



Oregon Water Resources Department 725  
 Summer Street NE, Suite A  
 Salem Oregon 97301-1271  
 (503) 986-0900  
 www.wrd.state.or.us

# Application for a Permit to Use Ground Water

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

## 1. APPLICANT INFORMATION

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

### A. Individuals

Applicant: Vernon Bruck  
First Last

Mailing Address: P.O. Box 2837  
Wilsonville Oregon 97070  
City State Zip

Phone: (503) 682-5749  
Home Work Other

\*Fax: (503) 682-5923 \*Email Address: \_\_\_\_\_

### B. Organizations

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

Name of Organization: \_\_\_\_\_

Name and Title of Person Applying: \_\_\_\_\_

Mailing Address or Organization: \_\_\_\_\_

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

Phone : \_\_\_\_\_  
Day Evening

\*Fax: \_\_\_\_\_ \*Email Address: \_\_\_\_\_

\*Optional

For Department Use		
App. No. <u>G-17230</u>	Permit No. _____	Date _____

**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).

RECEIVED

JUN 03 2009

WATER RESOURCES DEPT  
SALEM, OREGON

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.

Not Applicable

**3. GROUND WATER DEVELOPMENT**

**A. Well Information**

Number of well(s): 3

Name of nearest surface water body: Newland Creek

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

1) Well 1: ~1,100 feet 2) Well 2: ~500 feet 3) Well 3: ~900 feet 4) \_\_\_\_\_

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

1) Well 1: ~110 feet 2) Well 2: ~85 feet 3) Well 3: ~90 feet 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:

To be determined

Mailing Address: \_\_\_\_\_

City

State

Zip

Completion Date: \_\_\_\_\_

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	12"	12" steel	220'	195-220	140'	110'	200'	Per OARs	220'
2	12"	12" steel	205'	180-205	125'	95'	185'	Per OARs	205'
3	12"	12" steel	220'	195-220	140'	110'	200'	Per OARs	220'

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:

None expected.

**4. WATER USE**

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

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

See list of beneficial uses provided in the instructions.

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

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
1	Alluvium	Nursery Operations			To be determined
2	Alluvium	Nursery Operations			To be determined
3	Alluvium	Nursery Operations			To be determined
		<b>Totals</b>	<b>391</b>	<b>113,560,000</b>	

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 391 gpm (0.87 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: Year round for nursery operations  
 (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: 69.7  
 (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): Hp to be determined / submersible pumps
- other means (describe): \_\_\_\_\_

**B. Transport**

How will you transport water to your place of use?

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

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

Is the ditch or canal to be lined?  Yes  No

- Pipe (give diameter and total length):

Diameter To be determined Length To be determined

- other, describe: \_\_\_\_\_

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
 SALEM, OREGON

**C. Application/Distribution Method**

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

The irrigation equipment used will vary depending on the crop irrigated. In-ground crops or nursery stock will likely be watered using high pressure sprinklers on hand or wheel lines or water cannons. Containerized nursery stock will be watered using low pressure sprayers.

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

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

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

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.

Best management practices will be used as available and appropriate for each given crop or nursery plant type. No more water will be applied than necessary to adequately maintain plant health and promote growth.

**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: April 2010

Proposed date construction will be completed: May 2010

Proposed date beneficial water use will begin: May 2010

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.*

Section 3.B. Well Characteristics: The details of actual well construction will be determined based on conditions encountered while drilling at the proposed well locations. The goal is to complete up to three wells which will obtain water only from alluvium.  
Additional Note: The proposed wells will obtain water from alluvial deposits which are overlain by about 80 feet of Willamette Silt deposits. Therefore, the proposed water bearing alluvial deposits should be classified as a confined aquifer. In turn, the surface water classification for the Willamette River and its tributaries should not apply. Please see also the Public Interest Review for Application G-16556.

