



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.

1. APPLICANT INFORMATION

A. Individuals

Applicant: Kyle L. and Holly J. Dunning
First Last

Mailing address: 4635 NE Elliott Circle
Corvallis OR 97330
City State Zip

Phone: 541 754-7273 541 754-6094
Home Work Other

*Fax: 541 754-9246 *E-Mail address: dunvinn@comcast.net

B. Organizations

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

Name of organization: _____

Name and title of person applying: _____

Mailing address of organization: _____

City State Zip

Phone: _____
Day Evening

*Fax: _____ *E-Mail address: _____

** Optional information*

RECEIVED
 JUN 29 2007
 WATER RESOURCES DEPT
 SALEM, OREGON

| 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.

Hanson & Smith, LLC., 110 HICKORY ST NW, ALBANY, OR 97321

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Frazier Creek (Ditched)

Distance from well(s) to nearest stream or lake: 1) 1310 feet

2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) Well is 3 feet above surface water

2) _____ 3) _____ 4) _____

B. Well Characteristics

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

Well(s) will be constructed by: Unknown

Address: _____

Completion date: Approximately 1990

Ground Water/2

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM OREGON

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

| Well No. | Diameter | Type and size of casing | No. of feet of casing | Intervals casing is perforated (in feet) | Seal depth | Est. depth to water | Est. depth to water bearing stratum | Type of access port or measuring device | Total well depth |
|----------|----------|-------------------------|-----------------------|--|------------|---------------------|-------------------------------------|---|------------------|
| 1 | 10" | 10" | unk | unk | unk | 14.5' | 14.5' | Slot in well cap | 43'+/- |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |
| | | | | | | | | | |

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:

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**

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

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 | Ground water | Irrigation | 250 | 85,682,000 | 250 |
| | | | | | |
| | | | | | |
| | | | | | |

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.56 cfs 0.56 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 - Oct 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: 175.3
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

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

- Pump (give horsepower and pump type): 15hp submersible 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 6" PVC mainline Length 6100'
- Other (describe) _____

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
 SALEM OREGON

C. Application/Distribution Method

What equipment will you use to apply water to your place of use? Handlines & wheel lines.

Approximately 40 ea 5/32" nozzles.

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

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

Distribution method

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

D. Conservation

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

The irrigation system will be on timers to avoid excessive water use. Drip irrigation is impracticable with grass seed, vegetables and peppermint.

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: Majority of proposed system installed approximately 2000.

Proposed date construction will be completed: 2007

Proposed date beneficial water use will begin: 2008

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.

Item 3B. The well is believed to have been constructed in the 1990's although no well log has been found. A flow test conducted in 1994 by M&H Well Drilling is attached.

FRAZIER CREEK TO THE EAST OF WELL #1 IS REPORTEDLY INTERMITTANT AND IS DITCHED

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

8. MAP REQUIREMENTS



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

9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

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

X   6-26-07
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 or call (503) 986-0900.

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

Ground Water/6

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON



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: 175.3 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. <u>Grass seed</u> | <input type="checkbox"/> Full season | <input checked="" type="checkbox"/> Partial season (from: <u>May</u> to <u>Jun</u>) |
| 2. <u>Peppermint</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. <u>Pumpkins</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. <u>Vegetables</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |

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

263.0 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?

- | | |
|---|---|
| <input checked="" type="checkbox"/> Daily during daytime hours | <input checked="" type="checkbox"/> Daily during nighttime hours |
| <input type="checkbox"/> Two or three times weekly during daytime | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours | <input type="checkbox"/> Weekly, during nighttime hours |
| <input type="checkbox"/> Other, explain: _____ | |

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

Last revision: October 31, 1996

FLOW TEST

M & H WELL DRILLING, INC.
 7235 N.W. APPALOOSA DR.
 CORVALLIS, OR
 ORVAL HILDERBRAND
 PH. 745-5385

NAME FRED TROTTER DATE 10/20/94
 ADDRESS 6885 N.E. ELLIOTT CIR.
 CITY CORVALLIS STATE OR ZIP 97330
 PHONE HOME 745-4412 WORK _____

LOCATION OF WELL: WELL # 2 *West*
 TOWNSHIP 11S RANGE 4W SECTION 18 *NE NW*
 ADDRESS ELLIOTT CIR.
 COUNTY BENTON

DEPTH 43' STATIC 14'5" TEMP. NaCl
 DIAMETER 10" PUMP 42' START ##### TDS _____

| TIME | WATER LEVEL | GPM | P.S.I. | DRAW DOWN | COMMENTS |
|----------|-------------|-----|--------|-----------|----------------|
| 12:15 PM | 14'5" | 272 | | | |
| 12:17 PM | 33'4" | | | | RECOVERY WATER |
| 12:19 PM | 33'4" | | | | |
| 12:21 PM | 33'4" | | | | TIME LEVEL |
| 12:23 PM | 33'4" | | | | 4:16 PM 34'0" |
| 12:25 PM | 33'3" | | | | 4:18 PM 23'0" |
| 12:30 PM | 33'3" | | | | 4:20 PM 16'0" |
| 12:35 PM | 33'3" | | | | 4:22 PM 15'6" |
| 12:40 PM | 33'3" | | | | 4:24 PM 15'4" |
| 12:45 PM | 33'3" | | | | 4:26 PM 15'0" |
| 01:00 PM | 33'3" | | | | 4:31 PM 15'0" |
| 01:15 PM | 33'3" | 251 | | | 4:36 PM 15'0" |
| 01:30 PM | 33'3" | | | | 4:41 PM 15'0" |
| 01:45 PM | 32'8" | | | | 4:46 PM |
| 02:00 PM | 34'0" | | | | 5:01 PM |
| 02:15 PM | 34'0" | 252 | | | |
| 02:30 PM | 34'0" | | | | |
| 02:45 PM | 34'0" | | | | |
| 03:00 PM | 34'0" | | | | |
| 03:15 PM | 34'0" | 259 | | | |
| 03:30 PM | 34'0" | | | | |

RECEIVED
 JUN 29 2007
 WATER RESOURCES DEPT
 SALEM, OREGON



Oregon

Theodore R. Kulongoski, Governor

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.

