



**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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

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**OCT 15 2009**

WATER RESOURCES DEPT  
SALEM, OREGON

## 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: Whitewater Ranch LLC & McKenzie River Ranch LLC

Name and Title of Person Applying: Richard H. Haake

Mailing Address or Organization: 43137 McKenzie HWY  
Leaburg OR 97489  
City State Zip

Phone : (541)896-3473 same  
Day Evening

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

*\*Optional*

<b>For Department Use</b>		
App. No. <u>S-87539</u>	Permit No. _____	Date _____

## 2. SOURCE AND PROPERTY OWNERSHIP

**A. The Proposed Source of Water**

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

Source 1: Goose Creek Tributary to: McKenzie River  
 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).

**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.)

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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.

**C. Property Ownership**

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

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

There are no encumbrances

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

No (Please check the appropriate box below)

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

List the names and mailing addresses of all affected landowners.

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**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**

**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
Goose Creek	Irrigation	1.48 <input checked="" 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
		<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 - June 30  
*(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: 118.3 acres  
*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

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**A. Diversion**

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

- Pump (give horsepower and pump type): 8 HP electric pump
- Head-gate (give dimensions): \_\_\_\_\_
- other means (describe): \_\_\_\_\_

**B. Monitoring**

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

- Weir
- Meter
- Periodic Sampling
- other means (describe): \_\_\_\_\_

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Oregon Water Resources Department

FORM I  
FOR IRRIGATION USE

1. Please indicate whether you are requesting a primary or supplemental water right, as well as the number of acres that will be irrigated for each type. The acreages must match those shown on the map submitted with your application.

Primary: 118.3 Acres

Supplemental: \_\_\_\_\_ Acres (supplemental irrigation can be used only when the primary right is not available, and must match the season of the primary right)

List the permit or certificate number of the primary water right that underlies each supplemental right.

Circle one	Season Allowed
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____
Permit/Certificate # _____	_____

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

236.6 acre-feet (typically 2.5 or 3.0 acre-feet per acre)  
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons)

3. For Limited License applications proposing to use water for irrigation. If for use of stored water, a limited license may be issued for up to one year with a valid contract for stored water per ORS 537.143(9). A limited license may also be issued for irrigation from live flow or groundwater, if the sole purpose is to establish a crop for which no further irrigation will be required after the crop is established per ORS 537.143(6)(a). Please describe the proposed project and indicate if stored water, live flow, or groundwater is to be used. When irrigation is needed to establish a crop, you must justify why more than one year is required.

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WATER RESOURCES DEPT  
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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 3 inch Length \_\_\_\_\_ other, describe: \_\_\_\_\_**D. Application/Distribution Method**

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

Aluminum main and portable liens will pipe water under pressure to the fields. Most of the irrigation will be through overhead sprinklers or drip tubes to individual plants.

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: 3" portable aluminum pipe and Rainbird 10 gpm sprinkler heads on 40' spacing

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.

This irrigation water right is intended to provide water to olive trees. Water application to olive trees must be carefully controlled and monitored. Where possible, irrigation water will be applied through drip tubes directly to individual plants. No irrigation water run-off is expected.

### 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:

The diversion facility will be screened to prevent entrainment of fish.

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

There will be no stream bank clearing or excavation.

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

See above description of the diversion facility

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

Water will be applied based upon planned need through a highly efficient sprinkler or drip irrigation system.

- Other:

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## 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: 2010

Proposed date construction will be completed: 2015

Proposed date beneficial water use will begin: 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.*

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## 8. MAP REQUIREMENTS

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

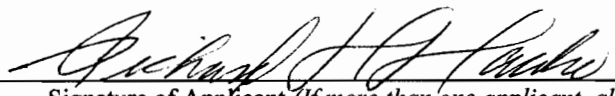


9. SIGNATURE

By my signature below I confirm that I understand:

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

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



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

10/12/09

Date

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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)

## WHITEWATER RANCH LLC &amp; MCKENZIE RIVER RANCH LLC

c/o Richard H. Haake  
43137 McKenzie HWY  
Leaburg, OR 97489  
(541) 896-3473

October 12, 2009

Dwight French, Administrator  
Water Rights & Adjudication Division  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

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RE: Karnopp Petersen LLP – Engagement

Dear Mr. French:

I am the authorized agent for the Whitewater Ranch LLC and the McKenzie River Ranch LLC. A. Reed Marbut of the law firm of Karnopp Petersen LLP has been engaged to represent me, the Whitewater Ranch LLC, and the McKenzie River Ranch LLC with respect to water right applications to be filed with the Oregon Water Resources Department to appropriate water from the McKenzie River and/or its tributaries.

Mr. Marbut is authorized to represent the Whitewater Ranch LLC and the McKenzie River Ranch LLC in connection with these water right applications and any Department actions related to these applications. Please mail original documents, including correspondence, to me at:

43137 McKenzie HWY  
Leaburg, OR 97489.

Please mail copies of all documents and correspondence to:

A. Reed Marbut  
1107 Pawnee Cir. SE  
Salem, OR 97306.

Thank you for your attention to this matter.

Sincerely,



Richard H. Haake

cc: A. Reed Marbut



541/682-4057  
FAX 541/682-3947  
Jerry.Kendall@co.lane.or.us

Printed on Recycled Stock

**JERRY KENDALL**  
ASSOCIATE PLANNER

DEPARTMENT OF PUBLIC WORKS  
LAND MANAGEMENT DIVISION  
125 E. 8TH AVENUE  
EUGENE, OREGON 97401-2926

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**Receipt for Request for Land Use Information**

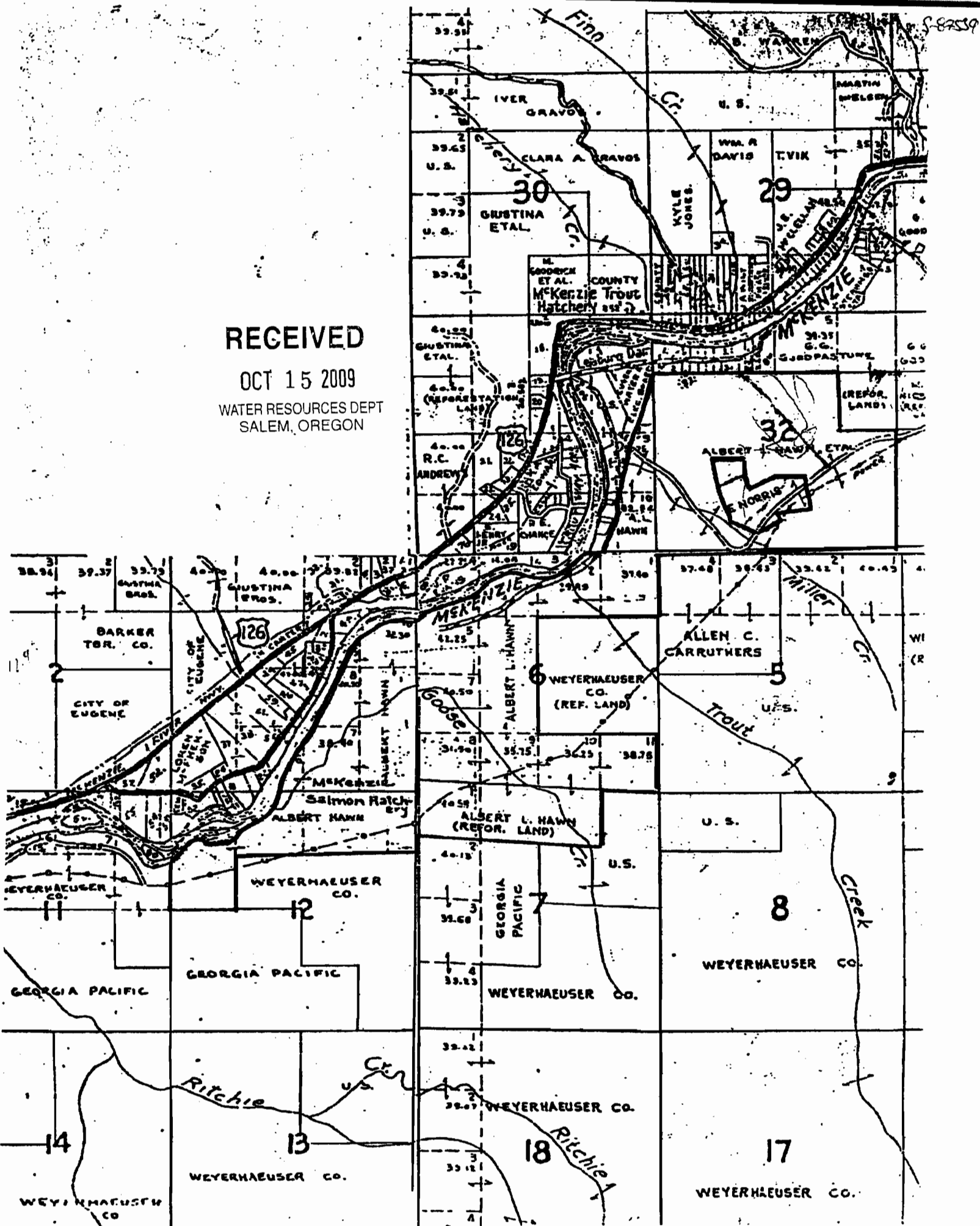
Applicant Name: WHITE WATER RANCH BY R. H. HANKIE  
City or County: LANE Staff Contact: J. KENDALL  
Signature: [Signature] Phone: 541-682-4057 Date: 10-12-09

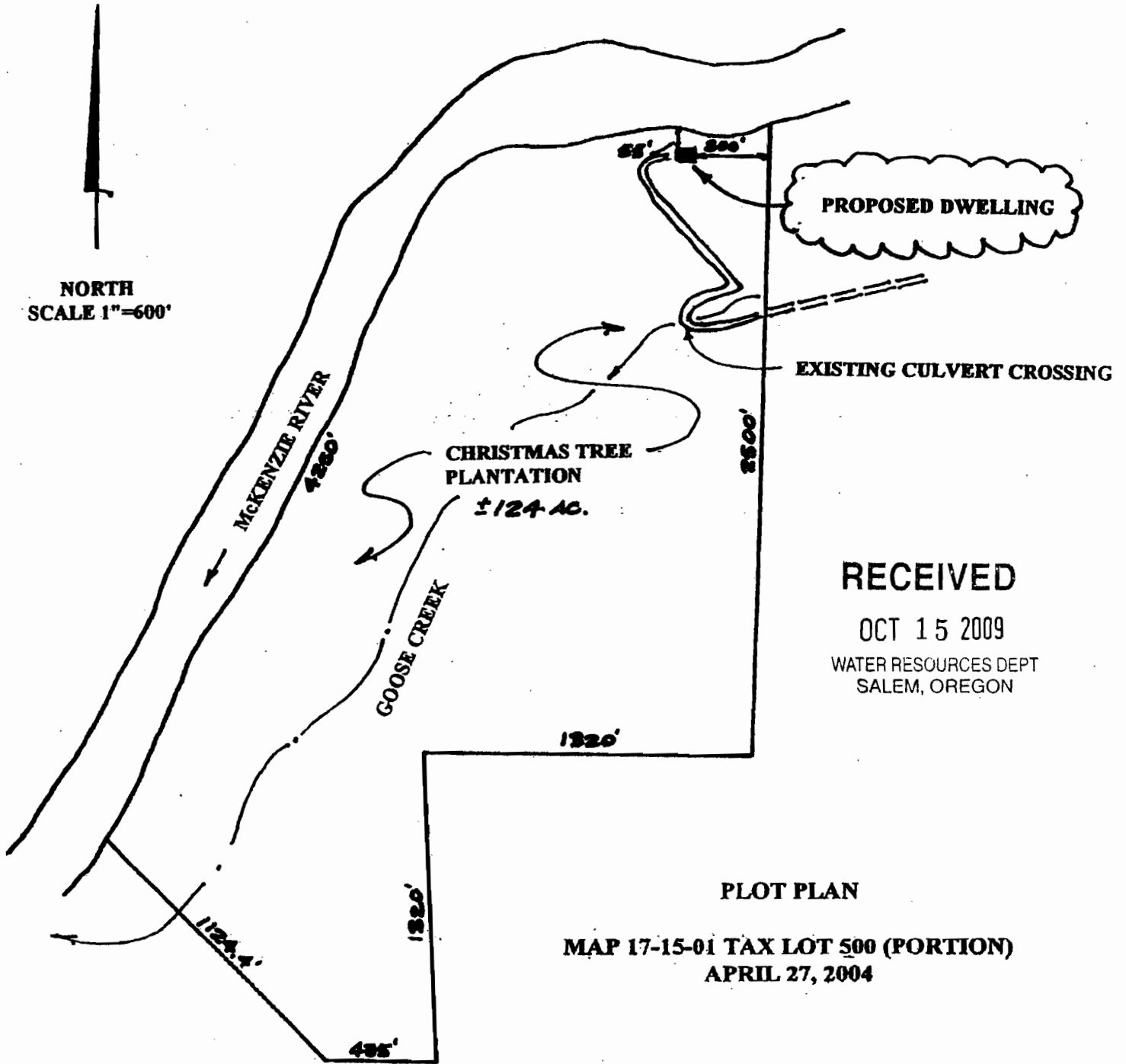
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**PLOT PLAN**

**MAP 17-15-01 TAX LOT 500 (PORTION)  
APRIL 27, 2004**

**APPLICANT/OWNER: Whitewater Ranch, LLC  
c/o Richard Haake  
43137 McKenzie Highway  
Leaburg, OR 97489**

**PREPARED BY: Harry A. Taylor  
Land Use Consultant  
P.O. Box 1420  
Veneta, OR 97487**

**EXHIBIT "A"**

**EXHIBIT 'B'**  
**McKenzie Property Served by Easement**

**The Northeast 1/4 of the Southeast 1/4 and Lots 7, 8, 9 and 10 of Section 1, Township 17 South, Range 1 East, Willamette Meridian, all in Lane County, Oregon.**

**Excepting therefrom: Beginning at the Southwest corner of Lot 6, Section 1, Township 17 South, Range 1 East, Willamette Meridian; thence East a distance of 1297 feet; thence North 45°02' West a distance of 1124.4 feet to its intersection with the McKenzie River; thence Southwesterly tracing the bank of the McKenzie River to the place of beginning, all in Lane County, Oregon.**

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Phone: (503) 946-2200  
Fax: (503) 374-4361

Articles of Organization—Limited Liability Company

Secretary of State  
Corporation Division  
255 Capitol St. NE, Suite 151  
Salem, OR 97310-1327  
FilingInOregon.com

FILED

DEC 21 2004

OREGON  
SECRETARY OF STATE

REGISTRY NUMBER: 251441-97

In accordance with Oregon Revised Statute 192.410-192.490, the information on this application is public record. We must release this information to all parties upon request and it will be posted on our website.

Please Type or Print Legibly in Black Ink. Attach Additional Sheet if Necessary.

1) NAME (Must contain the words "Limited Liability Company" or the abbreviations "LLC" or "L.L.C.")

McKenzie River Ranch, LLC

2) DURATION (Please check one.)

Latest date upon which the Limited Liability Company is to dissolve is October 21, 2024

Duration shall be perpetual.

3) NAME OF THE INITIAL REGISTERED AGENT

Richard Haake

4) ADDRESS OF THE INITIAL REGISTERED AGENT

(Must be an OREGON Street Address, which is identical to the registered agent's business office.)

43137 McKenzie Highway

Leasburg, OR 97489

5) ADDRESS WHERE THE DIVISION MAY MAIL NOTICES

c/o Richard Haake

43137 McKenzie Highway

Leasburg, OR 97489

6) NAME AND ADDRESS OF EACH ORGANIZER

1. Donald Haake-171 Conway, Ste. 113

Spokane, WA 99204

2. Terry Haake-Morrison 2681 Oak Hills Drive

Fort Arbor, MI 48103

3. Jane Haake-Russell 345 Jane Drive

Woodside, CA 94062

RICHARD HAAKE

7) IF THIS LIMITED LIABILITY COMPANY IS NOT MEMBER MANAGED, CHECK ONE BOX BELOW.

This limited liability company is managed by a single manager.

This limited liability company is managed by multiple manager(s).

8) IF RENDERING A PROFESSIONAL SERVICE OR SERVICES, DESCRIBE THE SERVICE(S) BEING RENDERED.

n/a

9) OPTIONAL PROVISIONS (Attach a separate sheet if necessary.)

10) EXECUTION (One line for each signer must be "Organizer.")

Signature [Handwritten Signature]

Printed Name  
RICHARD HAAKE  
Donald Haake

Title  
REGISTERED AGENT  
Organizer

Terry Haake-Morrison

Organizer

Jane Haake-Russell

Organizer

11) CONTACT NAME (To resolve questions with this filing.)

RICHARD HAAKE  
Richard Haake OSB No. 74091

DAYTIME PHONE NUMBER (include area code.)

541-896-5473  
541-485-1174

FEES	
Required Processing Fee	\$90
Certification Copy (Optional)	\$5
Processing Fees are non-refundable.	
Please make check payable to "Corporation Division."	
NOTE: Fees may be paid with VISA or MasterCard. The card number and expiration date should be submitted on a separate sheet for your protection.	

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*[Handwritten signature]*

**XHIBIT** A  
page 1 of 1

17-15-01, T.L. 500(LARGER PARCEL)

THE NE1/4 OF THE SE1/4 AND LOTS 7, 8, 9 AND 10 OF SECTION 1, TOWNSHIP 17 SOUTH, RANGE 1 EAST WILLAMETTE MERIDIAN, ALL IN LANE COUNTY, OREGON.

*Tax lot  
502*

EXCEPTING THEREFROM: BEGINNING AT THE SOUTHWEST CORNER OF LOT 6, SECTION 1, TOWNSHIP 17 SOUTH, RANGE 1 EAST, WILLAMETTE MERIDIAN, THENCE EAST A DISTANCE OF 1297 FEET, THENCE N45°02'W A DISTANCE OF 1124.4 FEET TO ITS INTERSECTION WITH THE MCKENZIE RIVER, THENCE SOUTHWESTERLY TRACING THE BANK OF THE MCKENZIE RIVER TO THE PLACE OF BEGINNING, ALL IN LANE COUNTY, OREGON.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR



OREGON  
JULY 22, 1977  
DAVID S. SWANSON  
1103

RENEWAL DATE: 6-30-06

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STATE OF California )  
County of San Mateo )

ss. November 2, 2004

Jane H. Russell, Personally appeared before me Betina Lee and acknowledged the foregoing instrument to be his voluntary act and deed.

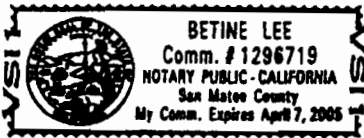


Betina Lee  
Notary Public for San Mateo County, CA  
My commission expires: 4-7-05

STATE OF California )  
County of San Mateo )

ss. November 2, 2004

Jane H. Russell, Personally appeared before me and acknowledged the foregoing instrument to be his voluntary act and deed.



Betina Lee  
Notary Public for San Mateo County, CA  
My Commission Expires: 4-7-05

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WATER RESOURCES DEPT  
SALEM, OREGON

After Recording Return to:  
Michael E. Farthing  
767 Willamette Street, Suite 203  
Eugene, Oregon 97401

Send Tax Statement to:  
McKenzie River Ranch, LLC  
43137 McKenzie Highway  
Leaburg, OR 97489

Division of Chief Deputy Clerk  
Lane County Deeds and Records

2004-097269



\$36.00

12/22/2004 11:29:53 AM

RPR-DEED Cnt=1 Stn=15 CASHIER 05  
\$15.00 \$11.00 \$10.00

**STATUTORY BARGAIN AND SALE DEED**

WHITEWATER RANCH, LLC, an Oregon Limited Liability Company, Grantor,  
conveys to MC KENZIE RIVER RANCH, LLC, an Oregon Limited Liability, Grantee, the  
real property situated in Lane County, Oregon and described on the attached Exhibit "A"..

The true consideration for this conveyance is other valuable consideration.

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.

Dated this 2 day of November, 2004.

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**GRANTOR**

**GRANTEE**

WHITEWATER RANCH, LLC

MC KENZIE RIVER RANCH, LLC

Jane Haake Russell  
By: Jane Haake Russell  
Its Managing Member

Jane Haake Russell  
By: Jane Haake Russell  
Its Managing Member

Submit the original and one true copy \$40.00



SECRETARY OF STATE Corporation Division - Business Registry 255 Capitol Street NE, Suite 151 Salem, OR 97310-1327 (503) 986-2200 Facsimile (503) 378-4381

THIS SPACE FOR OFFICE USE ONLY

Registry Number:

492932-85

FILED

DEC 27 1995

Secretary of State

ARTICLES OF ORGANIZATION

Limited Liability Company

PLEASE TYPE OR PRINT LEGIBLY IN BLACK INK

ARTICLE 1: Name of the company: Whitewater Ranch, LLC

Note: The name must contain the words "Limited Liability Company" or the abbreviation "LLC"

SIC Code: 0200 (see back of this form)

ARTICLE 2:  Latest date upon which the Limited Liability Company is to dissolve is \_\_\_\_\_

(Check one)

OR

Duration shall be perpetual.

ARTICLE 3: Name of the initial registered agent: Richard Haake

Address of initial registered office (must be a street address in Oregon.)

43137 McKenzie Hwy. Leaburg Oregon 97489  
Street and number City State Zip code

ARTICLE 4: Address where the Division may mail notices if different than registered agent's address:

Attn:

same as above

Street and number or PO box City State Zip code

ARTICLE 5: Name and address of each organizer:

Richard Haake, 43137 McKenzie Hwy, Leaburg, OR 97489

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ARTICLE 6: Check the following statement if applicable:

This limited liability company will be managed by a manager(s).

ARTICLE 7: Optional provisions: (attach a separate sheet if necessary)

Execution:

Richard Haake  
Signature

Richard Haake  
Printed name

Organizer  
Title

Signature

Printed name

Organizer  
Title

Person to contact about this filing:

Michael P. Kearney  
Name

503-485-8888  
Daytime phone number

MAKE CHECKS PAYABLE TO THE CORPORATION DIVISION OR INCLUDE YOUR VISA OR MASTERCARD NUMBER AND EXPIRATION DATE. SUBMIT THE COMPLETED FORM AND FEE TO THE ABOVE ADDRESS OR FAX TO (503) 378-4381.

*KD*

PARCEL 11 - (continued)

9574784

- 5. Reciprocal Right of Way Agreement between Weyerhaeuser Company and Georgia-Pacific Corporation dated April 2, 1968, recorded in Reel 399R, #31439 (Rights to exercise reserved by Deed dated December 23, 1969, recorded in Reel 466R, #93113) Official Records of Lane County.
- 6. Easement to Weyerhaeuser Company dated July 6, 1973, recorded in Reel 648R, #73 33620, Official Records of Lane County.
- 7. Reserving to Grantor herein an easement over a strip of land one hundred (100) feet in width, being 100 feet parallel to Ritchie Creek and the westernmost line of which is the centerline of Ritchie Creek. Said easement for a penstock and necessary support structures, to extend from the Dearhorn County road crossing of Ritchie Creek south to the south line of the herein conveyed property adjacent to Ritchie Creek. Together with necessary access rights to enter and be upon said reserved easement.

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PARCEL 12

Lots 3 and 4 and the South half of the Northwest quarter of Section 5 in Township 17 South of Range 2 East of the Willamette Meridian, in Lane County, Oregon.

State of Oregon  
County of Lane — ss.

I, the County Clerk, in and for the said County, do hereby certify that the within instrument was received for record at

29 DEC 95 3: 23

Reel **2126R**

Lane County OFFICIAL Records  
Lane County Clerk

By: *Daniel S. Suchan*  
County Clerk

ARCEL 11

9574784

Those portions of Section 11, Township 17 South, Range 1 East, W.M. described as follows:

- 1) Lot Seven (7), except that part thereof containing 11.12 acres, more or less, condemned and appropriated to the State of Oregon by and through its State Highway Commission in an Action in the Circuit Court of the State of Oregon for Lane County, entitled "State of Oregon, Plaintiff, vs. The Frasier Real Estate Holding and Loan Company, et al, Defendants, Cause No. 27634". Final Judgment filed September 12, 1941, and being recorded in Book 52 of Deeds, at Page 319, Records of said County, and particularly described as follows:

Beginning at a point on the Southerly bank of the McKenzie River, said point being 624.0 feet East and 190.0 feet South of the North quarter corner of said Section 11;  
 thence South 69° 30' East a distance of 440.0 feet;  
 thence South 29° 30' East a distance of 295.0 feet;  
 thence South 76° 15' West a distance of 977.5 feet;  
 thence North 72° 5' West a distance of 232.0 feet;  
 thence North a distance of 245.0 feet;  
 thence North 49° 15' East a distance of 305.0 feet;  
 thence North 71° 30' East a distance of 402.58 feet to the point of beginning, containing, less said exception, 6.33 acres, more or less;

- 2) Southwest Quarter of the Northeast Quarter (SW $\frac{1}{4}$ NE $\frac{1}{4}$ );
- 3) Those portions of Government Lot 5 lying North and East of the centerline of Ritchie Creek;
- 4) Government Lot 6;
- 5) Government Lot 8;
- 6) Those portions of a) North Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) and b) North Half of the North Half of the South Half of the Northwest Quarter of the Southwest Quarter (N $\frac{1}{2}$ N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ) lying North and East of the centerline of Ritchie Creek;

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## SUBJECT TO:

1. Minerals reserved by Deed dated December 23, 1969 recorded in Reel 466R, #93113, Official Records of Lane County.
2. Easement reserved by Deed dated May 11, 1896.
3. Easement to United States Bonneville Power Administration dated March 10, 1959, recorded in Reel 132'590, #66212, as modified by Easement dated January 28, 1960, recorded in Reel 149'600, #93341, Official Records of Lane County.
4. Easement to United States Bureau of Land Management dated September 17, 1967.

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beginning point is as follows: Beginning at a point on the South line of Lot 9 of Section 31, Township 16 South, Range 2 East of Willamette Meridian, said point being 630.1 feet West of the East line of said Lot 9, and 29.7 feet East of an iron rail, heretofore set for the Southeast corner of a tract conveyed by Deed recorded August 13, 1935, to the City of Eugene, and recorded in Volume 184, Page 248, Lane County Oregon Deed Records, and running thence South 3° 52' East 48.2 feet to the beginning of a 6° 30' curve to the right, having a radius of 881.95 feet, thence Southwesterly following the said curve, through an arc of 33° 17' a distance of 511.67 feet, measured in 100 foot chords; thence Southwesterly along the center of a roadway 300 feet to the Southeast corner of that certain tract of land conveyed to James A. Hosey, et ux, by deed recorded January 21, 1963, Reception No. 96853, Deed Records of Lane County Oregon; thence East parallel with the South line of Government Lot 10 to the East line of Section 31; thence North to the Northeast corner of said Government Lot 10; thence West to the place of beginning.

PARCEL 7 Tax lots 800, 900

Lots 8, 5, 6, and 7, the Southeast quarter of the Northwest quarter, and that portion of Lot 2 lying Southwesterly of Trout Creek, Section 6, Township 17 South, Range 2 East of the Willamette Meridian, Lane County, Oregon.

PARCEL 8 Tax lots 500, 501, 502

Lots 6, 7, 8, 9 and 10, and the East half of the Southeast quarter of Section 1, Township 17 South, Range 1 East of the Willamette Meridian.

PARCEL 9 - Tax lot 1100

The North half of the Northeast quarter, and Lots 2 and 3 of Section 12, