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ALEX M. BYLER, DECEASED

October 3, 2008

Oregon Water Resources Dept. 725  
Summer Street NE, Suite A  
Salem, OR 97301-1271

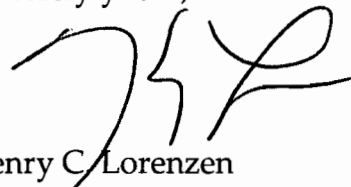
Re: Ground Water Application;  
Mary M. Koch c/o Joe Talbot

Dear Sir or Madame:

Enclosed is a ground water application and required enclosures for our clients, Mary M. Kock and Joe Talbot. Also enclosed is a check in the amount of \$1,600.00 for fees.

Please begin processing the application at your earliest convenience. If you need any additional information please do not hesitate to contact me. Thank you.

Sincerely yours,



Henry C. Lorenzen

HCR:dh

encl.

cc: Joe Talbot

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WATER RESOURCES DEPT  
SALEM, OREGON



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

# Application for a Permit to 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).

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## 1. APPLICANT INFORMATION

### A. Individuals

Applicant: Mary M. Koch c/o Joe Talbot  
First Last

Mailing Address: 714 NW Despain

Pendleton OR 97801  
City State Zip

Phone: 541-443-2163  
Home Work Other

\*Fax: \_\_\_\_\_ \*Email 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 or Organization: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone : \_\_\_\_\_  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

*\*Optional*

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



**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)
1	Basalt	Irrigation	2,805	488,776,500	Unknown

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 6.25 cfs  
 (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 31  
 (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, indicate the total number of acres where water will be applied or used: 500 Ac.  
 (This number should be consistent with your application map.)

**5. WATER MANAGEMENT**

**A. Diversion**

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

- Pump (give horsepower and pump type): 200 hp Turbine
- other means (describe): \_\_\_\_\_

**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 8"-12" Mainline Length 1,980' from well to middle C/P  
8,600' pipe connecting C/P's  
 other, describe: \_\_\_\_\_

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Well

Completion Date: W/I one year of receiving permit

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
		WELL NOT CONSTRUCTED YET							

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.

Proposed total depth: 1000 feet      Depth of casing & seal: 60'

Anticipated perforation and open intervals: none

C. Artesian Flows

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

#### 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**

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**C. Application/Distribution Method**

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

4 Valmont center pivots

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

- 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.

Will use the latest technology in spray nozzels. Will irrigate during times of minimum evaporation.

**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: Upon receipt of a permit

Proposed date construction will be completed: March 1st following receipt of permit

Proposed date beneficial water use will begin: March 1st 2 years from receipt of permit

**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.

Please provide copies of all documents to:  
 Henry Lorenzen, CWRE  
 P.O. Box 218  
 Pendleton, OR 97801

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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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

*Mary M. Koch*

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

*10-2-08*

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

WRD on the web:

[www.wrd.state.or.us](http://www.wrd.state.or.us)

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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: Joe Talbot
Mailing Address: 714 NW Despain
City: Pendleton State: OR Zip: 97801 Day Phone: 541-443-2163

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, 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. Umatilla

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 6.25 [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: 1 Well will supply four center pivots.

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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## 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): 152.056
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)  
If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

\_\_\_\_\_

\_\_\_\_\_

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\_\_\_\_\_

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\_\_\_\_\_

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SALEM, OREGON**

\_\_\_\_\_

Name: Richard Jennings Title: Sr. Planner  
 Signature: [Signature] Phone: 278-6249 Date: 9-18-08  
 Government Entity: Umatilla 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: \_\_\_\_\_



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: 500 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. Wheat [X] Full season [ ] Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
2. Hay [X] 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:

1,500 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?

