



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.

1. APPLICANT INFORMATION

A. Applicants

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: Silvies Valley Ranch, LLC *

Name and Title of Person Applying: Dr. Scott Campbell

Mailing Address or Organization: 7610 SE 162nd Avenue
Portland OR 97236
City State Zip

Phone : 541-602-2612
Day Evening

*Fax: _____ *Email Address: _____

*Contact Person: Martha O. Pagel, Schwabe Williamson & Wyatt
530 Center St NE, Ste 400, Salem, OR 97301
ph: 503-540-4260; fax: 503-796-2900; email: mpagel@schwabe.com

*Optional

For Department Use		
App. No. <u>S-87463</u>	Permit No. _____	Date _____

Last Updated: 3/31/2009

Surface Water/1

RECEIVED

WR

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

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: Reservoir under Permit R-4806 Tributary to: N/A
 Source 2: _____ Tributary to: _____
 Source 3: _____ Tributary to: _____
 Source 4: _____ Tributary to: _____

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).

Permit R-4806

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.

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

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)) Deeds attached

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.

None

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**

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

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
Stored water	Supplemental irrigation	785 <input type="radio"/> cfs <input type="radio"/> gpm <input checked="" type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af
		<input type="text"/> <input type="radio"/> cfs <input type="radio"/> gpm <input type="radio"/> af

C. Period of Use

Indicate the time of year you propose to use the water: March 1 to October 31
(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: 308.5 acres
(This number should be consistent with your application map.)

4. WATER MANAGEMENT**A. Diversion**

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

- Pump (give horsepower and pump type): _____
- Head-gate (give dimensions): 18" pipe
- 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): _____

RECEIVED

MAY 29 2009

C. Transport

How will you transport water to your place of use?

Ditch or canal (give average width and depth):

Width 4' Depth 18"

Is the ditch or canal to be lined? Yes No

Pipe (give diameter and total length):

Diameter N/A Length N/A

other, describe: N/A

D. Application/Distribution Method

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

Feeder ditches and earthen levees to spread water.

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

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.

Only use water that is needed up to amount allowed. Application method has been the same since 1883. It was chosen because it works well and is inexpensive.

RECEIVED

MAY 29 2009

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:

18" culvert from reservoir valve control at outlet. POD on Bridge Creek has screens. Plans to screen Cottonwood diversion.

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

N/A - Source is reservoir. No riparian areas will be disturbed.

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

No activity in natural waterways.

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

N/A

- Other:

N/A

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

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: Completed

Proposed date construction will be completed: Completed

Proposed date beneficial water use will begin: Immediately upon approval

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

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.

This application is filed in response to Dwight French's letter to Martha O. Pagel dated April 10, 2009, and the new permit will replace Permit 31701.

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.

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

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:



May 26, 2009
Date

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

Dr. Scott Campbell for Silvies Valley Ranch, LLC

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

RECEIVED

MAY 29 2009

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.

Silvies River Decree:

Primary: _____ Acres

Secondary: 308.5 Acres

Sec. 1 - Wm. Hanley (1896)
Wm. Hoff (1887)
Pacific Livestock (1888)
Sec. 12 - DL Camblin (1886)
Wm. Hoff (1887)
Pacific Livestock (1888)

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. Grass, Hay 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:

785 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: _____

RECEIVED

MAY 29 2009

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): _____.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

If approvals have been obtained but all appeal periods have not ended, check "Being pursued".

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

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

Name: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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.*

RECEIVED

MAY 29 2009

Receipt for Request for Land Use Information

WATER RESOURCES DEPT
SALEM, OREGON

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____



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: Silvies Valley Ranch, LLC
 Mailing Address: c/o Martha O. Pagel, Schwabe Williamson & Wyatt, 530 Center St NE, Ste 400
 City: Salem State: OR Zip: 97301 Day Phone: 503-540-4260

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:
18 S	32 E	6	---	500		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
18 S	31 E	1, 12	---	100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<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. Grant 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: 785
 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: Use of water from existing reservoir for irrigation

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

MAY 29 2009

WATER RESOURCES DEPT
 SALEM, OREGON

After Recording Return To:

AmeriTitle
15 Oregon Avenue
Bend, OR 97701

Until a change is requested, all tax statements shall be sent to:

Silvies Valley Ranch LLC
7610 SE 162nd Avenue
Portland, OR 97236

WARRANTY DEED

PONDEROSA RANCH FAMILY LIMITED PARTNERSHIP, an Oregon limited partnership, Grantor, conveys and warrants to SILVIES VALLEY RANCH LLC, an Oregon limited liability company, Grantee, the following described real property free of encumbrances except as specifically set forth herein in Grant County:

See attached Exhibit "A"

SUBJECT TO: See attached Exhibit "B"

The consideration given for this conveyance is other property or value.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 ORS 197.352.

DATED this 23 day of October, 2007.



GRANTOR:

PONDEROSA RANCH FAMILY LIMITED PARTNERSHIP

By: [Signature]
Issac Oren, Partner

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on October 23, 2007 by Issac Oren as a Partner of PONDEROSA RANCH FAMILY LIMITED PARTNERSHIP, an Oregon limited partnership.

[Signature]
Notary Public for Oregon

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

Francis Hansen & Martin, LLP
1148 N.W. Wall Street • Bend, Oregon 97701-1914
(541) 389-5010

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT "A"

Land in Grant County, Oregon, as follows:

TRACT I:

Township 17 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 13: S1/2NE1/4; SE1/4NW1/4; N1/2S1/2; SE1/4SW1/4; SW1/4SE1/4.