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM OREGON



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: KYLE L. and HOLLY J. DUNNING
Mailing Address: 4635 NE ELLIOTT CIRCLE
City: CORVALLIS State: OR Zip: 97330 Day Phone: _____

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

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

| Township | Range | Section | ¼ ¼ | Tax Lot # | Plan Designation (e.g. Rural Residential/RR-5) | Water to be: | Proposed Land Use: |
|----------|-------|---------|-----|-----------|--|---|--------------------|
| 11S | 4W | 18 | 00 | 1300 | EFU | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | CROPS/IRR |
| 11S | 4W | 18 | 00 | 1200 | EFU | <input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used | WELL |
| 11S | 5W | 13 | 00 | 1800 | UR-5 | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | CROPS/IRR |
| 11S | 5W | 13 | 00 | 0100 | EFU | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | CROPS/IRR |
| 11S | 5W | 13 | 00 | 0101 | EFU | <input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used | CROPS/IRR |

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

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) _____

Estimated quantity of water needed: 0.56 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: IRRIGATION OF GRASS SEED, PEPPERMINT, PUMPKINS, VEGETABLES

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

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCC SS. 105(1) = farm use
- 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.

115 4W-18-00-1200 is owned by "Hanson & Smith LLC" not Dunning.

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

Name: Kristin Anderson Title: Planner
 Signature: Kristin Anderson Phone: 541-766-6298 Date: 6/26/07
 Government Entity: Benton County Community Development Department

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: _____

97-176162-94

WARRANTY DEED

GRANTOR:

WILLIAM G. PARKER, JR., and FLORENCE L. PARKER, Trustees under the William G. Parker Revocable Living Trust dated July 30, 1991, as to a 1/24th interest,
 FLORENCE L. PARKER and WILLIAM G. PARKER, JR., Trustees under the Florence L. Parker Revocable Living Trust dated July 30, 1991, as to a 1/24th interest,
 WILLIAM G. PARKER, JR., Trustee of the William G. Parker, Jr., Trust dated July 30, 1991, as to a 1/24th interest,
 FLORENCE L. PARKER, Trustee of the Florence L. Parker Trust, dated July 30, 1991, as to a 1/24th interest,
 C. ROBERT MIX who acquired interest as ROBERT MIX, as to 3/24ths interest,
 LYDIA B. MIX also known as LYDIA NEVILLE, as to 3/24ths interest,
 ROBERT C. INGALLS, Trustee of the Robert C. Ingalls Trust, dated July 28, 1982, as to 3/24ths interest,
 E. ELIZABETH INGALLS, Trustee of the E. Elizabeth Ingalls Trust, dated July 28, 1982, as to 3/24ths interest,
 JOHN J. FITZ and MARJORIE FITZ, as tenants by the entirety, as to 2/24ths interest, and
 CORVALLIS AUTO PARTS CO., an Oregon corporation, as to 6/24ths interest, all as tenants in common,

GRANTEE:

KYLE L. DUNNING AND HOLLY J. DUNNING, Husband and Wife

The following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A" HEREBY MADE A PART BY REFERENCE

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATION. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration for this transfer stated in terms of dollars is \$ (4 acre release per contract). However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the/the whole of the (indicate which) consideration.

If grantor is a corporation, this has been signed by authority of the Board of Directors.

10-13815

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

EXHIBIT "A"

A parcel of land located in the William Knotts Donation Land Claim No. 45 in the Northeast and Southeast one-quarter of Section 13 in Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, which is more particularly described as follows:

Beginning at the Southwest corner of the William H. Elliott Donation Land Claim No. 40, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, said point marked by a 3-1/4 inch Benton County Brass Cap; thence South 89°58' East, along the North line of the aforementioned Knotts Claim, 397.84 feet; thence South 02°33'27" East 867.26 feet; thence East 254.74 feet; thence South 472.81 feet; thence West 263.63 feet; thence North 02°33'37" West 1310.55 feet; thence North 89°58' West 369.16 feet; thence North 89°38' West 279.98 feet; thence North 59.00 feet to a point on the Southeasterly line of NE Elliott Circle (County Road No. 15391); thence North 79°02'23" East, along said Southeasterly line, 30.56 feet; thence South 35.00 feet to a point on the North line of the aforementioned Knotts Claim; thence South 89°38' East, along said North line, 250.00 feet to the point of beginning.

SUBJECT TO:

1. Taxes subsequent to the fiscal year 1992-93.
2. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the un-named creeks traversing said premises.
4. Limitation on the use of the herein described premises based upon the assertion that some or all of the said lands lie within governmentally protected wetlands known as Jackson-Frazier Wetland, including the terms and provisions thereof, as disclosed by instruments recorded February 7, 1991, as M-131778-91, and as amended by M-131779-91, Microfilm Records of Benton County, Oregon.
5. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.
6. An easement created by instrument, including the terms and provisions thereof,
Dated: February 12, 1940
Recorded: March 8, 1961, in Book 176, Page 541, Deed Records of Benton County, Oregon
In favor of: Benton-Lincoln Electric Cooperative, Inc.
For: Electric and telephone transmission and distribution lines
7. Covenant, including the terms and provisions thereof, regarding the segregation of a portion of tax lot 100, as imposed by instrument
Dated: July 28, 1993
Recorded: August 5, 1993, as M-168041-93, Microfilm Records of Benton County, Oregon

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

M-236078-97

Until a change is requested,
send tax statements to:

Kyle L. and Holly J. Dunning
4618 SW 95th Ave 4635 NE ELLIOTT CIRCLE
97415 SW 95th Ave / 97221 CORVALLIS OR 97330

After recording return to:

Key Title CO.

WARRANTY DEED

William G. Parker, Jr. and Florence L. Parker, Trustees under the William G. Parker Revocable Living Trust dated July 30, 1991, as to a 1/24 interest, Florence L. Parker and William G. Parker, Jr., Trustees under the Florence L. Parker Revocable Living Trust dated July 30, 1991, as to a 1/24th interest, William G. Parker, Jr., Trustee of the William G. Parker, Jr., Trust dated July 30, 1991, as to a 1/24th interest, Florence L. Parker, Trustee of the Florence L. Parker, Trust, dated July 30, 1991, as to a 1/24th interest, C. Robert Mix who acquired interest as Robert Mix, as to 3/24ths interest, Lydia B. Mix also know as Lydia Neville, as to 3/24ths interest, Robert C. Ingalls, Trustee of the Robert C. Ingalls Trust, dated July 28, 1982, as to 3/24ths interest, E. Elizabeth Ingalls, Trustee of the E. Elizabeth Ingalls Trust, dated July 28, 1982, as to 3/24ths interest, John J. Fitz and Marjorie Fitz, as tenants by the entirety, as to 3/24ths interest, and Corvallis Auto Parts, Co. Profit Sharing Trust as to 6/24ths interest, all as tenants in common, Grantor, conveys and warrants to Kyle L. Dunning and Holly J. Dunning, husband and wife, Grantee, and to Grantee's heirs, successors and assigns, the following described real property situated in Benton County, Oregon, to wit:

PARCEL I:

Part of the William Knotts Donation Land Claim No. 45 in Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, described as follows, to-wit:

Beginning at the Northeast corner of said Claim No. 45; thence South, along the east line of said Claim, 32.924 chains to an oak stake being an interior corner of the tract as conveyed to A. L. Guerber, et ux, by deed recorded May 8, 1942, in Book 100, Page 122, Deed Records of Benton County, Oregon; thence South 89°58' West, Along the North lien of said Guerber tract and the North line of that tract conveyed to Thomas H.P. Ireland by deed recorded September 25, 1945, in Book 108, Page 270, of said Deed Records, 48.536 chains to a 3/4 inch bolt in the center of a county road (now vacated); thence North 5°54' East, along the center of said county road, 33.202 chains to a fish plate on the North line of said Claim No. 45; thence South 89°38' East, along the North line of said Claim No. 45, 8.424 chains to the Southeast corner of the P. N. Locke Donation Land Claim No. 41 in said Township and Range; thence South 89°58' East, along the North line of said Claim No. 45, 36.709 chains to the point of beginning.

PARCEL II:

Beginning at a 1/2 inch iron pipe at the Southwest corner of that tract of land as conveyed to Russell Nelson, et ux, by deed recorded July 5, 1961, in Book 178, Page 23, Deed Records

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

10-18667

of Benton County, Oregon, which point is 250 feet West, along the Claim line, from the Southeast corner of the Abram N. Locke Donation Land Claim No. 41 in Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; and running thence North, along the West line of said Nelson tract, 35 feet, more or less, to the Southeasterly line of County Road No. 39-01, as now located; thence Southwesterly, along the South line of said County Road, to its intersection with the South line of said Locke Claim, which point is 425.28 feet West of the Southeast corner of said Claim; thence East, along said Claim line, 175.28 feet more or less, to the place of beginning.

SUBJECT TO: The rights of the public in streets, roads and highways.

Real property taxes for tax years subsequent to the 1992 - 93 real property tax year.

Such liens and encumbrances as may be or have been placed or suffered to be or have been placed against said premises by, through or under the Grantee.

Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of the un-named creeks traversing said premises. (Parcel I).

Limitation on the use of the herein described premises based upon the assertion that some or all of the said land lie within governmentally protected wetlands known as Jackson-Fraiser Wetland, including the terms and provision thereof, as disclosed by instruments recorded February 7, 1991, as M-131778-91, as amended by M-131779-91, Microfilm Records of Benton County, Oregon. (Parcel I)

An easement created by instrument, including the terms and provisions thereof, dated February 12, 1940, recorded March 8, 1961, in Book 176, Page 541, Deed Records of Benton County, Oregon in favor of Benton-Lincoln Electric Cooperative, Inc. for electric and telephone transmission and distribution lines. Affects: Specific location not given.

The true and actual consideration paid for this conveyance is \$250,000.00.

"THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES."

IN WITNESS WHEREOF, the Grantor has duly executed this instrument this 29th day of April, 1993.

William G. Parker, Jr.
William G. Parker, Jr., Trustee

Warranty Deed

Page 2

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

under the William G. Parker
Revocable Living Trust dated
July 30, 1991

Florence L. Parker Jr.
Florence L. Parker, Trustee
under the William G. Parker
Revocable Living Trust dated
July 30, 1991

Florence L. Parker Jr.
Florence L. Parker, Trustee
under the Florence L. Parker
Revocable Living Trust dated
July 30, 1991

William G. Parker Jr.
William G. Parker, Jr., Trustee
under the Florence L. Parker
Revocable Living Trust
dated July 30, 1991

C. Robert Mix
C. Robert Mix

Lydia B. Mix, aka Lydia Neville
Lydia B. Mix, aka Lydia Neville
Robert C. Ingalls, Trustee
Robert C. Ingalls, Trustee
of the Robert C. Ingalls Trust
dated July 28, 1982

E. Elizabeth Ingalls, Trustee
E. Elizabeth Ingalls, Trustee
of the E. Elizabeth Ingalls Trust
dated July 28, 1982

John J. Fitz
John J. Fitz

Marjorie Fitz
Marjorie Fitz

Corvallis Auto Parts, Co.
Profit Sharing Trust

By Harriet R. Paul, Trustee

STATE OF OREGON)
) ss:
County of Benton)

Personally appeared before me this 2nd day of April,
1993, the above-named and identified William Parker, as Trustee

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

After Recording Return to:
Andrew J. Bean
P.O. Box 667
Alhany, OR 97321

Send Tax Statements to:
No Change

BENTON COUNTY OREGON 2004-370641
DE-EAS
Clerk's Stamp COUNTER: 07/13/2004 10:53:49 AM
\$55.00 \$11.00 \$10.00 \$15.00 \$91.00



James V. Morales, County Clerk for Benton
County, Oregon, certify that the instrument
identified herein was recorded in the Clerk's
records.

James V. Morales - County Clerk



WELL EASEMENTS

KNOW ALL PERSONS BY THESE PRESENTS, that Hanson and Smith, LLC, an Oregon Limited Liability Company, its successors and assigns, hereinafter called Grantor, for the consideration hereinafter stated, do hereby stipulate, warrant and agree with Kyle I. Dunning and Holly J. Dunning, husband and wife, their heirs, administrators, successors and assigns, hereinafter called Grantees, as follows.

WHEREAS, Grantor are purchasing from Grantees that real property in Benton County, Oregon, more particularly described in Exhibit "A," attached hereto and by this reference incorporated herein (the "Property"), by way of a Warranty Deed between the parties, executed contemporaneously with this Well Easement; and

WHEREAS, there is a well located on the Property, and located as more particularly described in Exhibit "B," attached hereto and by this reference incorporated herein (the "Well") to which Grantees intend to retain rights to obtain water and maintain; and

WHEREAS, Grantor intend to allow Grantees to retain rights in the Well as described herein, and

WHEREAS, Grantees are the owners of those real properties more particularly described in Exhibit "C," attached hereto by this reference incorporated herein ("Grantees' Properties");

WHEREAS, in addition to the Well, there are additional wells on the Property. These additional wells are for the use of Grantor, which use will not be considered an unreasonable interference with the Well Easements granted in the following agreement;

WHEREAS, Grantor intends to construct a lake measuring 2200 feet x 210 feet on the Property, to be used for water skiing. The lake will not initially be filled using water from any wells on the Property, but the water level of the lake will be maintained by wells on the Property once it is filled.

NOW, THEREFORE, it is hereby agreed between the Grantor and the Grantees (collectively hereinafter referred to as the "Parties") as follows:

I- WELL EASEMENT

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM OREGON

800893

FIDELITY NATIONAL TITLE

1 The Recitals set forth above are a material part of the Well Easements, and by this reference are incorporated herein

2 The Grantor, for and in partial consideration of the purchase of the Property do by these presents, grant, sell and convey unto the Grantees, the perpetual, exclusive right to use the water situated in the Well which has its source upon the Property and to locate and maintain pumps in the Well to provide water to Grantee by hereby granting to Grantees for the use and purpose of conveying such water as aforesaid, two duplicative easements, as specified in sections 3 and 4 below, on, in, over and across that land within a 10-foot radius of the Well, together with a strip of land 20 feet in width, the center line of said strip of land beginning at the Well and being more particularly described in Exhibit "B," attached hereto and by this reference incorporated herein, together with the right to construct such pipeline, maintain and repair the same.

3 The first above-described easement shall constitute a perpetual servitude upon the Property and be appurtenant to and benefit Grantees' Properties for the purpose of conveying water from the Well to Grantees' Properties.

4 The second above-described easement shall be an easement in gross, for the personal benefit of Grantees. This easement is not appurtenant to or for the benefit of any particular property and can be used by Grantees to obtain water for any purpose they so choose. However, if this easement is used to provide water from the Well to real property other than Grantees' Properties, it shall be limited to use on 40 acres ("Personal Property"), in addition to Grantees' Properties. Upon the death of both Grantees, this easement in gross shall terminate, and any Personal Property on which water from the Well has been used, pursuant to this easement, shall have an easement appurtenant with rights in the Well identical to the easement appurtenant described in section 3 above

5 There shall be no limitations or restrictions on Grantees' use of the water from the Well.

6 Grantor shall have no rights to use water from the Well without prior written consent of Grantees

7 Grantees shall keep and maintain any water line from the Well to the boundary of the Property in good order, condition and repair so there will be no leakage or seepage therefrom. Notwithstanding the above, any leaks from any such water line shall be repaired promptly by Grantees.

8 The cost of maintaining the Well and any associated pumps and piping shall be borne by Grantees, unless Grantor is using water from the Well. In such case, Grantor shall be responsible for all costs associated with Grantor's use. Grantees shall under no circumstances permit or suffer any lien to be placed against the Property as a result of the use, occupation or location of the water source upon the Property.

9 Grantees shall hold and save Grantor harmless from any injury or loss sustained as a direct result of Grantees' use of the Well and appropriation of water therefrom. Grantor shall hold

2- WELL EASEMENT

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM OREGON**

and save Grantees harmless from any injury or loss sustained as a direct result of the use, occupation or location of the Well upon the Property. Grantor makes no representation as to the volume of water available from the Well and shall have no liability in case of a failure to produce sufficient water to meet Grantees' needs.

10. None of the Parties shall conduct any activity or permit any activity or condition to take place on their respective properties which would cause a substantial likelihood that the Well would become contaminated and that the water source in the Well would no longer be potable. This provision shall not act to place any restrictions on the use of the Property for farming and agricultural purposes pursuant to practices that are commonly accepted in the area where the Property is located or for recreational uses.

11. Grantees will not use the easements granted herein in such a manner that will unreasonably restrict Grantor's use of the Property for farming, agricultural, or recreational purposes. This provision shall not act to restrict the volume of water to which Grantees may appropriate.

12. The covenants contained herein touch and concern the Property and Grantees' Properties and are intended to benefit the Property and Grantees' Properties, in addition to any personal benefit derived by Grantees from the in gross easement described herein. The Parties intend the effect of such covenants to run into the future and the same shall inure to the benefit of and shall also constitute obligations for the Parties, their heirs, successors, personal representatives and assigns.

13. Failure by any party at any time to require performance by the other party of any provisions hereof shall in no way affect any of the Parties' rights hereunder to enforce the same, nor shall any waiver by that party of any breach hereof be held to be a waiver of any succeeding breach, or a waiver of this non-waiver clause.

14. Should any suit or action be filed to enforce the terms of this Easement, or for the breach thereof, or for the rescission of the same, the losing party agrees to pay the prevailing party's reasonable attorney fees, costs and disbursements in any such suit, including any such attorney fees, costs or disbursements associated with any appeal therefrom.

15. In construing this Easement, it is understood that the Grantor or Grantees may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter.

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

3- WELL EASEMENT

IN WITNESS WHEREOF, the parties hereto have executed this Easement on this 9th day of July, 2004

GRANTOR:

GRANTEES:

HANSON AND SMITH, LLC

[Signature]
Steve Hanson, Member

[Signature]
Kyle L. Dunning

[Signature]
Gordon Smith, Member

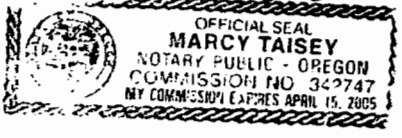
[Signature]
Holly J. Dunning

[Signature]
Brenda Hanson, Member

[Signature]
Kellie Smith, Member
Kelly

STATE OF OREGON)
County of Benton) ss

On this 9th day of July, 2004, personally appeared before me the above-named Steve and Brenda Hanson, husband and wife, as members of Hanson and Smith, LLC and acknowledged the foregoing to be their voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 4/15/05

STATE OF OREGON)
County of Benton) ss

On this 9th day of July, 2004, personally appeared before me the above-named Gordon and Kellie Smith, husband and wife, as members of Hanson and Smith, LLC and acknowledged the foregoing to be his voluntary act and deed.



[Signature]
Notary Public for Oregon
My Commission Expires: 4/15/05

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

4- WELL EASEMENT

STATE OF OREGON)
County of Benton) SS

On this 8th day of July, 2004, personally appeared before me the above-named Kyle L. Dunning and Holly J. Dunning, husband and wife, and acknowledged the foregoing to be their voluntary act and deed



Marcy Taisey
Notary Public for Oregon
My Commission Expires 4/15/05

NOTARY PUBLIC FORMS REAL ESTATE Leases WATER AGREEMENT AND EASEMENT &c

RECEIVED
JUN 29 2007
WATER RESOURCES DEPT
SALEM, OREGON

S- WELL EASEMENT

EXHIBIT A

Parcel IV, PARTITION PLAT 2004-11, a replat of Parcel 2 of Partition Plat 91-2, being located in the Northwest 1/4 and Northeast 1/4 of Section 18, in the Southwest 1/4 and Southwest 1/4 of Section 7, Township 11 South, Range 4 West, of the Willamette Meridian, Benton County, Oregon. TOGETHER WITH an easement for ingress and egress, as set forth in Easement Agreement recorded April 19, 2004, in 2004-365350, Benton County Records.

