



TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL: billkness@stuntzner.com

2137 19th Avenue
Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - BROOKINGS

March 10, 2008

Mr. Herb Mosgar
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271

Re: Olsen Agriculture Water Rights Applications; G-17017, R-87103, S-87104, R-87105

Dear Mr. Mosgar:

We are submitting this letter on behalf of Olsen Agriculture to clarify items regarding the above referenced water rights applications. A check for the additional amount owed to the department for application fees is enclosed. The attached spreadsheet documents the application fees for these water rights. Please note that we are requesting that the "wildlife" use be removed from the surface water application.

Regarding the department's question on a surface water point of diversion for the intermittent stream, there is no plan to have a separate point of diversion and that this surface water will be taken from the Viridian Reservoir point of diversion.

We have also attached a revised *Water Rights Application Map* that includes Eric Urstadt's CWRE stamp on it. Please contact us with any questions or comments. Thanks.

Sincerely,
Stuntzner Engineering & Forestry, LLC

A handwritten signature in black ink, appearing to read "William Kness".

William Kness, PE, PLS

Cc: Mr. Jim Guynn, Olsen Agriculture

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MAR 12 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

| <i>To Appropriate Groundwater:</i> | | | | |
|---|---------------------|---------------------------|-----------|------------|
| Category | Units / Description | | Rate | Amount |
| Base | 1 | GW POD & Irrigation use | \$500.00 | \$500.00 |
| 1st cfs or fraction thereof | 1 | cfs | \$200.00 | \$200.00 |
| Each add'l. cfs or fraction thereof | 0 | cfs | \$100.00 | \$0.00 |
| Each add'l. use, POD, or well after the 1st | 1 | commercial use | \$200.00 | \$200.00 |
| Each add'l. use, POD, or well after the 1st | 1 | reservoir maintenance use | \$200.00 | \$200.00 |
| Each add'l. use, POD, or well after the 1st | 1 | fire protection tank use | \$200.00 | \$200.00 |
| | | | Subtotal: | \$1,300.00 |

| <i>To Appropriate Groundwater or Surface Water for STORAGE: [Standard Review Reservoir]</i> | | | | |
|---|---------------------|-----|-----------|------------|
| Category | Units / Description | | Rate | Amount |
| Base | 1 | fee | \$500.00 | \$500.00 |
| Each af or fraction thereof up to 20 af | 20 | af | \$20.00 | \$400.00 |
| Each add'l af or fraction thereof | 130 | af | \$1.00 | \$130.00 |
| | | | Subtotal: | \$1,030.00 |

| <i>To Appropriate Surface Water:</i> | | | | |
|---|---------------------|-----------------------------|----------|----------|
| Category | Units / Description | | Rate | Amount |
| Base | 1 | SW POD & Irrigation use | \$500.00 | \$500.00 |
| 1st cfs or fraction thereof | 1 | cfs | \$200.00 | \$200.00 |
| Each add'l. cfs or fraction thereof | 1 | cfs | \$100.00 | \$100.00 |
| Each add'l. use, POD, or well after the 1st | 1 | commercial use | \$200.00 | \$200.00 |
| Each add'l. use, POD, or well after the 1st | 1 | aquatic life use | \$200.00 | \$200.00 |
| Each add'l. use, POD, or well after the 1st | 0 | wildlife use: Rmv frm appl. | \$200.00 | \$0.00 |

| <i>To Appropriate Stored Water under the same Application:</i> | | | | |
|--|-----|--------------------------|-----------|------------|
| Each af or fraction thereof up to 20 af | 20 | af | \$20.00 | \$400.00 |
| Each add'l af or fraction thereof | 130 | af (from Woodson Rsvr.) | \$1.00 | \$130.00 |
| Each add'l af or fraction thereof | 10 | af (from Viridian Rsvr.) | \$1.00 | \$10.00 |
| | | | Subtotal: | \$1,740.00 |

| <i>To Appropriate Groundwater or Surface Water for STORAGE: [Alternate Review Reservoir]</i> | | | | |
|--|---------------------|-----|-----------|----------|
| Category | Units / Description | | Rate | Amount |
| Base | 1 | fee | \$80.00 | \$80.00 |
| Each af or fraction thereof | 10 | af | \$20.00 | \$200.00 |
| | | | Subtotal: | \$280.00 |

| | | | | |
|--|--|--|------------------------------------|------------|
| | | | Total Fees: | \$4,350.00 |
| | | | Check submitted with applications: | \$2,880.00 |
| | | | Balance due: | \$1,470.00 |