Section 14: SW1/4SE1/4; SW1/4; SW1/4NW1/4; SAVE & EXCEPT the following:

(a) That portion of the SE1/4SW1/4 and the SW1/4SE1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded October 30, 1944 in Book 47, page 206, for highway right of way.

(b) That portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded October 19, 2006, in the Records of Grant County, Oregon, as Instrument No. 062693.

(c) That portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded March 27, 2007, in the Records of Grant County, Oregon, as Instrument No. 070831.

Section 15: E1/2SE1/4.

Section 22: E1/2NE1/4; SE1/4; SE1/4SW1/4.

Section 23: W1/2NE1/4; NW1/4SE1/4; NW1/4; N1/2SW1/4; SW1/4SW1/4, SAVE & EXCEPT the following:

(a) That portion of the SW1/4SW1/4 conveyed to Grant County, Oregon, by Deed recorded August 2, 1930, in Book 38, page 526 for highway right of way.

(b) That portion of the N1/2SW1/4, NW1/4SE1/4, W1/2NE1/4 conveyed to Grant County, Oregon, by Deed recorded August 22, 1930, in Book 38, page 539 for highway right of way.

(c) That portion conveyed to Grant County, Oregon, by Deed recorded October 24, 1930, in Book 38, page 604, for highway right of way.

(d) That portion of the NW1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 11, 1941, in Book 44, page 533, described as follows: Beginning at a point on the Northerly right of way line of the John Day-Burns Highway, said point being 40 feet distant from (when measured at right angles to) the centerline of the said highway at Engineer's Station 2140+69.4, said point also being 1126.0 feet South and 68.7 feet East of the North Quarter corner of Section 23, Township 17 South, Range 31 East of the Willamette Meridian; thence N54°39'E, 528.8 feet;

thence due East, 600.0 feet;

thence due South 500.0 feet to a point on the Southerly line of said property;

thence due West, along the Southerly line of said property, 501.5 feet to the Northerly right of way line of said highway, said point being 40 feet distant from (when measured at right angles to) the centerline of said highway at Engineer's Station 2135+19.4;

thence, along the Northerly right of way line of said highway, on a 1121.1 foot radius curve left (the long chord of which curve bears N69°52'30"W, 564.2 feet) 570.3 feet to the point of beginning.

(e) That portion of the SW1/4SW1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded February 20, 1942 in Book 45, page 202, for highway right of way.

(f) That portion of the NW1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 11, 1942, in Book 45, page 289, for highway right of way.

EXHIBIT A
1 OF 8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 15
Order Number: 20046

(g) That portion of the NE1/4SW1/4, NW1/4SE1/4, SW1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded May 31, 1944 in Book 46, page 595, for highway right of way.

(h) That portion of the NE1/4NW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 30, 1944, in Book 47, page 206, for highway right of way.

(i) That portion of the NW1/4SE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 29, 1945, in Book 48, page 140, described as follows:

Beginning at a point on the Southerly right of way line of the John Day-Burns Highway, said point being 40 feet distant Southerly from (when measured at right angles to) the centerline of the highway at Station 2100, said point also being 1397.4 feet North and 91.1 feet East of the South quarter corner of Section 23, Township 17 South, Range 31 East of the Willamette Meridian;
thence S75°36'30"W, along the Southerly right of way line of the John Day-Burns Highway, 131.0 feet;

thence, on a spiral curve (the long chord of which bears S75°33'30"W, 79.3 feet) 79.3 feet to the West line of the NW1/4SE1/4 of said Section 23;

thence S0°02'30"W, along said West line, 54.5 feet to the Southwest corner of said NW1/4SE1/4;

thence S89°56'30"E, along the South line of said NW1/4SE1/4, 110.0 feet;

thence N14°23'30"W, 80.0 feet to the point of beginning.

(j) That portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded October 19, 2006, in the Records of Grant County, Oregon, as Instrument No. 062693.

(k) That portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded March 27, 2007, in the Records of Grant County, Oregon, as Instrument No. 070831.

(l) That portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded May 22, 2007, in the Records of Grant County, Oregon, as Instrument No. 071364.

Section 24: NE1/4NE1/4; S1/2N1/2; SW1/4; W1/2SE1/4; SE1/4SE1/4.

Section 25: All, SAVE & EXCEPT the following.

(a) That portion of the NW1/4SE1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded February 24, 1941, in Book 45, page 207, for highway right of way.

(b) That portion of the SW1/4SE1/4, N1/2SW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded March 6, 1942, in Book 45, page 219, for highway right of way.

(b) That portion of the N1/2SW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded September 10, 1952, in Book 66, page 352, for additional highway right of way.

Section 26: NW1/4NW1/4; S1/2N1/2; S1/2; SAVE & EXCEPT the following:

(a) That portion of the SE1/4SE1/4 conveyed to the Malheur Railroad Company, by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

(b) That portion of the NW1/4NW1/4 conveyed to Grant County, Oregon by Deed recorded August 2, 1930, in Book 38, page 526, for highway right of way.

(c) That portion of the NE1/4 conveyed to Grant County, Oregon, by Deed recorded August 22, 1930, in Book 38, page 539, for highway right of way.

(d) That portion of the NW1/4NW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 20, 1942, in Book 45, page 202, for highway right of way.

EXHIBIT

A

2 NE 8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 16
Order Number: 20046

(e) That portion of the NE1/4SE1/4, S1/2NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded March 4, 1942, in Book 45, page 216, for highway right of way.

