



**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

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WATER RESOURCES DEPT  
SALEM, OREGON

### A. Individuals

Applicant: \_\_\_\_\_  
First Last

Mailing address: \_\_\_\_\_

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

Phone: \_\_\_\_\_  
Home Work Other

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

### B. Organizations

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

Name of organization: WIPJR1 LLC

Name and title of person applying: Ken Johnston *MANAGER / AGENT OR REPRESENTATIVE OF OWNER*

Mailing address of organization: 1410 Lakeside Court Suite 109

\_\_\_\_\_  
Yakima WA 98902  
 City State Zip

Phone: 503-507-8414 503-873-0949  
Day Evening

\*Fax: 503-873-5257 \*E-Mail address: ken@12thandmaplewineco.com

\* 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): 3

Name of nearest surface water body: Simpson Creek

Distance from well(s) to nearest stream or lake: 1) 0.71 miles

2) 0.10 miles 3) 0.37 miles 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 5

2) 20 3) 90 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: Westerberg Well Drilling

Address: 36720 S. Kropf Road Molalla, OR 97038

Completion date: pending results, but hopefully approximately June 1st, 2008

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"	8-10" Steel	130'	TBD	100'	113'	132'	per OAR's	350-400'
2	10"	8-10" Steel	130'	TBD	100'	113'	132'	per OAR's	350-400'
3	10"	8-10" Steel	130'	TBD	100'	113'	132'	per OAR's	350-400'

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:

not anticipated

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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)
1-3	Basalt	Irrigation of Grapes	350 gpm	45.6 Million	350 gpm

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 0.78 cfs (350gpm)  
(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: 3/1 to 10/31  
(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, please give the total number of acres where water will be applied or used: 140  
(This number should be consistent with your application map.)

5. WATER MANAGEMENT

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**A. Diversion**

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

Pump (give horsepower and pump type): TBD

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 TBD Length TBD

Other (describe) \_\_\_\_\_

**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? Electric pumps and Drip Irrigation

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

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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.

We will use drip irrigation to apply water to the vines only where needed, and as efficiently as possible. We have onsite weather stations to help us calculate daily ET rates and measure soil moisture, and use instruments to measure leaf water potential during the growing season, in order to apply our deficit irrigation regime.

**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: 5/1/08

Proposed date construction will be completed: 6/1/08

Proposed date beneficial water use will begin: 8/1/08

**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.*

Our irrigation infrastructure design takes account of our ability to rotate our irrigation in blocks, and not an attempt to irrigate all 140 acres simultaneously. This allows our extraction rate to be as low as possible. The most important use of the water is in the development stage of the young vines, the first 3-4 years.

The nearest surface body of water is Simpson Creek, there is also a unnamed man-made pond. The line indicating a surface flow through our field is not correct, as seen from the aerial photo included that area is farmed.

**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.

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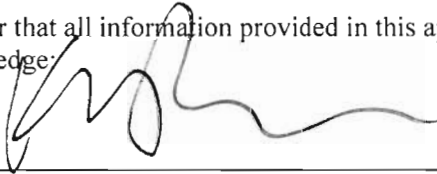
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**9. SIGNATURE**

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:



2/22/08

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

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.



# Oregon

Theodore R. Kulongoski, Governor

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WATER RESOURCES DEPT  
SALEM, OREGON

**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

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: Ken Johnston for WIPJRI LLC
Mailing Address: 1410 Lakeside Court Suite 109
City: Yakima State: WA Zip: 98902 Day Phone: 503-507-8414

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, 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: (Agriculture). Rows include tax lots 00300 and 00301 in EFU plan designations.

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

B. Description of Proposed Use

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

- 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, Ground Water, Surface Water (name)

Estimated quantity of water needed: 350 cubic feet per second, gallons per minute, acre-feet

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

Briefly describe: Land owner will be using drip irrigation to water a vineyard.

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): Chapter 136. MCRZO
  
- 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:	
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
	<b>FEB 27 2008</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued <input type="checkbox"/> Not being pursued
	<b>WATER RESOURCES DEPT SALEM, OREGON</b>	<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.