- [X] Daily during daytime hours [X] 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
[X] Other, explain: Depends on the crop

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2004-4740359 2 of 2

AFTER RECORDING RETURN TO:  
MAUTZ BAUM & O'HANLON LLP  
PO BOX 628  
PENDLETON OR 97801

State of Oregon        )  
County of Umatilla    )

This instrument was received  
and recorded on

12-21-04 at 9:52

in the record of instrument  
code type DE-DC

Instrument Number 2004-4740359  
Fee 31.00

Office of County Records

  
Records Officer

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SALEM, OREGON

HOEFT RANCHES, INC., an Oregon corporation, hereinafter called Grantor, conveys to RICHARD A. KOCH and MARY M. KOCH, husband and wife, hereinafter called Grantees, all that real property situated in Umatilla County, State of Oregon, described as:

TRACT I:TOWNSHIP 1 NORTH, RANGE 32, E. W. M.

Section 15: All that portion of the South Half of the Northwest Quarter, and all that portion of the Southwest Quarter, lying and being West of the Oregon-Washington Railroad & Navigation Company's right of way.

EXCEPTING THEREFROM the following described tract:

Commencing at the Northwest corner of said Section 15; thence South 40° 30' East a distance of 2030 feet to a point on the Westerly right of way line of County Road No. 746, said road also being known as the Birch Creek Road, said point also being the TRUE POINT OF BEGINNING FOR THIS DESCRIPTION; thence South 15° 30' East along the Westerly right of way line of said road a distance of 147 feet to a point; thence South 9° 30' East along the Westerly right of way line of said road a distance of 220 feet; thence continuing Southeasterly along said Westerly right of way line of said road a distance of 1252.26 feet to a point, said point being the Southeast corner of that tract of land described in Land Sale Contract to Clifford P. Judy, et ux, recorded in Book 293, Page 438, Deed Records; thence Westerly at right angles a distance of 208.71 feet to the Southwest corner of the said Judy tract; thence Northwesterly along the Westerly line of the said Judy Tract and parallel to the Westerly right of way line of said Road a distance of 1200 feet, more or less, to the most Southerly corner of that tract of land conveyed to William B. Matthews, et ux, by Deed recorded in Book 314, Page 19, Deed Records; thence Northwesterly along the Westerly line of the said Matthews Tract to a point on the East-West centerline of the Northwest Quarter of said Section 15, said point also being the Southwest corner of that tract of land conveyed to Richard G. Williamson, et ux, by Deed recorded in Book 257, Page 595, Deed Records; thence East along the East-West centerline of the Northwest Quarter to a point on the Westerly right of way line of the said County Road; thence Southeasterly along said County Road to the TRUE POINT OF BEGINNING;

Section 16: All that portion of the South Half of the Northeast Quarter, and all that portion of the Southeast Quarter, lying Easterly of County Road running through said Section.

All that portion of said Section 16, lying and being Westerly of the County Road running through said Section.

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BOOK 329 PAGE 17

TRACT I: TOWNSHIP 1 NORTH, RANGE 32, E. W. M. (continued)

Section 17: All that portion of the East Half lying and being South and East of the County Road running through said Section; EXCEPTING THEREFROM that portion of the South Half of Southeast Quarter lying West of the County Road running through said Section.

Section 21: East Half of East Half,  
Northwest Quarter of Northeast Quarter,  
Northwest Quarter.

Section 22: All that portion of the West Half, lying and being Westerly of the Oregon-Washington Railroad & Navigation Company's right of way.

Section 27: All that portion of the West Half, lying and being Westerly of the Oregon-Washington Railroad & Navigation Company's right of way.

Section 28: All.

Section 29: All.

Section 31: North Half of Southeast Quarter,  
East Half of Southwest Quarter.

Section 32: North Half.

Section 33: North Half.

Section 34: All that portion of Northwest Quarter lying and being Westerly of the Oregon-Washington Railroad & Navigation Company's right of way;

EXCEPTING THEREFROM that tract of land conveyed to the Pendleton Grain Growers, Inc., by Deed recorded in Book 167, Page 332, Deed Records, and being described as follow, to-wit:

Beginning at a point where the West right of way line of the O. W. R. & N. Railroad intersects the South line of the County Road running East and West between Section 27 and 34; thence running along the West line of said Railroad right of way in a Southerly direction a distance of 382.6 feet; thence Westerly at right angles a distance of 70 feet; thence Northerly at right angles to the South line of said County Road; thence Easterly along the South line of said County Road to the place of beginning.

