

Application for a Permit to
Store Water in a Reservoir
Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Jennifer Beathe		PHONE (HM) 541-929-2477	
PHONE (WK) 541-929-2477	CELL 541-740-4453	FAX 541-929-2178	
MAILING ADDRESS PO Box 809			
CITY Corvallis	STATE OR	ZIP 97339	E-MAIL * jennifer@starkerforests.com

Organization

NAME Starker Forests, Inc., Manager of Starker Properties LLC		PHONE 541-929-2477	FAX 541-929-2178
MAILING ADDRESS PO Box 809		CELL 541-929-2477 (office)	
CITY Corvallis	STATE OR	ZIP 97339	E-MAIL * jennifer@starkerforests.com

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

AGENT / BUSINESS NAME Starker Forests, Inc.		PHONE 541-929-2477	FAX 541-929-2178
MAILING ADDRESS PO Box 809		CELL 541-929-2477 (office)	
CITY Corvallis	STATE OR	ZIP 97339	E-MAIL * jennifer@starkerforests.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 final order documents will also be mailed.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get 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 get water to which they are entitled.

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

Jennifer Beathe Jennifer Beathe Forster 3/25/24
Applicant Signature Print Name and Title if applicable Date

Applicant Signature

Print Name and Title if applicable

Date

Alternate Reservoir Application — Page 1

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Rickard Pond				
Source*:	Unnamed Stream	Tributary:	Rickard Creek		
County:	Benton				
Quantity:	8 Acre-Feet [length x width x depth / 43,560]				
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	T 13 S	R 6 W	32	NWNE	100
Maximum Height of Dam:	feet. If excavated write "zero feet."				

* Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Wildlife Habitat only

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses, which may include stock water, fish and wildlife, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

☒ Yes (please check appropriate box below then skip to section 5)

☒ There are no encumbrances.

☐ This land is encumbered by easements, right of way, roads of way, roads or other encumbrances.

☐ No (please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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SECTION 5: ENVIRONMENTAL IMPACT

Channel: Is the Reservoir: ☐ in-stream or ☒ off channel?

Wetland: Is the project in a wetland? ☐ YES ☒ NO ☐ unknown

Existing: Is this an existing reservoir? ☒ YES ☐ NO

If YES, how long has it been in place? 40+ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? ☐ YES ☐ NO ☒ unknown

If YES, how much? miles.

Existing: Have you been working with other agencies? ☒ YES ☐ NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

ODF, Bill Mahr, 541-929-3266

SECTION 6: WITHIN A DISTRICT

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

IRRIGATION DISTRICT NAME Benton Soil and Water Conservation District		ADDRESS 136 SW Washington Avenue, Suite 201	
CITY Corvallis	STATE OR	ZIP 97333	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

In an effort to improve wildlife habitat on our forestlands, Starker Forests is looking in increase the quantity of water in a many-decades old pond. A water gate will be installed at the confluence of the steam and existing, silted in, ditch. The water gate will be opened in the winter to allow water to flow into pond for wildlife habitat. We are working with Ducks Unlimited. 0.08 cfs/35 gallons per minute. No irrigation taking place for this project. No pump. Gravity flow along existing ditch. Water will only be diverted during winter (during approved timing) and once pond is filled, gate will be closed.

If the diversion involves a dam, use this space below (or attached pages) for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).

The diversion does not involve a dam.

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Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name Starker Forests 13S6W Sec 32 TL 100		
1. Does the proposed reservoir have the potential to injure existing water rights? ☐ YES ☒ NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? ☐ YES ☐ NO Explain: NA		
3. Is water available for the proposed reservoir? ☒ YES ☐ NO		
4. If yes, during what period? Beginning: 11/1 End: 7/31 Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? ☐ YES ☒ NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Joel Plahn

Watermaster
Signature:  Digitally signed by Joel Plahn
DN: C=US, OU=District 22
Watermaster, O=Water Resources
Department, CN=Joel Plahn,
E=joel.m.plahn@water.oregon.gov
Reason: I am the author of this
document
Location: District 22 Watermaster
Date: 2024.03.26 07:49:43-07'00'
Foxit PDF Editor Version: 11.2.7

Date: 3/26/2024

NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name: Jennifer BeatheAddress: PO Box 809, Corvallis OR. 97339Phone/Email: 541-740-4453 / jennifer@starkerforests.comReservoir Name: Rickard PondVolume (AF): 8Source: Unnamed StreamBasin Name: Muddy Cr > Marys River☒ in-channelTwp Rng Sec QQ: 13S 6W 32 NWNE☐ off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?.....☐ YES* ☒ NO
(if yes then proceed to #4; if no then proceed to #2)