Property is in or adjacent to the Slauton-Sublimity GLA and Marion County Sensitive Groundwater Overlay Zone

Name: LISA MILLIMAN Title: ASSOC. PLANNER  
 Signature: Lisa Milliman Phone: 5035885088 Date: 2-25-08  
 Government Entity: Marion County Planning Division

**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

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SALEM, OREGON

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:            140            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. Grapes                                       Full season     Partial season (from: 3/31 to 10/31 )
- 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:

1.0                                      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?

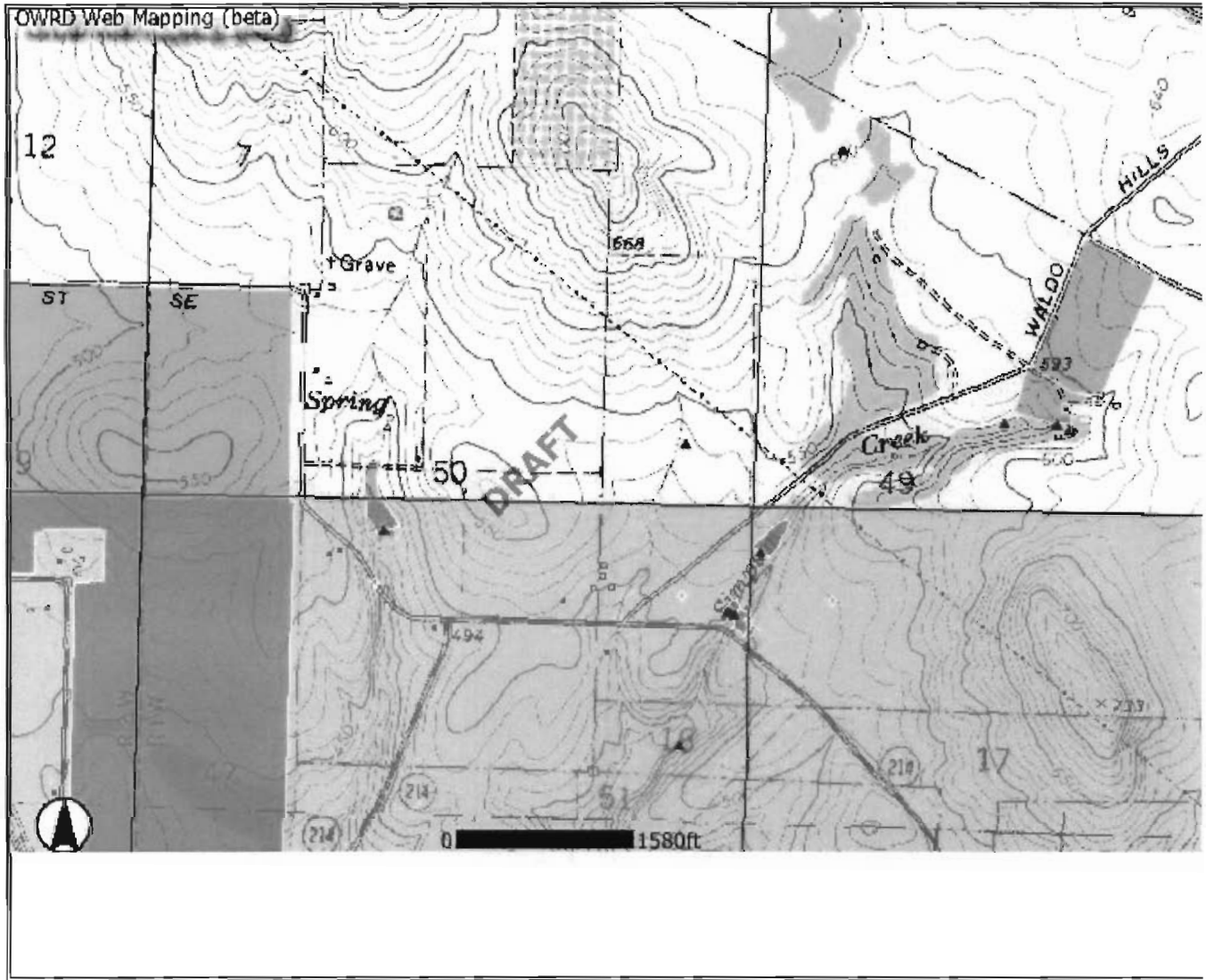
- Daily during daytime hours                       Daily during nighttime hours
- Two or three times weekly during daytime                       Two or three times weekly during nighttime
- Weekly, during daytime hours                       Weekly, during nighttime hours

