



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

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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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<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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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use
Surface Water

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 to your application, insert "n/a." Please read and refer to the instructions when completing your application. 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

A. Individuals

Applicant: N/A
First Last

Mailing address:

City State Zip

Phone: Home Work Other

*Fax: *E-Mail address:

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization: Olsen Agriculture

Name and title of person applying: Jamie Olsen, CEO

Mailing address of organization: 8930 Suver Road

Monmouth OR 97361
City State Zip

Phone: 503-838-0412 N/A
Day Evening

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

* Optional information

For Department Use
App. No. 587104 Permit No. Date

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2. SOURCE AND PROPERTY OWNERSHIP

A. The Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Sheet Flow Tributary to: Berry Creek
Source 2: Woodson Reservoir Tributary to: Berry Creek
Source 3: Viridian Reservoir Tributary to: Berry Creek
Source 4: _____ Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). Concurrent reservoir applications are being submitted.

B. Applications to Use Stored Water

Complete this section if any source listed in item 2A above is stored water.

Do you, or will you, own the reservoir(s) described in item 2A above?

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
 - A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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C. Property Ownership

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

- Yes (*Skip to section 3 "Water Use."*)
- 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).

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

3. WATER USE

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: _____
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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587104

B. Amount of Water

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

(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

Source	Type of use	Amount			
Sheet Flow	irrigation/comm./reservoir maint./wildlife	2	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
Woodson Reservoir	irrigation/comm./wildlife/aquatic life	150	<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input checked="" type="checkbox"/> af
Viridian Reservoir	irrigation/comm./wildlife/aquatic life	9.19	<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af

C. Period of Use

Indicate the time of year you propose to use the water: Winery: Year Round / Irrigation: March 1-October 31
(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)

D. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 275 acres
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): 25 hp electric centrifugal
- Head-gate (give dimensions): _____
- Other means (describe): _____

B. Monitoring

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other means (describe): staff gage in reservoir

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C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width _____ Depth _____

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter 5 inch PVC Length Main line~ one mile (system not designed yet.)

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? Drip irrigation for vineyards; low pressure sprinkler for cover crops & landscaping.

Irrigation or land application method (check all that apply):

- Flood
- High-pressure sprinkler
- Low pressure sprinkler
- Drip
- Water cannons
- Center pivot system
- Hand lines
- Wheel lines
- Siphon tubes or gated pipe with furrows
- Other, describe _____

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

E. Conservation

What methods will you use to conserve water? Why did you choose this distribution or application method? Have you considered other methods to transport, apply, distribute or use water? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Drip irrigation for vines and used only when needed. Sprinklers will be only used occasionally as needed.

The winery will utilize power washers to minimize water usage.

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S-87104

5. RESOURCE PROTECTION

A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Not applicable. No fish present per ODFW report 12/19/07 (see
attached ODFW signed field report).

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No stream channel, banks, or riparian area exists.
Borrow material to be taken upstream of dam. Construction area will be seeded and mulched.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: Dam construction will be done in dry season when there is minimal chance of
runoff from the site.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Permittee will obtain a 1200-C erosion control permit. Silt fences, straw bale
dikes, seeding and mulching and other erosion control measures will be used as needed to minimize
erosion.

Other: _____

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6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: May 2008

Proposed date construction will be completed: October 2015

Proposed date beneficial water use will begin: May 2009

7. REMARKS

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

A limited water use license was obtained on 1/19/2008. The limited water use license will eventually not be needed if the surface water, ground water, and stored water rights applications are approved and improvements are completed.

8. 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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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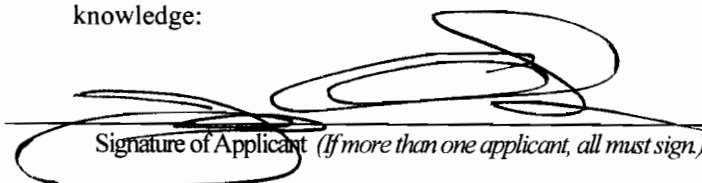
S-87104

9. 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 swear that all information provided in this application is true and correct to the best of my knowledge:


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

02/26/2008
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included 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.

WRD on the web:
www.wrd.state.or.us

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S-87104



Oregon Water Resources Department

#9
Olsen Ag - Mulkey Hill
2/11/08
Tax Lots: 953600-300
952500-400

FORM Q
FOR COMMERCIAL AND INDUSTRIAL WATER USES

1. Describe the goods and services you plan to provide:
Winery, wine tasting, resort, recreational facilities.

2. How will the water be used?
Winery process water, fire protection, wine tasting events, and
related human use.

3. What is the maximum amount of water that will be used on any given day:
85 cfs gpm

4. Are there periods of the day, week, month, or year that the water will not be used?
(e.g. no use December-March)
 No Yes If so, when? _____

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)
 No Yes If so, when? Sept. 1 - Nov. 30, Winery processing.