(f) That portion of the S1/2NW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded March 18, 1942, in Book 45, page 230, for highway right of way.

Section 27: E1/2; E1/2W1/2; SW1/4NW1/4; W1/2SW1/4.

Section 33: SE1/4; NE1/4SW1/4.

Section 34: All.

Section 35: All; SAVE & EXCEPT that portion of the NE1/4NE1/4 conveyed to the Malheur Railroad Company by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

Section 36: All; SAVE & EXCEPT the following:

(a) That portion of the E1/2SW1/4, SE1/4NW1/4, NW1/4NW1/4 conveyed to the Malheur Railroad Company by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

(b) That portion of the SW1/4NW1/4 condemned and appropriated by the Malheur Railroad Company by Decree of the Circuit Court for the State of Oregon, County of Grant, File No. JR 1602 dated November 21, 1927, for railroad right of way.

(c) That portion of the E1/2SE1/4, NW1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 24, 1942, in Book 45, page 207, for highway right of way.

(d) That portion of the E1/2NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 18, 1942, in Book 45, page 342, for highway right of way.

(e) That portion of the SE1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded October 23, 1945, in Book 48, page 133, described as follows:

Beginning at a point on the Easterly right of way line of the John Day-Burns Highway, said point being 50 feet distant Easterly from (when measured at right angles to) the centerline of the John Day-Burns Highway at Engineer's Station 1929+26.8, said point also being 2650.6 feet North and 1003.7 feet West of the Southeast corner of Section 36, Township 17 South, Range 31 East of the Willamette Meridian;

thence N89°51'30"E, along the South line of the SE1/4NE1/4 of said Section 36, 400.0 feet;

thence N0°08'30"W, 368.5 feet;

thence S89°51'30"W, 455.2 feet to the Easterly right of way line of the John Day-Burns Highway;

thence S8°39'30"E, along the Easterly right of way line of said highway, 372.6 feet to the point of beginning.

(f) That portion of the E1/2NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 1, 1946, in Book 48, page 474, for highway right of way.

(g) That portion of the E1/2NE1/4, NW1/4NE1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded September 10, 1952, in Book 66, page 352, for additional highway right of way.

(Tax Acct's. 3 17-31 1400 & 1800; Ref's. 563 & 564)

TRACT II:

Township 17 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 13: SW1/4NW1/4; SW1/4SW1/4; SE1/4SE1/4.

Section 14: SE1/4SE1/4, SAVE & EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded October 19, 2006, in the Records of Grant County, Oregon, as Instrument No. 062693.

EXHIBIT

A
3 NF 8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 17
Order Number: 20046

Section 23: E1/2E1/2; SE1/4SW1/4; SW1/4SE1/4, SAVE & EXCEPT that portion conveyed to the State of Oregon, by and through its Department of Transportation by deed recorded October 19, 2006, in the Records of Grant County, Oregon, as Instrument No. 062693..

Section 24: NW1/4NE1/4; N1/2NW1/4; NE1/4SE1/4.

Section 26: N1/2NE1/4; NE1/4NW1/4.

(Tax Acct's. 3 17-31 1500, 1600, 1700 & 1900; Ref's. 9606, 9607, 9608 & 9609)

TRACT III:

Township 17 South, Range 32 East of the Willamette Meridian, Grant County, Oregon:

Section 29: W1/2SE1/4NW1/4NW1/4; E1/2SW1/4NW1/4NW1/4; NE1/4SW1/4NW1/4;

E1/2SE1/4SW1/4NW1/4; SW1/4NW1/4SE1/4NW1/4; W1/2SW1/4SE1/4NW1/4;

E1/2NE1/4NW1/4SW1/4; SE1/4NW1/4SW1/4; SE1/4SW1/4NW1/4SW1/4; W1/2W1/2NE1/4SW1/4;

SE1/4SW1/4NE1/4SW1/4; N1/2NW1/4SE1/4SW1/4; NW1/4SW1/4SW1/4.

Section 30: SE1/4SE1/4.

Section 31: Lots 1, 2, and 3; E1/2W1/2; E1/2.

(Tax Acct. 3 17-32 800; Ref. 567)

TRACT IV:

Township 17 South, Range 32 East of the Willamette Meridian, Grant County, Oregon:

Section 31: Lot 4.

(Tax Acct. 3 17-32 900; Ref. 9612)

TRACT V:

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 1: Lots 1, 2, 3, and 4; S1/2N1/2; S1/2; SAVE & EXCEPT the following:

That portion of the E1/2 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 24, 1942, in Book 45, page 207, for highway right of way.

Section 2: Lot 4, SW1/4NW1/4; SW1/4; S1/2SE1/4.

Section 3: Lots 1 and 2; S1/2NE1/4; S1/2.

Section 4: Lots 2, 3, and 4; S1/2NE1/4; SW1/4NW1/4; S1/2.

Section 5: Lot 1; SE1/4NE1/4; NE1/4SE1/4; S1/2S1/2.

Section 8: All.

Section 9: All.

Section 10: All.

Section 11: All.

Section 12: NE1/4NW1/4; S1/2NW1/4; NE1/4SW1/4; SW1/4SW1/4; E1/2; SAVE & EXCEPT the following:

(a) That portion of the E1/2NW1/4 conveyed to the Malheur Railroad Company, by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

(b) A tract of land in the NE1/4NE1/4 described as follows:

Beginning at the Northeast corner of section 12, Township 18 South, Range 31 East of the Willamette Meridian;

thence S0°27'30"E, on section line, 419.0 feet;

thence S89°58'00"W, 624.0 feet;

thence N0°27'30"W, 419.0 feet;

thence N89°58'00"E, 624.0 feet to the point of beginning.