## 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:

*Vernon Bunk*

*5-25-09*

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

Date

Before you submit your application be sure you have:

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

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

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON



Oregon Water Resources Department

RECEIVED

FORM I

JUN 03 2009

FOR IRRIGATION WATER USE

WATER RESOURCES DEPT  
SALEM, OREGON

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:            69.7            Acres

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

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

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

- |  |   |  |
|--|---|--|
| 1. <u>Nursery stock, row crops, grass seed</u> | <input checked="" type="checkbox"/> Full season | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 2. _____                                       | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 3. _____                                       | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |
| 4. _____                                       | <input type="checkbox"/> Full season            | <input type="checkbox"/> Partial season (from: _____ to _____) |

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

348.5            acre-feet

*(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)*

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- |   |   |
|---|---|
| <input type="checkbox"/> Daily during daytime hours                                   | <input type="checkbox"/> Daily during nighttime hours               |
| <input type="checkbox"/> Two or three times weekly during daytime                     | <input type="checkbox"/> Two or three times weekly during nighttime |
| <input type="checkbox"/> Weekly, during daytime hours                                 | <input type="checkbox"/> Weekly, during nighttime hours             |
| <input checked="" type="checkbox"/> Other, explain: <u>As required based on crop.</u> |   |



## 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: Vernon Bruck  
First Last

Mailing Address: P.O. Box 2837

Wilsonville Oregon 97070 Daytime Phone: (503) 682-5749  
City State Zip

### **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:
3S	1E	17		3 1E 17 801	EFU / AG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
3S	1E	17		3 1E 17 900	EFU / AG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
3S	1E	18		3 1E 18 3500	EFU / AG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
3S	1E	18		3 1E 18 3600	EFU / AG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery

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

Clackamas County **RECEIVED**

JUN 03 2009

WATER RESOURCES DEPT  
SALEM, OREGON

### **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 of Ground Water Registration Modification

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.87  cubic feet per second  gallons per minute  acre-feet

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

Briefly describe:

Water is to be withdrawn from up to three wells and conveyed to the places of use for irrigation of nursery stock and other crops, and for other agricultural purposes.

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

### **Receipt for Request for Land Use Information**

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



### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): ZAO SECTION 401

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.

RECEIVED

JUN 03 2009

WATER RESOURCES DEPT.  
SALEM, OREGON

Name: STEVE HANSCHKA Title: SR. PLANNER  
 Signature: *Steve Hanschka* Phone: 503-742-4500 Date: 6-2-09  
 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.

#### Receipt for Request for Land Use Information

Applicant Name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff Contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

AFTER RECORDING RETURN TO:  
Reif, Reif & Thalhofer, Attorneys  
P. O. Box 729  
Canby, OR 97013-0729

Clackamas County Official Records  
Sherry Hall, County Clerk

2008-003361

UNTIL OTHERWISE REQUESTED,  
SEND TAX STATEMENTS TO:  
Vernon Bruck  
P O Box 2837  
Wilsonville OR 97070



\$41.00

01179583200800033610030035

01/16/2008 09:18:33 AM

D-D Cnt=1 Str=9 DIANNAW  
\$15.00 \$16.00 \$10.00

**BARGAIN AND SALE DEED  
(Deed of Gift)**

JUN 03 2009

WATER RESOURCES DEPT  
SALEM, OREGON

**RECITALS:**

- ~~1. EARL R. BRUCK and PENNY BRUCK are husband and wife.~~
2. **EARL R. BRUCK** and **LOUISE I. BRUCK** are husband and wife.
3. **VERNON BRUCK** and **PENNY BRUCK** own an undivided one-third (1/3) interest in the real property described in the attached Exhibit A.
4. **EARL R. BRUCK** is Trustee of the **EARL R. BRUCK REVOCABLE LIVING TRUST** dated July 3, 1991, as amended and restated May 15, 1992, and is also the Trustee of the **LOUISE I. BRUCK REVOCABLE LIVING TRUST** dated July 3, 1991, as amended and restated May 15, 1992, as to an undivided two-thirds (2/3) interest.
5. It is the intent of this deed for **EARL R. BRUCK**, Individually and as the Trustee of the Trust described in Recital 4 above and **LOUISE I. BRUCK**, Individually, to transfer as a gift the real property described in Exhibit A to **VERNON BRUCK** and **PENNY BRUCK**.

