



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: Marcia J. McBeth
First Last

Mailing address: 11545 Burbank Rd
Monmouth OR 97361
City State Zip

Phone: 503 838-1867 503 623-9254
Home Work Other

*Fax: _____ *E-Mail address: love@myhorses2@msn.com

B. Organizations

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

Name of organization: N/A

Name and title of person applying: _____

Mailing address of organization: _____

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

* Optional information

For Department Use		
App. No. <u>S870S2</u>	Permit No. _____	Date _____

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 SALEM, OREGON

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: unnamed spring Tributary to: N/A
Source 2: _____ Tributary to: _____
Source 3: _____ Tributary to: _____
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). N/A

B. Applications to Use Stored Water

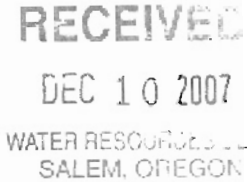
Complete this section if any source listed in item 2A above is stored water.

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.



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.

Meriwether NW Oregon Land + Timber LLC
managed by: Forest Capital Partners, LLC
450 Pacific Avenue N
Monmouth, OR 97361

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: 1
- 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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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
unnamed spring	Domestic	6 <input type="checkbox"/> cfs <input checked="" type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
		<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input 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: year-round
(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: N/A
(This number should be consistent with your application map.)

4. WATER MANAGEMENT

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A. Diversion

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

- Pump (give horsepower and pump type): _____
- Head-gate (give dimensions): _____
- Other means (describe): gravity fed into water line

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): N/A

C. Transport

How will you transport water to your place of use?

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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 1" Length 1160'

Other (describe) _____

D. Application/Distribution Method

What equipment will you use to apply water to your place of use? gravity fed - no

pump necessary

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

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

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.

Used for household only

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: N/A

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: N/A

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Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: N/A

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: N/A

Other: _____

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: water line in place - 1950

Proposed date construction will be completed: _____

Proposed date beneficial water use will begin: _____

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 points of diversion 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:

Marcia J. Mubeth

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

12-9-07

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 or call (503) 986-0900.

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



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SALEM, OREGON

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

REV. 11/20/03

SPRING DESCRIPTION SHEET

1. Is the spring on the property owned by the applicant? YES NO
2. If not, give name and address of legal owner: meriwether NW Oregon Land + Timber - managed by Forest Capital Partners LLC
450 Pacific Ave N, monmouth, OR 97361
3. Have you secured consent of the legal owner of the spring to appropriate water and for construction of your delivery system? YES NO
4. If you do not have such consent, do you expect to secure right-of-way through condemnation? YES NO
5. What is the maximum flow from the spring in gallons per minute or cubic feet of water per second?
What is the maximum flow? 6 gpm
Is flow measured or estimated? MEASURED ESTIMATED
6. Does the stream flowing from the spring form a well defined natural channel?
YES NO
7. Does the water flow off the lands on which it first arises? YES NO
8. Give the name of the stream or other body of water into which the water from the spring flows: N/A
9. If the water from the spring sinks or evaporates before reaching other water, give the distance water flows from spring before vanishing: 20 feet
10. Remarks: The yield from the spring in the winter time is more than summer time but still does not flow into other water sources.

I certify that the information I have provided on this form is accurate, true and correct to the best of my knowledge:

Applicant marcia g. mcBeth 12-9-07
Signature Date

Signature _____ Date _____

Receipt

Polk County Community Development

Courthouse - 850 Main St. Dallas, OR 97338

Receipt # 50656

Date Dec 10, 2007

Received From MCBETH, CURT & MARCIE

<u>Fund Name</u>	<u>Amount</u>
PLANNING FEES	\$25.00

Type of Payment:

Checks	\$25.00
Cash	\$0.00
Credit	\$0.00
<u>Total</u>	<u>\$25.00</u>

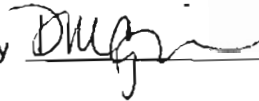
Description LUC 07-47, CK# 5373 - DG

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Received by





Oregon

Theodore R. Kulongoski, Governor

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Water Resources Department

North Mall Office Building

725 Summer Street NE, Suite A

Salem, OR 97301-1266

503-986-0900

FAX 503-986-0904

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdictions where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan.

Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.