EXHIBIT A
4 OF 8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 18
Order Number: 20046

Section 13: S1/2NW1/4; N1/2SW1/4; E1/2; SAVE & EXCEPT the following.

(a) That portion of the W1/2SE1/4 conveyed the Malheur Railroad Company, by Deed recorded May 28, 1927, in Book 37, page 111 for railroad right of way.

(b) That portion of the W1/2NE1/4 lying West of the Oregon & Northwestern Railroad Company right of way.

(c) A tract of land in the NW1/4NE1/4 described as follows:

Beginning at a point where the East line of the railroad right of way intersects the South line of the County Road, said point being 486.2 feet East and 66.7 feet South of the North quarter corner of Section 13, Township 18 South, Range 31 East of the Willamette Meridian;
thence Southeasterly, along the East line of said railroad right of way, 660.0 feet;
thence East, 154.0 feet;
thence Northwesterly, 660.0 feet to the South line of the County Road;
thence West, 154.0 feet to the point of beginning.

Section 14: N1/2NE1/4; SW1/4SE1/4; W1/2.

Section 15: All.

Section 16: All.

Section 17: All.

Section 18: SE1/4SE1/4.

Section 20: NW1/4NW1/4.

Section 22: N1/2; N1/2S1/2; SE1/4SE1/4; SW1/4SW1/4.

Section 23: W1/2E1/2; W1/2.

Section 24: E1/2E1/2; SAVE & EXCEPT those portions of the E1/2E1/2 conveyed to the Malheur Railroad Company by Deed recorded May 28, 1927, in Book 37, page 111, described as follows:

(a) That portion conveyed for railroad right of way.

(b) A triangular tract of land in the E1/2NE1/4 described as follows:

Beginning at a point 1095 feet, more or less, westerly measured from the East quarter corner of said Section 24, which point is coincident with the West right of way boundary of the Malheur Railroad;
thence West, 224.4 feet;
thence North, 1580.0 feet;
thence South 8°05'E, along the West boundary of the Malheur Railroad right of way, 1595.9 feet to the point of beginning.

Section 25: E1/2; SW1/4; SAVE & EXCEPT that portion of the E1/2E1/2 conveyed to the Malheur Railroad Company, by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

Section 26: S1/2NE1/4; NW1/4NE1/4; S1/2S1/2; NW1/4SW1/4; NW1/4.

Section 35: SE1/4NE1/4; NW1/4SE1/4; E1/2SE1/4.

Section 36: All; SAVE & EXCEPT that portion of the E1/2E1/2 conveyed to the Malheur Railroad Company, by Deed recorded May 28, 1927, in Book 37, page 111, for railroad right of way.

(Tax Acct. 3 18-31 100; Ref. 619)

TRACT VI:

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 4: Lot 1; SE1/4NW1/4.

Section 5: Lot 2; SW1/4NE1/4; NW1/4SE1/4.

Section 12: NW1/4NW1/4; NW1/4SW1/4; SE1/4SW1/4.

Section 13: N1/2NW1/4; S1/2SW1/4.

Section 14: S1/2NE1/4; N1/2SE1/4; SE1/4SE1/4.

Section 23: E1/2E1/2.

Section 24: W1/2E1/2; W1/2.

Section 25: NW1/4.

EXHIBIT

A

5 OF 8

RECEIVED

Page 19
Order Number: 20046

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

Section 26: NE1/4NE1/4; NE1/4SW1/4; N1/2SE1/4.

Section 35: NE1/4NE1/4.

(Tax Acct's. 3 18-31 400, 500, 603, 800, 900, 1000, 1600 & 2200; Ref's. 9658, 9659, 38382, 9660, 9661, 9662, 9663 & 9664)

TRACT VII:

Township 18 South, Range 32 East of the Willamette Meridian, Grant County, Oregon:

Section 5: Lots 3 and 4; S1/2NW1/4; W1/2SW1/4; SE1/4SW1/4.

Section 6: Lots 1, 2, and 3; S1/2NE1/4; SE1/4NW1/4; E1/2SW1/4; SE1/4.

Section 7: Lots 3 and 4; NE1/4; NE1/4SE1/4; SW1/4SE1/4; E1/2W1/2.

Section 8: W1/2NW1/4; NW1/4SW1/4.

Section 18: Lots 1, 2, 3, and 4; E1/2W1/2; W1/2SE1/4; NE1/4; SAVE & EXCEPT the following:

(a) A tract of land in the NW1/4SE1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded July 10, 1945 in Book 47, page 610, described as follows:

Beginning at a point on the East and West centerline of said Section 18, which point is 40 feet distant Easterly from (when measured at right angles to) the centerline of the John Day-Burns Highway at Engineer's Station 1764+50, said point being 1614 feet West of the East quarter corner of Section 18;

thence East, along said East and West centerline, 294 feet;

thence South, 660 feet;

thence West, 154 feet to a point which is 40 feet distant Easterly from (when measured at right angles to) the centerline of the said highway at Station 1757+79;

thence on a 5769.58 foot radius curve left (the long chord of which bears N11°59'W, feet); 675.7 feet to the point of beginning.

(b) That portion conveyed to Grant County, Oregon, by Deed recorded October 13, 1970, in Book 104, page 340, for right of way.

Section 19: Lots 1, 2, 3, and 4; E1/2W1/2; W1/2NE1/4; NW1/4SE1/4.