6. Are there periods of the day week, month, or year where the amount of water used will be less than at peak times?
 No Yes If so, when? _____

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WATER RESOURCES DEPT
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Last revision: April 9, 1996

S- 87104

Olsen Ag - Mulkey Hill
2/5/08
Tax Lots: 953600-300
952500-400



Oregon Water Resources Department

FORM I
FOR IRRIGATION WATER USE

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: 275 Acres

Secondary: _____ Acres

List the permit or certificate number of the primary water right: No. _____

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

1. Vineyard crops Full season Partial season (from: _____ to _____)

2. _____ Full season Partial season (from: _____ to _____)

3. _____ Full season Partial season (from: _____ to _____)

4. _____ Full season Partial season (from: _____ to _____)

3. Indicate the maximum total number of acre-feet you expect to use in an irrigation season:

170 acre-feet

(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

Daily during daytime hours

Daily during nighttime hours

Two or three times weekly during daytime

Two or three times weekly during nighttime

Weekly, during daytime hours

Weekly, during nighttime hours

Other, explain: _____

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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

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

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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

87104

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.

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".

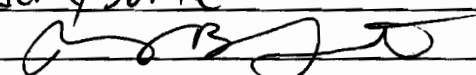
Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <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
		<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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Name: Jerry Sorte Title: Senior Planner
 Signature:  Phone: 503 623 9237 Date: 2/19/08
 Government Entity: Polk 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.

Order No. 026352P

Page 3

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 1/4 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 1/4 inch iron rod; thence South 0°04'16" East 1812.85 feet to a 1/4 inch iron rod; thence South 89°55'44" West 480.57 feet to a 1/4 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

FORM NO. 131-1 WARDENRY FEED

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

Myrl P. Mulkey, Jr.

Sue Mulkey

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 12/19/89

Myrl P. Mulkey, Jr. Sue Mulkey
8930 Siver Road
Monmouth, OR 97361
GRANTOR'S NAME AND ADDRESS

Jenks-Olsen Land Co.
8930 Siver Rd.
Monmouth, OR 97361
GRANTEE'S NAME AND ADDRESS

Jenks-Olsen Land Co.
8930 Siver Rd.
Monmouth, OR 97361
NAME, ADDRESS, ZIP

NAME, ADDRESS, ZIP

404504 STATE OF OREGON, County of Polk, ss. I certify that the within instrument was received for record on the STATE OF OREGON, day of 19, at o'clock M., and recorded in book/roll/volume, on page, fee/tax/instrument/microfilm/record of Mortgages. Witness my hand and seal of the County of Polk, Oregon, this day of said County.

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 242, South 89°35'57" West 2963.60 feet to a 1 1/2 inch iron rod at the Southwest corner of said tract; thence South 0°28'15" East 83.78 feet to a 1/2 inch iron rod; thence South 38°06'03" East 3223.04 feet to a 1/2 inch iron rod on the South boundary of the Jesse L. Howards 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 2655.28 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 1192.02 feet; thence South 0°02'17" West 300.00 feet; thence South 89°57'43" East 20.00 feet; thence South 0°02'17" West 466.67 feet; thence South 0°08'17" West 1971.18 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°57'43" 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 Northwest 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 18.78 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. Suver 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°30' West 3.63 chains to the Northwest corner of a parcel of land conveyed by said Suver 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 87, Page 534, Deed Records for Polk County, Oregon.

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

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B306P2201

05 SEP 07 AM 10:48
 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 5760 foot radius curve to the right, the long chord of which bears South 7°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 5770 foot radius curve to the right, the long chord which bears South 4°26'08" West 147.25 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, Modification 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 Axlis and Silver; 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 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°55'64" 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 31.06 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 5.12 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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 SALEM, OREGON

B306P2202

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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)

#404504

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.

3141.60

2173.00

5108.00

5108.00
5256.55

26 25
35 36

SUBJECT
PROPERTY

10/20/06 E.

