



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: _____
First Last

Mailing Address: _____

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

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

Name of Organization: Jordan Creek Ranch LLC

Name and Title of Person Applying: David Lowe, Manager

Mailing Address or Organization: 485 El Alamo

Danville CA 94526
City State Zip

Phone : 415-816-6155 925-362-9822
Day Evening

*Fax: 925-362-9820 *Email Address: dlowe@fflpartners.com

*Optional CONTACT PERSON: Martha O. Pagel, Schwabe Williamson & Wyatt
530 Center St NE, Ste 400
Salem, OR 97301
mpagel@schwabe.com ; Ph. 503-540-4260; Fax. 503-796-2900

For Department Use		
App. No. <u>G-17183</u>	Permit No. _____	Date _____

Last Updated: 11/24/2008

Ground Water/1

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2. PROPERTY OWNERSHIP

☒ Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

☒ 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).

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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. Deed Attached

List the names and mailing addresses of all affected landowners.

None

3. GROUND WATER DEVELOPMENT**A. Well Information**

Number of well(s): two

Name of nearest surface water body: Jordan Creek

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

1) 3365 ft. 2) 4520 ft. 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) 300 ft. abv cr 2) 600 ft. abv cr 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:

Stoffel Bros. Drilling Co.

Mailing Address: PO Box 549

Enterprise

City

OR

State

97828

Zip

Completion Date: As soon as possible

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	TBD	Steel 10"	Into basalt	N/A	Into basalt	150'	150'	TBD	200'-500'
2	TBD	Steel 10"	Into basalt	N/A	Into basalt	150'	150'	TBD	200'-500'

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:

If artesian, would not let free flow when not in use

4. WATER USE

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

A. Type(s) of Use(s)

See list of beneficial uses provided in the instructions.

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

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Joel Plahn

From: Langford, Shonee D. [SLangford@SCHWABE.com]
Sent: Tuesday, March 03, 2009 1:53 PM
To: Joel Plahn; joel.m.plahn@state.or.us
Subject: Jordan Creek Ranch application

Hi Joel,

Thanks for returning my call. As you requested, I am sending this e-mail to correct an error in the above-referenced application. Martha Pagel of this office filed the application on February 26, 2009. The application requests the use of ground water for irrigation of 237 acres.

After filing the application, we discovered an error in the table in Section 3.B of the application form (at the top of page 4). The error is in the "Total annual quantity" column. The total annual quantity of water from each well should be:

Well 1: 100.7 MG

Well 2: 131.0 MG

The above corrected numbers are consistent with the requested volume of 711 acre-feet (3 acre-feet per acre), as stated in the Form I for Irrigation Water Use that was submitted with the application.

Please let me know if you think this change will require an adjustment of the priority date.

Thank you.

SHONEE D. LANGFORD | Attorney at Law
SCHWABE, WILLIAMSON & WYATT
530 Center Street NE, Suite 400, Salem, OR 97301
Direct: 503-540-4261 | Fax: 503-796-2900
Email: slangford@schwabe.com <mailto:youremail@schwabe.com>
Assistant: Karen Donohue | Direct: 503-540-4262 | kdonohue@schwabe.com Legal advisors for the future of your business® www.schwabe.com

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MAR 03 2009

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To comply with IRS regulations, we are required to inform you that this message, if it contains advice relating to federal taxes, cannot be used for the purpose of avoiding penalties that may be imposed under federal tax law. Any tax advice that is expressed in this message is limited to the tax issues addressed in this message. If advice is required that satisfies applicable IRS regulations, for a tax opinion appropriate for avoidance of federal tax law penalties, please contact a Schwabe attorney to arrange a suitable engagement for that purpose.

NOTICE: This communication (including any attachments) may contain privileged or confidential information intended for a specific individual and purpose, and is protected by law. If you are not the intended recipient, you should delete this communication and/or shred the materials and any attachments and are hereby notified that any disclosure, copying or distribution of this communication, or the taking of any action based on it, is strictly prohibited. Thank you.

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	578	8.39 mg	unk.
2	ground water	irrigation	752	10.91 mg	unk.

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 2.96 cfs

(The fees for your application will be based on this amount.)

D. Period of Use

Indicate the time of year you propose to use the water: March 1 - October 31

(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1-October 31.)

E. Acreage

If you will be applying water to land, indicate the total number of acres where water will be applied or used: 237

(This number should be consistent with your application map.)

5. WATER MANAGEMENT**A. Diversion**

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

☒ Pump (give horsepower and pump type): Variable depending on use and yield of well

☐ other means (describe): _____

B. Transport

How will you transport water to your place of use?

☐ Ditch or canal (give average width and depth):

Note: System not designed until permit issued and wells drilled

Width _____ Depth _____

Is the ditch or canal to be lined? ☐ Yes ☐ No

☒ Pipe (give diameter and total length):

Diameter unk. Length unk.

☐ other, describe: _____

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C. Application/Distribution Method

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

See below

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: _____ | | |

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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.

Will use hydromet data to schedule use based on crop need. Will use conservative methods of sprinkler irrigation.