**Based on available information, the proposed use does not appear to involve instream structures that would create or maintain an artificial obstruction. However, if the applicant creates or maintains an artificial obstruction to fish passage for the proposed use, the applicant will need to address Oregon's fish passage laws.*

2) Is the proposed project or AO located where NMF² are or were historically present?.....☒ YES ☐ NO
(if yes then proceed to #3; if no then proceed to #4)

**Based on available information the reservoir is off channel and does not trigger fish passage, but the water gate that is in the creek will require screening.*

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?.....☐ YES ☒ NO

b. Is there an ODFW-approved fish-passage waiver or exemption?.....☐ YES ☒ NO

***N/A See above**

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

locally or downstream?..... ☒ YES ☐ NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

☒ Any diversion or appropriation of water for storage during the period **April through October** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Coho Salmon), state sensitive species (Spring Chinook, Winter steelhead, Pacific lamprey), and other game fish (Coastal cutthroat) are present in Muddy Creek and/or Marys River during the period of impact. Instream flows to fulfill IS 70748 for aquatic life are not being met partially or wholly during the period of impact.

In addition, ODFW reviewed available information (Willamette River Basin Temperature TMDL; DEQ) regarding water quality impairment and determined that the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion. The proposed pond would be located in the Willamette River basin and subject to the Willamette River Temperature TMDL which identifies the critical period for water temperatures as April 1-October 31. High stream temperatures can be directly lethal to aquatic life but may also have sublethal effects on growth and development during different life stages, as well as the swimming, feeding and reproductive ability of juveniles and adults.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain) ☒ YES (select from Menu of Conditions on next page)

☒ See applicable conditions selected from "Menu of Conditions" on next page

The proposed project is solely intended to provide wildlife habitat and will provide habitat benefits to fish and/or wildlife. Therefore, ODFW recommends limiting the use to November through March to overcome the significant detrimental impact to existing fishery resources.

Janna Guzman

Digitally signed by Janna Guzman
Date: 2024.07.11 14:03:41 -07'00'

ODFW Signature: _____

Print Name: Janna Guzman

ODFW Title: Water Planning Coordinator

Date: 7/11/2024

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

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Use this menu to identify appropriate conditions to be included in the permit:

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- ☒ **Agricultural Water Quality Management Area Rules:** The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, including through irrigation practices and the management of any livestock, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
- ☐ **b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- ☐ **b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- ☒ **b51a** The period of use has been limited to November through March.
- ☐ **b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- ☐ **b58** Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- ☐ **blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- ☐ **Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
- 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.
- Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.
- The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.
- ☐ **fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- ☐ **fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- ☐ **fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.
- ☐ **fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- ☒ **fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee

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shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

- ☒ **Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting live fish in Oregon shall have a Fish Transport Permit (FTP) issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without an FTP approved by ODFW. As part of the FTP permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- ☐ **futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- ☐ **In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of type here unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- ☒ **Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- ☐ **Off-Channel Stored Water Releases:** The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.
- ☒ **On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- ☒ **riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- ☒ **Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- ☐ **wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the Applicant					
Applicant Starker Forests, Inc			Phone No. 541-929-2477		Email. jennifer@starkerforests.com
Mailing Address PO Box 809			City Corvallis	State OR	Zip 97339
Reservoir Name: Rickard Pond		Source: Rickard Creek		Volume (AF):	
Township (N or S)	Range (E or W)	Section	Quarter/ Quarter	Basin Name:	☐ in-channel ☒ off-channel
T 13 S	R 6 W	32	NWNE	Rickard Ck	

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW)	
1) Is the proposed project and AO ¹ off channel? (If yes then proceed to #4; if no then proceed to #2)	☐ YES ☐ NO
2) Is the proposed project or AO located where NMF ² are or were historically present? (If yes then proceed to #3; if no then proceed to #4)	☐ YES ☐ NO
3) If NMF are or were historically present:	
a. Is there an ODFW – approved fish passage plan?	☐ YES ☐ NO
b. Is there an ODFW-approved fish-passage waiver or exemption?	☐ YES ☐ NO
If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be “Yes” to move forward with the application. If responses to 3(a) and 3(b) are “No”, then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.	
4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream: <i>Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)</i>	☐ YES ☐ NO
☐ Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. <i>(For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)</i> If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.	
☐ This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.	
If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource? ☐ YES (Select from Menu of Conditions on next page) ☐ NO (explain)	

ODFW Signature: _____ Printed Name: _____

ODFW Title: _____ Date: _____

NOTE: This completed form must be returned to the applicant

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635-412-0005 (32)

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Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: The permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to through .