Oregon Water Resources Department
Land Use Information Form

LUC07-47

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: Marcia McBeth
Mailing Address: 11545 Burbank Rd
City: Monmouth State: OR Zip: 97361 Day Phone: 503 838-1867

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

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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, Tax Lot #, Plan Designation (e.g. Rural Residential/RR-5), Water to be, Proposed Land Use. Contains three rows of handwritten data.

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) unnamed spring

Estimated quantity of water needed: 6 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for 1 household(s)
Municipal Quasi-municipal Instream Other

Briefly describe: Spring water is diverted & conveyed across property owned by Forest Co. - we have an easement from Boise Cascade to use & maintain it

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

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): Home placed prior to zoning

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: DMG Title: ASST. PLANNER
 Signature: ODM GIBSON Phone: 503 623 9237 Date: 12/10/07
 Government Entity: POLK COUNTY PLANNING

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 due 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: _____

POLK COUNTY WEBMAPS
Real Property Map Summary for the
Current Tax Year

Account Info:

Map Taxlot:	963000 200	Property Class:	401
Account Number:	453714	MA:	05
Real Market Value:	140260	SA:	28
Assessed Value:	87860	NH:	000
Primary Situs:	11545 BURBANK RD MONMOUTH	Value Unit:	6862-2
Acres:	2.11	Sq Ft:	91912

Owner Info:

Owner: MC BETH CURTIS D SR & MARCIA J
Mailing Address: 11545 BURBANK RD MONMOUTH,
OR 97361

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WATER RESOURCES DEPT
SALEM OREGON**Property Info:**

Number Houses:	1	Number Buildings:	4
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Sales Info:

Book/Year:	1999	Document Type:	WARRANTY DEED
Page:	13929	Date:	9/2/1999
Source ID:	386-211	Price:	\$130000

Note: The above sales information may include additional tax lots.

Improvement Info:

Stat Class:	131	Code Area:	0228
Stat Class Type:	RESIDENCE	Stat Class Desc:	One story
Year Built:	1950	Effective Year:	1950
Total Sq Ft:	1461	Living Rooms:	1
Dining Rooms:	1	Kitchens:	1
Family Rooms:	0	Bed Rooms:	2
Full Baths:	1	Fireplaces or Woodstoves:	0
Half Baths:	0	Utility Rooms:	0

Other Rooms:	0	Heating Type:	FORCED AIR HEATING
First Floor Sq Ft:	1461	Garage 1 Sq Ft:	594
Garage 2 Sq Ft:	440	Carport Sq Ft:	528

Improvement Image: [Click to view image](#)

Stat Class:	300	Code Area:	0228
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1968	Total Sq Ft:	900

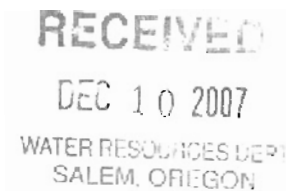
Improvement Image: [Click to view image](#)

Stat Class:	300	Code Area:	0228
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1977	Total Sq Ft:	220

Stat Class:	300	Code Area:	0228
Stat Class Type:	FARM BLDG	Stat Class Desc:	Farm Bldg
Effective Year:	1977	Total Sq Ft:	450

Tax Info:

Account ID:	Tax Year:	Original Tax Due:
453714	2004	\$1081.29



City, County, Fire, School Districts & Land Size Info:

Account Number:	Taxcode:	Acres:	District:
453714	0228	2.11	POLK COUNTY FD #1
453714	0228	2.11	POLK COUNTY
453714	0228	2.11	POLK COUNTY FD #1 LOCAL OPTION
453714	0228	2.11	DALLAS SD 2

Disclaimer: The information presented on this report was generated to support county business. The county makes every effort to keep this information current and accurate. However, the county is not responsible for errors, misuse, omissions, or misinterpretations. Please contact the Polk County Assessor's Office for clarification and explanations.

McBeth Application

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SALEM, OREGON

EASEMENT

THIS AGREEMENT, made and entered into this 21 day of March, 1974, by and between BOISE CASCADE CORPORATION, a Delaware corporation, successor in interest to Oregon Pulp and Paper Company, hereinafter called Grantor, and JOSEPH HENRY O'NEAL and JULIA ALEEN O'NEAL, husband and wife, hereinafter called Grantees.