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: ASAP after permit issued

Proposed date construction will be completed: ASAP after permit issued

Proposed date beneficial water use will begin: March 1, 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.

Wells will be drilled into the basalt aquifer to avoid interference with nearby surface water.



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: _____ 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. Hay, alfalfa _____ | ☒ 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:

711 _____ 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: _____

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8. MAP REQUIREMENTS

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

9. SIGNATURE

By my signature below I confirm that I understand:

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

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



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

David Lowe, Manager of Jordan Creek Ranch LLC

2/15/09

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

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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: Jordan Creek Ranch, LLC
 Mailing Address: c/o Martha O. Pagel, 530 Center St NE, Ste 400
 City: Salem State: OR Zip: 97301 Day Phone: 503-540-4262

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:
3 S	36 E	36	-	901		☒ Diverted ☒ Conveyed ☒ Used	irrigation
4 S	36 E	12, 13	-	500		☒ Diverted ☒ Conveyed ☒ Used	irrigation
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

- ☒ Permit to Use or Store Water ☐ Water-Right Transfer ☐ Exchange of Water
☐ Allocation of Conserved Water ☐ Limited Water Use License
☐ Permit Amendment or Ground Water Registration Modification

Source of water: Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 2.96 ☒ 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 237 acres

Note to applicant: *If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.*

Receipt for Request for Land Use Information

State of Oregon Water
Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

- ☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.

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:	
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued
		☐ Obtained ☐ Denied	☐ Being pursued ☐ Not being pursued

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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.

ORS 215.203 identifies Farm Use as an outright use.

Name: Scott Hartell Title: Associate Planner
 Signature: Scott Hartell Phone: 963-1014 Date: 2-23-09
 Government Entity: Union County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

42

08-19711

After recording return to:
 Eastern Oregon Title, Inc.
 1601 Adams Avenue
 La Grande, Oregon 97850

Until a change is requested all tax statements
 shall be sent to the following address:
 Jordan Creek Ranch LLC
 %David Lowe
 485 El Alamo
 Danville, CA 94526

20085035

STATUTORY WARRANTY DEED

H. RICHARD SNOW, AKA DICK SNOW, AS TO AN UNDIVIDED $\frac{1}{4}$ INTEREST, AND H. RICHARD SNOW, TRUSTEE OF THE SHIRLEY SNOW FAMILY TRUST, AS TO AN UNDIVIDED $\frac{1}{4}$ INTEREST, Grantor, conveys and warrants to JORDAN CREEK RANCH LLC, an Oregon limited liability company Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

The true consideration for this conveyance is \$8,000,000.00, of which a portion or all is paid to an accommodator pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor. (Here comply with requirements of ORS 93.030)

IN TOWNSHIP 3 SOUTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY OREGON

Section 34:

The entire East half.

Section 35:

The entire section.

Section 36:

The entire North half, the Southeast quarter, and the West half of the Southwest quarter.

IN TOWNSHIP 3 SOUTH, RANGE 37 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY OREGON

Section 31:

Government Lot One (1) (commonly called the Northwest quarter of the Northwest quarter), and the Southeast quarter of the Southeast quarter.

Section 32:

The South half of the Southwest quarter and the Northeast quarter of the Southwest quarter.

IN TOWNSHIP 4 SOUTH, RANGE 36 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY, OREGON

Section 1:

Government Lots Two (2), Three (3), and Four (4), the South half of the North half and the entire South half.

Section 2:

Government Lots One (1), Two (2), Three (3), and Four (4), the South half of the North half and the entire South half.

Section 3:

Government Lots One (1) and Two (2), the South half of the Northeast quarter and the entire Southeast quarter.

Section 10:

The entire East half.

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Section 11:

The entire section.

Section 12:

The entire section.

Section 13:

The entire section.

Section 14:

The entire section.

Section 15:

The Northeast quarter.

IN TOWNSHIP 4 SOUTH, RANGE 37 EAST OF THE WILLAMETTE MERIDIAN IN UNION
COUNTY, OREGON

Section 3:

Government Lot Four (4), the Southwest quarter of the Northwest quarter and the West half of the Southwest quarter.

Section 4:

Government Lot One (1), the South half of the North half, the entire Southwest quarter and the North half of the Southeast quarter.

Section 5:

The entire South half, the Southeast quarter of the Northeast quarter and the Southwest quarter of the Northwest quarter.

Section 6:

The East half of the Southwest quarter, the entire Southeast quarter, the South half of the Northeast quarter and Government Lots One (1), Two (2), Six (6) and Seven (7).

Section 7:

Government Lots One (1), Two (2), Three (3) and Four (4), the East half of the West half, and the entire East half.

Section 8:

The entire section.

Section 9:

The entire East half, the entire Northwest quarter, the North half of the Southwest quarter, and the Southeast quarter of the Southwest quarter.

Section 10:

The Southwest quarter of the Northwest quarter and the Northwest quarter of the Southwest quarter.

Section 15:

The West half of the Southwest quarter.

Section 16:

The entire section.

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Section 17:

The entire East half, the East half of the West half, the Southwest quarter of the Southwest quarter, and the Northwest quarter of the Northwest quarter.