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM OREGON**

EXHIBIT "B"

A 20 foot strip of land the centerline of which is described as follows:

Beginning at a water well which bears North 44° 19' 35" East 2,141.30 feet from the Southeast corner of the William H. Elliott Donation Land Claim No. 40 in Township 11 South, Range 4 West, of the Willamette Meridian, Benton County, Oregon; thence North 89° 49' 01" West 1,026 feet more or less to a point on a line which bears South 00° 08' East from the interior westerly corner of Parcel 2 of Partition Plat 91-2, a Partition Plat of record in Sections 7 and 18 of said Township 11 South, Range 4 West and Section 13 of said Township 11 South, Range 5 West.

TOGETHER AND WITH

A circular area having a 10 00 foot radius centered on the above mentioned water well

The basis of bearings for the above description is from "Pinot Gris Estates" a subdivision of record in Benton County, Oregon.

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

EXHIBIT "C"

PROPERTY 1

Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon

TOGETHER AND WITH:

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a Westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod, thence South 0°03'07" East 156.68 feet to the point of beginning

TOGETHER AND WITH:

Beginning at a 5/8 inch iron rod at the Northeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79, said 5/8 inch iron rod also being at an interior angle point on a Westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1190.79 feet and South 89°49'21" East 555.66 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, thence along said interior Westerly line of said Lot 16 South 0°02'00" West 209.00 feet to the Northeast corner of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00; thence along the North line of said Randy Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod, thence North 0°03'07" West 209.00 feet to an interior line of said Lot 16; thence along said interior line of said Lot 16 South 89°49'21" East 45.66 feet to the point of beginning.

PROPERTY 2

Part of the William Knotts Donation Land Claim No. 45 in Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, described as follows, to-wit:

Beginning at the Northeast corner of said Claim No. 45; thence South, along the East line of said Claim 32.924 chains to an oak stake being an interior corner of the tract as conveyed to A. L. Guerber, et ux, by deed recorded May 8, 1942, in Book 100, Page 122, Deed Records of Benton County, Oregon, thence South 89°58' West, along the North line of said Guerber tract and the North line of that tract conveyed to Thomas H. P. Ireland by deed recorded September 25, 1945.

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM, OREGON**

in Book 108, Page 270, of said Deed Records, 48.536 chains to a 3/4 inch bolt in the center of a county road (now vacated), thence North 5°54' East, along the center of said county road, 33.202 chains to a fish plate on the North line of said Claim No. 45, thence South 89°38' East, along the North line of said Claim No. 45, 8.424 chains to the Southeast corner of the A. N. Locke Donation Land Claim No. 41 in said Township and Range, thence South 89°58' East, along the North line of said Claim No. 45, 36.709 chains to the point of beginning

SAVE AND EXCEPT the following described parcel:

Commencing at a 3-1/4 inch brass cap at the Southeast Corner of the Abram N. Locke Donation Land Claim No. 41 in Township 11 South, Range 5 West, Section 13 of the Willamette Meridian, Benton County, Oregon, said brass cap being on the North line of the William Knotts Donation Land Claim No. 45, thence along said Knotts North line North 89°14'52" West 556.03 feet to a 5/8 inch iron rod at the Northwest corner of that property conveyed to Kyle L. Dunning and Holly J. Dunning as described in Benton County Deed Record M-236078-97, thence along said Dunning West line South 6°04'29" West 1468.78 feet to a 5/8 inch iron rod at the true point of beginning, thence continuing along said West line South 6°04'29" West 702.00 feet to a 5/8 inch iron rod on the North line of the South half of the East half of the Knotts Claim, thence along said North line South 89°30'33" East 910.60 feet to a 5/8 inch iron rod; thence North 36°00'33" West 79.91 feet to a 5/8 inch iron rod; thence North 23°33'00" West 250.00 feet to a 5/8 inch iron rod, thence North 44°01'00" West 107.50 feet to a 5/8 inch iron rod, thence North 36°14'00" West 276.00 feet to a 5/8 inch iron rod; thence South 85°54'30" West 230.50 feet to a 5/8 inch iron rod, thence North 72°40'00" West 161.50 feet to a 5/8 inch iron rod, thence North 40°00'00" West 105.00 feet to the true point of beginning

The above area contains 9.60 acres of land, more or less. The basis of bearings for the above described area is from the property line adjustment survey filed with Benton County as a condition of approval for Benton County Community Development File Number I.D-01-06

PROPERTY 3

A parcel of land located within the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, being more particularly described as follows:

Commencing at a 3-1/4 inch brass cap at the Southwest corner of the William H. Elliott Donation Land Claim No. 40; thence North 0°02'00" East 134.39 feet along the West line of said Donation Land Claim to a 5/8 inch iron rod and the true point of beginning, thence South 89°58'57" East 82.00 feet to a 5/8 inch iron rod, thence South 34°49'59" East 39.48 feet to a 5/8 inch iron rod, thence South 89°58'57" East 95.05 feet to a 5/8 inch iron rod, thence North 0°02'00" East 233.40 feet to a 5/8 inch iron rod; thence North 89°58'57" West 199.62 feet to the aforementioned West line of said Donation Land Claim and the Easterly right of way of N. E. Elliott Circle (County Road No. 15391) and a 5/8 inch iron rod, thence South 0°02'00" West 24.50 feet along said West Claim line and Easterly right of way to a 1/2 inch iron pipe, thence Southeasterly along the said Easterly right of way on a 234.63 foot radius curve to the right 49.84 feet (long chord bears South 6°08'40" West 49.74 feet) to a 5/8 inch iron rod, thence South 89°58'00" East 5.30 feet to a point of the aforementioned West line of said Donation Land

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM, OREGON

Claim, thence South 0°02'00" West 127.04 feet along said West Claim line to the true point of beginning

PROPERTY 4

Beginning at a 1/2 inch iron pipe at the Southwest corner of that tract of land as conveyed to Russell Nelson, et ux, by deed recorded July 5, 1961, in Book 178, Page 23, Deed Records of Benton County, Oregon, which point is 250 feet West, along the Claim line, from the Southeast corner of the Abram N. Locke Donation Land Claim No. 41 in Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon, and running thence North, along the West line of said Nelson tract 35 feet, more or less, to the Southeasterly line of County Road No. 39-01, as now located, thence Southwesterly, along the South line of said County Road, to its intersection with the South line of said Locke Claim, which point is 425.28 feet West of the Southeast corner of said Claim, thence East, along said Claim line, 175.28 feet, more or less, to the place of beginning.