**NOW, THEREFORE**

~~1. EARL R. BRUCK and LOUISE I. BRUCK, husband and wife, as individuals, hereinafter collectively called GRANTOR, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto VERNON BRUCK and PENNY BRUCK, husband and wife, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to wit:~~

SEE EXHIBIT A.

**TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.**

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. This is a Deed of Gift for which the fair market value is \$700,000.00

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING

**NOW, THEREFORE,**

KNOW ALL MEN BY THESE PRESENTS, that **EARL R. BRUCK**, Trustee of the EARL R. BRUCK REVOCABLE LIVING TRUST dated July 3, 1991, as amended and restated May 15, 1992, **EARL R. BRUCK**, Trustee of the LOUISE I. BRUCK REVOCABLE TRUST, dated July 3, 1991, as amended and restated May 15, 1992, and **EARL R. BRUCK and LOUISE I. BRUCK**, husband and wife, as individuals, hereinafter collectively called GRANTOR, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto **VERNON BRUCK and PENNY BRUCK**, husband and wife, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to wit:

SEE EXHIBIT A.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. This is a Deed of Gift for which the fair market value is \$700,000.00

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 (BALLOT 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 (BALLOT MEASURE 49 (2007)).

1 - Bargain and Sale Deed (Deed of Gift)

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this day of 15<sup>th</sup> day of Jan., 2008.

Earl R. Bruck  
Earl R. Bruck, Trustee of the Earl R. Bruck Revocable Living Trust - Grantor

Earl R. Bruck  
Earl R. Bruck, Trustee of the Louise I. Bruck Revocable Living Trust - Grantor

Earl R. Bruck  
Earl R. Bruck, Individually

Louise I. Bruck  
Louise I. Bruck, Individually

STATE OF OREGON )  
County of Clackamas ) ss.

January 15, 2008

Before me personally appeared the above named **EARL R. BRUCK**, Individually, and as Trustee of the EARL R. BRUCK REVOCABLE LIVING TRUST and as Trustee of the LOUISE I. BRUCK REVOCABLE LIVING TRUST and acknowledged the foregoing instrument to be his voluntary act and deed.

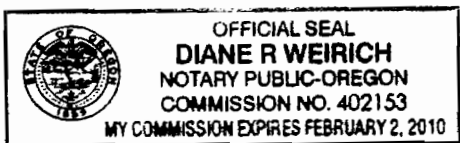


Diane R Weirich  
Notary Public for Oregon  
My Commission Expires: February 2, 2010

STATE OF OREGON )  
County of Clackamas ) ss.

January 15, 2008

Before me personally appeared the above named **LOUISE I. BRUCK**, Individually, and acknowledged the foregoing instrument to be her voluntary act and deed.



Diane R Weirich  
Notary Public for Oregon  
My Commission Expires: February 2, 2010