Section 30: Lots 1 and 2; E1/2NW1/4; SE1/4SW1/4; SW1/4SE1/4; SAVE & EXCEPT that portion of the E1/2NW1/4 conveyed to the State of Oregon, by and through its State Highway Commission by Deed recorded July 10, 1945, in Book 47, page 610, Deed Records of Grant County, Oregon, as follows:

(a) That portion conveyed for highway right of way.

(b) A tract of land in the SE1/4NW1/4 described as follows:

Beginning at a point which is 40 feet distant Westerly from (when measured at right angles to) the centerline of the John Day-Burns Highway, at Engineer's Station 1666+47, said point also being 1585 feet South and 201 feet west of the North quarter corner of said Section 30;

thence N67°35'W, 20 feet;

thence S22°25'W, 100.0 feet;

thence S67°35'E, 20 feet to a point which is 40 feet distant Westerly from (when measured at right angles to) the centerline of said highway at Station 1665+47;

thence N22°25'E, 100.0 feet to the point of beginning.

Section 31: N1/2NE1/4; SE1/4NE1/4; NE1/4NW1/4; SAVE & EXCEPT that portion of the NE1/4NW1/4 conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded September 10, 1952, in Book 66, page 352 for highway right of way.

Section 32: SW1/4NW1/4; NW1/4SW1/4.

(Tax Acct's. 3 18-32 500 & 2200; Ref's. 626 & 634)

EXHIBIT

A

6 OF 8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 20
Order Number: 20046

TRACT VIII:

Township 18 South, Range 32 East of the Willamette Meridian, Grant County, Oregon:

Section 5: NE1/4SW1/4.

Section 6: Lots 4, 5, 6, and 7.

Section 7: Lots 1 and 2.

Section 19: W1/2SW1/4SE1/4.

Section 30: E1/2NE1/4SW1/4.

Section 31: Lots 1, 2, 3, and 4; N1/2SW1/4NE1/4; N1/2SE1/4NW1/4.

(Tax Acct's. 3 18-32 101, 102, 103, 401 & 600; Ref's. 38383, 39384, 38385, 38386 & 9667)

TRACT IX:

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 2: Lots 1, 2, and 3; SE1/4NW1/4; S1/2NE1/4; N1/2SE1/4.

Section 3: Lots 3 and 4; S1/2NW1/4.

Section 12: A tract of land in the NE1/4NE1/4 described as follows:

Beginning at the Northeast corner of said Section 12;

thence S0°27'30"E, on Section line, 419.0 feet;

thence S89°58'W, 624.0 feet;

thence N0°27'30"W, 419.0 feet;

thence N89°58'E, 624.0 feet to the point of beginning. SAVE & EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded July 24, 1942, in Book 45, page 405 for right of way.

(Tax Acct's. 3 18-31 200, 300, & 1100; Ref's 620, 621, 622)

TRACT X:

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 13: All that portion of the W1/2NE1/4 lying West of the Oregon & Northwestern Railroad right of way as said right of way is described in Book 37, page 567.

(Tax Acct. 3 18-31 101; Ref. 8517)

TRACT XI:

ALL THAT PORTION OF THE OREGON AND NORTHWESTERN RAILROAD RIGHT OF WAY,
FORMERLY KNOWN AS THE MALHEUR RAILROAD, LYING WITHIN THE FOLLOWING DESCRIBED
PROPERTY:

Township 17 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 14: SE1/4SW1/4; SW1/4SE1/4.

Section 23: SW1/4SW1/4; NE1/4SW1/4; NW1/4SE1/4; W1/2NE1/4; NW1/4.

Section 26: All: SAVE & EXCEPT the SE1/4SE1/4, N1/2NE1/4 and NE1/4NW1/4.

Section 27: E1/2NE1/4.

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 1: SE1/4SW1/4; NE1/4SW1/4; SE1/4NW1/4; NE1/4NW1/4 (Lot 3).

Section 12: W1/2SE1/4; NE1/4SW1/4.

Section 13: W1/2NE1/4.

EXHIBIT

A

7

OF

8

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGONPage 21
Order Number: 20046

As said rights of way are described in the following:

- (a) Deed to Malheur Railroad Company, recorded November 13, 1925 in Book 36, page 216.
- (b) Deed to Malheur Railroad Company, recorded April 7, 1926, in Book 36, page 344.
- (c) Deed to Malheur Railroad Company, recorded May 28, 1927, in Book 37, page 111.
- (d) Deed to Malheur Railroad Company, recorded December 15, 1927, in Book 37, page 261.
- (e) Deed to Malheur Railroad Company, recorded October 10, 1928, in Book 37, page 577.
- (f) Deed to Malheur Railroad Company, recorded December 30, 1941, in Book 45, page 130.
- (g) As appropriated in Condemnation Suit, Case No. JR1570, Decree Dated June 1, 1927.
- (h) As appropriated in Condemnation Suit, Case No. JR1635, Decree Dated March 21, 1928.
- (i) As appropriated in Condemnation Suit, Case No. JR1491, Decree Dated June 17, 1926.

Together with the following described tract of land:

Township 18 South, Range 31 East of the Willamette Meridian, Grant County, Oregon:

Section 13: A tract of land situated in the NW1/4NE1/4 described as follows:

Beginning at a point where the East line of said railroad right of way intersects the South line of a county road in the NW1/4NE1/4 of said Section 13;

thence Southeasterly along said railroad East boundary, 660 feet;

thence East 154 feet;

thence Northwesterly, parallel to said railroad right of way, 660 feet, more or less, to the South line of said County Road;

thence West, along said South line, 154 feet, more or less, to the point of beginning.

