



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

Application for a Permit to Use
Surface Water

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

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WATER RESOURCES DEPT
SALEM, OREGON

1. APPLICANT INFORMATION

A. Applicants

Applicant: Kenny Unger
First Last

Mailing Address: 9816 Burnett Avenue
North Hills CA 91343
City State Zip

Phone: Home 818-371-8005 Work Other

\*Fax: \*Email Address: KenyonLand@msn.com

B. Organizations

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

Name of Organization:

Name and Title of Person Applying:

Mailing Address or Organization:

City State Zip

Phone : Day Evening

\*Fax: \*Email Address:

\*Optional

For Department Use
App. No. S-8736 Permit No. Date

## 2. SOURCE AND PROPERTY OWNERSHIP

**A. The Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: <u>Unger #1 Reservoir</u>	Tributary to: <u>N/A [Off-Channel Reservoir]</u>
Source 2: <u>Unger #2 Reservoir</u>	Tributary to: <u>N/A [Off-Channel Reservoir]</u>
Source 3: <u>Unger #3 Reservoir</u>	Tributary to: <u>Unnamed Trib. to Hutchcroft Creek</u>
Source 4: <u>See attached sheet</u>	Tributary to: <u>For sources 4, 5, and 6.</u>

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Concurrent reservoir applications are being submitted for Unger Reservoirs #1, #2, and #3.

**B. Applications to Use Stored Water**

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

Do you, or will you, own the reservoir(s) described in item 2A above?

Yes

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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**2. SOURCE AND PROPERTY OWNERSHIP*****A. The Proposed Source of Water***

*Provide the commonly used name of the water body from which water will be diverted and the name of the stream or lake it flows into. If unnamed, say so:*

Sources 1-3 Documented on p. 2 of this appl. Tributary to: See p. 2 of this application.

Source 4: Hutchcroft Creek [POD #4] Tributary to: North Yamhill River

Source 5: Unnamed Swale [POD #5] Tributary to: Hutchcroft Creek

Source 6: Unnamed Intrmnt. Creek [POD #6] Tributary to: North Yamhill River

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**C. Property Ownership**

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

Yes (Please check appropriate box below then skip to section 3 'Water Use')

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances  
(please provide a copy of the recorded deed(s) )

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.

**3. WATER USE**

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

**A. Type(s) of Use(s)**

See list of beneficial uses provided in the instructions.

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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**B. Amount of Water**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

Source	Type of use	Amount
	See attached sheet	<input type="text"/> cfs <input type="text"/> gpm <input type="text"/> af
		<input type="text"/> cfs <input type="text"/> gpm <input type="text"/> af
		<input type="text"/> cfs <input type="text"/> gpm <input type="text"/> af
		<input type="text"/> cfs <input type="text"/> gpm <input type="text"/> af

**C. Period of Use**

Indicate the time of year you propose to use the water: Irrig: Mar. 1 - Oct. 31 / Nursery: Year Round  
*(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)*

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 176.9 acres  
*(This number should be consistent with your application map.)*

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

- Pump (give horsepower and pump type): 40 HP electric centrifugal (typical)
- Head-gate (give dimensions): \_\_\_\_\_
- other means (describe): \_\_\_\_\_

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir  Meter  Periodic Sampling

other means (describe): \_\_\_\_\_

### 3. WATER USE

#### *B. Amount of Water*

*Provide the amount of water you propose to use from each source, for each use:*

Source	Type of use	Amount
Unger Reservoir #1	Irrigation & Agricultural Use	50 AF
Unger Reservoir #2	Irrigation & Agricultural Use	50 AF
Unger Reservoir #3	Irrigation & Agricultural Use	9.1 AF
Hutchcroft Creek [POD #4]	Irrigation & Agricultural Use; Reservoir Maintenance	2.21 cfs*
Unnamed Intermittent Creek [POD #5]	Irrigation & Agricultural Use; Reservoir Maintenance	2.21 cfs*
Unnamed Intermittent Creek [POD #6]	Irrigation & Agricultural Use; Reservoir Maintenance	2.21 cfs*

\* The amount proposed from each POD is equal to 1/80 cfs per acre times the total number of acres on-site that may require irrigation [176.9 acres]. If only POD #1 is developed and used, this would be the maximum rate used. If the additional PODs are developed and used, this maximum rate would be spread between the PODs if used simultaneously and the combined POD rates are not intended to exceed 2.21 cfs.