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
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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
 - d. The application involves irrigation water uses only.

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.

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Land Use Information Form



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

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NAME Starker Forests, Inc. manager of Starker Properties LLC				PHONE 541-929-2477	
MAILING ADDRESS PO Box 809					
CITY Corvallis	STATE OR	ZIP 97339	EMAIL jennifer@starkerforests.com		

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A. Land and Location

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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:
T 13 S	R 6 W	32	NWNE	13632	Forest	☒ Diverted	☒ Conveyed	☒ Used	Wildlife
				0000	Conservation	☐ Diverted	☐ Conveyed	☐ Used	Habitat
				100		☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Benton

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) Tributary to Rickard Creek

Estimated quantity of water needed: 8 ☒ 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 Wildlife Habitat

Briefly describe:

Starker Forests has been working with Ducks Unlimited for plan to divert streamwater during the winter to increase the quantity of water in Rickard Pond, an existing pond on Starker Properties LLC property to improve wildlife habitat.
--

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 →

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.

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AUG 19 2024**Please check the appropriate box below and provide the requested information**

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- ☒ 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): Benton County Code 60.105(4)
- ☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

N/A

Name: JAMES WRIGHT Title: Associate Planner
Signature: [Signature] Date: 03/25/2024
Governmental Entity: Benton County OR Phone: 541-766-3559

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: _____

Glenbrook 145/6w

Bunker Hill 135/6w

Bunker Hill knob 135/6w

AFTER RECORDING, RETURN TO:

Starker Properties LLC
PO Box 809
Corvallis, OR 97339

BENTON COUNTY, OREGON 2008-435778

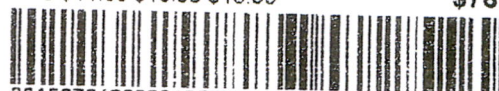
DE-WD

Cnt=1 Str=8 COUNTER1

04/11/2008 11:11:50 AM

\$40.00 \$11.00 \$10.00 \$15.00

\$76.00



00156764200804357780080082

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales County Clerk



STATUTORY SPECIAL WARRANTY DEED

ROSBORO, LLC, an Oregon limited liability company, successor in interest to Rosboro Lumber Company, a partnership ("**Grantor**"), conveys and specially warrants to **STARKER PROPERTIES LLC**, an Oregon limited liability company ("**Grantee**"), the real property located in Benton County, Oregon described in attached **Exhibit A**, free of encumbrances created or suffered by the Grantor, except as specifically set forth herein.

SUBJECT TO the matters listed on attached **Exhibit B**:

The true and actual consideration for this conveyance is \$10,372,834, paid to a qualified intermediary in an IRC §1031 exchange by a qualified intermediary in an IRC §1031 exchange.

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

DATED this 9th day of April, 2008

GRANTOR:

ROSBORO, LLC, an Oregon limited liability company

By: [Signature]

Its: CEO

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

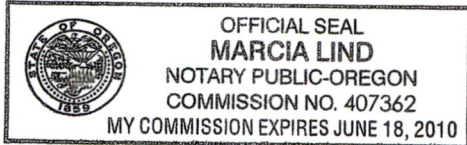
Starker Properties LLC, PO Box 809, Corvallis, OR 97339

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Return to First American Title-182492

STATE OF OREGON)
) ss.
County of Lane)

This instrument was acknowledged before me on April 9, 2008, by
David L. Weza, as CEO of Rosboro, LLC, an Oregon limited liability
company.



Marcia Lind
Notary Public for Oregon
My commission expires: 6-18-2010

**EXHIBIT A
TO DEED**

The following real property located in Benton County, Oregon.

Parcel I: [Intentionally Deleted]

Parcel II: (Hull S.6 & Hull S.8)

The East one-half of Section 6, Township 14 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

Also the West one-half of Section 8, Township 14 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

Parcel III: (Glenbrook)

The South one-half of the Southwest one-quarter; the Northeast one-quarter of the Southwest one-quarter; Government Lots 3 and 4 and a strip of land 3 rods wide off of the South end of Government Lot 2, all in Section 28, Township 14 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

Also Section 32, Township 14 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

And also the Northwest one-quarter; the West one-half of the Northeast one-quarter and Government Lots 1 and 2, all in Section 33, Township 14 South Range 6 West of the Willamette Meridian, Benton County, Oregon.

EXCEPTING THEREFROM a strip of land conveyed to the Corvallis and Alsea River Railway Company by deed recorded in Book 55, Page 18, deed records, described as follows:

A strip of land 50 feet wide, over, through, and across the North half of the Northwest quarter of Section 33, Township 14 South, Range 6 West of the Willamette Meridian. Said strip conveyed to extend for a distance of 25 feet on each side of the centerline of the track of the Corvallis and Alsea River Railway Company, as now staked out, located and constructed through the above described land.

AND ALSO EXCEPTING THEREFROM a strip of land conveyed to the Corvallis and Alsea River Railway Company by deed recorded February 19, 1910 in Book 51, page 346, deed records, described as follows:

A strip of land 30 feet in width, being 15 feet in width on either side of the centerline of the railroad track of said Corvallis and Alsea River Railway Company as now located and constructed across the West half of the Northeast quarter, the Southeast quarter of the Northwest quarter and Government Lots 1 and 2 all of said Section 33.

Exhibit A

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Parcel IV: (Bunker Hill)

The Southwest one-quarter of Section 28, The Southeast one-quarter of the Southeast one-quarter of Section 29 and all of Section 32, all being in Township 13 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

Parcel V: (Bunker Knob)

The East one-half of the Southeast quarter of Section 33 and the West one-half of the Southwest quarter of Section 34, all in Township 13 South, Range 6 West of the Willamette Meridian, Benton County, Oregon.

Tax Parcel Number: 187371, 187439, 191027, 191126, 319982, 191134, 320038, 320041, 320137, 198196, 198253, 198287, 198337, 198394, 198402 and 317805

Exhibit A

**EXHIBIT B
TO DEED**

Title Exceptions

EXCEPTIONS AFFECTING PARCEL II:

1. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
2. 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 various streams and creeks.
3. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: January 11, 1908, in Book 47, Page 298, Deed Records
From: M.B. Rankin and Rachel T. Rankin
To: J.L. Hartman
For: right of way and other railroad purposes
Affects: a strip of land 100 feet in width
4. Reservation of "so much and such parts thereof as may be mineral lands other than coal or iron, as reserved in the Warranty Deed from M.B. Rankin and Rachel T. Rankin to J.L. Hartman, recorded January 11, 1908, in Book 47, Page 298, Deed Records.
5. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: March 6, 1920, in Book 67, Page 55, Deed Records
From: Security Savings and Trust Company
To: Corvallis Lumber Manufacturing Company
For: right of way for access, for roads and for railroad purposes
(affects that portion in Section 6)
6. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: December 9, 1925, in Book 77, Page 169
From: Corvallis Lumber Manufacturing Company
To: W.R. Blackburn and F.H. Blackburn
For: railroads and spurs 60 feet in width
(affects that portion in Section 6)
7. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: January 12, 1929, in Book 81, Page 254, Deed Records
From: Security Savings and Trust Company
To: W.J. Miller
For: right of way for access, for roads and for railroad purposes
(affects that portion in Section 8)

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8. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: November 27, 1929, in Book 82, Page 173, Deed Records
From: W.J. Miller and Bessie M. Miller
To: E.W. Howard
For: right of way for access and for railroad and logging purposes
(affects that portion in Section 8)
9. A perpetual and exclusive easement and right of way as set forth in Notice of Lis Pendens, recorded in Book 163, Page 574, and as disclosed by the recording of the Judgment in Condemnation and Order of Distribution, arising out of Case No. 65-119, in the United State District Court for the District of Oregon, and recorded January 15, 1968 as M-6265, Microfilm Records.
- As modified by instrument recorded January 10, 1989 as M-108015-89, Microfilm Records.
(affects that portion in Section 6)
10. Right of Way and Road Use Agreement, including the terms and provisions thereof, between Hull-Oakes Lumber Company, an Oregon corporation, and the United States of America, as set forth in instrument recorded December 11, 1967 as M-5825, Microfilm Records.
11. Right of Way and Road Use Agreement, including the terms and provisions thereof, between Hull Lumber Company Inc., an Oregon corporation, and the United States of America, as set forth in instrument recorded December 11, 1967 as M-5826, Microfilm Records.
12. Easement Exchange Agreement, including the terms and provisions thereof, dated November 23, 1988, between Weyerhaeuser Company, Ralph Hull dba Hull-Oakes Lumber Co., Hull Lumber Co. Herbert R. Hull and Sandra J. Hull, David A. Hull and Carole I. Hull, and Joan R. Hull-Lindsey, recorded January 12, 1989 as M-108121-89, Microfilm Records.
13. Easement, including terms and provisions contained therein:
Recording Information: As M-112063-89, Microfilm Records
In Favor of: Ralph Hull, dba Hull-Oakes Lumber Co.
For: for road purposes
14. Right of Way and Road Use Agreement, including the terms and provisions thereof, dated October 22, 1990, between Rosboro Lumber Co., and the United States of America, recorded November 9, 1990 as M-129298-90, Microfilm Records.

EXCEPTIONS AFFECTING PARCEL III:

15. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be

Exhibit B

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levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.

16. 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 various streams and creeks.
17. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
18. Appurtenant rights, if any, as conveyed by those certain deeds to the Corvallis and Alsea Railway Company recorded February 19, 1910, in Book 51, Page 346, Deed Records, and recorded July 29, 1911, in Book 55, Page 18, Deed Records, and as disclosed by QuitClaim Deed March 10, 1997 as M-225910-97, Microfilm Records.
19. Easement Exchange Agreement, including the terms and provisions thereof, dated November 23, 1988, between Weyerhaeuser Company, Ralph Hull dba Hull-Oakes Lumber Co., Hull Lumber Co. Herbert R. Hull and Sandra J. Hull, David A. Hull and Carole I. Hull, and Joan R. Hull-Lindsey, recorded January 12, 1989 as M-108121-89, Microfilm Records.

EXCEPTIONS AFFECTING PARCEL IV:

20. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
21. 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 various streams and creeks.
22. Easement, including terms and provisions contained therein:
Recording Information: January 3, 1919 in Book 66, Page 83, Deed Records
In Favor of: Corvallis Logging Company
For: logging railroad 50 feet in width
(affects Section 32)
23. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: February 18, 1921 in Book 69, Page 53, Deed Records
From: Security Savings and Trust Company
To: The Corvallis Logging Company
For: right of way for railroad, logging, tram, wagon or other roads
(affects Section 32)
24. An easement reserved in a deed, including the terms and provisions thereof;
Recorded: December 9, 1925 in Book 77, Page 169, Deed Records
From: Corvallis Lumber Manufacturing Company, a corporation
To: W.R. Blackburn and F.H. Blackburn

Exhibit B

For: railroad and spurs 60 feet in width
(affects Section 32)

25. Right of Way and Road Use Agreement, including the terms and provisions thereof, between Hull Lumber Company Inc., an Oregon corporation, and the United States of America, as set forth in instrument recorded December 11, 1967 as M-5826, Microfilm Records.
26. Easement Exchange Agreement, including the terms and provisions thereof, dated November 23, 1988, between Weyerhaeuser Company, Ralph Hull dba Hull-Oakes Lumber Co., Hull Lumber Co. Herbert R. Hull and Sandra J. Hull, David A. Hull and Carole I. Hull, and Joan R. Hull-Lindsey, recorded January 12, 1989 as M-108121-89, Microfilm Records.
27. Right of Way and Road Use Agreement, including the terms and provisions thereof, between Rosboro Lumber Co., an Oregon general partnership, and the United States of American, recorded November 9, 1990 as M-129298-90, Microfilm Records.

EXCEPTIONS AFFECTING PARCEL V:

28. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land assessment.
29. This years taxes and possible prior years taxes have included relief by reason of "Small Tract Tax". If the land becomes disqualified for the special assessments, an additional tax may be levied.
(affects tax accounts: 198394, 198402 and 317805)
30. 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 various streams and creeks.
31. Right of Way and Road Use Agreement, including the terms and provisions thereof, between Hull-Oakes Lumber Company, an Oregon corporation, and the United States of America, as set forth in instrument recorded December 11, 1967 as M-5825, Microfilm Records.

And as modified by instrument recorded August 22, 1990 as M-126505-90, Microfilm Records.

32. Easement Exchange Agreement, including the terms and provisions thereof, dated November 23, 1988, between Weyerhaeuser Company, Ralph Hull dba Hull-Oakes Lumber Co., Hull Lumber Co. Herbert R. Hull and Sandra J. Hull, David A. Hull and Carole I. Hull, and Joan R. Hull-Lindsey, recorded January 12, 1989 as M-108121-89, Microfilm Records.

Exhibit B