NOT A SURVEYOR'S COPY FOR
PURPOSE OF ASSISTING IN THE
LOCATION OF THE PROPERTY THE
SURVEYOR ASSUMES NO LIABILITY FOR
ERRORS, OMISSIONS, OR INACCURACIES
ON LOCATIONS, DISTANCES, OR
ACTUAL SURVEY
ORDER NO. 0216352P
095W25

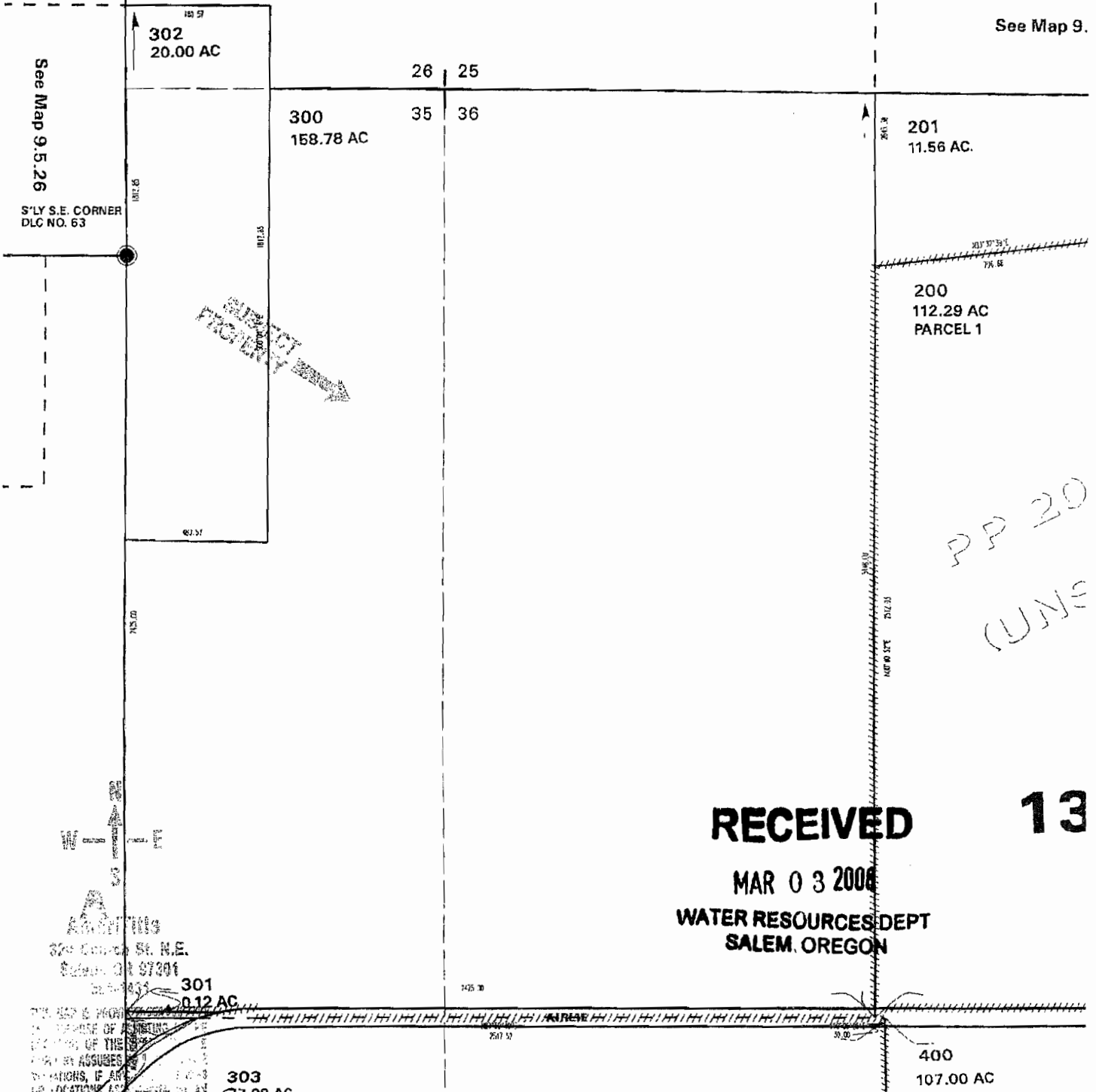
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SALEM, OREGON

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

SUBJECT PROPERTY

PP 20
(UNE)

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MAR 03 2006
WATER RESOURCES DEPT
SALEM, OREGON

302
20.00 AC

300
158.78 AC

201
11.56 AC.