- Notes: 1) "Base" fees include the first Point of Diversion (POD) or first well and first "use".
 2) cfs = cubic feet per second
 3) af = acre foot
 4) Permit Recording Fees of \$300 per application are not included in calculations.
 Recording Fees to be paid prior to permit issuance.

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WATER RESOURCES DEPT
SALEM, OREGON



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1271
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to
Store Water
in a Reservoir
(Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir
storing more than 9.2 acre-feet and with a dam more than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will
return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria
and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Jamie Olsen
First Last

Mailing Address: Olsen Agriculture, 8930 Suver Road

Monmouth OR 97361
City State Zip

Phone: 503-838-0412
Home Work Other

*Fax: 503-838-6534 *E-Mail Address: Jamie.Olsen@olsenag.com

*Optional Information

I(We) make application for a permit to construct a reservoir and store the following described
waters of the State of Oregon. The name of the reservoir is Woodson Reservoir

2. SOURCE OF WATER for the proposed use: Sheet Flow
a tributary of Berry Creek

Is the proposed use an enlargement of an existing dam/reservoir? [] YES [x] NO

If the reservoir is not in channel of a stream, state how it is to be filled:

Sheet flow; dam is in draw, but no stream channel exists.

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SALEM OREGON

For Department Use
App. No. R87103 Permit No. Date

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 35 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): Earthfill Concrete Flash board Other

If "other" give description: _____

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam: _____

Minimum 8" diameter corrugated metal pipe gated on upstream end.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel: Around the left end of the dam.

Dimensions to be determined in the final design.

6. THE USE(s) of the impounded water will be: Multi-purpose including irrigation,

winery process water, fire protection, commercial, aquatic life and wildlife.

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SALEM, OREGON**

R87103

7. THE AMOUNT OF WATER to be stored is: 150 acre-feet.

The area submerged by the reservoir, when filled, will be 20 acres.

8. PROJECT SCHEDULE: (List Month and Year)

Proposed date construction work will begin: May 2009

Proposed date construction work will be completed: October 2011

Proposed date water use will be completed: October 2011

9. PROPERTY OWNERSHIP

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

Yes (Skip to section 10)

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 an easement permitting access to lands not under my ownership.

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).

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.

List the names and mailing addresses of all affected landowners:

N/A

* Attach additional sheet(s) if necessary.

10. MAP REQUIREMENTS

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section and quarter/quarter section of the proposed reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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SALEM, OREGON**

R 87103

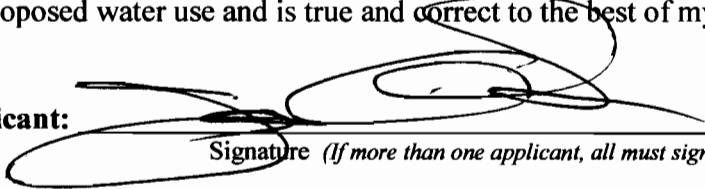
11. SIGNATURE

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and ...

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant:



Signature (If more than one applicant, all must sign.)

02/26/2008

Date

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at www.wrd.state.or.us or call (503) 986-0900.

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SALEM, OREGON

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 proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC 20 136.030(A).