**RECEIVED**

JUN 03 2009

WATER RESOURCES DEPT.  
SALEM, OREGON

**Exhibit "A"**

Real property in the County of Clackamas, State of Oregon, described as follows:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER AND LOT 1 OF SECTION 18, AND IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER AND LOT 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH ONE-QUARTER SECTION CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH  $00^{\circ} 30' 00''$  WEST, 2310 FEET TO AN IRON PIPE IN THE CENTER OF HOMER KRUSE ROAD; THENCE EAST, 1346.53 FEET TO A 5/8-INCH IRON ROD AT THE NORTHEAST CORNER OF DEED AS FEE NO. 99-064550; THENCE ALONG THE EAST LINE OF SAID DEED FEE, SOUTH  $00^{\circ} 29' 00''$  EAST, 897.78 FEET TO THE TRUE POINT-OF-BEGINNING; THENCE NORTH  $89^{\circ} 24' 22''$  EAST, 1478.67 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE SOUTH  $34^{\circ} 25' 56''$  EAST, 1426.58 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE SOUTH  $00^{\circ} 58' 35''$  EAST, 1480.25 FEET TO THE WILLAMETTE RIVER; THENCE ALONG SAID RIVER THE FOLLOWING COURSES: 602.55 FEET ALONG THE ARC OF A 6652.64 FOOT RADIUS NON TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $05^{\circ} 11' 22''$  (THE CHORD OF WHICH BEARS NORTH  $49^{\circ} 16' 44''$  WEST, 602.34 FEET); 601.01 FEET ALONG THE ARC OF A 3225.60 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $10^{\circ} 40' 32''$  (THE CHORD OF WHICH BEARS NORTH  $57^{\circ} 12' 41''$  WEST, 600.14 FEET); 542.75 FEET ALONG THE ARC OF A 2239.10 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $13^{\circ} 53' 18''$  (THE CHORD OF WHICH BEARS NORTH  $69^{\circ} 29' 36''$  WEST, 541.42 FEET); 352.01 FEET ALONG THE ARC OF A 935.36 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF  $21^{\circ} 33' 45''$  (THE CHORD OF WHICH BEARS NORTH  $87^{\circ} 13' 08''$  WEST, 349.94 FEET); THENCE NORTH  $00^{\circ} 29' 00''$  WEST, 424.47 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE NORTH  $40^{\circ} 34' 34''$  WEST, 742.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF DEED AS FEE NO. 99-064550; THENCE ALONG SAID EAST LINE, NORTH  $00^{\circ} 29' 00''$  WEST, 728.24 FEET TO THE TRUE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THAT TRACT OF LAND DESCRIBED IN BOOK 109, PAGES 286 AND 287, DEED RECORDS OF CLACKAMAS COUNTY, OREGON.

Tax Parcel Number: 00767646

RECEIVED

JUN 03 2009

WATER RESOURCES DEPT  
SALEM, OREGON

70 20  
10 20  
20

RECORDING REQUESTED BY  
FIDELITY NATIONAL TITLE COMPANY OF OREGON

GRANTOR'S NAME

GRANTEE'S NAME  
Vernon E. Bruck and Penny L. Bruck

SEND TAX STATEMENTS TO:  
Mr. and Mrs. Vernon E. Bruck  
29250 SW Bruck Lane  
Wilsonville, OR 97070

AFTER RECORDING RETURN TO:  
Mr. and Mrs. Vernon E. Bruck  
29250 SW Bruck Lane  
Wilsonville, OR 97070

RECEIVED  
JUN 03 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

SPACE ABOVE THIS LINE FOR RECORDER'S USE

FIDELITY NATIONAL TITLE CO. 12-10-434

**STATUTORY SPECIAL WARRANTY DEED IN FULFILLMENT OF CONTRACT**

Earl R. Bruck and Louise I. Bruck, as tenants in common Grantor, conveys and specifically warrants to

Vernon E. Bruck and Penny L. Bruck, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT <sup>A</sup>~~ONE~~ ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED March 5, 1997 AS INSTRUMENT NO. 97015976, Clackamas COUNTY, OREGON. (See ORS 93.030)

DATED: March 16, 1998

Earl R. Bruck  
Earl R. Bruck

Louise I. Bruck  
Louise I. Bruck

1998 NATIONAL TITLE CO. 19.12.

Earl R. Bruck and Louise I. Bruck, as tenants in common Grantor, conveys and specifically warrants to **Gr-17230**

**Vernon E. Bruck and Penny L. Bruck, Husband and Wife**, Grantee, the following described real property, free and clear of encumbrances created or suffered by the Grantor except as specifically set forth below, situated in the County of Clackamas, State of Oregon,

SEE EXHIBIT <sup>A</sup>~~ONE~~ ATTACHED HERETO AND MADE A PART HEREOF

Subject to and excepting:

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. ~~BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.~~

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FULFILLMENT OF THAT CERTAIN CONTRACT RECORDED March 5, 1997 AS INSTRUMENT NO. 97015976, Clackamas COUNTY, OREGON. (See ORS 93.030)