WITNESSETH:

That the Grantor, for and in consideration of \$10.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby grant and convey to Grantees, their heirs, successors and assigns, and easement and right for the purpose of maintaining and repairing an existing underground water pipeline for the purpose of conveying water through and under the grounds hereinafter described, which system shall be operated by and remain the property of Grantees, across and through a 10 foot strip of land, described as follows:

Beginning at a spring located in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 24, Township 9 South, Range 7 West, said spring being approximately 100 feet west and 10 feet north of the section corner common to Sections 24 and 25, Township 9 South, Range 7 West and Sections 19 and 30, Township 9 South, Range 6 West, Polk County, Oregon; thence in an easterly direction across the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 24 and across the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 19 to a point approximately 840 feet east of the previously described Section corner where at said point the pipeline leaves the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 19 as shown on the attached map labeled Exhibit A.

Grantees agree that the pipeline is to be maintained in such a manner as to not interfere with the use, occupancy and

S-87052

enjoyment of adjacent lands owned by Grantor.

Grantor hereby expressly reserves and shall have the right to use and enjoy the above described premises for itself, its successors and assigns, for any and all purposes.

Grantor shall not be liable for any loss or damage to the pipeline as a result of its use of the premises. Any damage, loss or injury to the pipeline shall not be the responsibility of Grantor, regardless of cause, and Grantees agree to indemnify and hold Grantor harmless from any cost, loss, damage, expense, liability or obligation arising from the maintenance, repair, use or removal of such water line by Grantees or any third party.

In the event Grantees or their heirs, successors or assigns fail to use the pipeline for a period of one year, or in the event the same is abandoned, this easement shall terminate.

IN WITNESS WHEREOF, the parties hereto have caused this easement to be executed the day and year first above written.

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BOISE CASCADE CORPORATION

BY Joseph S. McLean
Vice President

ATTEST:

Mina
Assistant Secretary

Joseph Henry O'Neal
JOSEPH HENRY O'NEAL

Julia Aileen O'Neal
JULIA AILEEN O'NEAL

STATE OF IDAHO)
) ss.
County of Ada)

On this 18th day of March, 1974, personally appeared
JOHN D. [unclear], who, being sworn, stated that
he is the Vice President of grantor corporation and that the
seal affixed hereto is its seal and that this deed was volun-
tarily signed and sealed in behalf of the corporation by authority
of its board of directors. Before me:

[Signature]
Notary Public for Idaho
My Commission Expires: 8-12-77

STATE OF OREGON)
) ss.
County of Deschutes)

On this 21 day of March, 1974, personally appeared the
above named Joseph Henry O'Neal and Julia Aleen O'Neal and
acknowledged the foregoing instrument to be their voluntary act.
Before me:

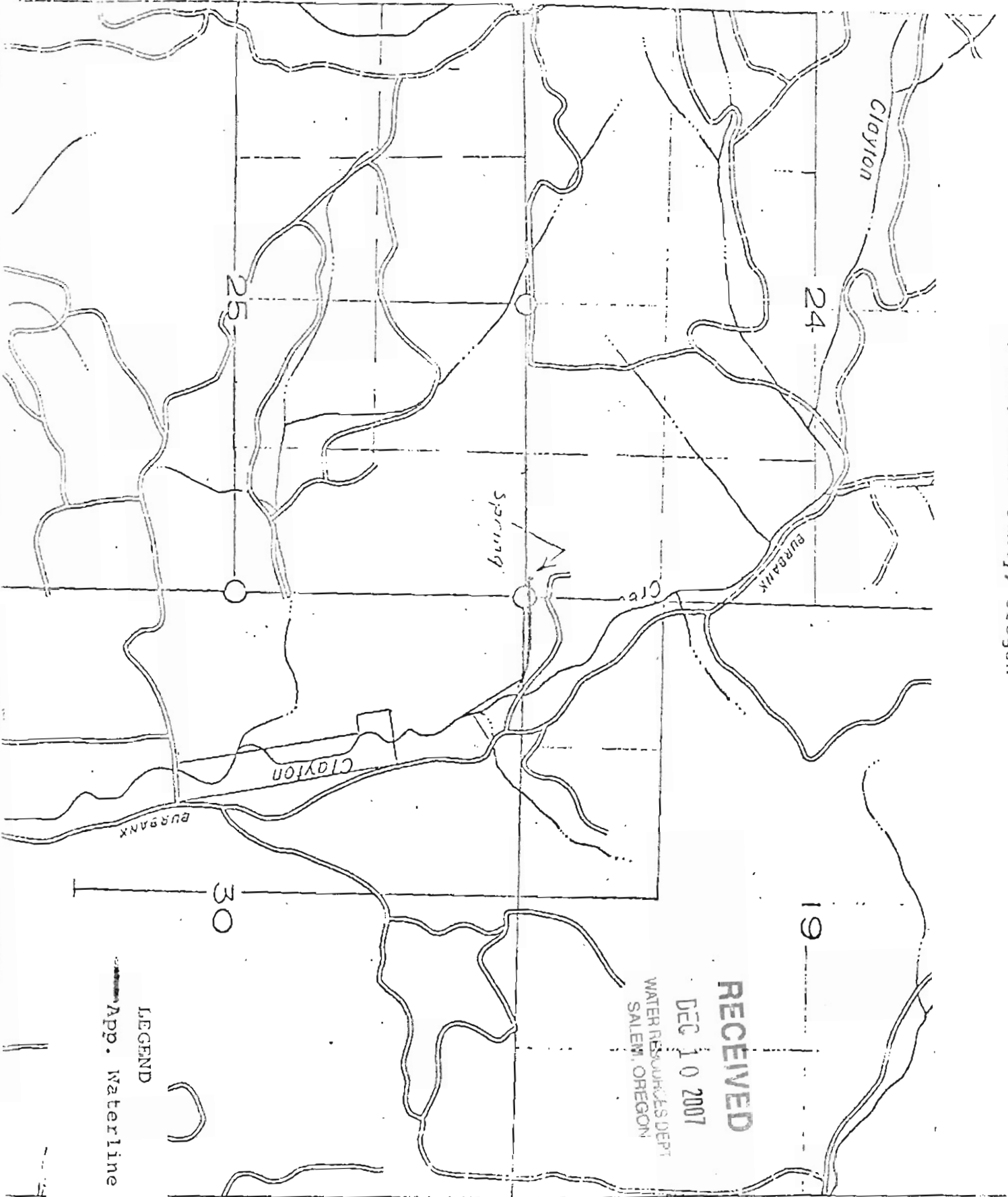
[Signature]
Notary Public for Oregon
My Commission Expires: Aug 16, 1975

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Section 24, T9S, R7W and the SW1/4 of Section 19,
T9S, R6W, Polk County, Oregon



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LEGEND

App. Waterline Location

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IMPORTANT
This Map for Assessment
and Taxation Purposes
ONLY

S

See Map 9.6.19

24 19

25 30300

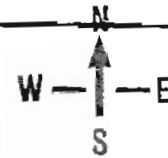
207.57 AC.



302
.71 AC.

LOT 46.54 AC.

McBeth Property



AmeriTitle
320 Church St. N.E.
Salem, OR 97301
581-1431

THIS MAP IS PROVIDED SOLELY FOR
THE PURPOSE OF ASSISTING IN THE
LOCATION OF THE PROPERTY. THE
COMPANY ASSUMES NO LIABILITY FOR
VARIATIONS, IF ANY, IN DIMENSIONS
OR ACTIONS ASCERTAINED BY AN
ACTUAL SURVEY.

ORDER NO. 18724P
96-30-200
-302

301
5.66 AC.

LOT 46.84 AC.

303
14.51 AC.

ADONIS 583057

B386P0212

99 SEP -7 PM 3:06

McBeth Property

Exhibit 'A'

Beginning at a point 793.0 feet East from the Northwest corner of Section 30, in Township 9 South, Range 6 West of the Willamette Meridian in Polk County, Oregon; and running thence East 469.0 feet to a point in the County Road; thence South 182.0 feet; thence South 60° West 250.0 feet; thence North 39°26' West 397.5 feet to the place of beginning.

ALSO: Beginning at a point 793.0 feet East from the Northwest corner of Section 30, in Township 9 South, Range 6 West of the Willamette Meridian in Polk County, Oregon, and running thence South 39°26' East 397.5 feet; thence North 60° East 250 feet; thence South 72 feet; thence South 65° West 300 feet; thence North 30° West 452 feet to the place of beginning.

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SALEM, OREGON
2-21-08

Hi Leana,

We received this signed
easement yesterday, so am forwarding
a copy to you. Please let us
know if you need anything else.

Thank you.