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

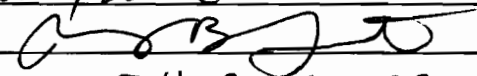
| Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval: | |
|---|---|--|--|
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued |
| | | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued |

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

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WATER RESOURCES DEPT
SALEM, OREGON

Name: Jerry Sorte Title: Senior Planner
 Signature:  Phone: 503 623 9237 Date: 2/19/08
 Government Entity: Folk County, OR

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

R 87103



Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Olsen Agriculture - Jamie Olsen, CEO
Mailing Address: 8930 Suver Road
City: Monmouth State: OR Zip: 97361 Day Phone: 503-838-0412

This application is related to a Measure 37 claim. Yes No

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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: |
|----------|-------|---------|------|-----------|--|--|---------------------|
| 9S | 5W | 25 | SWSW | 400 | EFU | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Winery & irrigation |
| 9S | 5W | 36 | NWNW | 300 | EFU | <input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | Winery & irrigation |
| | | | | | | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |
| | | | | | | <input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | |

List all counties and cities where water is proposed to be diverted, conveyed, or used. Polk County

B. Description of Proposed Use

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**WATER RESOURCES DEPT
SALEM, OREGON**

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

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

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

Estimated quantity of water needed: 150 cubic feet per second gallons per minute acre-feet

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

Briefly describe: Construction of reservoir for irrigation of 275 acres of vineyard and for winery process water.

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



TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL: billkness@stuntzner.com

2137 19th Avenue
Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - BROOKINGS

February 22, 2008

Oregon Water Resources
Water Rights Application Section
725 Summer Street NE Suite A
Salem, OR 97301-1271

To whom it may concern:

On behalf of Olsen Agriculture, we are submitting these water rights applications for the use of surface water and groundwater, storing water in reservoirs, and irrigation and commercial water use for their property located north of Airlie Road near Suver in Polk County.

Note that we are the applicant's representative for these water rights applications. **Please send correspondence (or copies of correspondence) regarding this application to:**

**Eric Urstadt
2137 19th Avenue
Forest Grove, OR 97116
503-357-5717
503-357-5698 (fax)**

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**WATER RESOURCES DEPT
SALEM, OREGON**

The following items are enclosed and labeled in the following order:

1. Land Use Information Form
2. Application for Permit to Store Water in a Reservoir – Standard Review (Woodson Res.)
3. Water Rights Application Map
4. Typical cross section for Standard Review Reservoir
5. Application for Permit to Store Water in a Reservoir – Alternate Review (Viridian Res.)
6. Application for Permit to Use Surface Water
7. Application for a Permit to Use Ground Water
8. Form I for Irrigation Water Use
9. Form Q for Commercial and Industrial Water Uses
10. ODFW Fish Presence Report (no fish present)

11. Deed and legal description for property that include the property tax assessor maps of Sections 25 and 36, T9S, R5W, WM

12. Check for Application Fees:

➤ **To appropriate ground water / surface water:**

\$500 (base) + \$200 (1st cfs) + \$100 (one additional cfs) + \$400 (one additional point of diversion and one well after the 1st) + \$300 (recording) = \$1500

➤ **To appropriate stored water under same application:**

\$20 (First 20 af) + \$130 (130 additional af) = \$150

➤ **To appropriate water for storage (standard review):**

\$500 (base) + \$20 (First 20 af) + \$130 (130 additional af) + \$300 (recording) = \$950

➤ **To appropriate water for storage (alternate review):**

\$80 (base) + \$200 (9.1 af) = \$280

➤ **Total Fees = \$2880**

Sincerely,
Stuntzner Engineering & Forestry, LLC



William Kness, PE, PLS

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**WATER RESOURCES DEPT
SALEM, OREGON**



TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL:
firstnamelastname@stuntzner.com
2137 19th Avenue
Forest Grove, OR 97116

COOS BAY - FOREST GROVE - DALLAS - BROOKINGS

ODFW & STUNTZNER FISH PRESENCE FIELD VISIT NOTES

PROJECT NAME: Mulkey Hill Res.