PROPERTY 5

Beginning at a point on the South line of the William H. Elliott Donation Land Claim No. 40 and 52 in Township 11 South, Ranges 4 and 5 West of the Willamette Meridian, Benton County, Oregon, said point being 44.314 chains East of the Southwest corner of said Claim No. 40, thence North 00°08' West 15.060 chains to a point on the South line of Parcel 2 of Partition Plat 91-2, a partition plat of record in Sections 7 and 18 of said Township 11 South, Range 4 West and Section 13 of said Township 11 South, Range 5 West and a point on the South line of that tract of land allotted to Fred S. Elliott in the suit of Fred S. Elliott, et al. versus Ada Elliott, et al., thence continue North 00°08' West 8.70 chains, more or less, to the interior Westerly corner of said Parcel 2, said point bearing East 7.73 chains from the Northeast corner of Parcel 1 of said Partition Plat 91-2, thence West 7.73 chains along the Northerly line of said Parcel 2 to the Northeast corner of said Parcel 1, thence South 8.68 chains along the East line of said Parcel 1 to the Southeast corner of said Parcel 1, thence Southerly 15.2 chains, more or less, to the Southeast corner of the aforementioned William H. Elliott Donation Land Claim No. 40, thence Easterly along the South line of said William H. Elliott Donation Land Claim No. 40 and 52 to the point of beginning.

PROPERTY 6

Commencing at the Southeast corner of Parcel 2, Partition Plat No. 91-2 recorded February 4, 1991 as Instrument No. 121468, Partition Plat Records of Benton County, Oregon, said Southeast corner being on the Easterly line of the William H. Elliott Donation Land Claim No. 52, thence South 360 feet along said Easterly line to the true of beginning; thence continue South 5.45 chains more or less along said Easterly line to the Easterly Southeast corner of said Elliott Claim, said corner also being on the Northerly line of the Mary Sylvester Donation Land Claim No. 47, thence West 30.60 chains more or less along the line common to said Sylvester and Elliott Claims to the interior Easterly corner of said Elliott claim and the Northwesterly corner of said Sylvester Claim, thence South 4.15 chains more or less continuing along the line common to said Sylvester and Elliott Claims to the Southerly Southeast corner of said Elliott Claim, thence

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT

East 4 586 chains more or less along the Southerly line of said Elliott Claim to the Southeasterly corner of that parcel conveyed to Kyle L. Dunning and Holly J. Dunning, husband and wife, by deed recorded September 6, 1994 as M-189506-94, Microfilm Records of Benton County, Oregon, thence North 00°08' West 15 082 chains more or less along the Easterly line of said Dunning parcel to a point on the Southerly line of the aforementioned Parcel 2 of Partition Plat No. 91-2, thence South 45° East 7.71 chains more or less, thence East, parallel with the Southerly line of said Parcel 2, 29.77 chains more or less to the true point of beginning

RECEIVED

JUN 29 2007

**WATER RESOURCES DEPT
SALEM OREGON**

PARTITION PLAT NO. 2004-11

A REPLAT OF PARCEL 2 OF PARTITION PLAT 91-2, BEING LOCATED IN THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 18, IN THE TOWNSHIP 11 N AND RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON

FOR: KYLE L. AND HOLLY J. DUNNING
DATE: MARCH 10, 2004.

LEGEND

- FD 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "D&C" ENC.
- LS 25887
- FD 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURV" LS 20867 UNLESS OTHERWISE NOTED
- Δ CALCULATED POSITION
- P IRON PIPE - INSIDE DIAMETER
- R IRON ROD
- < > CALCULATED INFORMATION
- FD FOUND
- C.S. COUNTY SURVEY
- R/W RIGHT OF WAY
- PV PRIVATE
- E/MT EASEMENT
- Y/C YELLOW PLASTIC CAP
- BC/BR BENTON COUNTY DEED RECORD
- BC/CR BENTON COUNTY CREDIT COURT
- ([]) WEIGHED AND RECORDED INFORMATION FOR "PHOT O.R.S" ESTATES PERFORMED BY COLE SURVEYING JANUARY 19, 2001
- () RECORD INFORMATION

SCALE: 1" = 400'

- ### NOTES:
- PARCEL 3 SHALL CONVEY TO PARCEL 4 A PERPETUAL EASEMENT FOR ingress, egress and provides access to PARCEL 1 THROUGH PARCEL 3.
 - AN EASEMENT BENEFITING CONSUMERS POWER, INC. AS PER BOOK M-2986 EXISTS OVER THE PROPERTY. AN EASEMENT BENEFITING PACIFIC POWER AND LIGHT COMPANY AS PER BOOK M-19109 EXISTS OVER THE PROPERTY. THESE TWO EASEMENTS DO NOT DEFINE AN EXACT LOCATION, BUT INSTEAD COVER CONCRETE FACILITIES. AN EASEMENT BENEFITING BENTON-LINCOLN ELECTRIC COMPANY, INC. AS PER BOOK 176, PAGE 532 EXISTS OVER THE PROPERTY.
 - INGRESS-EGRESS EASEMENT AND MAINTENANCE AGREEMENT, BENTON COUNTY RECORDS, PARTITION PLAT 97-23, M-131432-91, M-188918-94
 - INGRESS-EGRESS EASEMENT AND MAINTENANCE AGREEMENT, SEE NOTE.
 - SOUTH LINE OF PARCEL 7 PER PARTITION PLAT 91-2 AS SHOWN ON "PHOT O.R.S" ESTATES. ALSO BEING THE SOUTH LINE OF PARCEL 1 OF PARTITION PLAT 91-2
 - S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2
 - BASES OF BEARINGS AND DISTANCES PER PARTITION PLAT 91-2
 - 60" INGRESS-EGRESS EASEMENT AND MAINTENANCE AGREEMENT, BENTON COUNTY RECORDS, PARTITION PLAT 97-23, M-131432-91, M-188918-94
 - THE PURPOSE OF THIS PARTITION PLAT IS TO MEET THE REQUIREMENTS OF THE BENTON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT FILE NUMBER 10-04-01.
 - THE BASIS OF BEARINGS IS THE SOUTH LINE OF PARCEL 7 OF PARTITION PLAT 91-2 AS SHOWN ON "PHOT O.R.S" ESTATES. ALSO BEING THE SOUTH LINE OF PARCEL 1 OF PARTITION PLAT 91-2.
 - BOUNDARY DETERMINATION: THE UNSURVEYED BOUNDARIES ON THIS PARTITION PLAT ARE BASED ON DATA FROM RECORDED PLAT PARTITIONS AND SURVEYS IN CONJUNCTION WITH FIELD MEASUREMENTS TO FOUND MEASUREMENTS OF "PHOT O.R.S" ESTATES.
 - FD 3"-1/4" BRASS CAP S.W. CORNER WILLIAM H. ELLIOTT D.L.C. NO. 40 BOOK 3822