Marcia McBeth
503 838-1867

After recording, return to:
Curtis and Marcia McBeth
11545 Burbank Road
Monmouth, Oregon 97361

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WATER RESOURCES DEPT
SALEM, OREGON

EASEMENT

MERIWETHER NORTHWEST OREGON LAND & TIMBER LLC, a Delaware limited liability company, "Grantor" as successor by name change to Boise Northwest Oregon Land & Timber, L.L.C., hereby grants to Curtis McBeth and Marcia J. McBeth, husband and wife, "Grantees," their heirs, successors, and assigns, a perpetual, non-exclusive easement for the purpose of maintaining and repairing an existing underground water pipeline across and through a strip of land, ten feet in width, the "Premises" located in Polk County, Oregon more fully described on the attached Exhibit A

This Easement is granted subject to the following conditions:

1. The true consideration is zero dollars.
2. Grantees agree that the pipeline is to be maintained in such a manner as to not interfere with the use, occupancy, and operations on adjacent and adjoining lands owned by Grantor. The pipeline will be buried not less than three feet below ground surface if the pipeline is replaced during maintenance activities.
3. Grantor expressly reserves, for itself, its successors, and assigns, the right to use the Premises described on Exhibit A for any and all purposes.
4. Grantor shall not be liable for any loss or damage to the said pipeline as a result of Grantor's use of the Premises. Any damage, loss, or injury to the pipeline shall not be the responsibility of Grantor, regardless of cause, and Grantees will indemnify and hold harmless Grantor, its successors and assigns, from and against any and all cost, loss, damage, expense, liability, or obligation arising from the maintenance, repair, use, or removal of such water pipeline by Grantees or any third party. It is the intent of this paragraph and this Easement that should the water pipeline be damaged or destroyed during any road construction, timber harvest, or any other activities conducted by Grantor, its successors, and assigns, that Grantees shall bear all costs of repair or replacement of the said pipeline.
5. Grantor does not make any warranty, expressed or implied, that the water is potable, safe for any purpose, or that there is or will be any certain quantity or quality of water. Grantor shall not be responsible in any manner for any reduction in water quantity or quality.
6. By recording of this instrument, Grantees hereby acknowledge that the Premises described on Exhibit A are located in a forest zone in Polk County, Oregon and subject to customary and ordinary forestry and logging operations. Such operations may include, but are not limited to timber harvest, road construction, reconstruction, and maintenance, slash disposal, tree planting, thinning, spraying, and application of fertilizer, pesticides, and other herbicides. Such operations may create noise, smoke, dust, or other appearance or conditions. Grantees hereby waive all right to object to customary and ordinary forestry and logging operations on the Premises and adjacent or adjoining property.
7. In the event Grantees, their heirs, successors, and assigns fail to use the pipeline for a period of one year, this Easement will terminate and Grantees, their heirs, successors,

and assigns shall remove the said pipeline and all appurtenances and restore the Premises to as good condition as existed prior to use, reasonable wear and tear excepted. In the event of such termination, Grantees will provide Grantor with a quitclaim deed extinguishing all rights within 30 days of termination.

- 8. Grantor reserves all right, title, and interest in and to all trees, standing or down, now or hereafter growing on the Premises and adjacent lands. Grantees will not cut any trees but Grantees may cut and remove brush growing on the Premises. All cut brush will be pulled back onto Grantees' property and not left to create waste, nuisance, or a fire hazard.
- 9. Grantees shall post the right-of-way of the pipeline with inter-visible posts or painted stakes not less than 50 feet apart.
- 10. Grantees shall be responsible for any increase in real or personal property taxes that are assessed as a result of this Easement. Grantor will provide Grantees with verifiable evidence of any such increase and Grantees shall have a period of 30 days to pay Grantor for such taxes.
- 11. Grantees will not allow any liens or claims to be placed against the pipeline and its appurtenances. Nor may Grantees store, use, deposit, or dispose of any hazardous substances or hazardous materials (as defined in any federal, state, or local law, rule, or regulation) on the Premises or elsewhere on Grantor's property.
- 12. This Easement supersedes and replaces in its entirety that certain unrecorded easement dated March 21, 1974 between Boise Cascade Corporation and Joseph Henry O'Neal and Julia Aleen O'Neal, husband and wife, predecessors in interest to Grantees.

Effective February ____, 2008.