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**C. Transport**

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width \_\_\_\_\_ Depth \_\_\_\_\_

Is the ditch or canal to be lined?  Yes  No

Pipe (give diameter and total length):

Diameter 8" (pump to pond) / 6" (irr. mains) Length 4500' (to ponds) / 7500' (irr. mains)

other, describe: Lengths are estimated. Irrig. system not designed.

**D. Application/Distribution Method**

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

Drip irrigation will be the predominant method of water application. Hand lines and low pressure sprinklers may also be used where appropriate.

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

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Flood                                   | <input type="checkbox"/> High pressure sprinkler | <input checked="" type="checkbox"/> Low pressure sprinkler |
| <input checked="" type="checkbox"/> Drip                         | <input type="checkbox"/> Water Cannons           | <input type="checkbox"/> Center pivot system               |
| <input checked="" type="checkbox"/> Hand Lines                   | <input type="checkbox"/> Wheel Lines             |  |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows |  |  |
| <input type="checkbox"/> other, describe: _____                  |  |  |

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Distribution method

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

**E. Conservation**

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

The majority of water use will be via drip irrigation which is normally a conservative use of water. Low pressure sprinklers will only be used as needed.

### 5. RESOURCE PROTECTION

#### A. Protection Practices

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life. Describe planned actions:

Diversion for POD #4 will follow prevention device requirements including provided a fish screen. The other proposed PODs have no fish presence.

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

Minimal excavation or clearing of banks is required for installing pump station inlets. Work will be completed during the dry or low flow season.

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

N/A

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

N/A

- Other:



## 6. PROJECT SCHEDULE

Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.

Proposed date construction will begin: June 2009

Proposed date construction will be completed: June 2014

Proposed date beneficial water use will begin: March 2010

## 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.*

Concurrent reservoir applications are being submitted for Unger Reservoirs #1, #2, & #3. Unger Reservoirs #2 and #3 will be developed depending upon financial considerations within the timeframe of a permit. Depending on the nursery crops grown and the rotation of irrigation, not all acres will be irrigated each year. 41.8 acres of land within tax lot 800 in Section 36, T2S, R5W has a Limited License (LL-1129). If a surface water permit is obtained, LL-1129 will be cancelled when water per this permit application is available for use.

## 8. MAP REQUIREMENTS

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

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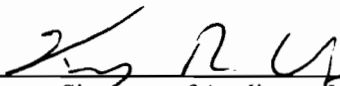
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## 9. SIGNATURE

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

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



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

12-2-08

Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**WRD on the web:**  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

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# Oregon Water Resources Department

## 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:            176.9            Acres

Secondary:        \_\_\_\_\_            Acres

List the permit or certificate number of the primary water right:            No. 81602

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Agricultural Use - Nursery & Irrigation     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 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:

220 = 100 (Stored) + 120 (Live Flow)    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: Daily application of water only when needed (daytime or nighttime).

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# Oregon Water Resources Department Land Use Information Form

*THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.*

Applicant Name: Kenny Unger  
Mailing Address: 9816 Burnett Ave.  
City: North Hills State: CA Zip: 91343 Day Phone: 818-371-8005

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:
2S	5W	36	SE SW	800	EF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery/Irrig.
3S	5W	2	NE	100	AF-40 + AF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery/Irrig.
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

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## 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) Hutchcroft Crk & unbuilt resv.

Estimated quantity of water needed: 450  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 Nursery

Briefly describe: Submitting applications for permits to use surface water and to store water to Oregon Water Resources Department for nursery use and irrigation for land zoned in EF-80 district.

**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.*

### 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): Sections 402 + 403 of the YCZO

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

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

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

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Name: Stephanie Armstrong Title: Planner  
 Signature: [Signature] Phone: 503.434.7516 Date: 11.20.08  
 Government Entity: Tamhill County

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

S-87365 (9)  
R2536 00800

**TICOR TITLE INSURANCE**

Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK

40.00

199817013 3:11pm 08/28/98

001 074861 10 04 000202  
1 0 D08 2 10.00 10.00 20.00 0.00 0.00 0.00

**WARRANTY DEED**

GRANTOR: ANTHONY MATTOS

GRANTEE: KENNETH UNGER

Until a change is requested, all tax statements shall be sent to the following address:  
KENNETH UNGER  
18145 NW ROCKYFORD RD  
YAMHILL, OR 97148

Escrow No. 80446 Title No. 80446

After recording return to:  
KENNETH UNGER  
18145 NW ROCKYFORD RD  
YAMHILL, OR 97148

