



**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 Use Ground 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: EUGENE BEYER  
First Last

Mailing address: 10750 EDMUNSON DEWE SE  
SALEM OREGON 97317  
City State Zip

Phone: 503.363.2394  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

### B. Organizations

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

Name of organization: \_\_\_\_\_

Name and title of person applying: \_\_\_\_\_

Mailing address of organization: \_\_\_\_\_

\_\_\_\_\_

City State Zip

Phone: \_\_\_\_\_

Day Evening

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\* Optional information

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

**2. PROPERTY OWNERSHIP**

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

Yes (Skip to section 3 "Ground water Development.")

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.

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**3. GROUND WATER DEVELOPMENT**

**A. Well Information**

Number of well(s): ONE

Name of nearest surface water body: S. FORK PUDDING RIVER

Distance from well(s) to nearest stream or lake: 1) ± 1500'

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) ± 100'

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

**B. Well Characteristics**

*Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:*

Well(s) will be constructed by: NOT DETERMINED YET

Address: \_\_\_\_\_

Completion date: \_\_\_\_\_

Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
1	10"	10" STL. CASING	± 100	± 250-300	± 50'	± 250'	± 200'	PLUG IN WELL SEAL	± 400'

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

**C. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

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**4. 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**

**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
ONE	BASALT	IRRIGATION	440	25M.	± 450

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 440 GPM  
*(The fees for your application will be based on this amount.)*

**D. Period of Use**

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

**E. Acreage**

If you will be applying water to land, please give the total number of acres where water will be applied or used: 149.1 ACRES  
*(This number should be consistent with your application map.)*

**5. WATER MANAGEMENT**

**A. Diversion**

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): (Est.) 40 HP Submersible
- Other means (describe): System not yet entirely DESIGNED

**B. 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"-6" Length ± 2000'
- Other (describe) \_\_\_\_\_

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**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? \_\_\_\_\_

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

**D. Conservation**

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

WATER ONLY WHEN NEEDED, SPRINKLER IRRIGATION  
MOST EFFICIENT METHOD OF IRRIGATION FOR CROPS  
BEING RAISED

**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: WINTER 2007

Proposed date construction will be completed: FALL 2011

Proposed date beneficial water use will begin: SPRING 2012

**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.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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**8. MAP REQUIREMENTS**

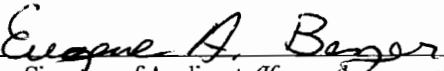
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place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

**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:


11-29-07  
 \_\_\_\_\_  
 Signature of Applicant (If more than one applicant, all must sign.) Date

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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](http://www.wrd.state.or.us) or call (503) 986-0900.



Oregon Water Resources Department

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FORM I

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FOR IRRIGATION WATER USE

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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:                    149.1 Acres

Supplemental:            \_\_\_\_\_ 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. HAZELNUTS                     Full season     Partial season (from: 3/1 to 10/1)
- 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:

100 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: \_\_\_\_\_



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: EUGENE BEYER
Mailing Address: 10750 EDMUNSON DR SE
City: SALEM State: OR Zip: 97317 Day Phone:

This application is related to a Measure 37 claim. [ ] Yes [X] 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.

Table with 8 columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be: (Diverted, Conveyed, Used), Proposed Land Use:.

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

B. Description of Proposed Use

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

- Permit to Use or Store Water [X]
Water-Right Transfer [ ]
Exchange of Water [ ]
Allocation of Conserved Water [ ]
Permit Amendment or Ground Water Registration Modification [ ]

Source of water: [ ] Reservoir/Pond [X] Ground Water [ ] Surface Water (name)

Estimated quantity of water needed: 1.0 [X] cubic feet per second [ ] gallons per minute [ ] acre-feet

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

Briefly describe: FRAGATE GRASS & ORCHARD

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.

Receipt for Request for Land Use Information

State of Oregon
Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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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): 136.020 (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: Diane Rolph Title: Associate Planner  
 Signature: Diane Rolph Phone: 503 588-5038 Date: 11-20-06  
 Government Entity: Marion County

**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.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

After recording, return to  
(File No. 09282001)

Anthony R. Kreitzberg  
P.O. Box 749  
Salem, Oregon 97308-0749

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

10750 Edmunson Drive SE  
Salem, Oregon 97301

Comments: If recorded in Benton  
County, you need a 3x3 top margin on the  
first page. If you already have a deed  
recorded, then you can use form MS 101

**MEMORANDUM OF LAND SALE CONTRACT**

BY AN INSTRUMENT in writing, dated the 28<sup>th</sup> day of JULY, 2006,  
Gerald Weipert and Catherine Weipert as Seller, and Andrea Beyer and Eugene Beyer as Buyer,  
made and entered into a contract in which Seller agrees to sell and Buyer agrees to purchase the  
following-described real property, situated in the County of Marion, State of Oregon, to-wit:

Comments: Don't forget to insert the  
draft box document if this is going to be  
e-mailed or if Terry asks for it to be put  
in the draft document

See Legal Description attached as Exhibit "A" attached hereto and incorporated  
herein by reference.