(Tax Acct. 3 18-31 1300; Ref. 8713)

EXHIBIT

A
8 OF 8

6. Unpatented mining claims, if any.

7. As disclosed by the tax roll the premises herein described have been zoned or classified for forest land use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest. (Affects Tax Account 3 18-32 101; 38383)

8. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
(Affects all tax lots not shown above)

10. Any improvement located upon the insured property which is described or defined as mobile home under the provisions of Chapters 803 and 820, OREGON REVISED STATUTES and is subject to registration as provided therein. (Affects Tax Acct. 3 17-31 1800; Ref. 909186)

11. Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Silvies River, including any ownership rights which may be claimed by the State of Oregon below the high water mark.

12. Such rights and easements for navigation and fishing as may exist over that portion of the property lying beneath the waters of the Silvies River.

13. Any adverse claim based upon the assertion that:

(a) Said land or any part thereof is now or at any time has been below the ordinary HIGH water mark of the Silvies River.

(b) Some portion of said land has been created by artificial means or has accreted to such portion so created.

(c) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Silvies River, or has been formed by accretion to any such portion.

14. Any and all matters, including easements and assessments, if any, pertaining to irrigation ditches that may traverse the herein described property.

15. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.

16. Agreement, including the terms and provision thereof:

Regarding : the Selle & Craddock Ditch and the maintenance thereof, together with all appurtenances thereto, as more particularly described therein

Between : John Craddock

And : Pacific Livestock Company

Recorded : February 18, 1924

Book : 35

Page : 301

Affects : Tract I

17. The terms, conditions, provisions and reservations as contained in that certain deed from the Pacific Livestock Company to the Malheur Railroad Company, recorded May 28, 1927 in Book 37, page 111. (Tract XI and other property as well)

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT B
1 OF 7

18. Easements, including the terms and provisions thereof, as reserved in deed

By : Pacific Livestock Company
 For : construction and maintenance of roads, railroads, utility poles and lines, canals, ditches, laterals, pipelines and irrigation works, etc., together with all appurtenances thereto, as more particularly described therein
 Recorded : June 5, 1934
 Book : 40
 Page : 224
 Affects : that portion of Tract I as more particularly described therein

19. Easement, including the terms and provisions thereof, as reserved in deed

By : Edward Hines Lumber Co.
 For : right of way for railroad spur and/or a trucking or skidding road, together with all appurtenances thereto, as more particularly described therein
 Recorded : March 12, 1935
 Book : 40
 Page : 402
 Affects : that portion as more particularly described therein

20. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : California Pacific Utilities Company
 Recorded : March 17, 1947
 Book : 49
 Page : 420
 Affects : that portion as more particularly described therein

21. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : California Pacific Utilities Company
 Recorded : March 27, 1947
 Book : 49
 Page : 445
 Affects : that portion as more particularly described therein

22. Easement, including the terms and provisions thereof:

For : construction and maintenance of a truck road right of way, together with all appurtenances thereto, as more particularly described therein
 Granted to : Edward Hines Lumber Co.
 Recorded : October 19, 1950
 Book : 61
 Page : 239
 Affects : Tract VII and other property as well

23. Access Restrictions, including the terms and provisions thereof in Deed:

To : State of Oregon, by and through its State Highway Commission
 Dated : August 28, 1952
 Recorded : September 10, 1952
 Book : 66
 Page : 352
 Affects : portions of Tracts I & VII

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

B

2 OF 7

24. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : November 13, 1953

Book : 68

Page : 593

Affects : Tract I

A like easement was recorded January 14, 1954 in Book 69, page 266.

25. Confirmation letter, including the terms and provisions thereof, regarding the construction of a road, together with all appurtenances thereto, as more particularly described therein, from Bridge Creek Ranch to Edward Hines Lumber Co., recorded March 4, 1958 in Book 4 of the Miscellaneous Records, page 236.

26. Easement, including the terms and provisions thereof:

For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein

Granted to : United States of America

Recorded : February 13, 1959

Book : 80

Page : 438

Affects : Tract VII and other property as well

Certain portions of said easement were released by an instrument, including the terms and provisions thereof, recorded January 29, 1997, as Inst. No. 970155.

27. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : August 3, 1959

Book : 81

Page : 406

Affects : Tract VII

28. Easement, including the terms and provisions thereof:

For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein

Granted to : United States of America

Recorded : October 9, 1961

Book : 85

Page : 613

Affects : Tract I

29. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : March 11, 1966

Book : 94

Page : 349

Affects : Tract IX

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

B
3 OF 7

30. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : May 3, 1966

Book : 94

Page : 507

Affects : Tract I

31. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : May 3, 1966

Book : 94

Page : 508

Affects : Tract I

32. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein

Granted to : California Pacific Utilities Company

Recorded : May 3, 1966

Book : 94

Page : 509

Affects : Tract V

33. Easement, including the terms and provisions thereof:

For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein

Granted to : United States of America

Recorded : August 23, 1967

Book : 97

Page : 361

Affects : Tract I

34. Easement, including the terms and provisions thereof, as appropriated in condemnation proceeding:

For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein

Granted to : United States of America

Recorded : February 15, 1973

Book : 109

Page : 498

Affects : Tracts III & VII

35. Mineral Reservation, including terms and provisions thereof:

Reserved by : Clifford Wolfswinkel

Recorded : January 13, 1978

Book : 118

Page : 189

Affects : lands in Townships 17 & 18 South, Ranges 31 & 32 East of the Willamette Meridian

A statement of claim, including the terms and provisions thereof, filed by Eleanor M. Wolfswinkel, Personal Representative of the Estate of Clifford L. Wolfswinkel, was recorded May 15, 1989, in Book 138, page 799, et. seq., of Deeds.

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

B

J M

36. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : August 17, 1992
 Instr. No. : 921581
 Affects : Tract I

37. Easement, including the terms and provisions thereof:

For : construction and maintenance of communication facilities, together with all appurtenances thereto, as more particularly described therein
 Granted to : U. S. West Communications, Inc.
 Recorded : October 26, 1992
 Instr. No. : 922239
 Affects : Tract V

38. Easement, including the terms and provisions thereof:

For : construction and maintenance of communication facilities, together with all appurtenances thereto, as more particularly described therein
 Granted to : U. S. West Communications, Inc.
 Recorded : October 26, 1992
 Instr. No. : 922240
 Affects : Tract I

39. Agreement, including the terms and provision thereof:

Regarding : maintenance of a cemetery
 Between : Benjamin Fleming and Genevieve Fleming, Trustees, et al
 And : Mid-County Cemetery Maintenance District
 Recorded : January 21, 1993
 Instr. No. : 930106
 Affects : Tract VII

40. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : July 14, 1994
 Instr. No. : 941441
 Affects : Tract I

41. Easement, including the terms and provisions thereof:

For : construction and maintenance of riprap and revetment, together with all appurtenances thereto, as more particularly described therein
 Granted to : State of Oregon, by and through its Department of Transportation
 Recorded : March 30, 1995
 Instr. No. : 950602
 Affects : Tract I

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

B

5 OF 7

42. Easement, including the terms and provisions thereof:
 For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : December 24, 1996
 Instr. No. : 962529
 Affects : Tracts I & VII
43. Easement, including the terms and provisions thereof:
 For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : December 24, 1996
 Instr. No. : 962530
 Affects : Tract VII
44. Easement, including the terms and provisions thereof:
 For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : December 24, 1996
 Instr. No. : 962531
 Affects : lands in Townships 17 & 18 South Range 31 East of the Willamette Meridian, Township 18 South, Range 32, East of the Willamette Meridian, and other property as well
45. Highway Right of Way Easements, including the terms and provisions thereof, together with the right to enforce it terms and conditions and the right to extend or renew same, as granted to the State of Oregon, by and through its Department of Transportation, disclosed by that certain Land Patent from the United States of America to Benjamin Fleming, Trustee, etal, recorded January 29, 1997, as Inst. No. 970153. (Tracts II & VIII)
46. Easement, including the terms and provisions thereof:
 For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein
 Granted to : United States of America
 Recorded : January 29, 1997
 Instr. No. : 970154
 Affects : Tracts VII & VIII
47. Easement, including the terms and provisions thereof:
 For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
 Granted to : Oregon Trail Electric Cooperative, Inc.
 Recorded : July 25, 1997
 Instr. No. : 971354
 Affects : Tracts V, VII, VIII & IX

RECEIVED

MAY 29 2000

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT

B

5 OF 7

48. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
Granted to : Oregon Trail Electric Cooperative, Inc.
Recorded : August 27, 1999
Instr. No. : 992524
Affects : Tract V

49. Easement, including the terms and provisions thereof:

For : the construction and maintenance of electrical power lines and poles, together with all appurtenances thereto, as more particularly described therein
Granted to : Oregon Trail Electric Cooperative, Inc.
Recorded : December 28, 1999
Instr. No. : 993681
Affects : Tract V

50. Easement, including the terms and provisions thereof:

For : construction and maintenance of a roadway, together with all appurtenances thereto, as more particularly described therein
Granted to : United States of America
Recorded : June 26, 2000
Instr. No. : 201437
Affects : Tract III

Said Easement was re-recorded September 14, 2001, as Inst. No. 212383.

52. Terms and provisions contained in that certain Warranty Deed:

Granted to : the State of Oregon, by and through its Department of Transportation
Recorded : October 19, 2006
Instr. No. : 062693
Affects : Portion of Sec. 14 and Sec. 23, T. 17 S., R. 31 E., W.M.

53. Easement, including the terms and provisions thereof:

For : Temporary Easement for Slopes and Work Area
Granted to : the State of Oregon, by and through its Department of Transportation
Recorded : October 19, 2006
Instr. No. : 062693
Affects : Portion in the N1/2 Sec. 23, T. 17 S., R. 31 E., W.M.

RECEIVED

MAY 29 2009

WATER RESOURCES DEPT
SALEM, OREGON

EXHIBIT B
7 OF 7

RECEIVED
DEC 29 1966

S-87463

STATE ENGINEER
Salem, Oregon

* Reservoir Permit No. R 4806

REFERENCE ONLY

Application for a Permit to Construct a Reservoir and to Store for Beneficial Use the Unappropriated Waters of the State of Oregon

I, HARNEY COUNTY INVESTMENT CORPORATION Harry Pon, President
(Name of Applicant)

of P.O. BOX 1191 BURNS
(Mailing Address)

State of OREGON, do hereby make application for a permit to construct the following described reservoir and to store the unappropriated waters of the State of Oregon, subject to existing rights.

If the applicant is a corporation, give date and place of incorporation 8-5-1960

Burns Oregon

1. The name of the proposed reservoir is Lake Pon's Lake also known as Bridge Creek-Cottonwood Creek Reservoir

2. The name of the stream from which the reservoir is to be filled and the appropriation made is Bridge Creek, Cottonwood Creek, and unnamed intermittent stream, tributary of Silvies River.