**STATUTORY WARRANTY DEED**

ANTHONY MATTOS AND DOLORES MATTOS, husband and wife Grantor, conveys and warrants to KENNETH UNGER Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in YAMHILL County, Oregon, to wit:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930. The said property is free from encumbrances except: 1998-99 taxes a lien but not yet determined or payable; premises herein have been zoned or classified for farm use, any disqualification will subject the premises to additional taxes and interest; rights of the public in streets, roads and highways; Easement recorded 7/26/68 in FV 71, Page 454; Mineral rights reserved in Deed from Oregon and California (SEE EXHIBIT 'A')

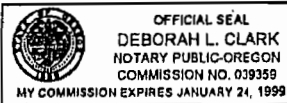
The true consideration for this conveyance is \$375,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 28th day of August 19 98

Anthony Mattos  
ANTHONY MATTOS  
Dolores Mattos  
DOLORES MATTOS

State of Oregon, County of Yamhill  
The foregoing instrument was acknowledged before me this 28th day of August, 1998 by  
ANTHONY MATTOS  
DOLORES MATTOS

Deborah L Clark  
Notary Public for Oregon  
My commission expires: 1-24-99



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80446 dec

TICOR Title Insurance Company

0 10-98

1 of 2

**EXHIBIT 'A'**

**DEED EXCEPTIONS**

Railroad Co recorded 1/26/1891 in Book 24, Page 395.

**LEGAL DESCRIPTION**

-----PARCEL 1: The following portions of the Donation Land Claim of Elisha Bedwell No. 37 Section 36, Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, more particularly described as follows:

(A) Lot No. 1A of County survey No. 2241, described as follows:

Beginning at a stake on the West line of said Claim at a point 10.276 chains North 1°14' East from the Southwest corner of said Claim; thence North 1°14' East along the West line of Claim, 3.069 chains to a stake; thence East between Lot 1A and 2A, 42.562 chains to a stake in the center of the county road; thence South 0°35' West along the center of county road, 0.77 of a chain to angle in said road; thence South 15°14' West along center of road, 2.371 chains to stake; thence West 42.036 chains to beginning.

ALSO Lot No. 2A of county survey No. 2241, described as follows:

Beginning at a stake on the West line of said Claim at a point 13.345 chains North 1°14' East from the Southwest corner of said Claim; thence North 1°14' East along the West line of Claim, 5.645 chains to a stake; thence East between Lots 2A and 4A, 42.501 chains to a stake in the center of the county road; thence South 0°35' West along the center of said road, 5.644 chains to stake; thence West 42.562 chains to beginning.

ALSO Lot No. 7A of county survey No. 2241, described as follows:

Beginning at a stake set on the West line of said Claim at a point 6.913 chains North 1°14' East from the Southwest corner; thence North 1°14' East along the West line of Claim, 3.63 chains to a stake; thence East between Lots 1A and 7A, 42.036 chains to stake in the center of county road; thence South 14°15' West along center of said county road, 3.469 chains to stake; thence West 41.265 chains to beginning.

(B) Being a part of the Elisha Bedwell Donation Land Claim Notification No. 1542, Claim No. 37 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon, and beginning at the Southwest corner of Lot 4A, said point being on the West line of and North 1°14' East 18.99 chains from the Southwest corner of said Claim; thence East with South line of Lot 4A, County survey No. 2241, 42.501 chains to the Southeast corner in center of county road; thence North 00°35' East along center of road, 1.515 chains; thence North 77°20' West, 43.337 chains to stake on West line of said Claim; thence South 1°14' West along the West line of Claim 11.023 chains to the point of beginning.

PARCEL 2: An undivided 1/7 interest in and to the following described property:

BEGINNING at a point 22.00 chains South of the Northwest corner of the Northeast Quarter of the Southeast Quarter of Section 35, Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon and running thence North 22.00 chains; thence East 23.00 chains to the West line of the Elijah Bedwell and wife Donation Land Claim; thence South 18.00 chains; thence running in a straight line to the point of beginning. Said lands being in Sections 35 and 36 in Township 2 South, Range 5 West of the Willamette Meridian in Yamhill County, Oregon.