DATED: March 16, 1998

Earl R. Bruck  
Earl R. Bruck

Louise I. Bruck  
Louise I. Bruck

**RECEIVED**  
JUN 03 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

**98-052587**

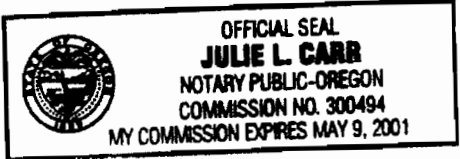
STATE OF OREGON  
COUNTY OF Clackamas

This instrument was acknowledged before me on  
May 5, 1998

by Earl R. Bruck and Louise I. Bruck

Julie Carr

Notary Public for Oregon  
My Commission Expires: 5/9/2001



## EXHIBIT A

A tract of land situated in the Northeast quarter of the Southeast quarter of Section 18, T3S, R1E, and in the West half of the Southwest quarter of Section 17, T3S, R1E, of the WM, Clackamas County and State of Oregon, described as follows:

Beginning at a stone at the West one-quarter corner of Section 17, thence South 89°55'50" East along the North line of the Southwest quarter of Section 17, 1051.53 feet to a stone set on the Division line of the William and Elizabeth Evans Claim; thence South 2°25'43" East along said Division line, 1385.90 feet to a 1½" axle shaft; thence continuing along said division line, South 00°04'58" East 661.11 feet to a ¾" rod set at ~~the Northeast corner of the Oregon State Park tract;~~ thence North 33°27'41" West 1757.33 feet to a 5/8" iron rod; thence North 89°36'55" West, parallel with the North line of the Southeast quarter of Section 18, 1469.50 feet to a 5/8" iron rod set on the West line of the Northeast quarter of the Southeast quarter of Section 18; thence North 00°21'19" East along said line, 250.00 feet to the Southwest corner of that tract as described as Parcel II in Fee No. 92-65336, Deed Records; thence South 89°36'55" East along the South line of said tract, 895.40 feet to the Southeast corner thereof; thence North 00°27'33" East along the East line of said tract, 330.00 feet to the Northeast corner thereof; thence South 89°36'55" East along the North line of the Southeast quarter of Section 18, 427.64 feet to the point of beginning.

TOGETHER with a certain twenty (20.00) foot easement for road purposes described in deed recorded June 8, 1909, Book 109, Page 286, Deed Records.

SUBJECT TO a forty (40.00) foot road easement along the West line of the above described 41.00 acre tract.

**RECEIVED**

**JUN 03 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

STATE OF OREGON **98-052587**  
CLACKAMAS COUNTY

Received and placed in the public  
records of Clackamas County

RECEIPT# AND FEE: 88074138 \$42.20

DATE AND TIME: 06/12/98 11:58 AM  
JOHN KAUFFMAN, COUNTY CLERK

2



15 38  
10  
11  
5  
41

Clackamas County Official Records  
Sherry Hall, County Clerk

2007-100291



\$41.00

01167048200701002910030031

11/30/2007 10:49:31 AM

D-D Cnt=1 Str=5 LESLIE  
\$15.00 \$16.00 \$10.00

After recording return to:  
Vernon E. Bruck and Penny L. Bruck  
PO Box 2837  
Wilsonville, OR 97070

Until a change is requested all tax statements  
shall be sent to the following address:  
Vernon E. Bruck and Penny L. Bruck  
PO Box 2837  
Wilsonville, OR 97070

File No.: 7075-1116118 (DEW)  
Date: November 26, 2007

### STATUTORY WARRANTY DEED

**Delma E. Holland, as to a 1/3 interest**, Grantor, conveys and warrants to **Vernon E. Bruck and Penny L. Bruck as tenants by the entirety**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$350,000.00**. (Here comply with requirements of ORS 93.030)

Recorded By  
First American Title Insurance Company of Oregon  
No. 1116118-C8

**RECEIVED**

**JUN 03 2009**

LAND RESOURCES DEPT  
SALEM, OREGON

APN: 00767646

Statutory Warranty Deed  
- continued

File No.: 7075-1116118 (DFW)  
Date: 11/26/2007

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.