Section 18:

Government Lots One (1), Two (2), Three (3) and Four (4), the East half of the West half, and the East half.

EXCEPTING "standing timber" as reserved from parts of Sections 7, 8 and 18, in deed, recorded July 8, 1915, in Book 64, Page 316, Records of Union County, Oregon; AND ALSO EXCEPTING the strip of land 20 feet in width conveyed to the City of La Grande, for the Beaver Creek pipeline, by deed, recorded February 25, 1911, in Book 53, Page 226, Records of Union County, Oregon.

ALSO, appurtenant to all the above, the following:

A nonexclusive, perpetual easement for a roadway for personal, commercial, agricultural, and logging purposes, granted by Homer Abell and Dean Stone, to H. Richard Snow and Shirley Snow, husband and wife, by Easement, dated July 7, 1994, and July 14, 1994, and recorded July 14, 1994 as Microfilm Document No. 154704, Records of Union County, Oregon.

The above Easement is also given as an implied easement by stipulated judgment and decree arising out of the Circuit Court of the State of Oregon for Union County, Case No. 93-04-35549 signed by the Judge July 14, 1994, and recorded in the Union County Deed Records July 14, 1994, as Microfilm Document No. 154703, Records of Union County, Oregon.

This property is free from liens and encumbrances, EXCEPT:

1. The assessment roll and the tax roll disclosed that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.
2. Rights of the public in and to that portion of this property lying below the high water mark of creeks as they cross these properties.
3. The easement appurtenant to this property (recorded July 14, 1994, as Microfilm Document No. 154704, Deed Records of Union County, Oregon) is subject to the following:
 - (a) Subject to a right-of-way for a logging railroad, including the terms and provisions thereof, across the Northeast quarter of the Southwest quarter and the Northwest quarter of the Southwest quarter of Section 15 in Township 3 South, Range 36 East of the Willamette Meridian, in Union County, Oregon, given by Fred B. Taal and Emma M. Taal to Mount Emily Lumber Co., recorded December 14, 1927 in Book 86, Page 208, Deed Records of Union County, Oregon.
 - (b) Right-of-Way Easement, including the terms and provisions thereof, granted to California-Pacific Utilities Company, a corporation, dated October 14, 1972, recorded October 16, 1972, as Microfilm Document No. 41014, Deed Records of Union County, Oregon. Said easement was re-recorded July 11, 1973, as Microfilm Document No. 45088, Deed Records of Union County, Oregon.
 - (c) Right-of-Way Easement, including the terms and provisions thereof, granted to C P National Corporation, a corporation, dated May 21, 1985, recorded June 5, 1985, as Microfilm Document No. 115735, Deed Records of Union County, Oregon.
 - (d) Easement, including the terms and provisions thereof, dated June 10, 1993, recorded June 15, 1993, as Microfilm Document No. 147743, Records of Union County, Oregon; wherein Homer Abell granted to Wapiti Outfitters, Inc., an Oregon corporation and Barbara Seeger, individually and as Conservator, for Casey Ann Seeger, Cody Robert Seeger for a continual access easement.
 - (e) Subject to the terms, covenants, conditions, restrictions and provisions contained in that certain Easement from Homer Abell and Dean Stone, grantors, to H. Richard Snow and Shirley Snow, husband and wife, grantees, recorded July 14, 1994, as Microfilm Document No. 154704, Records of Union County, Oregon.

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4. Easement For Road Purposes, including the terms and provisions of said easement, dated July 7, 1994, and July 14, 1994, and recorded July 14, 1994, as Microfilm Document No. 154704, Records of Union County, Oregon.
5. A nonexclusive, perpetual easement for a roadway for personal, commercial, agricultural, and logging purposes, including the terms and provisions thereof, granted by H. Richard Snow and Shirley Snow, husband and wife, to Homer Abell and Dean Stone by Easement, dated July 7, 1994, and July 14, 1994, and recorded July 14, 1994, as Microfilm Document No. 154705, Records of Union County, Oregon.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)).

Dated this 12th day of November, 2008.

H. Richard Snow
H. Richard Snow

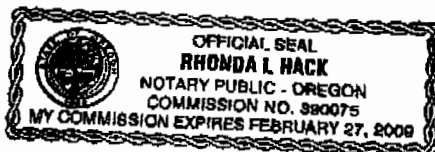
H. Richard Snow Trustee
H. Richard Snow, Trustee

STATE OF OREGON

COUNTY OF ~~OREGON~~ Umatilla) ss.

Signed or attested before me on this 12th day of November, 2008 by H. Richard Snow, individually and as Trustee of The Shirley Snow Family Trust.

Rhonda L. Hack
Notary Public for the State of Oregon
My commission expires: September 13, 2009 2/27/09



STATE OF OREGON

County of Union } ss

I certify that this instrument was received and recorded in the book of records of said county.

Union County Clerk

by: R. Chunga Deputy.

DOC#: 20085035

RCPT: 137059

42.00

11/13/2008 2:13 PM

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WATER RESOURCES DEPT
SALEM, OREGON