MERIWETHER NORTHWEST OREGON LAND & TIMBER LLC

By Matthew Donegan
Managing Director

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ACKNOWLEDGMENT

State of Oregon)
) ss
County of Multnomah)

On February 11, 2008, before me personally appeared Matthew W. Donegan, known to me to be the Managing Director of Meriwether Northwest Oregon Land & Timber LLC, a Delaware limited liability company, who did acknowledge this instrument to be executed by its authority and to be his voluntary act and deed.

Celeste E Williams
Notary Public for Oregon

My commission expires March 2, 2010

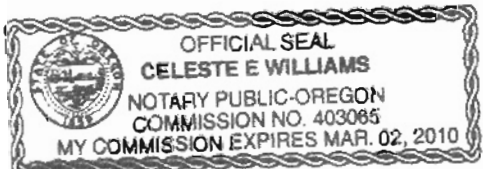


EXHIBIT A

Description of a 10 foot wide strip of land for a water pipeline located in Polk County, Oregon more particularly described as follows:

Beginning at a spring located in the SE1/4SE1/4 of Section 24, Township 9 South, Range 7 West, said spring being approximately 10 feet north and 100 feet west of the section corner common to Sections 24 and 25, Township 9 South, Range 7 West, and Sections 19 and 30, Township 9 South, Range 6 West, Willamette Meridian, Polk County, Oregon; thence in an easterly and southerly direction across the SE1/4SE1/4 of said Section 24 and across the SW1/4SW1/4 of said Section 19 to a point approximately 840 feet east of the previously described section corner where at said point the pipeline leave the SW1/4SW1/4 of Section 19 as shown on the attached map marked Exhibit B.

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RECEIVED EXHIBIT B

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WATER RESOURCES DEPT
SALEM, OREGON

24

19

Clayton Creek

Burbank Road

Spring

Easement

30

25

Page 4

Forest Capital Partners, LLC
450 Pacific Avenue N.
Monmouth, Oregon 97361

*Mike,
This one's for you.
Thanks Bill*



FACSIMILE COVER SHEET

Date 11/28/2007 Number of Pages Including Cover 3
To Bill Jerber Telephone 986-0893 Fax 986-0963
From: Janet Runkle Telephone (503) 838-6938 Fax (503) 838-6907
Re: Illegal Water Intake

Bill:

The map probably won't show very well but the system seems to be very close to the line between Sections 19 and 30 in Township 9 South, Range 6 West, almost at the corner common with Sections 24 and 25 in Township 9 South, Range 7 West.

I could not find anything in the online records at water resources. Do you have any record for this?

Thank you! jr

957W24

Janet Runkle



November 28, 2007

VIA CERTIFIED MAIL

Curtis and Marcia McBeth
11545 Burbank Road
Monmouth, Oregon 97361

Re: Water System Located in Township 9 South, Range 6 West, Sections 19 and 30

Enclosed is a copy of a map showing the location of a domestic water system on property belonging to Meriwether Northwest Oregon Land & Timber LLC. The subject property is managed by Forest Capital Partners, LLC for forestry and logging purposes.

Review by a Company employee recently disclosed what appears to be a water system with a water intake, a 500 gallon+/- tank, and water pipeline on the Meriwether property. The marked pipeline route suggests the water is being sent to your residence at 11545 Burbank Road. The deed and easement records on hand at this office do not indicate that you have any agreement, permit, lease, easement, or license to use the Meriwether property. Nor do the public records show that you have a registered water right or any authority to take water from any stream, creek, spring, or river on the Meriwether property.