OWNER NAME: Olson Agriculture

STREET ADDRESS:

TAXLOT LOCATION: SECTIONS 25, 26, 35 & 36, T9S, R5W, POLK COUNTY, OR

COORDINATES: 44°44'57-9"^{43"}N 123°15'0-3"^{06"}W
44.74528 123.25167

WATER RIGHT APPLICATION NUMBERS: N/A

WATGER RIGHT PERMIT NUMBERS: None

PROJECT DESCRIPTION: Proposed small pond

ATTACHED: WATER RIGHT MAP ___ USGS MAP x PHOTOS ___

RESULTS:

DAM: PASSAGE NEEDED? YES or NO MORE INFO NEEDED? ___

DIVERSION: PASSAGE NEEDED? YES or NO MORE INFO NEEDED? ___

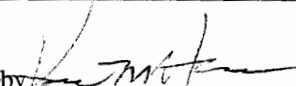
ODFW COMMENTS & NOTES: _____

*Proposed reservoir location is in grass swale
with out defined channel.*

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**WATER RESOURCES DEPT
SALEM, OREGON**

by 
ODFW Representative
Karen M Harris SWWD

date 12/19/2007
Field visit

ERIC KRSTADT, STUNTZNER, 12/19/2007

123° 15' 30.00" W

123° 15' 00.00" W

123° 14' 30.00" W

044° 45' 30.00" N

044° 45' 30.00" N

044° 45' 00.00" N

044° 45' 00.00" N

044° 44' 30.00" N

044° 44' 30.00" N

123° 15' 30.00" W

123° 15' 00.00" W

123° 14' 30.00" W

X 545

345

25-350

446 X

64

64

38

ond

64

64

250

38

Pond



268

250

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WATER RESOURCES DEPT
SALEM, OREGON