3. The amount of water to be stored is ~~500~~ 785 acre feet.

4. The use to be made of the impounded water is irrigation
(Irrigation, power, domestic supply, etc.)

5. The location of the proposed reservoir will be in Sec. 6, T. 18 S., R. 32 E., W.M., and Sec. 31, Tp. 17 S., R. 32 E., W.M., in the county of Harney
(Give sections or townships to be submerged)

(a) State whether situated in channel of running stream and give character of material at outlet
In channel of unnamed intermittent stream. Natural materials at outlet are stream sands, gravels and silt.

(b) If not in channel of running stream, state how it is to be filled. If through a feed canal, give name and dimensions Feeder canal from Cottonwood Creek, about 3/4 mile long.
Feeder canal from Bridge Creek, about 3/4 mile long.

6. The dam will be located in Lot 3 and SE 1/4, Sec. 6, Tp. 18 S., R. 32 E., W.M. The maximum height will be 19²⁰ feet above stream bed or ground surface on center line of dam. The length on top will be 800 760 ± feet; length on bottom 55 feet; width on top 14 feet; slope on front or water side 3 to 1; slope on back 2 to 1; height of dam above water line when full 4 feet.
(Feet horizontal to 1 vertical) (Feet horizontal to 1 vertical)

* A different form of application should be used for the appropriation of stored water to beneficial use. Such forms can be secured without charge, together with instructions, by addressing the State Engineer, Salem, Oregon 97310.

R 4806

7. The construction of dam, the material of which it is to be built, and method of protection from waves are as follows: Homogeneous earthen fill, wave protection not necessary.

8. The location of wasteway with dimensions are as follows: Around South end of dam,
(State whether over or around the dam)
550 ±
minimum width "b" 30 feet, 500 feet long.

9. The location of outlet from the proposed reservoir, with character of construction and dimensions, are as follows: In excavated trench on ^{North} South side of natural channel, conduit being
(All dams across natural stream channels must be provided with an outlet conduit, of such capacity and location to pass the normal flow of the stream at any time)
14 ga., 18-in. C.M.P. galvanized, and asbestos bonded and asphalt dipped.

10. The area submerged by the proposed reservoir, when full, will be 109 136 acres,
with a maximum depth of water of 25 16 feet; and approximate mean depth of water 7 5.8 feet.

11. The estimated cost of the proposed work is \$ 25,000

12. Construction work will begin on or before Sept 1, 1966

13. Construction work will be completed on or before Sept 1, 1967

Marion County Irrigation Corporation
By [Signature]
(Signature of applicant)

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application, together with the accompanying maps and data, and return the same for Correction and completion

In order to retain its priority, this application must be returned to the State Engineer, with corrections on or before March 13th, 1967..

WITNESS my hand this 12th day of January, 1967.

RECEIVED
JAN 24 1967
STATE ENGINEER
OREGON

CHRIS L. WHEELER

STATE ENGINEER

[Signature]
ASSISTANT

Remarks:

Total storage ⁷⁸⁵ 523 ac.-ft.

Natural (unnamed) 27 4.1

Cottonwood Creek 289 28.9

Bridge Creek 303 4.55

To be known as Lake Pons Lake!

Feeder canal diversion points:

Bridge Creek canal div. pt. = N. 86° E., 3,200 ft. from SW cor. Sec 32, T. 17 S., R. 32 E., W. 1 M.

Cottonwood Creek canal div. pt. = N. 17° 10' W., 4,300 feet from SE cor. Sec 34, T. 17 S., R. 32 E., W. 1 M.

STATE OF OREGON, }
County of Marion, } ss.

This is to certify that I have examined the foregoing application and do hereby grant the same, subject to the following limitations and conditions: The right herein granted is limited to the construction of ~~Lake Pons Lake and storage of water from Bridge Creek, Cottonwood Creek, and an unnamed stream to be appropriated under application No. 43163, permit No. 31701 for supplemental irrigation being 41.0 af from unnamed stream, 289.0 af from Cottonwood Creek and 455.0 af from Bridge Creek~~

The right hereunder shall be limited to the storage of 785.0 acre feet. February 24, 1967 for 262.0 af
The priority date of this permit is December 29, 1966 for 523.0 af

Actual construction work shall begin on or before March 3, 1968 and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 1968.

WITNESS my hand this 3rd day of March, 1967.

Chas. Wheeler
STATE ENGINEER D.K.
al



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: Silvies Valley Ranch, LLC
 Mailing Address: c/o Martha O. Pagel, Schwabe Williamson & Wyatt, 530 Center St NE, Ste 400
 City: Salem State: OR Zip: 97301 Day Phone: 503-540-4260

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:
18 S	32 E	6	—	500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
18 S	31 E	1, 12	—	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<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. Grant 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 XX Ground Water Surface Water (name) _____

Estimated quantity of water needed: 785 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: Use of water from existing reservoir for irrigation

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 04 2009

WATER RESOURCES DEPT
SALEM, OREGON

Silvies Valley Ranch
 185 32E +500
 185 31E +L100

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): Article 104 GCLDC
- 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
		<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.

Irrigation is an allowed use in farm zones.

Name: Shannon Springer Title: Assistant Planner
 Signature: Shannon Springer Phone: 541-575-1519 Date: 10-1-09
 Government Entity: Grant County Planning 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.

RECEIVED

JUN 04 2009

Receipt for Request for Land Use Information

WATER RESOURCES DEPT
 SALEM, OREGON

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____