The terms and conditions of the contract are fully set forth in the contract and reference  
thereto is hereby made.

The true consideration for this transfer is \$600,000.00

**LAND USE AND FIRE PROTECTION**

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON  
TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF  
ANY, UNDER ORS 197.352. THIS INSTRUMENT DOES NOT ALLOW USE OF THE  
PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE  
LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS  
INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD  
CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO  
VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST  
FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE  
ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS  
197.352.

*(signature and notary blocks to follow)*

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WATER RESOURCES DEPT  
SALEM, OREGON

This instrument is being recorded by Fidelity  
National Title Co. as an accommodation only.  
It has not been examined as to its execution  
or as to its effect upon the title.

**A.T.S.**

R28101 = 08160 05-00500  
252-1334  
ADD Contract on ALL

00

Fidelity National Title

2671  
0479

DATED this 23<sup>rd</sup> day of June, 2006.

SELLER:

Gerald Weipert  
Gerald Weipert (Date)

Catherine M Weipert  
Catherine Weipert (Date)

BUYER:

Andrea Beyer  
Andrea Beyer (Date)

Eugene A Beyer  
Eugene Beyer (Date)

STATE OF OREGON )  
) ss.  
County of Marion )

This instrument was acknowledged before me on 23<sup>rd</sup> day of June, 2006, by Gerald



Diane L. Kronemann  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1/25/09

STATE OF OREGON )  
) ss.  
County of Marion )

This instrument was acknowledged before me on 23<sup>rd</sup> day of June, 2006, by Catherine Weipert.



(notary blocks continue)

Diane L. Kronemann  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1/25/09

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SALEM, OREGON

2671  
0479

STATE OF OREGON )  
 ) ss.  
County of Marion )

This instrument was acknowledged before me on 23rd day of June, 2006, by  
Andrea Beyer.



Diane L. Kronemann  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1/25/09

STATE OF OREGON )  
 ) ss.  
County of Marion )

This instrument was acknowledged before me on 23rd day of June, 2006, by  
Eugene Beyer.



Diane L. Kronemann  
NOTARY PUBLIC FOR OREGON  
My Commission Expires: 1/25/09

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0479

## Description

Beginning on the Northerly line of the Reuben Dickens Donation Land Claim No. 48 in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, which is South 62° 32' East 35.290 chains from the Northwest corner of said Donation Land Claim; thence South 23° 30' West 23.563 chains; thence North 79° 15' West 2.04 chains; thence South 16° 22' West 10.213 chains to a point in the center of a County Road; thence South 67° 15' East, along the center of said road, to the Southeast corner of a 100 acre tract described in deed recorded August 22, 1932, in Volume 213, Page 633, Deed Records for Marion County, Oregon; thence North 0° 37' West 36.12 chains to the Northeast corner of said 100 acre tract on the Northerly line of said Donation Land Claim; thence North 62° 32' West 15.40 chains, more or less, to the point of beginning.

SAVE AND EXCEPT from the above real premises the following described land as a perpetual burying ground and road thereto for the family of W. T. Patton and descendants, to-wit: Beginning at the Southeast corner of the above described tract of land; thence North 67° 15' West 1.16 chains; thence North 0° 37' West 24.71 chains; thence South 89° 23' West 6.95 chains; thence South 88° 30' West 2.23 chains; thence North 1° 30' West 2.23 chains; thence North 88° 30' East 2.23 chains; thence South 1° 30' West 2.08 chains; thence North 89° 23' East 6.50 chains; thence South 0° 37' East 24.86 chains to the place of beginning.

ALSO SAVE AND EXCEPT: Beginning at the Northwest corner of the Reuben Dickens Donation Land Claim; thence South 62° 32' East 2329.14 feet; thence South 23° 30' West 1555.158 feet; thence North 79° 15' West 134.64 feet; thence South 16° 22' West 674.058 feet to the center line of County Road No. 863; thence South 66° 00' East 141.24 feet; thence South 66° 29' East 1382.04 feet; thence South 66° 41' 20" East 519.96 feet to the Southeast corner of that tract of land conveyed to Charles E. Moleworth, et ux, by deed recorded in Book 743, Page 86, the true point of beginning; thence North 0° 21' 30" West, along the East line of said Moleworth tract, 1143.79 feet; thence North 66° 35' 20" West 612.04 feet; thence South 23° 31' West 1046.67 feet to the centerline of County Road No. 863; thence South 66° 29' East, along said centerline, 555.00 feet; thence South 66° 41' 20" East 519.96 feet to the true point of beginning.

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WARRANTY DEED

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$360,000.00.