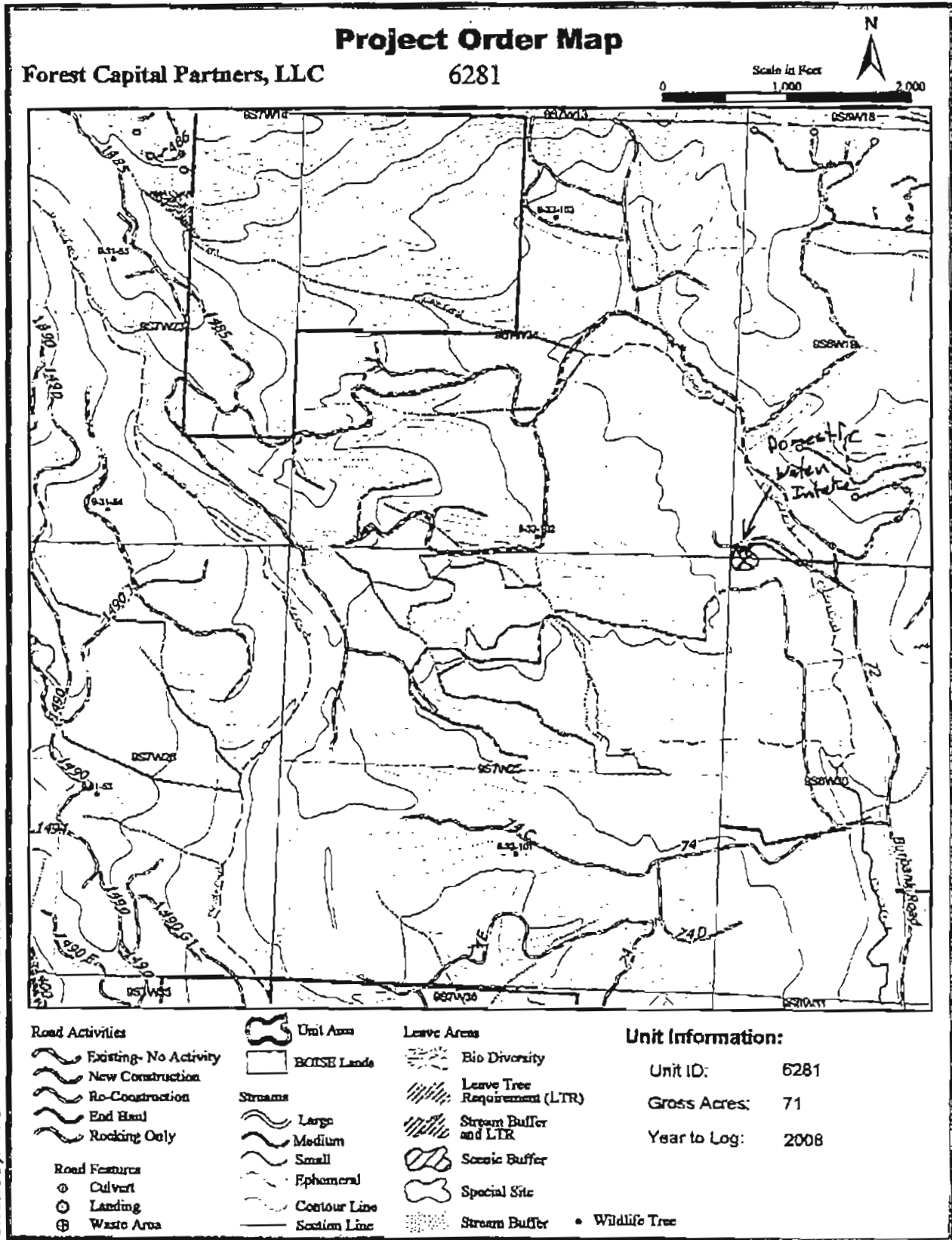
I am therefore writing to inquire if you have any knowledge about the water system or have any written agreement with the previous owner, Boise Cascade Corporation, which allowed use of the property. Absent any agreement, it will be necessary to remove the water system within 30 days from the date of this letter.

Please call me at 503-838-6938 if you have any questions.

A handwritten signature in cursive script that reads "Janet Runkle".

Janet Runkle
Land Use Specialist

c Seth Sanders
Bill Ferber via facsimile only



Road Activities

- Existing- No Activity
- New Construction
- Re-Construction
- End Head
- Rocking Only

Road Features

- Culvert
- Landing
- Waste Area

Unit Area

- BOISE Lands

Streams

- Large
- Medium
- Small
- Ephemeral
- Contour Line
- Section Line

Leave Areas

- Bio Diversity
- Leave Tree Requirement (LTR)
- Stream Buffer and LTR
- Sensitive Buffer
- Special Site
- Stream Buffer

Unit Information:

Unit ID: 6281

Gross Acres: 71

Year to Log: 2008

- Wildlife Tree

Created by: SDS:Printed: 12/8/2004 12:59:50 PM

Forest Capital Partners, LLC does not warrant the accuracy or completeness of this product. The reader is responsible for correct use and interpretation.