200
112.29 AC
PARCEL 1

301
0.12 AC

303
7.98 AC

400
107.00 AC

THIS MAP IS PROVIDED FOR THE PURPOSE OF ASSESSING THE LOCATION OF THE PROPERTY BY ASSUMES THE LOCATIONS AS SHOWN AT ACTUAL SURVEY ORDER NO. 045310

045310



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
 without defined channel*

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**WATER RESOURCES DEPT
SALEM, OREGON**

by *Karen M. Harris*
 ODFW Representative
Karen M Harris SWWD

date 12/19/2007
 Field visit

ERIC URSTADT, STUNTZNER, 12/19/2007

S - 87104

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

446 X

B 45
25-350

400

64

64

350

38

ond

PPond

64

64

250

38

I-200 X
298



268

250

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X
Valley
View

MAR 03 2008

WATER RESOURCES DEPT
SALEM, OREGON

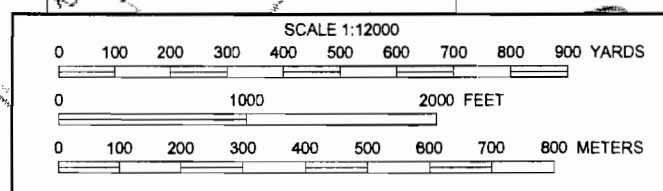
73

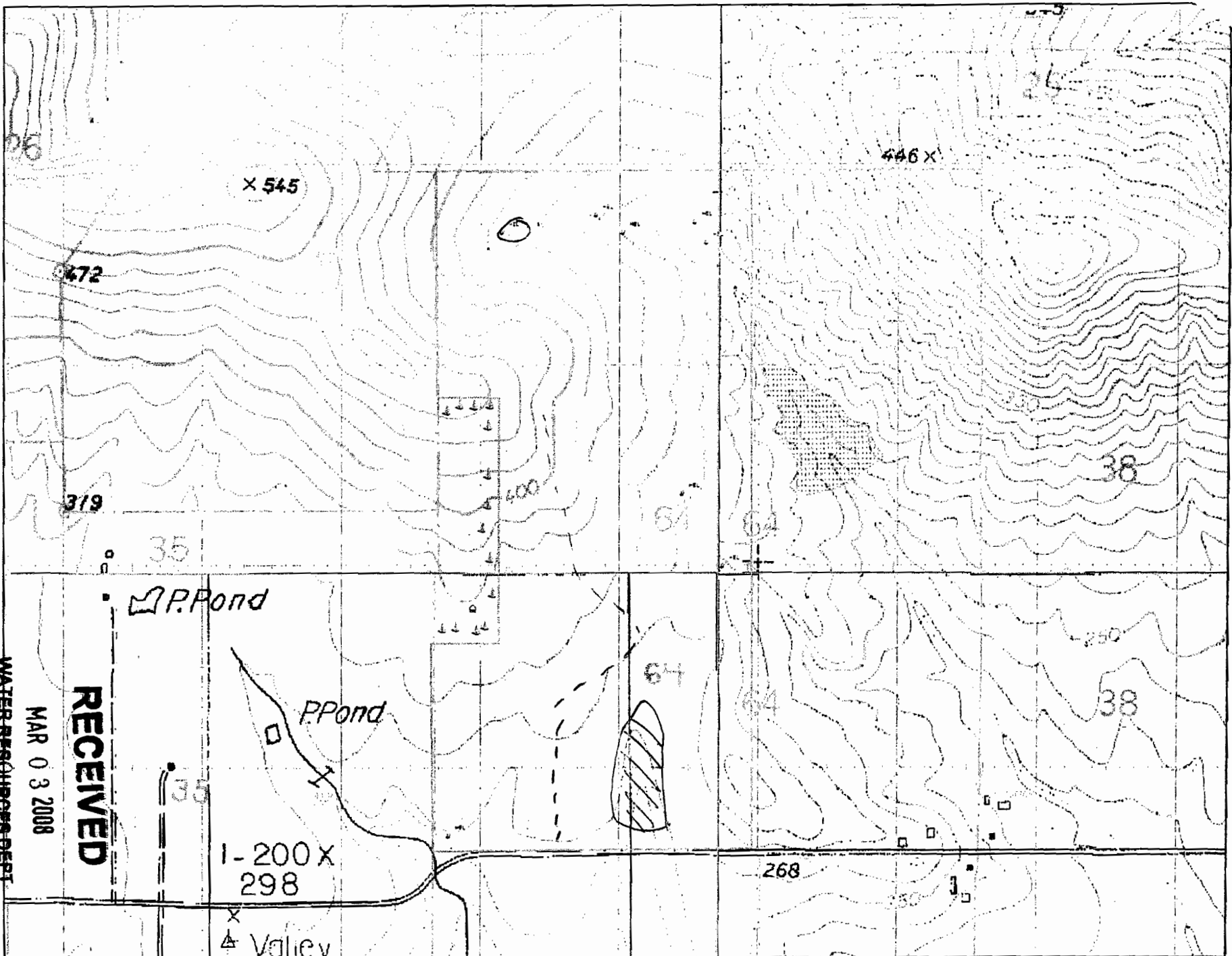
73

37

T 9 S
T 10 S

56





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