I-200 X
298

X
Valley
View

73

73

37

T 9 S
T 10 S

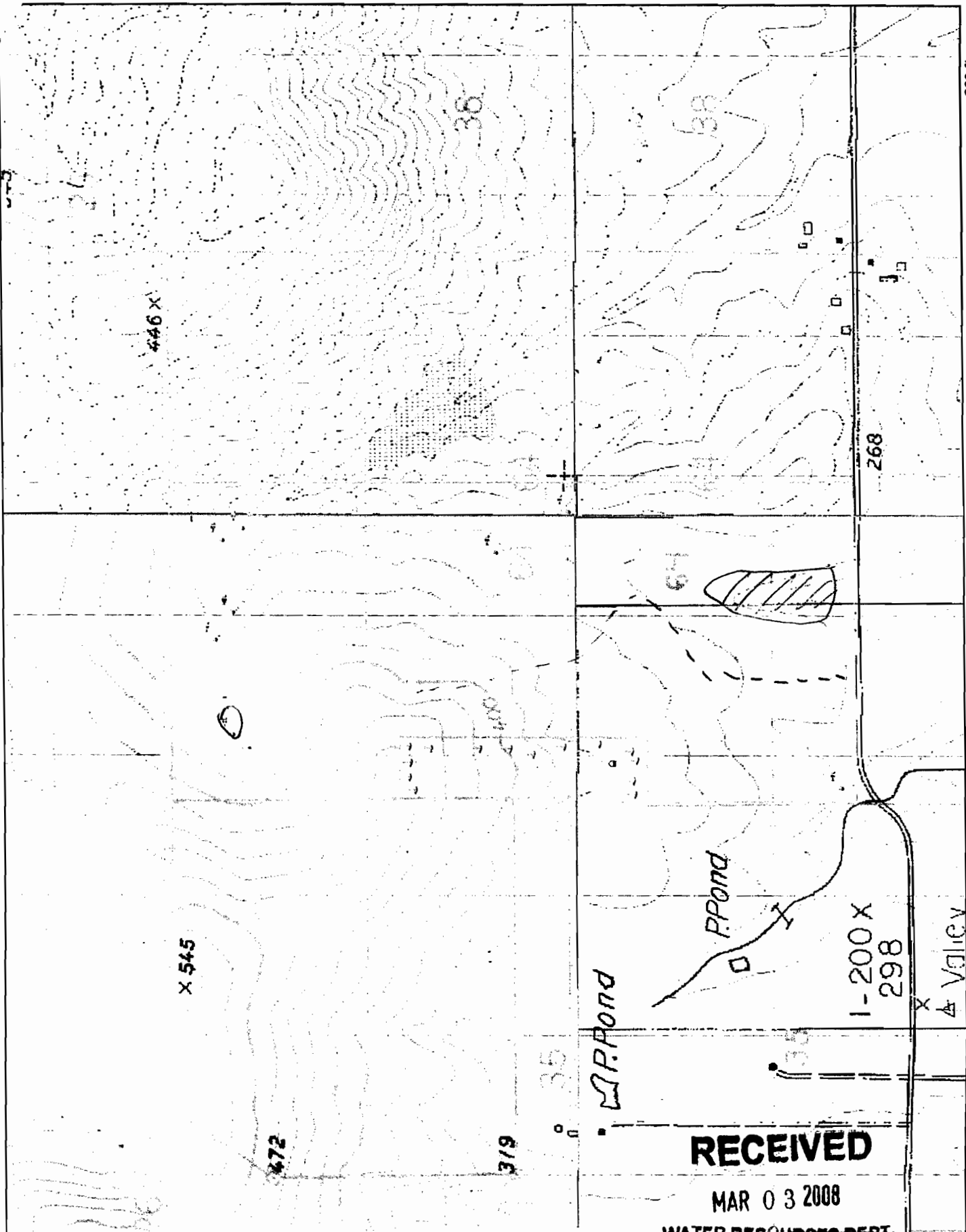
56

SCALE 1:12000

0 100 200 300 400 500 600 700 800 900 YARDS

0 1000 2000 FEET

0 100 200 300 400 500 600 700 800 METERS



X 46 X

X 545

472

319

35

P Pond

P Pond

I-200 X
298

VOLUME

268

38

38

900 ft

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WATER RESOURCES DEPT
SALEM, OREGON

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Scale: 1 : 12,000 Map Rotation: 0° Magnetic Declination: 17.7°E

Exhibit 'A'

Beginning at the Northwest corner of the Smith Collins Donation Land Claim; Notification No. 2445, Claim No. 64, in Township 9 South, Range 5 West of the Willamette Meridian; and running thence East a distance of 2475 feet to an anchor post; thence South a distance of 5148 feet to the County road between Airlie and Suver; thence West a distance of 2475 feet to the West boundary line of the said Claim; thence North a distance of 5148 feet to the place of beginning.

Excepting therefrom the following described parcel: Beginning at a ¼ inch iron rod on the West line of, and South 0°04'16" East 1772.76 feet from the Northwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian Polk County, Oregon; thence North 89°55'44" East 480.57 feet to a ¼ inch iron rod; thence South 0°04'16" East 1812.85 feet to a ¼ inch iron rod; thence South 89°55'44" West 480.57 feet to a ¼ inch iron rod on the West line of said Donation Land Claim No. 64; thence along said West line, North 0°04'16" West 1812.85 feet to the point of beginning.

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**WATER RESOURCES DEPT
SALEM, OREGON**

R 87103

FORM NO. 121-1 - WARRANTY DEED

B306P2199

95 SEP -7 AM 10:47

KNOW ALL MEN BY THESE PRESENTS, That MYRL P. MULKEY, JR. and SUE MULKEY, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JENKS-OLSEN LAND CO., an Oregon partnership, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Polk and State of Oregon, described as follows, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth.)

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except those specified in Exhibit "B" attached hereto and incorporated herein by reference as though fully set forth, and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$678,750.00.

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 3 day of October, 1988.

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 FEY TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Polk, ss. October 3, 1988. Personally appeared the above named MYRL P. MULKEY, JR. and SUE MULKEY.

acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon My commission expires 10/19/89

Myrl P. Mulkey, Jr. and Sue Mulkey
8930 Saver Road
Monmouth, OR 97361

Jenks-Olsen Land Co.
8930 Saver Rd.
Monmouth, OR 97361

Jenks-Olsen Land Co.
8930 Saver Rd.
Monmouth, OR 97361

Jenks-Olsen Land Co.