SURVEYOR'S NARRATIVE:

THE PURPOSE OF THIS PARTITION PLAT IS TO MEET THE REQUIREMENTS OF THE BENTON COUNTY COMMUNITY DEVELOPMENT DEPARTMENT FILE NUMBER 10-04-01.

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE SOUTH LINE OF PARCEL 7 OF PARTITION PLAT 91-2 AS SHOWN ON "PHOT O.R.S" ESTATES. ALSO BEING THE SOUTH LINE OF PARCEL 1 OF PARTITION PLAT 91-2.

BOUNDARY DETERMINATION

THE UNSURVEYED BOUNDARIES ON THIS PARTITION PLAT ARE BASED ON DATA FROM RECORDED PLAT PARTITIONS AND SURVEYS IN CONJUNCTION WITH FIELD MEASUREMENTS TO FOUND MEASUREMENTS OF "PHOT O.R.S" ESTATES.

RECEIVED

JUN 29 2007

WATER RESOURCES DEPT
SALEM-OREGON

DECLARATION:

I, KYLE L. AND HOLLY J. DUNNING, THE OWNERS OF THE LAND SHOWN ON THE ATTACHED MAP AND MORE PARTICULARLY DESCRIBED IN THE SURVEYOR'S CERTIFICATE AND HAVE CAUSED THE SAME TO BE PLATTED INTO PARCELS AS SHOWN ON THE ATTACHED MAP.

KYLE L. DUNNING
HOLLY DUNNING

ACKNOWLEDGMENT:

STATE OF OREGON }
COUNTY OF BENTON }
}
} THIS IS TO CERTIFY THAT ON THIS 13 DAY OF April 2004
BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR KYLE L. DUNNING AND HOLLY J. DUNNING, AND WHO, BEING FIRST DULY SHOWN, EXECUTED THE FOREGOING INSTRUMENT AND DO HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF THEIR FREE ACT AND DEED.



BEFORE ME, A NOTARY PUBLIC FOR THE STATE OF OREGON, DID PERSONALLY APPEAR KYLE L. DUNNING AND HOLLY J. DUNNING, AND WHO, BEING FIRST DULY SHOWN, EXECUTED THE FOREGOING INSTRUMENT AND DO HEREBY ACKNOWLEDGE SAID INSTRUMENT TO BE OF THEIR FREE ACT AND DEED.

Cole Surv
NOTARY PUBLIC FOR THE STATE OF OREGON
MY COMMISSION EXPIRES: 10-1-07

SURVEYOR'S CERTIFICATE

I, C. HENRY COLE, BEING FIRST DULY SHOWN, HEREBY DEPOSE AND SAY THAT I HAVE CORRECTLY PLATTED THE PARCELS SHOWN HEREBY. THIS PARTITION PLAT IS UNSURVEYED. THE EXTERIOR BOUNDARY OF THE PARTITION PLAT 91-2, BENTON COUNTY RECORD OF PLATS, BENTON COUNTY, OREGON; PARCEL 2 OF PARTITION PLAT 91-2, BENTON COUNTY RECORD OF PLATS, BENTON COUNTY, OREGON; BEING IN THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF SECTION 18, IN THE TOWNSHIP 11 N AND RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; THENCE SOUTH 03°36'48" WEST ALONG THE EAST LINE OF THE WILLIAM H. ELLIOTT D.L.C. NO. 52 721.5 FEET TO THE EAST SOUTHEASTERLY CORNER OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52; THENCE NORTH 89°48'22" WEST ALONG THE SOUTHERLY LINE OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52 203.78 FEET TO THE SOUTHWESTERLY CORNER OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52; THENCE SOUTH 00°13'50" WEST ALONG THE SOUTHERLY LINE OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52 203.78 FEET TO THE SOUTHWESTERLY CORNER OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52; THENCE NORTH 89°48'22" WEST CONTINUING ALONG SAID SOUTHERLY LINE 12.128 CHAINS TO A 5/8 INCH IRON ROD AT THE SOUTHEASTLY CORNER OF THE WILLIAM H. ELLIOTT D.L.C. NO. 40; SAID POINT ALSO BEING THE SOUTHEASTLY CORNER OF LOT 16, "PHOT O.R.S" ESTATES; A SUBDIVISION OF BENTON COUNTY, OREGON; THENCE NORTH 00°13'50" WEST ALONG THE SOUTHERLY LINE OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52 102.9 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHWESTERLY CORNER OF SAID WILLIAM H. ELLIOTT D.L.C. NO. 52; THENCE NORTH 89°48'22" WEST CONTINUING ALONG THE SOUTHERLY LINE OF SAID PARCEL 2 203.78 FEET TO THE POINT OF BEGINNING.