~~2007~~ this 28 day of November, 2007.

*Delma E. Holland*  
Delma E. Holland

STATE OF Oregon )  
  )ss.  
County of Multnomah )

This instrument was acknowledged before me on this 28<sup>th</sup> day of November, 2007 by **Delma E. Holland**.



*Angie Pense*  
Angie Pense  
Notary Public for Oregon  
My commission expires: 2/14/2009

**RECEIVED**  
JUN 03 2009  
WATER RESOURCES DEPT  
SALEM, OREGON

APN: 00767646

Statutory Warranty Deed  
- continuedFile No: 7079-1116118 (DEW)  
Date: 11/26/2007**EXHIBIT A**

## LEGAL DESCRIPTION:

A TRACT OF LAND LOCATED IN THE NORTHEAST ONE-QUARTER OF THE SOUTHEAST ONE-QUARTER AND LOT 1 OF SECTION 18, AND IN THE NORTHWEST ONE-QUARTER OF THE SOUTHWEST ONE-QUARTER AND LOT 4 OF SECTION 17, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**COMMENCING AT THE NORTH ONE-QUARTER SECTION CORNER OF SECTION 18, TOWNSHIP 3 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN; THENCE SOUTH 00° 30' 00" WEST, 2310 FEET TO AN IRON PIPE IN THE CENTER OF HOMER KRUSE ROAD; THENCE EAST, 1346.53 FEET TO A 5/8-INCH IRON ROD AT THE NORTHEAST CORNER OF DEED AS FEE NO. 99-064550; THENCE ALONG THE EAST LINE OF SAID DEED FEE, SOUTH 00° 29' 00" EAST, 897.78 FEET TO THE TRUE POINT-OF-BEGINNING; THENCE NORTH 89° 24' 22" EAST, 1478.67 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE SOUTH 34° 25' 56" EAST, 1426.58 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING"; THENCE SOUTH 00° 58' 35" EAST, 1480.25 FEET TO THE WILLAMETTE RIVER; THENCE ALONG SAID RIVER THE FOLLOWING COURSES: 602.55 FEET ALONG THE ARC OF A 6652.64 FOOT RADIUS NON TANGENT CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 05° 11' 22" (THE CHORD OF WHICH BEARS NORTH 49° 16' 44" WEST, 602.34 FEET); 601.01 FEET ALONG THE ARC OF A 3225.60 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 10° 40' 32" (THE CHORD OF WHICH BEARS NORTH 57° 12' 41" WEST, 600.14 FEET); 542.75 FEET ALONG THE ARC OF A 2239.10 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 13° 53' 18" (THE CHORD OF WHICH BEARS NORTH 69° 29' 36" WEST, 541.42 FEET); 352.01 FEET ALONG THE ARC OF A 935.36 FOOT RADIUS CURVE TO THE LEFT, THROUGH A CENTRAL ANGLE OF 21° 33' 45" (THE CHORD OF WHICH BEARS NORTH 87° 13' 08" WEST, 349.94 FEET); THENCE NORTH 00° 29' 00" WEST, 424.47 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "PACIFIC SURVEYS PLS 2319"; THENCE NORTH 40° 34' 34" WEST, 742.65 FEET TO A 5/8-INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING" ON THE EAST LINE OF DEED AS FEE NO. 99-064550; THENCE ALONG SAID EAST LINE, NORTH 00° 29' 00" WEST, 728.24 FEET TO THE TRUE POINT OF BEGINNING.**

TOGETHER WITH AN EASEMENT FOR ROAD PURPOSES OVER THAT TRACT OF LAND DESCRIBED IN BOOK 109, PAGES 286 AND 287, DEED RECORDS OF CLACKAMAS COUNTY, OREGON.

**RECEIVED****JUN 03 2009**WATER RESOURCES DEPT  
SALEM, OREGON

③