Received

Application for a Permit to Use

Groundwater

For Department Use: App. Number:

JUL 1 2 2024

OWRD



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

NAME				PHONE (HM)
PHONE (WK)	a	ш		FAX
ADDRESS				
СПУ	STATE	ZIP	E-MAIL*	
rganization				4 (4) (1) (1)
NAME MATT DERSTINE/BROKEN TOP FAN	AILY FARMS, LLC		PHONE 541-915-5067	FAX
ADDRESS 7668 SW LASALLE LANE				CELL 541-915-5067
CITY CULVER	STATE OR	ZIP 97734	E-MAIL* MATT@VALLEYHAY.COM	
ent – The agent is authorized	to represent the app	icant in all	matters relating to this a	application.
AGENT / BUSINESS NAME JIM NEWTON/CASCADE GEOENGIN			PHONE 360-907-4162	FAX
ADDRESS 21145 SCOTTSDALE DRIVE	***************************************			CELL 360-907-4162
BEND te: Attach multiple copies as i		21P 97701	E-MAIL* NEWTONJIM@HOTMAIL.CO	ом
BEND Ste: Attach multiple copies as its providing an e-mail address pies of the proposed and final may signature below I confied in a masking to use wate. Evaluation of this application is cannot use water legate. Oregon law requires the exempt. Acceptance of if i get a permit, I must if development of the water use must be	needed c, consent is given to related and order documents will firm that I understated as specifically as descripation will be based or lly until the Water Reseat a permit be issued I this application does not waste water. The water use is not according to the compatible with local issues a permit, I may be entitled.	97701 eceive all coalso be mand: bed in this information ources Depletore beginner guarant ling to the incomprehen have to st	orrespondence from the ailed.) application. on provided in the application of an application of the permit, the application of the permit of the perm	Department electronically. (Papation. y proposed well, unless the use d. permit can be cancelled. senior water-right holders to get
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pite: Attach multiple copies as its providing an e-mail address pies of the proposed and final my signature below I confied a masking to use wate. Evaluation of this application of this application is cannot use water legal of the oregon law requires the exempt. Acceptance of if i get a permit, I must be if development of the water use must be even if the Department water to which they are	order documents will firm that I understant is given to reduce the contents will be based or ally until the Water Reseat a permit be issued if this application does not waste water. Water use is not according to the compatible with local issues a permit, I may be entitled.	97701 eceive all coalso be mand: bed in this information ources Deported begins to the storm of	orrespondence from the niled.) application. on provided in the application of an application of the permit, the positive land-use plans. op using water to allow solication is true and acceptance of the permit, the positive land-use plans.	Department electronically. (Papation. y proposed well, unless the use id. permit can be cancelled. senior water-right holders to get

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JUN 0 5 2024

Groundwater Application — Page 1 Rev. 07/21

SECTION 2: PROPERTY OWNERSHIP

For Department Use: App. Number:

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 a state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.04	re 0).
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	

Please indicate if you own all the lands associated with the project from which the water is to be diverted

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).

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.

Irrigation to occur in SW % of Section 34, Township 12 South, Range 12 East, WM; Tax Lot 400 Proposed well located in SE % of the SW % of Section 34, Township 12S, Range 12E, WM; Tax Lot 400

		IF LESS	THAN 1 MILE:
WELL NO.	NAME OF NEAREST SURFACE WATER	DISTANCE FOR MATER	ELEVATION CHANGE BETWEEN MEAREST SUPPLYE WATER AND WELL TEAD
#1	CROOKED RIVER	4,700	~800′

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (attach additional sheets if necessary).

Received

JUL 1 2 2024

JUN 0 5 2024

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Total maximum rate requested: 1.75 crs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

#1	\boxtimes	JEFF-51763	10"	0-898	NONE	0-71'	745′	SS CONGLOMERATE	~985'	1.75	280.24
										eived	
										2 2024	
									OW	RD	

Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

Received

UN 0 5 2024

Groundwater Application — Page 3

OWIND

^{**} A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

^{***} Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in <u>Attachment 3</u> or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply: https://apps.wrd.state.or.us/apps/misc/lkp trsqq features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

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

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

⊠ Yes ☐ No

Received

JUL 1 2 2024

OWRD

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, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

☐ Yes 🔀 No

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Rev. 07/21

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

Groundwater	· Applicati	on	Page 4
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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.

to obtain approval of the	proposed use.		
If yes, you will be require	d to provide the following informa	tion, if applicable.	
	osed use is for more than one cubic 690, Division 86 (Water Manageme		
If yes, provide a d use:	escription of the measures to be ta	ken to assure reasonably ef	fficient water
			Received
Statewide - OAR 690-033-	-0330 thru -0340		JUL 1 2 2024
Is the well or proposed we	ell located in an area where the Stat	tewide rules apply?	OWRD
with nearby surface wate proposed use will occur in Water Resources Departm Department of Agriculture threatened and endangere If conditions cannot be ide	groundwater use is determined to its you are notified that the Water it an area where endangered, threat nent, Department of Fish and Wildline will recommend conditions required (T&E) fish species," or "no net locatified that meet the standards of e agencies will recommend denial or arm the species.	Resources Department will tened or sensitive fish specie fe, Department of Environmed to achieve "no loss of essential habitat of sen no loss of essential T E fish	determine whether the es are located. If so, the nental Quality, and the sential habitat of ensitive (S) fish species." habitat or no net loss of
ÚS			
Supplemental Irrigation	Irrigation Season		280.24
For irrigation use only: Please indicate the number	er of primary, supplemental and/or	nursery acres to be irrigate	d (must match map).
Primary: Acres	Supplemental: 140.12 Acres	Nursery Use:	Acres
If you listed supplemental	acres, list the Permit or Certificate	number of the underlying p	primary water right(s):
Certificate 72279 and T-1397	1		
Indicate the maximum total	al number of acre-feet you expect t	o use in an irrigation seasor	n: 2
	-		

Received

JUN 0 5 2024

For Department Use: App. Number: __

- If the use is municipal or quasi-municipal, attach Form M
- If the use is **domestic**, indicate the number of households: (Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single industrial or commercial purpose are exempt from permitting requirements.)
- If the use is mining, describe what is being mined and the method(s) of extraction (attach additional sheets if necessary):

A.	Diversion and Conveyance What equipment will you use to pump water from your well(s)?	JUL 1 2 2024 Received
	Pump (give horsepower and type): 75 HPH, submersible Other means (describe):	OWRDUN 0 5 2024
	Provide a description of the proposed means of diversion, construction, and operaworks and conveyance of water. Piped to adjoining, existing irrigation pond.	
В.	Application Method What equipment and method of application will be used? (e.g., drip, wheel line, h (attach additional sheets if necessary) Existing irrigation system to be used from existing pond to existing pivot.	igh-pressure sprinkler)
C.	Conservation Please describe why the amount of water requested is needed and measures you waste; measure the amount of water diverted; prevent damage to aquatic life and the discharge of contaminated water to a surface stream; prevent adverse impact surface waters (attach additional sheets if necessary). The application is for supplemental irrigation, to be used when the primary irrigat unavailable. The existing system is comprised of pressurized piping, and a pivot.	d riparian habitat; prevent to public uses of affected
in Le		
	 a) Date construction will begin: Immediately after permit is issued b) Date construction will be completed: Within 2 years of permit issuance c) Date beneficial water use will begin: As soon as well construction is complete already onsite and functional. 	d – irrigation system is
acti per	granting permission to use water the state encourages, and in some instances requivities that may affect adjacent waterway or streamside area. See instruction guide mit requirements from other agencies. Please indicate any of the practices you plater resources.	for a list of possible
\boxtimes	Water quality will be protected by preventing erosion and run-off of waste or cher Describe: Supplemental irrigation will use the existing pressure distribution piping an on-demand basis only.	-
	Excavation or clearing of banks will be kept to a minimum to protect riparian or st	reamside areas.

Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of

Describe planned actions and additional permits required for project implementation:

Environmental Quality to determine if a 1200C permit is required.

Other state and federal permits or cont List:	racts required and to be obtain	ned, if a water right permit is granted:
Check here if the point of appropriation irrigation or other water district.	(POA) or place of use (POU) ar	re located within or served by an
Irrigation District Name	Address	
North Unit Irrigation District	2024 NW Beech	Street
City	State	Zip
Madras	OR	97741

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

The application is for a supplemental water right intended to provide adequate crop irrigation during water shortage/drought years, when the full primary right is unavailable, on as as-needed basis.

The proposed well is intended to tap the same aquifer that Opal Springs produces from, and Opal Springs is reported by Deschutes Valley Water District (DVWD) to discharge 108,000 gallons per minute (or 240 cfs) with, "There has been no detectable change in flow, temperature or pH since the spring was first tested in 1925." As quoted from the DVWD website, About Us (dvwd.org).

Considering the potential for this permit application to have an influence on Opal Springs, the rate of this application is 1.75 cfs, 0.73% of the total flow of Opal Springs and not likely within a measurable rate at Opal Springs.

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Received
JUL 1 2 2024
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Received
JUN 0 5 2024
OWRD

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 <u>will</u> 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.

CHON	11: Applicant information and Signature	
CTION	2: Property Ownership	
CTION	3: Well Development	
CTION	4: Sensitive, Threatened or Endangered Fish Spe	cies Public Interest Information
	•	
CTION	10: Remarks	
4h - 8	No	
		I planning department (must be an original)
sed by	the proposed ditch, canal or other work, and (3) any	
s - Am	ount enclosed: \$ 3.000.00	
	•	r call (503) 986-0900.
p tilat	includes the following items.	
\boxtimes	Permanent quality and drawn in ink	
\boxtimes	Even map scale not less than 4" = 1 mile (example: 1"	= 400 ft, 1" = 1320 ft, etc.}
	·	
	•	
	•	
\boxtimes	, ,	ed public land survey corner (distances
\boxtimes	Indicate the area of use by Quarter/Quarter and tax le	ot identified clearly.
\boxtimes	Number of acres per Quarter/Quarter and hatching to	
	supplemental irrigation, or nursery	o indicate area of use if for primary irrigation,
	ction the fe d Use gned r vide th sed by cted o s - Am che De	CTION 3: Well Development CTION 4: Sensitive, Threatened or Endangered Fish Spe CTION 5: Water Use CTION 6: Water Management CTION 7: Project Schedule CTION 8: Resource Protection CTION 9: Within a District CTION 10: Remarks the following additional items: d Use Information Form with approval and signature of local gned receipt. wide the legal description of: (1) the property from which the sed by the proposed ditch, canal or other work, and (3) any set on the map. s - Amount enclosed: \$ 3,000.00 che Department's Fee Schedule at www.oregon.gov/owrd or that includes the following items: Permanent quality and drawn in ink Even map scale not less than 4" = 1 mile (example: 1" North Directional Symbol Township, Range, Section, Quarter/Quarter, Tax Lots Reference corner on map Location of each diversion, by reference to a recognize north/south and east/west)

JUL 1 2 2024

OWRD

JUN 0 5 2024

Received

Attachment 2: Land Use Information Form

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

Applicant

NAME BROKEN TO	P FAMILY F	ARMS, LLC/	MATT DERST	INE				NE (HM) -915-5067	
PHONE (WK				q	ELL 41-915-5067		FAX		
ADDRESS 31125 CAR	NEY DRIVE								
CITY HARRISBUR				STATE	A sale is a	-MAIL [‡] MATT@VALLEYHAY.CO	OM		
A. Land a	nd Locat	ion							
transport	ed), and/	or used or	developed.	Applicant	s for municipal u	r will be diverted use, or irrigation u x-lot information	ses within irr	igation dist	
Township	Range	Section	××	Tax Lot #	Plan Designation Rural Residential		Water to be:		Proposed Land Use:
125	12E	34	SW	400	EFU	⊠ Diverted		d ⊠ Used	Irrigation
						Diverted	Conveyed	Used	
						Diverted	Conveyed	Used	
						Diverted	Conveyed	Used	
ist all cou efferson C		cities whe	re water is	proposed	to be diverted, (conveyed, and/or	used or deve	loped:	Rece JUL 1
s. Descrip	tion of f	Proposed	Use						OW
	plication to Use or St	to be filed ore Water	with the W	r Right Tran		nt: Permit Amendme Exchange of Wat		vater Registr	ation Modification
ource of v	vater:	Reservoir/	Pond 2	Groundwa	ater Su	rface Water (name)			
stimated	quantity o	of water ne	eded: <u>1.75</u>		⊠ cu	bic feet per second	gallons pe	er minute	acre-feet
ntended u	se of wat	er: 🛭 Irrig	ation nicipal	Comme			Domestic fo	rhous	sehold(s)

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

Supplemental irrigation for existing primary irrigation right. Pond and pivot already constructed.

Attachment 2: Land Use Information Form

For Local Government Use Only

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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.

approvals as listed in the table balready been obtained. Record o	elow. (Please of Action/land	uses (including proposed construction attach documentation of applicable l use decision and accompanying finding two not ended, check "Being pursued	and use appr ngs are suffic	ovals which have
Type of Land Use Approval N (e.g., plan amendments, re- conditional-use permits, o	zones,	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Lar	od Use Approval:
			Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
			Obtained Denied	Being Pursued Not Being Pursued
Received			Obtained Oenied	Being Pursued Not Being Pursued
1111 1 7 2029			Obtained	☐ Being Pursued
JUL 1 L			☐ Denied	Not Being Pursued
-	2.0	and use concerns or make recommendation below, or on a separate sheet.	Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
artment regarding this propose	2.0	below, or on a separate sheet.	Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
NAME Anya CI SIGNATURE ANYA CI GOVERNMENT ENVITY	d use of water	PHONE: 541-475-4462	Obtained Denied	☐ Being Pursued ☐ Not Being Pursued
SIGNATURE AND CI SIGNATURE AND CI SOVERNMENT ENTITY JCF e to local government represent usign the receipt, you will have the Use Information Form or WRD	OUTILE OUTILE	PHONE: 541-475-4462	Denied THEE:	Being Pursued Not Being Pursued Not Being Pursued Ne Water Resource Not Being Pursued Ne Water Resource Not Being Pursued Ne Water Resource Not Being Pursued Not Being Pursue
SIGNATURE AND CI SIGNAT	OUTILE OUTILE	PHONE: 541.475-4462 COUNTY complete this form or sign the receithe Water Resources Department's re-	Denied De	Being Pursued Not Being Pursued Not Being Pursued Ne Water Resource Passistant Unney 120/24 return it to the appreturn the comple

Date:

After recording return to: First American Title 395 SW Bluff Drive, Suite 100 Bend, OR 97702



After recording return to: Matthew Wade Derstine and Katrina Rose Derstine 31121 Cartney Dr Harrisburg, OR 97446

Until a change is requested all tax statements shall be sent to the following address: Matthew Wade Derstine and Katrina Rose Derstine 31121 Cartney Dr Harrisburg, OR 97446

File No.: 7067-2761974 (EB) Date: January 13, 2017

138220AM

THIS SPACE RESERVED FOR RECORDER'S USE

Jefferson County Official Records Kathleen B. Marston, County Clerk 2017-0434

02/06/2017 02:56:00 PM

D-WD Cnt=1 Stn=0 CAROLF \$15.00 \$11.00 \$10.00 \$20.00 \$5.00

\$61.00

STATUTORY WARRANTY DEED

Iron Shadetree, LLC, an Oregon Limited Liability Company, Grantor, conveys and warrants to Matthew Wade Derstine and Katrina Rose Derstine as tenants by the entirety, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

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

See Attached Exhibit "A"

Subject to:

 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 \$850,000.00. (Here comply with requirements of ORS 93.030)

Received by OWRD

JUL 1 2 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.

day of JUNIAN

Iron Shadetree, LLC, an Oregon Limited Liability Company

Name: Dustin Deines

Title: Manager/Member

Received by OWRD

JUL 1 2 2024

Salem, OR

STATE OF

Oregon

County of

This instrument was acknowledged before me on this _

Limited Liability Company, on by Dustin Deines as Manager/Member of Iron Shadetree, LLC, an Oregon

behalf of the LLC.

OFFICIAL STAMP ELIZABETH SUE BOYER NOTARY PUBLIC-OREGON COMMISSION NO. 954376 Y COMMISSION EXPIRES SEPTEMBER 21, 2020

Notary Public for Oregon

day of

My commission expires:

File No.: 138220AM

Page 4

EXHIBIT "A" LEGAL DESCRIPTION

Southwest quarter of Section Thirty-four (34), Township Twelve (12) South, Range Twelve (12), East of the Willamette Meridian, Jefferson County, Oregon.

Received by OWRD JUL 12 2024

Salem, OR