Other, explain: Irrigation timers and electric valves will allow us to water 3-4 days a week, night and day



AERIAL PHOTO SHOWING ACREAGE BEING FARMED  
AND NO WATER RUNNING THROUGH PROPERTY

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**Fidelity National Title Company of Oregon**  
1220 20th Street S.E. Suite 150 • Salem, OR 97302  
(503) 370-9119 • FAX (503) 399-9309

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SALEM, OREGON

June 18, 2007

Prudential Real Estate Professional  
Attn: Benjamin Johnston  
c/o Benjamin Johnston  
1220 20th St. SE.  
Salem, OR 97302

Order No.: 02-201233-22

We have enclosed 1 copy(s) of the Preliminary Report for our Order Number **02-201233-22**.  
Please call us immediately if you have any questions or concerns.

Fidelity National Title Company



**Fidelity National Title Company of Oregon**

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WATER RESOURCES DEPT  
SALEM, OREGON

## **PRELIMINARY REPORT**

*In response to the application for a policy of title insurance referenced herein, **Fidelity National Title Company** reports that it is prepared to issue, or cause to be issued, as of the specified date, a Policy or Policies of Title Insurance describing the land and the estate or interest described, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as an Exception below or not excluded from coverage pursuant to the printed Schedules, Conditions and Stipulations of the Policy forms.*

*The printed Exceptions and Exclusions from the coverage of said Policy or Policies are set forth in Exhibit A attached. Copies of the Policy forms should be read. They are available from the office which issued this report.*

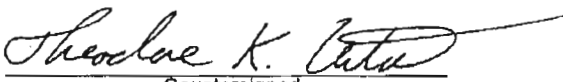
*This report (and any supplements or amendments) is issued solely for the purpose of facilitating the issuance of a policy of title insurance and no liability is assumed.*

*The Policy(s) of title insurance to be issued hereunder will be policy(s) of Fidelity National Title Insurance Company, a California corporation.*

*Please read the exceptions shown or referred to below and the exceptions and exclusions set forth in Exhibit A of this report carefully. The exceptions and exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy and should be carefully considered.*

*It is important to note that this preliminary report is not a written representation as to the condition of title and may not list all liens, defects and encumbrances affecting title to the land.*

*This report is for the exclusive use of the parties to the contemplated transaction, and the company does not have any liability to any third parties nor any liability until the full premium is paid and a policy is issued. Until all necessary documents are placed of record, the company reserves the right to amend or supplement this preliminary report.*

  
Countersigned



**Fidelity National Title Company of Oregon**

1220 20th Street S.E. Suite 150 • Salem, OR 97302  
(503) 370-9119 • FAX (503) 399-9309

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**PRELIMINARY REPORT**

ESCROW OFFICER: Jessica Mary  
TITLE OFFICER: Patty Smith

ORDER NO.: 02-201233-22- B  
**Amended**

TO: Prudential Real Estate Professional  
ATTN: Benjamin Johnston  
1220 20th St. SE.  
Salem, OR 97302

OWNER/SELLER: John A. Remlinger & Julie C. Remlinger  
BUYER/BORROWER: Winemakers, LLC

PROPERTY ADDRESS: P.P. 2003-010 Parcel FR 1 (R28327), Aumsville, OR 97325

EFFECTIVE DATE: **June 14, 2007, 08:00 A.M.**

1. The policy and endorsements to be issued and the related charges are:

	<u>AMOUNT</u>	<u>PREMIUM</u>
Owner's Standard	1,250,000.00	2,475.00
Government Service Charge		50.00

2. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

3. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS **VESTED IN:**

John A. Remlinger and Julie C. Remlinger, as tenants by the entirety

4. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE COUNTY OF MARION, STATE OF OREGON, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

PS\PS 06/18/2007

**EXHIBIT "ONE"**

Parcel 1, Partition Plat No. 2003-10, recorded March 17, 2004 in Reel 2081, Page 213, Microfilm Records, Marion County, Oregon.

SAVE AND EXCEPT: Beginning at a point in the center of Market Road No. 23 on the East boundary of the Donation Land Claim of Gilliam H. Walker and wife in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, 1322.50 feet North of the Southeast corner of said claim; thence running West 530 feet; thence North 250 feet; thence East 530 feet to the East line of said Claim; thence South 250 feet to the place of beginning.

TOGETHER WITH: that portion of Parcel 1, Partition Plat No. 2003-10, described as follows: Beginning at the most southerly southwest corner of said Parcel 1, and running thence East 1176.14 feet, more or less, to a point that is 1322.50 feet North and 530 feet West of the southeast corner of the Gilliam H. Walker Donation Land Claim in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 250.00 feet; thence East 530 feet to the east line of said claim; thence South along the east line of said Walker Donation Land Claim 250.00 feet; thence west 530 feet to the point of beginning.

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**FEB 27 2008**

Order No. 02-201233-22

WATER RESOURCES DEPT  
SALEM, OREGON

**AS OF THE DATE OF THIS REPORT, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN THE POLICY FORM WOULD BE AS FOLLOWS:**

**GENERAL EXCEPTIONS:**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records, proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession.
3. Easements, or claims of easements or encumbrances, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.
5. Any statutory liens for labor or material, including liens for contributions due to the State of Oregon for unemployment compensation and for worker's compensation, which have now gained or may gain priority over the lien of the insured deed of trust, which liens do not now appear of record.

**SPECIFIC ITEMS AND EXCEPTIONS:**

6. **The herein described property has been classified for farm use, as disclosed by the tax roll. In the event of disqualification, said property may be subject to additional taxes and/or penalties.**
7. **No search has been made for financing statements filed in the office of the Secretary of State, or in any county other than the county in which the herein described land is located. No liability is assumed for any financing statement filed in the office of the County Clerk (Recorder) covering timber, crops, fixtures or contracts affecting said land if said land is not described by metes and bounds, recorded lot and block or under the rectangular survey system.**
8. **No search has been made for financing statements which are filed with the Secretary of State, and any matters which would otherwise be disclosed are expressly excluded from coverage.**
9. **The described premises are within the boundaries of Beaver Creek Water Control District and are subject to the statutory powers, including the power of assessment.**
10. **Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads and highways.**

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Portland General Electric Company  
Purpose: right of way  
Recorded: February 16, 1962, Book 554, Page 592

12. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$164,893.00  
Dated: November 13, 2006  
Grantor: John A. Remlinger and Julie C. Remlinger, husband and wife  
Trustee: Fidelity National Title Insurance  
Beneficiary: Countrywide Home Loans, Inc.  
Recorded: November 30, 2006, Book 2740, Page 351

Affects: The herein described land and other land.

13. Line of credit Deed of Trust, to secure an indebtedness as shown below and any other obligation secured thereby:

Amount: \$56,361.00  
Dated: November 13, 2006  
Grantor: John A. Remlinger and Julie C. Remlinger, husband and wife  
Trustee: Fidelity National Title  
Beneficiary: Countrywide Bank, N.A.  
Recorded: November 30, 2006, Book 2740, Page 352

Affects: The herein described land and other land.

14. Leases and/or tenancies, if any.

**END OF ITEMS AND EXCEPTIONS**

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**NOTES:**

Note A. Property taxes for the fiscal year 2006-2007, paid.

Amount: \$3,181.70  
Account No.: R28327  
Map No.: 081W18 00300

Note B. Property taxes for the fiscal year 2006-2007, paid.

Amount: \$1,606.24  
Account No.: R334669  
Map No.: 081W18 00301

Note C. There are no judgments of record against Winemakers, LLC, an Oregon Limited Liability Company.

Note D. There are no tax liens of record against Winemakers, LLC, an Oregon Limited Liability Company.

**Note E.** Before issuing its policy of title insurance, this Company will require for review, the following documents from the Limited Liability Company named below.

Limited Liability Company: Winemakers, LLC

- (a) A copy of its operating agreement and any and all amendments, supplements and/or modifications thereto, certified by the appropriate manager or member.
- (b) Confirmation that its Articles of Organization and any restated Articles of Organization have been filed with the Secretary of State.
- (c) If the Limited Liability Company is member-managed a full and complete current list of members certified by the appropriate manager or member.
- (d) If the Limited Liability Company was formed in a foreign jurisdiction, evidence satisfactory to the Company, that it was validly formed, is in good standing and authorized to do business in the state of origin.
- (e) If the Limited Liability Company was formed in a foreign jurisdiction, evidence satisfactory to the Company, that it has complied with Oregon "doing business" laws, if applicable.

After review of the requested documents, the Company reserves the right to add additional items or make additional requirements prior to the issuance of any policy of title insurance.

**Note F.** Note: According to the public records, there have been no deeds conveying the land described herein within a period of 36 months prior to the date of this report, except as follows:

Quitclaim Deed recorded November 4, 2002 in Reel 2020, Page 215,

Grantor: Julie C. Remlinger  
Grantee: John A. Remlinger and Julie C. Remlinger

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**Note G.** YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. THESE CONSEQUENCES AFFECT YOUR RIGHTS AND OBLIGATIONS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT YET SEEN, PLEASE CONTACT THE ESCROW AGENT.

Note: Any documents being executed in conjunction with this transaction must be signed in the presence of an authorized employee of an agent, an authorized employee of the insured lender, or by using Bancserv or other approved third-party service. If the above requirements cannot be met, please call the company at the number provided in this report.

**Note H.** Preliminary report has been updated to change the sales price.

**Note I.** This report is amended to add additional parcel as described in "Affidavit of Correction" by William L. Shull, surveyor, Recorded May 04, 2007 in Reel 2807, Page 350, Marion County Deed Records.

**EXHIBIT A**  
**AMERICAN LAND TITLE ASSOCIATION LOAN POLICY (10-17-92) and**  
**AMERICAN LAND TITLE ASSOCIATION LEASEHOLD LOAN POLICY (10-17-92)**  
**SCHEDULE OF EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation, or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:  
(a) created, suffered, assumed or agreed to by the insured claimant;  
(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;  
(c) resulting in no loss or damage to the insured claimant;  
(d) attaching or created subsequent to Date of Policy, or  
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid

value for the estate or interest insured by this policy.

4. Unenforceability of the lien of the insured mortgage because of the inability or failure of the insured at Date of Policy, or the inability or failure of any subsequent owner of the indebtedness, to comply with applicable doing business laws of the state in which the land is situated.
5. Invalidity or unenforceability of the lien of the insured mortgage, or claim thereof, which arises out of the transaction evidenced by the insured mortgage, and is based upon usury or any consumer credit protection or truth in lending law.
6. Any statutory lien for services, labor or materials (or the claim of priority of any statutory lien for services, labor or materials over the lien of the insured mortgage) arising from an improvement or work related to the land which is contracted for and commenced subsequent to Date of Policy and is not financed in whole or in part by proceeds of the indebtedness secured by the insured mortgage which at Date of Policy the insured has advanced or is obligated to advance.
7. Any claim which arises out of the transaction creating the interest of the mortgagee insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:  
(i) the transaction creating the interest of the insured mortgagee being deemed a fraudulent conveyance or fraudulent transfer; or  
(ii) the subordination of the interest of the insured mortgagee as a result of the application of the doctrine of equitable subordination; or  
(iii) the transaction creating the interest of the insured mortgagee being deemed a preferential transfer except where the preferential transfer results from the failure:  
(a) to timely record the instrument of transfer; or  
(b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

**AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY (10-17-92) AND**  
**AMERICAN LAND TITLE ASSOCIATION LEASEHOLD OWNER'S POLICY (10-17-92)**  
**SCHEDULE OF EXCLUSIONS FROM COVERAGE**

The following matters are expressly excluded from the coverage of this policy and the Company will not pay loss or damage, costs, attorney's fees or expenses which arise by reason of:

1. (a) Any law, ordinance or governmental regulation (including but not limited to building and zoning laws, ordinances, or regulations) restricting, prohibiting or relating to (i) the occupancy, use, or enjoyment of the land; (ii) the character, dimensions or location of any improvement now or hereafter erected on the land; (iii) a separation in ownership or a change in the dimensions or area of the land or any parcel of which the land is or was a part; or (iv) environmental protection, or the effect of any violation of these laws, ordinances or governmental regulations, except to the extent that a notice of the enforcement thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy;  
(b) Any governmental police power not excluded by (a) above, except to the extent that a notice of the exercise thereof or a notice of a defect, lien or encumbrance resulting from a violation or alleged violation affecting the land has been recorded in the public records at Date of Policy.
2. Rights of eminent domain unless notice of the exercise thereof has been recorded in the public records at Date of Policy, but not excluding from coverage any taking which has occurred prior to Date of Policy which would be binding on the rights of a purchaser for value without knowledge.
3. Defects, liens, encumbrances, adverse claims, or other matters:  
(a) created, suffered, assumed or agreed to by the insured claimant;

(b) not known to the Company, not recorded in the public records at Date of Policy, but known to the insured claimant and not disclosed in writing to the Company by the insured claimant prior to the date the insured claimant became an insured under this policy;

- (c) resulting in no loss or damage to the insured claimant;
- (d) attaching or created subsequent to Date of Policy, or  
(e) resulting in loss or damage which would not have been sustained if the insured claimant had paid value for the estate or interest insured by this policy.
4. Any claim which arises out of the transaction vesting in the insured the estate or interest insured by this policy, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that is based on:  
(i) the transaction creating the estate or interest insured by this policy being deemed a fraudulent conveyance or fraudulent transfer; or  
(ii) the transaction creating the estate or interest insured by this policy being deemed a preferential transfer except where the preferential transfer results from the failure:  
(a) to timely record the instrument or transfer; or  
(b) of such recordation to impart notice to a purchaser for value or a judgement or lien creditor.

The above ALTA policy forms may be issued to afford either Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following General Exceptions:

**SCHEDULE B**  
**GENERAL EXCEPTIONS FROM COVERAGE**

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

**PART 1**

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records, proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings whether or not shown by the records of such agency or by the public records.
2. Any facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in possession.

3. Easements, or claims of easements or encumbrances, not shown by the public records, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water.
4. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose.
5. Any statutory liens for labor or material, including liens for contributions due to the State of Oregon for unemployment compensation and for worker's compensation, which have now gained or may gain priority over the lien of the insured deed of trust, which liens do not now appear of record.

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Fidelity National Financial Group of Companies' Privacy Statement

July 1, 2001

We recognize and respect the privacy expectations of today's consumers and the requirements of applicable federal and state privacy laws. We believe that making you aware of how we use your non-public personal information ("Personal Information"), and to whom it is disclosed, will form the basis for a relationship of trust between us and the public that we serve. This Privacy Statement provides that explanation. We reserve the right to change this Privacy Statement from time to time consistent with applicable privacy laws.

In the course of our business, we may collect Personal Information about you from the following sources:

- From applications or other forms we receive from you or your authorized representative;
- From your transactions with, or from the services being performed by, us, our affiliates, or others;
- From our internet web sites;
- From the public records maintained by governmental entities that we either obtain directly from those entities, or from our affiliates or others; and
- From consumer or other reporting agencies.

**Our Policies Regarding the Protection of the Confidentiality and Security of Your Personal Information**

We maintain physical, electronic and procedural safeguards to protect your Personal Information from unauthorized access or intrusion. We limit access to the Personal Information only to those employees who need such access in connection with providing products or services to you or for other legitimate business purposes.

**Our Policies and Practices Regarding the Sharing of Your Personal Information**

We may share your Personal Information with our affiliates, such as insurance companies, agents, and other real estate settlement service providers. We also may disclose your Personal Information:

- to agents, brokers or representatives to provide you with services you have requested;
- to third-party contractors or service providers who provide services or perform marketing or other functions on our behalf; and
- to others with whom we enter into joint marketing agreements for products or services that we believe you may find of interest.

In addition, we will disclose your Personal Information when you direct or give us permission, when we are required by law to do so, or when we suspect fraudulent or criminal activities. We also may disclose your Personal Information when otherwise permitted by applicable privacy laws such as, for example, when disclosure is needed to enforce our rights arising out of any agreement, transaction or relationship with you.

One of the important responsibilities of some of our affiliated companies is to record documents in the public domain. Such documents may contain your Personal Information.

**Right to Access Your Personal Information and Ability to Correct Errors or Request Changes or Deletion**

Certain states afford you the right to access your Personal Information and, under certain circumstances, to find out to whom your Personal Information has been disclosed. Also, certain states afford you the right to request correction, amendment or deletion of your Personal Information. We reserve the right, where permitted by law, to charge a reasonable fee to cover the costs incurred in responding to such requests.

All requests must be made in writing to the following address:

Privacy Compliance Officer  
Fidelity National Financial, Inc.  
601 Riverside Avenue  
Jacksonville, FL 32204

**Multiple Products or Services**

If we provide you with more than one financial product or service, you may receive more than one privacy notice from us. We apologize for any inconvenience this may cause you.

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**AFFIDAVIT OF CORRECTION**

I, William L. Shull, first being duly sworn, depose and say that I am the surveyor who surveyed Partition Plat Number 2003-10 as filed and recorded in the Book of Partition Plats for Marion County, Oregon, also recorded in Reel 2031, Page 213, Marion County, Oregon, Deed Records, and the following corrections to said plat are necessary and are as follows:

1. The southerly boundary of Parcel 1 is amended as follows: Beginning at the most southerly southwest corner of said Parcel 1, and running thence East 1176.14 feet, more or less, to a point that is 1322.50 feet North and 530 feet West of the southeast corner of the Gilliam H. Walker Donation Land Claim in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence North 250.00 feet; thence East 530 feet to the east line of said claim; thence South along the east line of said Walker Donation Land Claim 250.00 feet.

2. The Surveyor's Certificate is amended as follows: I, William L. Shull, certify that in accordance with O.R.S. 92.055 and O.R.S. 92.070 I have not surveyed the land represented on the herewith partition map, which is described in Reel 1811, Page 234 of the Marion County Records, **Save and Except** the following described tract: Beginning at a point in the center of Market Road No. 23 on the east boundary of the donation land claim of Gilliam H. Walker and wife in Township 8 South, Range 1 West of the Willamette Meridian in Marion County, Oregon 1322.50 feet North of the southeast corner of said claim; thence running West 530 feet; thence North 250.00 feet; thence East 530 feet to the east line of said claim; thence South 250.00 feet to the place of beginning.

The intent of these corrections is to show courses and distance that were omitted from the partition plat and to correct an error in the description of the real property shown on the partition plat, thereby clearly indicating that the area shown as Tract 1 is excluded from Parcel 1 as approved in Marion County Notice of Decision for Partition Case No. 02-27.

The present fee owners of the property materially affected by said affidavit are as follows:

1. John A. Remlinger and Julie C. Remlinger  
10173 Silver Falls Highway  
Aumsville, Oregon 97325

After recording, return to:  
Marion County Surveyor  
5155 Silverton Road NE  
Salem, Oregon 97305-3802

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STATE OF  
OREGON

)  
)ss  
)

County of Marion

William L. Shull  
Surveyor's Signature

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

William L. Shull

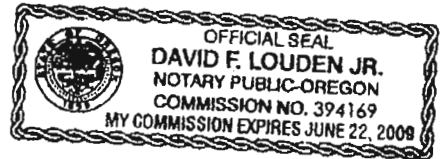
OREGON  
JULY 11, 1969  
WILLIAM L. SHULL  
909

Surveyor's Name, P.L.S. No.

Renewal Date: 6/30/08

Signed or sworn before me on this 2 day of May, 2007

David F. Loudon Jr.  
Notary Public for the State of Oregon



My commission expires: June 22 2009

COUNTY SURVEYOR APPROVAL

Approved this 2<sup>ND</sup> day of MAY, 2007,  
pursuant to ORS 92.170.