404504 STATE OF OREGON, County of Polk. I certify that the within instrument was received for record on the STATE OF OREGON day of October, 1988, at 8:00 o'clock P.M., and recorded in book 188, page 188, fee/file/instrument/microfilm/record of Mar- of said County. Witness my hand and seal of County of Polk, Oregon, this 3 day of October, 1988.

SEE NEXT 3 PAGES

LINDA DAWSON, COUNTY CLERK

FIRST AMERICAN TITLE OF WILLAMETTE VALLEY 197205P

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MAR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

B306P2200

95 SEP -7 11:10:48
DESCRIPTION SHEET
EXHIBIT "A"PARCEL I:

Beginning at the Southwest corner of the James McClain Donation Land Claim No. 37 in Section 1, Township 10 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence along the South boundary of that tract of land described in Polk County Deed Records, Volume 106, Page 742, South 89°35'57" West 2963.60 feet to a 1/2 inch iron rod at the Southeast corner of said tract; thence South 0°28'15" East 83.78 feet to a 1/2 inch iron rod; thence South 38°06'01" East 3223.04 feet to a 1/2 inch iron rod on the South boundary of the Jesse L. Bounds Donation Land Claim No. 56 in Township 10 South, Range 5 West of the Willamette Meridian; thence along said South boundary, South 89°10' East 991.31 feet to the Southeast corner of said Claim No. 56; thence North 0°22'14" West 2635.28 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress described as follows: Beginning at a 1/2 inch iron rod which is South 89°59' West 20.00 feet from the Southwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence North 0°04'16" West 1168.42 feet to the southerly right of way line of Market Road No. 7; thence along said southerly line, North 46°19'47" East 41.43 feet; thence South 0°04'16" East 1197.02 feet; thence South 0°02'17" West 200.00 feet; thence South 89°53'43" East 20.00 feet; thence South 0°02'17" West 466.47 feet; thence South 0°08'17" West 1973.15 feet; thence North 89°35'57" East 1241.42 feet; thence South 0°28'15" East 30.00 feet to a 1/2 inch iron rod; thence South 89°35'57" West 1271.74 feet to a 1/2 inch iron rod; thence North 0°08'17" East 2003.39 feet to a 1/2 inch iron rod; thence North 89°53'43" West 20.00 feet to a 1/2 inch iron rod; thence North 0°02'17" East 766.64 feet to the point of beginning.

PARCEL II:

Beginning at the Northeast corner of the Donation Land Claim of George Pyburn, et ux, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West, Willamette Meridian in Polk County, Oregon (said beginning point being 15.17 chains West and 28.78 chains North from the Southeast corner of the Southwest quarter of Section 29, said Township and Range) and running thence East 41.05 chains; thence South 79.85 chains to a point in the center of the County Road on the South line of said Pyburn Donation Land Claim; thence West along the South boundary line of said Claim, 28.01 chains to the Southeast corner of the School Lot conveyed by Caroline Fuqua, et vir, to School District No. 43 by deed recorded in Volume 28, Page 318, Deed Records of said County; thence North 5°10' East 2.50 chains to the Northeast corner of said School Lot; thence West 4.00 chains to the Northwest corner of said school lot on the East boundary line of the right-of-way conveyed by Joseph W. Sover to Western Oregon Railroad Co. by deed recorded in Volume 12, Page 386, Deed Records of said County; thence North 5°10' East along said Railroad right-of-way 18.30 chains; thence North 84°50' West 3.63 chains to the Northwest corner of a parcel of land conveyed by said Sover to said Railroad Co., by deed recorded in Volume 12, Page 449, Deed Records for Polk County, Oregon; thence South 5°10' West along the Western boundary line of said Railroad land 8.50 chains to a point which is 6.50 chains East and 12.45 chains North from the Southwest corner of said Pyburn Claim; thence West 6.50 chains to the West boundary line of said claim; and thence North 67.40 chains to the point of beginning.

EXCEPTING THEREFROM said tracts of land conveyed to the Western Oregon Railroad Company and that certain tract of land conveyed to Southern Pacific Railroad Company by deed recorded November 7, 1928, in Volume 97, Page 534, Deed Records for Polk County, Oregon.