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

EUGENE AND ANDREA BEYER  
10750 EDMUNDSON DR SE  
SALEM, OR 97301

/ After recording, return to:

EUGENE A AND ANDREA M BEYER  
10750 EDMUNDSON DR SE  
SALEM, OR 97301

KNOW ALL MEN BY THESE PRESENTS, That ROSE M. ANDREAS, (formerly Rose M. Ringnald), hereinafter called Grantor, for the consideration hereinabove stated to the Grantor paid by EUGENE A. BEYER and ANDREA M. BEYER, husband and wife, hereinafter called the Grantees, does hereby GRANT, BARGAIN, SELL and CONVEY unto the Grantees, AS TENANTS BY THE ENTIRETY, the heirs of the survivor and their assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of MARION, State of Oregon, described as follows, to-wit:

That certain real property located at and commonly known as 10750 Edmundson Drive, S.E., Salem, Oregon 97301, and being more particularly described as follows:

Beginning at a point 19.59 chains West and 8.39 chains South of the southwest corner of Section 5, Township 8 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, said point being the southwest corner of the Donation Land Claim of Reuben Dickens and wife, Notification No. 43, Claims No. 48, in Township 8 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence South 63° East 27.06 chains to the southwest corner of the land deeded to Albert Mader and Genevieve Mader, his wife, by deed recorded July 25, 1925, in Volume 183, Page 28, Deed Records for Marion County, Oregon; thence North 25° 30' East 30.60 chains on the West boundary line of the said Mader property to the center line of present county road; thence in a northwesterly direction following the center line of said County Road, 40.82 chains to the West boundary line of the Reuben Dickens and wife, Donation Land Claim No. 48; thence South to the point of beginning.

SAVE AND EXCEPT: That certain tract of land contained in instrument dated April 3, 1958, and recorded April 14, 1958, in Volume 510, Page 550, Deed Records for Marion County, Oregon, more particularly described as follows:

PAGE 1 - WARRANTY DEED: ANDREAS/BEYER  
KSj/nlc/Andreas.bwd 09/24/96

SHERMAN, SHERMAN & MURPHY  
Lawyers  
681 Court Street N.E. / Post Office Box 1247  
SALEM, OREGON 97302-2240  
503/344-2211 FAX # (503) 370-4321

JUN 8 2 2004

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R28142  
081W06 01500  
1338 - 0075  
0709 - 0176

Sat. of contract

12

2336-0093

Beginning at a point which is 1,362.34 feet South 62°32' East and 2,570.70 feet South 0°37' East and 703.35 feet North 67°01' West and 20.40 feet South 11°38' West from the northwest corner of the Reuben Dickens Donation Land Claim No. 48, located in Township 8 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon, to the northeast corner of said property; thence South 11°38' West 742.76 feet to an iron pipe at the southeast corner of said property; thence North 67°14' West 488.78 feet to an iron pipe at the southwest corner of said property; thence North 0°56' West 915.34 feet along the West line of the Reuben Dickens Donation Land Claim No. 48, to an iron pipe at the northwest corner of said property; thence South 52°15' East 418.80 feet along the southerly right of way line of County Road No. 863 to an iron pipe which is a re-entrant corner of said property; thence South 67°01' East 312.38 feet along said right of way of said County Road to the point of beginning.

SUBJECT TO:

- (1) As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
- (2) The rights of the public in and to that portion of the herein described property lying within the limits of roads, streets and highways.

Tax Account No. 55953-000.

TO HAVE and TO HOLD the above described and granted premises unto the said Grantees, AS TENANTS BY THE ENTIRETY, their heirs and assigns forever.

And Grantor hereby covenants to and with Grantees, and the heirs of the survivor and their assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances, EXCEPT as herein stated, and EXCEPT liens and encumbrances, including (but not limited to) real property taxes attaching by or through the Grantees herein subsequent to October 1, 1996, and that Grantor will warrant and forever defend the said 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.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

PAGE 2 - WARRANTY DEED: ANDREAS/BEYER  
KSJ/nlc/Andreas.bwd 09/24/96

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2336-0093

IN WITNESS WHEREOF, the Grantor has executed this instrument this 25  
day of September, 1996.

Rose M. Andreas  
Rose M. Andreas

STATE OF OREGON        )  
                                  ) ss.:  
County of Marion        )

This instrument was acknowledged before me on September 25<sup>th</sup>, 1996, by ROSE  
M. ANDREAS, (formerly Rose M. Ringnald).

Carla A. Moberg  
Notary Public for Oregon  
My Commission Expires: 7-14-98

STREIBMAN, SHERIDAN & MUNCH  
Lawyers  
687 Court Street N.E. / Post Office Box 2247  
Salem, Oregon 97302-2247  
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JUN 8 2 2004

PAGE 3 - WARRANTY DEED: ANDREAS/BEYER  
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