Marion County Surveyor

By Mark Riggins

Return Address:  
Marion County Surveyor's Office  
5155 Silverton Road NE  
Salem, OR 97305

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**REEL:2807**

**PAGE: 350**

**May 04, 2007, 11:26 am.**

CONTROL #: 194942

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 31.00

BILL BURGESS  
COUNTY CLERK

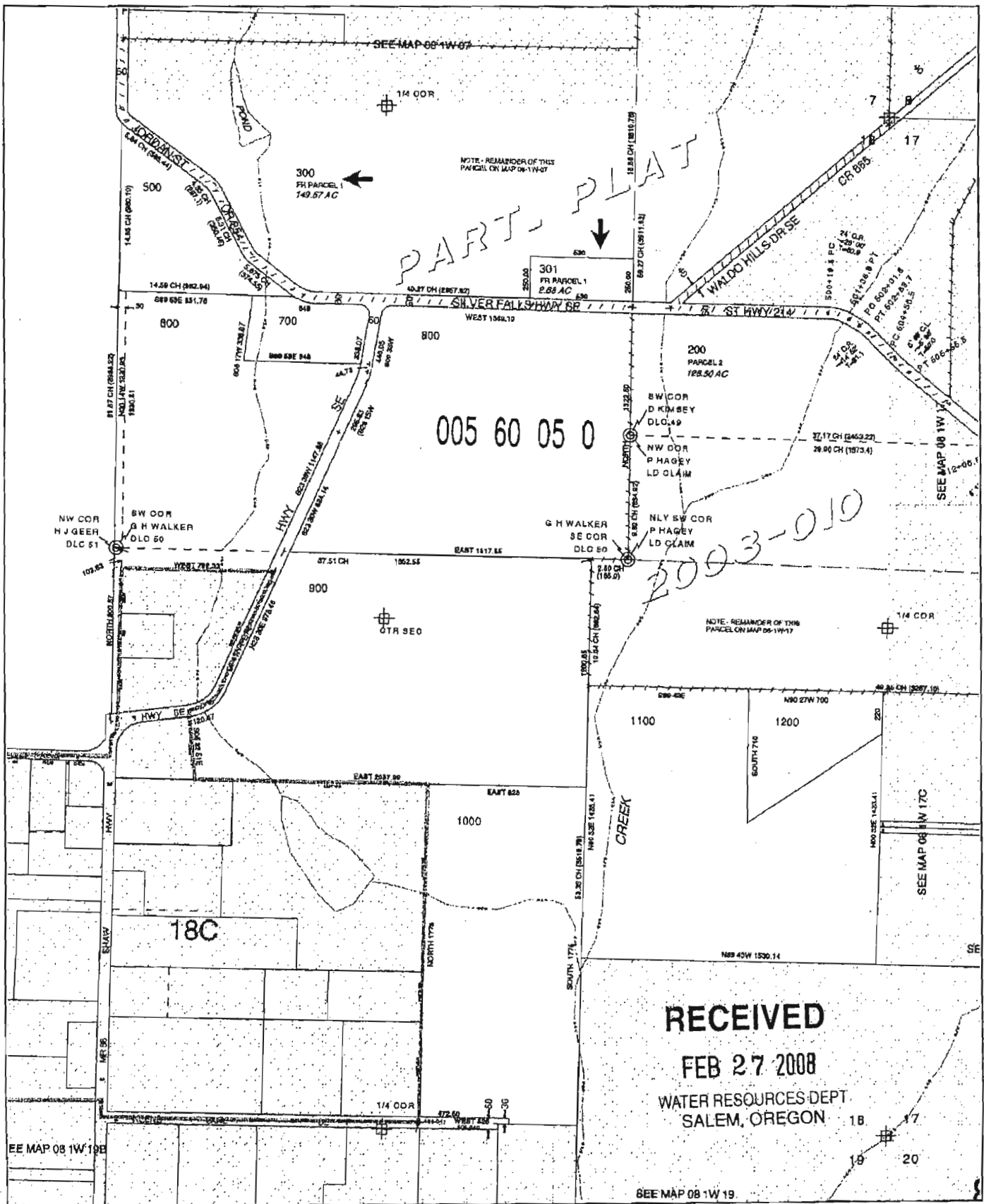
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THIS IS NOT AN INVOICE.





MAP FURNISHED AS A CONVENIENCE BY FIDELITY NATIONAL TITLE COMPANY

This sketch is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.

MAP # 081W18 00300