SAVING AND EXCEPTING therefrom that certain tract conveyed by City of Yamhill to Fred Cane et al. by deed recorded February 1, 1944 in Book 123, Page 462, Deed Records.-----

8-28-98

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S-87865  
R3502 00100

RECORDING REQUESTED BY  
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME  
William C. Remior

GRANTEE'S NAME  
Kenny Unger

SEND TAX STATEMENTS TO:  
Kenny Unger  
9816 Burnet Ave.  
Sepulveda, CA 91343

AFTER RECORDING RETURN TO:  
Kenny Unger  
9816 Burnet Ave.  
Sepulveda, CA 91343

OFFICIAL YAMHILL COUNTY RECORDS  
JAN COLEMAN, COUNTY CLERK



\$31.00

200610450

2:52:53 PM 5/10/2006

DMR-DDMR Cnt=1 Str=3 KENTV  
\$10.00 \$10.00 \$11.00

FNT 21-28850

**STATUTORY WARRANTY DEED**

William \*. Remior., Grantor, conveys and warrants to

\*Charles

Kenny Unger, As An Individual, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon,

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

**Subject to and excepting:**

Covenants, conditions, restrictions and easements of record, if any; As disclosed by the assessment and tax roll, the premises herein have been specially assessed for forest use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied and the Grantee herein agrees to pay for said amounts.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$392,325.00 (See ORS 93.030)

DATED: April 27, 2006

William C. Remior

STATE OF OREGON  
COUNTY OF Yamhill

This instrument was acknowledged before me on

William C. Remior  
by [Signature]

NOTARY PUBLIC FOR OREGON  
MY COMMISSION EXPIRES: \_\_\_\_\_



**RECEIVED**

DEC 12 2008

WATER RESOURCES DEPT  
SALEM, OREGON



**RECEIVED**

DEC 12 2008

WATER RESOURCES DEPT  
SALEM, OREGON**Legal Description of TRACT B**

A tract of land in Section 2, Township 3 South, Range 5 West, Yamhill County, Oregon, being part of Parcel 1 and all of Parcel 2, 3 and 4 of those tracts of land described in deed from THE WILLIAM REMIOR & MARTHA REMIOR LIVING TRUST AGREEMENT to WILLIAM CHARLES REMOIR and recorded in Instrument No. 2004-13888, Yamhill County Deed Records, and being more particularly described as follows:

Beginning at the north 1/4 of Section 2, being marked by an iron pipe & brass cap; thence North 89°40'00" East 1324.60 feet along the north line of said Section 2 to an angle point in said Parcel 2; thence North 0°08'24" West 1191.64 feet to an angle point in said Parcel 2; thence North 78°20'00" East 1487.72 feet along the north line of said Parcel 2 and Parcel 3 to the northeast corner of said Parcel 3; thence South 1°06'37" West 1206.18 feet along the east line of said Parcel 3 and Parcel 4 to the southeast corner of said Parcel 4; thence South 89°35'00" West 125.07 feet to an angle point in said Parcel 4; thence North 86°01'28" West 770.91 feet to an angle point in said Parcel 4, said point held as being on the east line of said Parcel 2; thence South 0°06'07" West 995.01 feet to the southeast corner of said Parcel 2; thence North 89°40'00" East 773.42 feet to the northeast corner of said Parcel 1, said point on record as being 10 chains South of the Northeast corner of the Commodore P. McCullough Certificate Claim (erroneously referred to in previous deed as a donation land claim, and, said northeast corner of claim is also the northeast corner of Section 2); thence South 1°25'21" West 314.48 feet to an iron rod on the east line of said Parcel 1; thence South 83°42'57" West 943.36 feet to an iron rod; thence South 65°41'03" West 1855.90 feet to an iron rod on the west line of said Parcel 1; thence North 0°07'29" East 1825.58 feet along the west line of said Parcel 1 and Parcel 2 to the POINT OF BEGINNING.

TOGETHER WITH the following described access & utility easement:

A 30 foot wide easement in Section 2, Township 3 South, Range 5 West, Yamhill County, Oregon, being across a portion of Parcel 1 of those tracts of land described in deed from THE WILLIAM REMIOR & MARTHA REMIOR LIVING TRUST AGREEMENT to WILLIAM CHARLES REMOIR and recorded in Instrument No. 2004-13888, Yamhill County Deed Records, the centerline of which is described as follows:

Beginning at an iron pipe and brass cap marking the north 1/4 corner of Section 2; thence South 0°07'29" West 1825.58 feet to an iron rod on the west line of said Parcel 1; thence North 65°41'03" East 21.98 feet to the TRUE POINT OF BEGINNING; thence South 2°31'48" East 263.10 feet; thence South 6°34'54" East 277.61 feet to the beginning of a curve having a radius of 495.00 feet and being concave to the west; thence Southerly 273.29 feet along said curve (Chord= South 9°14'05" West 269.83 feet) to the County Road.