FURTHER SAYE AND EXCEPT that certain tract of land conveyed to Jacob W. Kinsey et ux by deed recorded March 24, 1923, in Volume 77, Page 8, Deed Records for Polk County, Oregon.

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

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SALEM, OREGON

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DESCRIPTION SHEET Continued
EXHIBIT "A"

ALSO excepting the following described portions of the above described tract of land:

1. All of the above described tract of land lying West of the railroad right-of-way ownership.
2. Beginning at a point on the North line of the East 986.33 feet from the above described Northwest corner of Donation Land Claim No. 69, said point also being on the Easterly line of land conveyed to the Western Oregon Railroad Company by deed recorded in Polk County Deed Records, Volume 12, Page 386; thence along the Easterly line of the railroad ownership, South 1°14' West 364.65 feet; thence continuing along said Easterly line, on a 5750 foot radius curve to the right, the long chord of which bears South 2°28'07" West 248.30 feet; thence along the railroad ownership line, South 86°17'45" East 10.00 feet; thence along the railroad ownership line, on a 3770 foot radius curve to the right, the long chord which bears South 4°26'08" West 147.75 feet; thence along the railroad ownership line, South 5°10' West 45.85 feet; thence East 1749.35 feet to the East line of the above described tract; thence along said East line, North 1005.71 feet to the Northeast corner of the above described tract; thence along the North line of the above described tract, West 1720.97 feet to the point of beginning.

PARCEL III:

Beginning at the Northwest corner of the Smith Collins Donation Land Claim, Notification No. 2445, Claim No. 64, in Township 9 South, Range 5 West of the Willamette Meridian; and running thence East a distance of 2473 feet to an anchor post; thence South a distance of 5148 feet to the county road between Aikie and Suver; thence West a distance of 2473 feet to the West boundary line of the said claim; thence North a distance of 5148 feet to the place of beginning.

EXCEPTING THEREFROM the following described parcel: Beginning at a 1/2 inch iron rod on the West line of, and South 0°04'16" East 1772.76 feet from the Northwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence North 89°55'44" East 480.57 feet to a 1/2 inch iron rod; thence South 0°04'16" East 1812.85 feet to a 1/2 inch iron rod; thence South 89°55'44" West 480.57 feet to a 1/2 inch iron rod on the West line of said Donation Land Claim No. 64; thence along said West line, North 0°04'16" West 1812.85 feet to the point of beginning.

PARCEL IV:

Beginning at a stake 23.70 chains West from the quarter section corner between Sections Five (5) and Thirty-two (32) in Townships 9 and 10 South of Range 4 West of the Willamette Meridian in Polk County, Oregon; running thence North 35.62 chains to an iron pipe; thence West 11.67 chains to an iron pipe; thence South 35.62 chains to a stake; thence East 11.67 chains to the place of beginning.

ALSO: Beginning at a stake 11.06 chains West of the quarter section corner between Sections Five (5) and Thirty-two (32) in Townships 9 and 10 South, Range 4 West, Willamette Meridian in Polk County, Oregon; running thence North 28.57 chains to a stake; thence West 8.52 chains to a stake; thence North 7.05 chains to a stake; thence West 3.12 chains to an iron pipe; thence South 35.62 chains to a stake; thence East 12.64 chains to the place of beginning.

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

PARCEL V:

Beginning at an iron rod which is 35.37 chains North 89°52'05" West from the quarter section corner between Section 5 in Township 10 South, Range 4 West and Section 32 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; and running thence North 89°52'05" West, 15.00 feet to an iron rod; thence North 0°17'30" East 2361.50 feet to a point on the North line of the Andrew Chamberlain Donation Land Claim No. 59 in Township 9 South, Range 4 West of the Willamette Meridian, from which an iron rod bears South 0°17'30" West 30.03 feet; thence South 89°23'10" East along the North line of the Chamberlain Donation Land Claim, 15.00 feet to the Northwest corner of the tract of land conveyed to Myrl P. Mulkey, Jr. by deed recorded in Deed Volume 178, Page 364, Deed Records of Polk County, Oregon; thence South 0°17'30" West 2361.38 feet to the point of beginning.