TOWNSHIP 1 SOUTH, RANGE 32, E. W. M.

Section 6: Northeast Quarter of Northwest Quarter,  
North Half of Southeast Quarter of Northwest Quarter,  
South Half of Northeast Quarter.

EXCEPTING any and all water rights of way and roads.

TRACT II:

TOWNSHIP 1 NORTH, RANGE 31, E. W. M.

Section 25: Northwest Quarter.

Section 26: North Half of North Half.

Section 32: Northeast Quarter,  
North Half of South Half.

2. Warranty Deed

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Section 33: North Half,  
Southeast Quarter, EXCEPTING THEREFROM, beginning  
at a point 31 rods North of the Southwest corner of  
the Southeast Quarter at a point on the West line of  
a public road crossing said Quarter section; thence  
North 129 rods to a point on the North Line of said  
Quarter section; thence at right angles East along  
said North line of said Quarter section 46 rods to a  
point on the West line of said public road crossing  
said Quarter Section; thence in a Southwesterly  
direction along the West line of said public road  
to the point of beginning;

Section 34: West Half,  
Southeast Quarter.

TOWNSHIP 1 SOUTH, RANGE 31, E. W. M.

Section 3: North Half.

Section 4: East Half.

EXCEPTING any and all water rights of way and roads.

TRACT III:

TOWNSHIP 1 NORTH, RANGE 31, E. W. M.

Section 2: Northeast Quarter.

TOWNSHIP 2 NORTH, RANGE 31, E. W. M.

Section 35: Southeast Quarter.

Section 36: East Half of East Half, and  
Southwest Quarter of Southeast Quarter, and  
South Half of Southwest Quarter, and

All that part of the North Half of Southwest  
Quarter, and the Northwest Quarter of the  
Southeast Quarter described as follows, to-wit:

Commencing at the Northwest corner of the Southwest Quarter of  
Section 36; thence along the North line of said Southwest Quarter  
of said Section 36 of said Township and Range; North 88° 34' East  
432 feet; thence South 1° 5' East 224 feet; thence South 83° 47'  
East 381 feet; thence South 36° 28' East 235 feet; thence South 64°  
2' East 465 feet; thence South 77° 58' East 248.5 feet; thence  
South 59° 59' East 201.5 feet; thence North 76° 41' East 336 feet;  
thence North 59° 20' East 223 feet; thence North 74° 26' East 167.5  
feet; thence South 89° 26-1/2' East 331 feet; thence South 66° 18'  
East 218.5 feet; thence South 35° 52' East 114 feet; thence South  
60° 27-1/2' East 256.5 feet; thence South 78° 55' East 543 feet;  
thence South 61° 28' East 64 feet to the East line of the said  
Northwest Quarter of the Southeast Quarter of said Section 36;  
thence South 0° 50' East along the said line 275 feet to the South-  
east corner of the said Northwest Quarter of the Southeast Quarter  
of said Section 36; thence South 89° 17' West along the South line  
of the North Half of the South Half of said Section 36; to the  
Southwest corner of the Northwest Quarter of the Southwest Quarter  
of said Section 36; thence North 0° 07' West 1304 feet along the  
West side of said Section 36 to the place of beginning.

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TOWNSHIP 2 NORTH, RANGE 32, E. W.M.

Section 30: Southwest Quarter of Northwest Quarter, and West Half of Southwest Quarter.

Section 31: Northwest Quarter.

All being East of the Willamette Meridian, in the County of Umatilla and State of Oregon;

EXCEPTING any and all water rights of way and roads.

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Grantor covenants that Grantor is the owner of the above-described property, free of all encumbrances except:

(1) 1969-1973 real property taxes and interest on delinquent taxes, the total of which on April 1, 1973, equalled \$45,579.81, which Grantees agree to assume and pay. *J.H. 622 PK.*

(3) As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.

(4) An Easement, including the terms and provisions thereof, dated October 22, 1945, recorded October 26, 1945, in Book 170, page 424, in favor of Pacific Power & Light Co., a corporation. (Affects Section 15, Township 1 North, Range 32.)

(5) An Easement, including the terms and provisions thereof, dated February 11, 1947, recorded July 24, 1947 in Book 180, page 542, Deed Records, in favor of Pacific Power & Light Co., a corporation. (Affects Section 28 and 29, Township 1 North, Range 32 and other lands immaterial hereto.)

(6) An Easement, including the terms and provisions thereof, dated July 20, 1955, recorded August 22, 1955 in Book 227, page 489, Deed Records,

4. Warranty Deed

in favor of Pacific Power & Light Co., a corporation. (Affects Section 27, Township 1 North, Range 32.)

(7) An Easement, including the terms and provisions thereof, dated May 22, 1956, recorded July 25, 1956 in Book 236, page 67, Deed Records, in favor of Cascade Natural Gas Corporation. (Affects Section 17, 29, and 32, Township 1 North, Range 32.)

(8) An Easement, including the terms and provisions thereof, dated June 8, 1961, recorded August 30, 1961 in Book 264, page 465, Deed Records, in favor of Pacific Power & Light Co., a corporation. (Affects Sections 17 and 29, Township 1 North, Range 32.)

(9) An Easement, including the terms and provisions thereof, dated June 30, 1961, recorded August 30, 1961, in Book 264, page 467, Deed Records, in favor of Pacific Power & Light Co., a corporation. (Affects Section 17, Township 1 North, Range 32.)

(10) An Easement, including the terms and provisions thereof, dated March 27, 1961, recorded December 5, 1961, in Book 265, page 656, Deed Records, in favor of Cascade Natural Gas Corporation. (Affects Section 15 and 16, Township 1 North, Range 32.)

(11) Mortgage (and the promissory note which is secured), including the terms and provisions thereof, given by Hoeft Ranches, Inc.; Edwin Hoeft and Doris Ellen Hoeft, husband and wife; Ronald F. Hoeft and June A. Hoeft, husband and wife; Robert Hoeft and Lonnie Hoeft, husband and wife; Franklin Hoeft and Sandra Hoeft, husband and wife; and Charles Hoeft and Laquitta Hoeft, husband and wife, to the Federal Land Bank of Spokane, a corporation, dated January 7, 1965, recorded January 13, 1965, in Book 217, page 664, Mortgage Records, This note and mortgage are loan number 121531 of the Federal Land Bank. The balance of principal existing on April 1, 1973, is

5. Warranty Deed

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SALEM, OREGON**

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\$396,610.49, together with interest owing from November 1, 1972 at the rate of 5 1/2 % per annum. The principal balance and interest are payable in 28 annual installments of \$29,387.98, the first of such installments to be paid on November 1, 1973.

(12) Mortgage, including the terms and provisions thereof, given by Hoeft Ranches, Incorporated, an Oregon corporation, to the Oregon Bank, an Oregon corporation, dated March 18, 1969, recorded March 19, 1969, in Book 232, page 450, Mortgage Records, given to secure the payment of a note for \$103,000.00. This is loan number 64 at the Oregon Bank, and the present principal balance owing upon said loan is the sum of \$80,000, together with interest from August 24, 1972 to April 1, 1973, at the rate of 8% per annum. This note is now overdue and the entire balance of both principal and interest is fully due and owing.

(13) Security agreement, including the terms and provisions thereof, given by Hoeft Ranches, Incorporated, an Oregon corporation, to the Oregon Bank, an Oregon corporation, evidenced of which has been given by various financing statements hereafter described. The security agreement was given to secure the payment of a note for \$77,748.05. The present principal balance as of April 1, 1973, owing upon said note is the sum of \$66,494.07, together with interest thereon at the rate of 9% per annum from August 24, 1972, to April 1, 1973. This is loan number 4950 at the Oregon Bank, and is presently overdue and the total amount of principal and interest is now due and payable.

(14) Financing statement, including the terms and provisions thereof, between Hoeft Ranches, Inc., and the Oregon Bank, filed for record December 21, 1967, Filing No. F-10848.

(15) Financing statement, including the terms and provisions thereof, between Hoeft Ranches, Inc., and the Oregon Bank, filed for record December 5,

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1968, Filing No. F-12653.

(16) Financing statement, including the terms and provisions thereof, between Hoeft Ranches, Inc., and the Oregon Bank, filed for record December 17, 1969, Filing No. 14837.

(17). Financing Statement, including the terms and provisions thereof, between Hoeft Bros., and Richard A. Koch, Debtors, and Pendleton Production Credit Association, Secured Party, filed for record May 14, 1973, Filing No. L-22129. (Said financing statement covers same lands as shown herein.

(18) Financing statement, including the terms and provisions thereof, between Hoeft Ranches, Inc., Debtor and Pendleton Production Credit Association, Security Party, filed for record May 15, 1973, Filing No. L-22133. Said financing statement covers same lands as shown herein.

Grantor reserves possession of the growing crops and the right of ingress and egress all for the purpose of caring for and harvesting said growing crops. Grantor reserves from the crops so much of the proceeds from the sale thereof as shall exceed \$140,000. Grantees agree to pay Grantor \$10 per acre as compensation for Grantor to care for, spray and harvest said crops. Marketing time for the crops so harvested shall be subject to approval by both parties.

*N. H. E. S. M.*

By their signatures hereunder, Grantees agree to assume, fully pay and perform at the times and in the manners required by the documents constituting the loans, the loan to the Federal Land Bank and the two loans to the Oregon Bank described in the exceptions above. Grantees further agree to hold Grantor harmless from any and all further expenses, obligation or liability in connection with or arising out of said loans.

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In case suit or action is instituted concerning any of the matters contained in this deed, the prevailing party shall be entitled to recover, as a part of his costs, such attorney fees as the court shall deem reasonable at trial and also upon appeal.

The true and actual consideration for this transfer is \$670,750.00.

DATED this 1st day of April, 1973.

GRANTOR:

Hoelt Ranches, Inc.

By Edwin Hoelt  
President

By Doris Hoelt  
Secretary

GRANTEES:

Richard A. Koch  
Richard A. Koch

Mary M. Koch  
Mary M. Koch

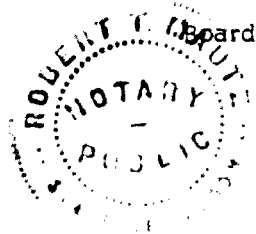
STATE OF OREGON ]  
] ss.  
COUNTY OF UMATILLA ]

May 19, 1973.

Personally appeared Edwin Hoelt and Doris Hoelt

who, being sworn, stated that they are the President and Secretary of grantor corporation and that the seal affixed hereto is its seal and that this deed was voluntarily signed and sealed in behalf of the corporation by authority of its

Board of Directors. Before me:



Robert T. Maults  
Notary Public for Oregon

My commission expires: 12-18-73

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SALEM, OREGON


STATE OF OREGON        ]  
                                  ] ss.  
COUNTY OF UMATILLA ]

          May 21          , 1973.

Personally appeared the above-named Richard A. Koch and Mary M. Koch,  
husband and wife, and acknowledged the foregoing instrument to be their vol-  
untary act.

Before me:

Raymond T. Davis  
Notary Public for Oregon  
My commission expires: Nov 15 1976



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INDEXED ✓  
FILED ✓  
RECORDED

14042-5

CUNHA & MAUTZ  
ATTORNEYS AT LAW  
RENOLETON, OREGON

STATE OF OREGON, }  
COUNTY OF UMATILLA, } ss

I, Jessie M. Bell, County Clerk, certify that  
this instrument was received and recorded  
ON MAY 22, 1973

at 11:22 o'clock A.M. in the record  
of DEPT of said County in

Book Page  
329 17

JESSIE M. BELL  
County Clerk

By Betty Brown Deputy  
Fees \$18 No. 349233

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SALEM, OREGON

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UNITED FARM INSURANCE COMPANY