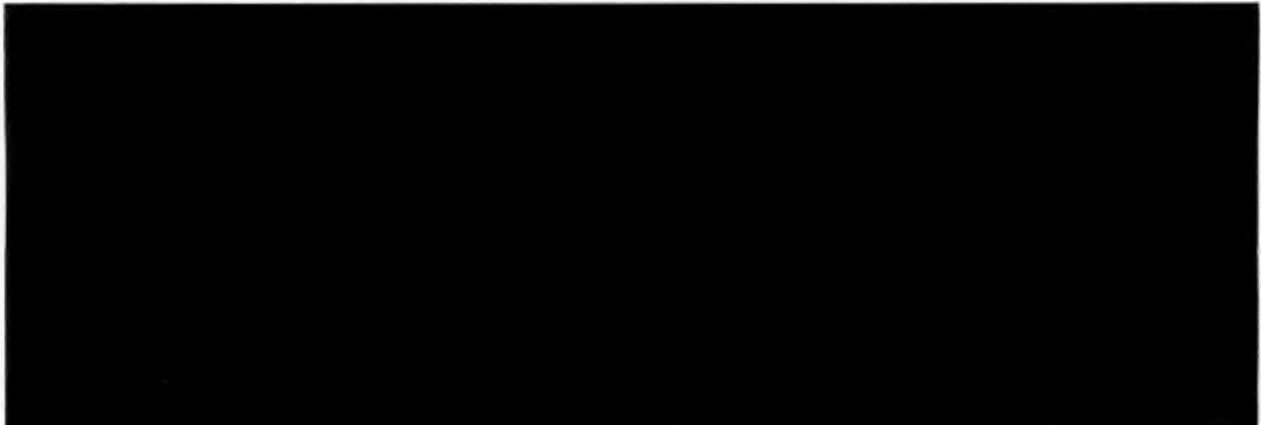
Setniker Farms (ac)

LINDA DAWSON, COUNTY CLERK

Received by OWRD

MAY 23 2024

Salem, OR



RECORDING REQUESTED BY  
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME  
Oregon State University Foundation

GRANTEE'S NAME  
David F. Setniker and Joan C. Setniker

SEND TAX STATEMENTS TO:  
David F. Setniker & Joan C. Setniker  
P.O. Box 338  
Independence, OR 97351

AFTER RECORDING RETURN TO:  
David F. Setniker & Joan C. Setniker  
P.O. Box 338  
Independence, OR 97351

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

1500  
2006-010713



\$36.00

00159693200600107130030030

06/29/2006 02:21:06 PM

REC-COR Cnt=1 Stn=1 C. TRUDELL  
\$15.00 \$10.00 \$11.00

RECORDED IN POLK COUNTY  
Valerie Unger, County Clerk

2006-010571



\$36.00

00159531200600105710030038

06/28/2006 09:29:27 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
\$15.00 \$10.00 \$11.00

SPACE ABOVE THIS LINE FOR RECORDER'S USE

\* re-recording to correct name.  
STATUTORY WARRANTY DEED

Oregon State University Foundation, Grantor, conveys and warrants to

David F. <sup>Setniker</sup> and Joan C. <sup>Setniker</sup>, Husband and Wife, 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 EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

Fidelity National Title QUS844

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, rights-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,100,000.00 (See ORS 93.030)

DATED: June 22, 2006

Oregon State University Foundation

STATE OF OREGON  
COUNTY OF Benton

By: J. Michael Goodwin  
J. Michael Goodwin, President, CEO

This instrument was acknowledged before me on  
June 26, 2006

by J. Michael Goodwin  
as President, CEO  
of Oregon State University Foundation

Received by OWRD

MAY 23 2024

Salem, OR

NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES Oct 1 2008

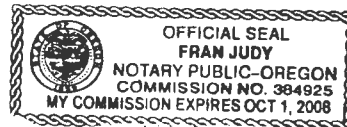
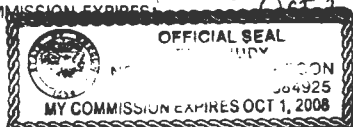


EXHIBIT ONE

MAY 23 2024

Salem, OR

Parcel I:

Beginning at an iron pipe and stone at the Southwest corner of the A. C. R. Shaw Donation Land Claim Notification No. 98, Claim No. 59 in Section 34 of Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, which pipe and stone are on the East boundary of the James M. Allen Donation Land Claim No. 50; thence North on the East boundary of said Claim No. 50, a distance of 10.75 chains to the center of the Rickreall River; thence up the center of said river following the meanders thereof South 87°20' West 4.60 chains, South 34°40' West 1.60 chains; thence South 23°20' West 3.30 chains, South 8°20' East 3.20 chains, South 23°20' East 3.30 chains, South 28°40' West 1.60 chains, North 68°30' West 3.10 chains, North 16°45' West 1.90 chains, North 39°0' West 7.20 chains, North 4°0' West 6.50 chains, North 53°0' West 1.70 chains, North 89°30' West 2.20 chains, South 37°10' West 1.80 chains, South 24°30' West 1.60 chains, South 5°50' East 2.00 chains, South 55°40' East 5.15 chains, South 7°0' West 5.45 chains, North 72°15' West 3.65 chains, South 0°45' West 5.00 chains, South 32°0' West 3.20 chains, South 51°15' West 4.15 chains, to a point on the South boundary of the Capps' land; thence South 87°30' East 24.17 chains to an iron pipe; thence North 8.80 chains to the place of beginning.

SAVE AND EXCEPT that part of the above described premises that lies South of the South line of the James M. Allen Donation Land Claim No. 50, Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon.

Parcel II:

Beginning at the Southeast corner of the Alexander Blevens Donation Land Claim in Lot No. 107, Claim No. 49, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon, and running thence North 57.24 chains; thence West 98 links; thence North 6.00 chains; thence West 7.00 chains; thence South 62.80 chains to the South line of said Claim; thence South 83° East 8.28 chains to the place of beginning.

Parcel III:

Beginning at a point in the center of the LaCreole River (Rickreall Creek) at 8.00 chains North of the rock at the Southwest corner of the A.C.R. Shaw Donation Land Claim Notification No. 98, Claim No. 59 in Section 27, Township 7 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence South 16.80 chains to the anchor post at the Southeast corner of the James M. Allen Donation Land Claim No. 50; thence West 32.89 chains to the rock at the Northwest corner of the Norman Scott Donation Land Claim No. 65; thence South 43.71 chains to the rock at the Southwest corner of said Claim No. 65; thence East 37.63 chains to the rock at the Southwest corner of the land of Alfred J. and Dora Brown; thence North 20.78 chains to the rock at the Northwest corner of the lands of said Brown; thence East 21.90 chains to the center line of the County Road from Independence to Brunk's corner; thence North 22° East along the center of said road 6.00 chains; thence North 23°30' East along the center line of said road 36.33 chains to the center of the County bridge over the center of the LaCreole (Rickreall) Creek; thence up the center of said creek as follows: North 46°30' West 12.00 chains; thence South 61°45' West 2.00 chains; thence South 23°30' West 5.00 chains; thence South 6° East 7.00 chains; thence South 22° West 3.00 chains; thence West 1.80 chains; thence North 36°15' West 7.80 chains; thence North 64°30' West 3.00 chains; thence South 65°10' West 4.00 chains; thence South 82°30' West 3.00 chains; thence North 77°35' West 3.00 chains; thence North 47°30' West 8.00 chains; thence South 42°45' West 2.50 chains; thence South 69° West 4.50 chains to the place of beginning.

EXCEPTING AND RESERVING THEREFROM a certain railroad right-of-way, 50 feet in width, heretofore deeded by Pierce Riggs to Salem Falls City & Western Railway Company, bearding date of July 22, 1909 and recorded in Volume 50, Page 292, August 4, 1909.

ALSO SAVE AND EXCEPT that portion of the above described property conveyed to the Southern Pacific Railroad, a corporation by deed recorded October 20, 1942 in Book 111, Page 343, Deed Records for Polk County, Oregon.

ALSO SAVE AND EXCEPT that portion of the above described property conveyed to the State of Oregon, by and through its Department of Transportation, by deed recorded June 7, 1994, in Book 288, Page 931, Deed Records for Polk County, Oregon.

Parcel IV:

Beginning at a point marking the Northeast corner of Lot 4, Section 15, Township 8 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; running thence South 16.34 chains; thence West 0.04 chains, more or less to a point that is 7.99 chains South and 16.84 chains North 88° 41' East from the Northeast corner of the Thomas L. Burbank Donation Land Claim No. 43, in said Township and Range; (said point being marked by an iron bar in the middle of County Road No. 844); thence South 01° 18' East 30.83 chains to an iron pipe; thence West 6.06 chains to the North bank of the Willamette River; thence North 64° 43' West along the North bank of said river 12.69 chains to the East line of said Burbank Claim; thence North 10.935 chains to an iron pipe that is South 22.105 chains from the Northeast corner of said Burbank Claim; thence West 8.85 chains; thence North 5.645 chains to a point marking the Northeast corner of that certain tract of land conveyed to Melford Hoover by deed recorded in Volume 108, Page 6, Deed Records for Polk County, Oregon; thence West 60.47 chains to the center of the State Highway; thence North 12° 15' West along the center of said Highway 28.20 chains to a point marking the Southwest corner of that certain tract of land conveyed to Louis Lockmond by deed recorded in Volume 110, Page 1, Deed Records for Polk County, Oregon; thence East 71.50 chains to a point 9.15 chains North of the Southeast corner of the Asa Burbank Donation Land Claim No. 41; thence South 0.80 chains; thence East 19.58 chains to the place of beginning.

SAVE AND EXCEPT: Beginning at an angle iron mounted on the North side of a concrete base (base for control panel of pumping station) located at the intersection of Hanna Road No. 844 and State Highway No. 51; thence West parallel with the South right of way line of Hanna Road to the Easterly right of way line of Highway No. 51; thence Northwesterly along the Easterly right of way line of Highway No. 51, a distance of 296 feet to a point which is the true point of beginning; thence continuing Northwesterly along the easterly right of way line of Highway No. 51, a

distance of 260 feet to a point; thence East, parallel with the North right of way line of Hanna Road, 250 feet to a point; thence Southeasterly parallel with the Easterly right of way line of Highway No. 51, a distance of 260 feet to a point; thence West parallel with the North right of way line of Hanna Road, 250 feet to the true point of beginning, in Sections 16 and 21, Township 8 South, Range 4 West of the Willamette Meridian in Polk County, State of Oregon.

Parcel V:

Beginning at the Northwest corner of the Southwest one-quarter of the Southeast one-quarter of Section 15, in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence South a distance of 46.78 chains to the Southwest corner of Lot 2 of Section 22 in said Township and Range; thence East, a distance of 26.45 chains to a point which is 6.45 chains East of the Southeast corner of Lot 2 of Section 22 in said Township and Range; thence continuing East to the West bank of the Willamette River; thence Northerly following the West bank of said River to a point which is North, a distance of 17.35 chains and East a distance of 37.61 chains from the Southeast corner of Lot 2 of Section 22 in said Township and Range, which point is also the Northeast corner of that certain tract of land conveyed to D.L. Hedges by deed recorded January 28, 1904, in Volume 38, Page 507, Deed Records for Polk County, Oregon; thence down said Willamette River on the West bank thereof as follows: North  $21^{\circ} 45'$  East a distance of 2.15 chains, North  $11^{\circ} 45'$  East a distance of 19 chains, and North  $3^{\circ}$  East a distance of 9 chains to the Northeast corner of Lot 4 of Section 14, in said Township and Range; thence West, a distance of 62.75 chains, more or less, to the place of beginning.

Parcel VI:

The North half of the Southeast quarter and Lot 3 of Section 15 and Lot 3 of Section 14 in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon.

SAVE AND EXCEPT: Beginning at the Southeast corner of the Donation Land Claim of Thomas Burbank and wife in Township 8 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; thence running East on the North line of said above described tract, 32.5 chains to the West bank of the Willamette River; thence Southwesterly following the West bank of said River, 21 chains to the South boundary line of the above described tract; thence due West along the South boundary line of the above described tract, 21.90 chains; thence North  $18^{\circ}$  West 375 feet to a stake; thence North  $23^{\circ}$  West 327 feet to a stake which is located on the South boundary line of a certain tract of land deeded by A.J. Hedges and D.L. Hedges, her husband to J.E. Willson, October 7, 1899 and recorded in Volume 42, Page 261 of the Deed Records of Polk County, Oregon; thence due West 50 feet; thence North 41 rods and 11 feet to the point of beginning.

Received by OWRD

MAY 23 2024

Salem, OR

103/500

**RECORDING COVER SHEET** (Please Print or Type)  
This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

THIS SPACE RESERVED FOR USE BY  
THE COUNTY RECORDING OFFICE

**AFTER RECORDING RETURN TO:**

Fidelity National Title  
500 Liberty Street SE, Suite 200  
Salem, OR 97301

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	<b>2016-007118</b>
REC-COR      Cnt=1 Str=7 V. UNGER	06/30/2016 02:16:44 PM
\$60.00 \$11.00 \$10.00 \$5.00 \$20.00	<b>\$106.00</b>

Fidelity National Title # 150050938

**1) TITLE(S) OF THE TRANSACTION(S)** ORS 205.234(a)  
Property Line Adjustment Deed

**2) DIRECT PARTY / GRANTOR(S)** ORS 205.125(1)(b) and 205.160  
Thomas C. Muller, Successor Trustee of the Muller Joint Trust dated 05/26/04

**3) INDIRECT PARTY / GRANTEE(S)** ORS 205.125(1)(a) and 205.160  
David F. Setniker and Joan C. Setniker, husband and wife

**4) TRUE AND ACTUAL CONSIDERATION**  
ORS 93.030(5) – Amount in dollars or other  
\$ 0.00                       Other

**5) SEND TAX STATEMENTS TO:**  
NO CHANGE

**6) SATISFACTION of ORDER or WARRANT**  
ORS 204.125(1)(e)  
CHECK ONE:       FULL  
(If applicable)     PARTIAL

**7) The amount of the monetary obligation imposed by the order or warrant.** ORS 205.125 (1)(c)  
\$ \_\_\_\_\_

**8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244:** "RERECORDED AT THE REQUEST OF Fidelity National Title Company TO CORRECT correct an error in legal description on Exhibits C and E, and add Exhibit F on deed PREVIOUSLY RECORDED AS INSTRUMENT NUMBER 2016-003605."

Received by OWRD  
MAY 23 2024  
Salem, OR

Fidelity National Title # FY150050938.



ORIGINAL

**AFTER RECORDING RETURN TO:**  
(Multi Tech Engineering Services Inc.)  
1155 13<sup>th</sup> St. S.E.  
Salem, Oregon 97302

RECORDED IN POLK COUNTY		<b>2016-003605</b>
Valerie Unger, County Clerk		04/08/2016 10:14:44 AM
REC-D	Cnt=1 Stn=12 K. WILLIAMS	\$101.00
\$35.00	\$11.00 \$20.00 \$10.00 \$5.00 \$20.00	

**PROPERTY LINE ADJUSTMENT DEED**

**Thomas C. Muller Successor Trustee of the Muller Joint Trust("Grantors")**, are the owners of real property located in Polk County, Oregon, referred to herein as "**Property A**," and more particularly described on **Exhibit "A**," which is attached hereto and by this reference incorporated herein. **David F. Setniker and Joan C. Setniker, husband and wife ("Grantees")**, are the owners of real property located in Polk County, Oregon, referred to herein as "**Property B**," more particularly described on **Exhibit "B**," which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (the "**Deed**") is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 62.216 acres and will hereafter consist of only the land described on **Exhibit "C**," which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 62.216 acres and will hereafter consist of the land more particularly described on **Exhibit "D**," which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured lots as described on **Exhibits "C"** and **"D**," Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property described in **Exhibit "E"** situated in Polk County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Received by OWRD

MAY 23 2024

Salem, OR

Fidelity National Title # FT 150050938

**AFTER RECORDING RETURN TO:**  
(Multi Tech Engineering Services Inc.)  
1155 13<sup>th</sup> St. S.E.  
Salem, Oregon 97302

**PROPERTY LINE ADJUSTMENT DEED**

**Thomas C. Muller Successor Trustee of the Muller Joint Trust (“Grantors”)**, are the owners of real property located in Polk County, Oregon, referred to herein as **“Property A,”** and more particularly described on **Exhibit “A,”** which is attached hereto and by this reference incorporated herein. **David F. Setniker and Joan C. Setniker, husband and wife (“Grantees”)**, are the owners of real property located in Polk County, Oregon, referred to herein as **“Property B,”** more particularly described on **Exhibit “B,”** which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (the **“Deed”**) is to effect a property line adjustment between Property A and Property B such that Property A will be reduced in size by approximately 62.216 acres and will hereafter consist of only the land described on **Exhibit “C,”** which is attached hereto and incorporated herein by this reference, and Property B will be increased in size by approximately 62.216 acres and will hereafter consist of the land more particularly described on **Exhibit “D,”** which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured lots as described on **Exhibits “C”** and **“D,”** Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property described in **Exhibit “E”** situated in Polk County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Received by OWRD

MAY 23 2024

Salem, OR

The true and actual consideration for this transfer, stated in terms of dollars is N/A; however the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This Property Line Adjustment Deed is executed this 31 day of August, 2015.

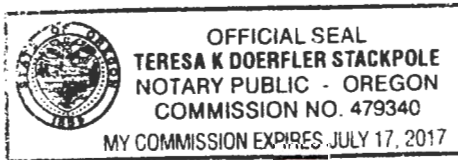
**GRANTORS**  
Thomas C. Muller *Successor Trustee*  
**Thomas C. Muller, successor trustee**

**GRANTEE**  
David F. Setniker  
**David F. Setniker**

Joan C. Setniker  
**Joan C. Setniker**

State of Oregon )  
County of MANICUM ) ss.

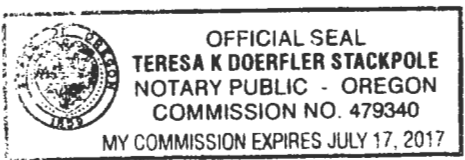
This instrument was acknowledged before me on August 31, 2015, by Thomas C. Muller, Successor Trustee

Before me: Teresa K. Doerfler Stackpole  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_  


State of Oregon )  
County of MANICUM ) ss.

This instrument was acknowledged before me on August 31, 2015, by David F. Setniker & Joan C. Setniker.

Before me: Teresa K. Doerfler Stackpole  
Notary Public for Oregon  
My Commission Expires: \_\_\_\_\_



Received by OWRD  
MAY 23 2024  
Salem, OR



## Exhibit "A"

Beginning at a point being on the Bethuel Dove Donation Land Claim line, 850.08 feet North 00°00'46" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of Section 3, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 2,896.96 feet to the West right of way of Independence Highway No. 51; thence along said West right of way the following 2 calls North 24°53'15" East 930.93 feet; North 25°00'00" East 166.49 feet; thence North 89°20'00" West 3,359.00 feet to a point on the West Bethuel Dove Donation Land Claim line; thence along said line South 00°00'46" West 1,011.75 feet to the point of beginning and containing 72.216 acres more or less.

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MAY 23 2024

Salem, OR

## Exhibit "B"

Beginning at a point being Northerly Northwest Corner of the Bethuel Dove Donation Land Claim No. 54, located in the SW & SE ¼, of Section 34, Township 7 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence along the West line of said claim South 00°00'00" West 1049.03 feet to the South right of way of Poplar Lane; thence along said South right of way North 82°21'38" West 811.78 feet to a point on the most Westerly line of the Bethuel Dove Donation Land Claim No. 54; thence along said Westerly line South 00°00'46" West 986.45 feet; thence South 89°20'00" East 1517.77 feet; thence North 00°05'00" West 499.05 feet; thence North 89°48'00" East 784.12 feet; thence North 00°34'00" West 435.97 feet to the South right of way of Poplar Lane; thence along said right of way South 89°48'00" West 780.44 feet; thence North 00°05'00" West 1,000.10 feet to the North line of the Bethuel Dove Donation Land Claim No. 54; thence along said line, North 89°11'05" West 710.12 feet to the point of beginning and containing 56.108 Acres more or less, without the area of the roadway.

SUBJECT TO the rights of the public in and to that portion of the above described tract of land lying within Poplar Lane.

Received by OWRD

MAY 23 2024

Salem, OR

## Exhibit "C"

Beginning at a point being 850.08 feet North 00°00'46" East and 2,579.84 feet South 89°33'00" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of section 3, Township 8 South, Range 34 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 317.12 feet to the West right of way of Independence High Way No. 51; thence along said West right of way North 24°53'15" East 930.93 feet; thence North 89°20'00" West 708.93 feet; thence South 00°00'00" West 850.59 feet to the point of beginning and containing 10.000 acres more or less.

SUBJECT TO: A drainage tile easement over the Southerly 50 feet, of the above described property.

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MAY 23 2024

Salem, OR

## Exhibit "D"

Beginning at the Northerly Northwest Corner of the Bethuel Dove Donation Land Claim No. 54, located in the SW & SE ¼, of Section 34, Township 7 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence along the West line of said claim South 00°00'00" West 1049.03 feet to the South right of way of Poplar Lane; thence long said South right of way North 82°21'38" West 811.78 feet to a point on the most Westerly line of the Bethuel Dove Donation Land Claim No. 54; thence along said Westerly line South 00°00'46" West 1,998.19 feet; thence South 89°33'00" East 2,579.84 feet; thence North 00°00'00" East 850.59 feet; thence South 89°20'00" East 708.93 feet to the West right of way of Independence Highway No. 51; thence along said right of way North 25°00'00" East 166.49 feet; thence North 89°20'00" West 1,841.23 feet; thence North 00°05'00" West 499.05 feet; thence North 89°48'00" East 784.12 feet; thence North 00°34'00" West 435.97 feet to the South right of way of Poplar Lane; thence along said right of way South 89°48'00" West 780.44 feet; thence North 00°05'00" West 1,000.10 feet to the North line of the Bethuel Dove Donation Land Claim No. 54; thence along said line North 89°11'05" West 710.12 feet to the point of beginning and containing 118.324 Acres more or less, without the area of the roadway.

SUBJECT TO the rights of the public in and to that portion of the above described tract of land lying within Poplar Lane.

Received by OWRD

MAY 23 2024

Salem, OR

Exhibit "E"

Beginning at a point being on the Bethuel Dove Donation Land Claim line, 850.08 feet North 00°00'46" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of Section 3, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 2,579.84 feet; thence North 00°00'00" West 850.59 feet; thence South 89°20'00" East 708.93 feet to the west right of way of Independence High Way No. 51; thence along said right of way North 25°00'00" East 166.49 feet; thence North 89°20'00" West 3,359.00 feet to a point on the West Bethuel Dove Donation Land Claim line; thence along said line South 00°00'46" West 1,011.70 feet to the point of beginning and containing 62.216 acres more or less.

TOGETHER WITH: A drainage tile easement over the Southerly 50 feet of,

Beginning at a point being 850.08 feet North 00°00'46" East and 2,579.84 feet South 89°33'00" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of section 3, Township 8 South, Range 34 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 317.12 feet to the West right of way of Independence High Way No. 51; thence along said West right of way North 24°53'15" East 930.93 feet; thence North 89°20'00" West 708.93 feet; thence South 00°00'00" West 850.59 feet to the point of beginning

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**Exhibit "C"**

**Beginning at a point being 850.08 feet North 00°00'46" East and 2,517.96 feet South 89°33'00" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of section 3, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 325.37 feet to the West right of way of Independence High Way No. 51; thence along said West right of way the following two calls North 23°54'24" East 808.24 feet; North 25°30'11" East 117.19 feet; thence North 89°20'00" West 703.40 feet; thence South 00°00'00" West 850.30 feet to the point of beginning and containing 10.000 acres more or less.**

**SUBJECT TO: A drainage tile easement over the Southerly 50 feet, of the above described property.**

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Salem, OR

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**Exhibit "E"**

Beginning at a point being on the Bethuel Dove Donation Land Claim line, 850.08 feet North 00°00'46" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of Section 3, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 2,517.96 feet; thence North 00°00'00" West 850.30 feet; thence South 89°20'00" East 703.40 feet to the West right of way of Independence High Way No. 51; thence along said right of way North 25°30'11" East 167.35 feet to the division line of the North half and the South half of the Bethuel Dove Donation Land Claim; thence along said line North 89°20'00" West 3,293.29 feet to a point on the West Bethuel Dove Donation Land Claim line; thence along said line South 00°00'46" West 1,011.70 feet to the point of beginning and containing 60.779 acres more or less.

TOGETHER WITH: A drainage tile easement over the Southerly 50 feet of,

Beginning at a point being 850.08 feet North 00°00'46" East and 2,517.96 feet South 89°33'00" East of the Southwest corner of the Bethuel Dove Donation Land Claim Corner # 59, located in the NW & NE ¼, of section 3, Township 8 South, Range 4 West, of the Willamette Meridian, Polk County, Oregon; thence South 89°33'00" East 325.37 feet to the West right of way of Independence High Way No. 51; thence along said West right of way the following two calls North 23°54'24" East 808.24 feet; North 25°30'11" East 117.19 feet; thence North 89°20'00" West 703.40 feet; thence South 00°00'00" West 850.30 feet to the point of beginning.

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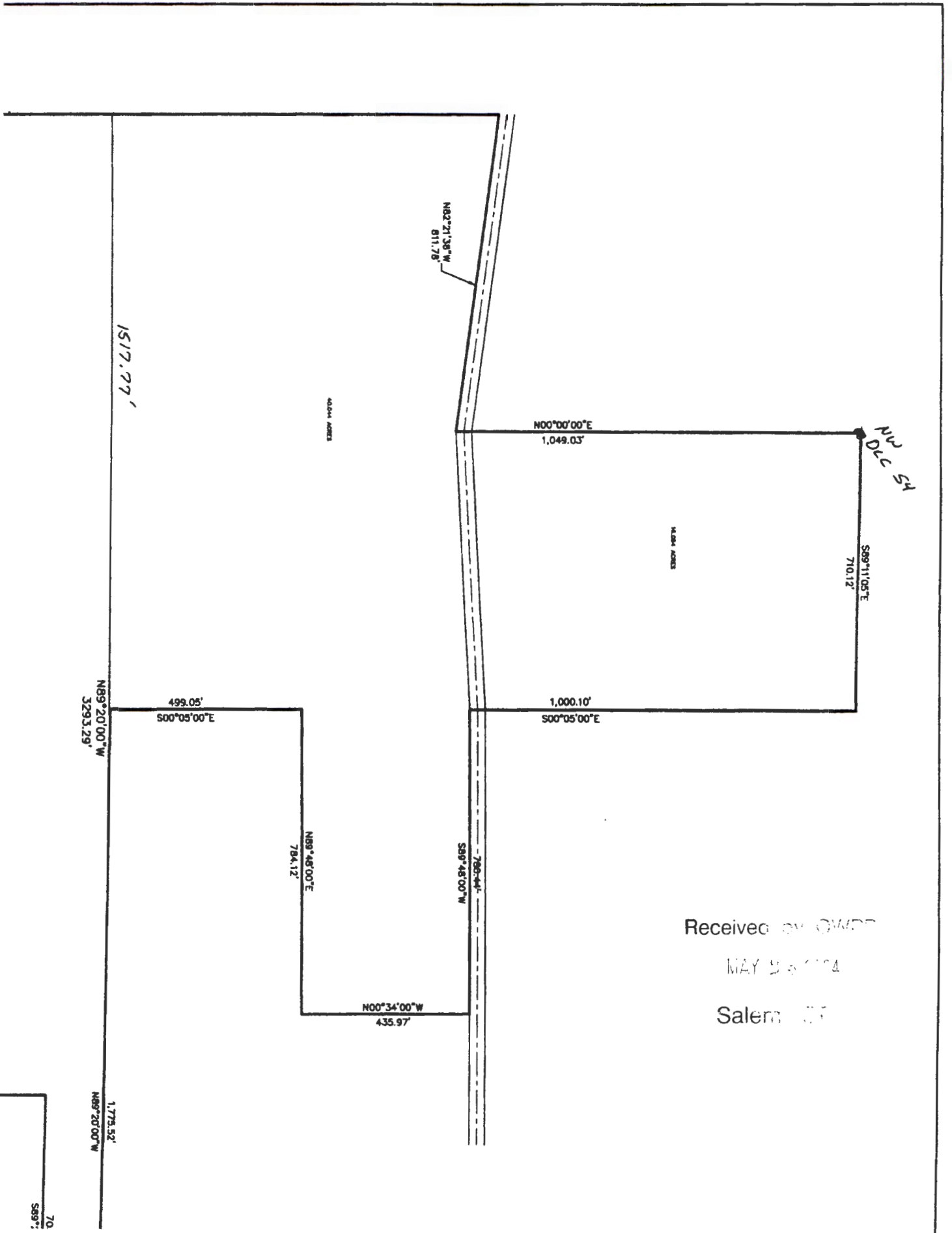
MAY 23 2024

Salem, OR

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EXHIBIT F







Received by OWRD  
MAY 23 2024  
Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: No Hunting LLC

3795 Independence Hwy Independence OR, 97351

Transaction Type: Surface Water

Fees Received: \$ 2467<sup>00</sup>

Cash

Check:

Check No. 2262

Name(s) on Check: Will McGill Surveying

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 Reece  
(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.