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1. 1988-1989 real property taxes, a lien, but not yet due or payable.
2. Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways.
3. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten or lesser number of years in which the land was subject to the special land use assessment.
4. Reservations in deed from United States of America, as disclosed by instrument dated October 3, 1947, recorded October 14, 1947, in Book 131, Page 38, Deed Records for Polk County, Oregon. (affects Parcel I)
5. Reservations in deed from United States of America, as disclosed by instrument dated May 6, 1948, recorded July 13, 1948, in Book 135, Page 410, Deed Records for Polk County, Oregon.
6. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated June 5, 1969, recorded September 17, 1969, in Book 219, Page 387, Deed Records for Polk County, Oregon. (affects Parcel III)
7. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated August 16, 1969, recorded September 17, 1969, in Book 219, Page 401, Deed Records for Polk County, Oregon. (affects Parcel IV)
8. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument recorded November 25, 1969, in Book 221, Page 215, Deed Records for Polk County, Oregon. (affects Parcel V)
9. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated June 12, 1978, recorded July 6, 1978, in Book 130, Page 879, Book of Records for Polk County, Oregon. (affects Parcel II)
10. Mortgage, including the terms and provisions thereof, executed by Katherine G. Mulkey, a widow, Paul Mulkey, Gylan Mulkey and Myrl P. Mulkey, a single man, to The Federal Land Bank of Spokane, a corporation, by instrument dated September 8, 1966, recorded September 20, 1966, in Book 141, Page 597, Mortgage Records for Polk County, Oregon, given to secure the payment of \$80,000.00. (affects Parcels I and III and includes additional property)
11. Partial release of the above mortgage, including the terms and provisions thereof, as disclosed by instrument dated October 11, 1979, recorded October 15, 1979, in Book 144, Page 301, Book of Records for Polk County, Oregon.

Mortgage, including the terms and provisions thereof, executed by Myrl Mulkey Jr., same person as Myrl P. Mulkey and Margaret Sue Mulkey, husband and wife, to The Federal Land Bank of Spokane, a corporation, by instrument dated June 20, 1983, recorded June 27, 1983, in Book 171, Page 1867, Book of Records for Polk County, Oregon, given to secure the payment of \$195,000.00. (affects Parcels I and III)

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Exhibit "B"

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SALEM, OREGON

13

See Map 9.5.

INT. CORNER
DLC NO. 63

E'LY S
DAVIC
DLC N

400
115.70 AC
N.W. CORNER
SMITH COLLINS
DLC NO. 64

501
83.81 AC.

270.00

314.60

518.00

518.00
506.96

26 25
35 36

10/20/06 E.

PROVIDED SOLELY FOR
PURPOSE OF ASSIGNING THE
OF THE PROPERTY. THE
ASSUMING NO LIABILITY FOR
OR LOCATIONS. THE
ACTUAL SURVEY
ORDER NO. 026352P
095W25

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MAR 03 2008
WATER RESOURCES DEPT
SALEM, OREGON

IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

SEC.36 T9S
POLK CO
Scale 1" =

See Map 9.

See Map 9.5.26

S'LY S.E. CORNER
DLC NO. 63

180.97
302
20.00 AC

26 25

300
158.78 AC

35 36

201
11.56 AC.

200
112.29 AC
PARCEL 1

PROPERTY
ARROW

PP 20
LINE

RECEIVED

13

MAR 03 2006

WATER RESOURCES DEPT
SALEM, OREGON

324 Concord St. N.E.
Salem, OR 97301

301
0.12 AC

303
7.98 AC

400
107.00 AC

THIS MAP IS PROVIDED FOR THE PURPOSE OF THE ASSESSMENT OF THE PROPERTY ASSUMED TO BE THE LOCATION OF THE ACTUAL SURVEY
ORDER NO. 045310

045310