(N.E. CORNER OF WILLIAM H. ELLIOTT D.L.C. NO. 52 VOLUME 54, PAGE 384)

(S.W. CORNER OF LAND DECIDED BY WILLIAM H. ELLIOTT, D.L.C. NO. 52 VOLUME 54, PAGE 384)

(EAST LINE OF WIDGER PROPERTY)

(EAST LINE OF THE WILLIAM H. ELLIOTT D.L.C. NO. 52)

(S.W. CORNER OF PARCEL 3 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 4 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 3 OF PARTITION PLAT 91-2)

(N.E. CORNER OF PARCEL 3 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 3 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.E. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

(S.W. CORNER OF PARCEL 2 OF PARTITION PLAT 91-2)

APPROVALS:

I, HEREBY CERTIFY THAT PURSUANT TO O.R.S. 82.052, ALL AD VALOREM TAXES, FEES, AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED ON THE 2004-2005 TAX ROLL, WHICH BECAME A LIEN OR WILL BECOME A LIEN ON THIS PARTITION DURING THIS TAX YEAR, BUT NOT YET CERTIFIED TO THE TAX COLLECTOR FOR COLLECTION, HAVE BEEN PAID TO BE THIS DATE: 4-19-04 BY: [Signature] DIRECTOR, BENTON COUNTY DEPT. OF ASSESSMENT

I, HEREBY CERTIFY THAT ALL AD VALOREM TAXES AND OTHER CHARGES REQUIRED BY LAW TO BE PLACED UPON THE TAX ROLLS WHICH HAVE BECOME A LIEN ON THIS PARTITION THAT ARE NOW DUE AND PAYABLE HAVE BEEN PAID TO THE DATE OF: 4-19-04 BY: [Signature] DIRECTOR, BENTON COUNTY DEPT. OF FINANCE, AUDITING, AND TAX COLLECTION

APPROVED: [Signature] BENTON COUNTY PLANNING OFFICIAL
DATE: 4-19-04

APPROVED: [Signature] BENTON COUNTY SURVEYOR
DATE: 4-19-04

RECORDING:

STATE OF OREGON)
COUNTY OF BENTON) SS
I, HEREBY CERTIFY THAT THIS PARTITION PLAT WAS RECEIVED AND DULY RECORDED BY ME AS PARTITION PLAT 2004-11 IN BENTON COUNTY DEED RECORDS AS DOCUMENT NO. 2004-35533 ON THE DATE OF: 4-19-04 AT 1:12 O'CLOCK PM. BY: [Signature] CLERK, BENTON COUNTY CLERK, Sandy Reed

PROFESSIONAL LAND SURVEYOR
C. HENRY COLE
JULY 11, 1966
EXPIRES 12/31/05

C. HENRY COLE, P.L.S.
COLE SURVEYING, INC.
6785 S.W. PHILMATH BLVD.
CORVALLIS, OREGON 97333
(541) 828-3500



C. HENRY COLE, HEREBY CERTIFY THAT THIS IS THE EXACT COPY OF THE ORIGINAL PARTITION PLAT.

Book 10 Page 32

PINOT GRIS ESTATES

LOCATED IN THE NW 1/4 & NE 1/4 OF SECTION 15,
AND IN THE SE 1/4 OF SECTION 12,
TOWNSHIP 11 SOUTH, RANGE 5 WEST
OF THE WILLAMETTE MERIDIAN AND IN
THE SW 1/4 OF SECTION 7, AND THE
NW 1/4 OF SECTION 18, TOWNSHIP 11
SOUTH, RANGE 4 WEST, OF THE
WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON

FOR: KYLE L. AND HOLLY J. DUNNING
DATE: JANUARY 19, 2001

SHEET INDEX:

- SHEET 1 - SUBDIVISION BOUNDARY & LOT 16
- SHEET 2 - LOTS 1 THROUGH 9
- SHEET 3 - LOTS 10 THROUGH 15
- SHEET 4 - SIGNATURE PAGE
- SHEET 5 - SIGNATURE PAGE

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS THE WEST LINE OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON, AS DETERMINED BY BENTON COUNTY SURVEY HARD COPY 11-5-00008

LEGEND

- SET 6 1/2" 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TOLL SURVY" LS 2088
- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "DEVED ENG." LS 2088
- ▲ 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "COLE SURVY COOPERATIVE" RECORDED IN BENTON COUNTY DEED RECORDS AS BOOK 178 LS 2088
- 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "TOLL SURVY" AND APPURTENANCES. EXACT LOCATION NOT GIVEN.
- △ CALCULATED POSITION
- P EASEMENT GRANTED TO CONSUMERS FROM PIPE - INSIDE DIAMETER
- R IRON PIPE - INSIDE DIAMETER
- W WYPC
- FWT PRIVATE
- [] CALCULATED INFORMATION UNCLEAR, FOR POLES, LINES AND ANCHORS.
- FD FOUND
- C.S. COUNTY SURVEY
- H/W RIGHT OF WAY
- PMT EASEMENT
- WPC YELLOW PLASTIC CAP
- BOOK BENTON COUNTY CORNER RESTORATION FORM MEASURED AND RECORDED INFORMATION PER C.S. 9542 PERFORMED BY COLE SURVEYING, JULY 12, 2000
- () RECORDED INFORMATION

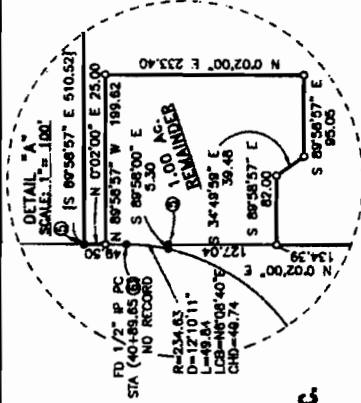
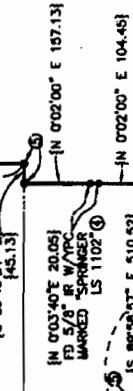
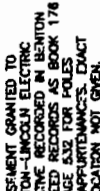
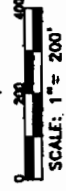
- ① GALLOWAY INSTRUMENT 11-5-00008
- ② BENTON COUNTY PARTITION PLAT 94-33
- ③ BENTON COUNTY PARTITION PLAT 97-23
- ④ C.S. 9513
- ⑤ C.S. 9542
- ⑥ BENTON COUNTY ENGINEERING DEPARTMENT ROUTE 38-01 PLAN & PROFILE DRAWING
- ⑦ C.S. 4192
- ⑧ BENTON COUNTY DEED RECORDS M 152788-83
- ⑨ BENTON COUNTY DEED RECORDS BOOK 104, PAGE 154
- ⑩ C.S. 3903
- ⑪ DATED DECEMBER 11, 1928

I, C. HENRY COLE, HEREBY CERTIFY THAT THIS IS AN EXACT COPY OF THE ORIGINAL SUBMISSION PLAT.

REGISTERED PROFESSIONAL LAND SURVEYOR

 C. HENRY COLE
 EXPIRES 12/31/01


COLE SURVEYING, INC.
 C. HENRY COLE, P.L.S.
 COLE SURVEYING, INC.
 8765 S.W. PHLOMATH BLVD.
 CORVALLIS, OREGON 97333
 (541) 929-3500



LOT 16
61.92 AC.

RECEIVED
 JUN 29 2007
 WATER RESOURCES DEPT
 SALEM OREGON

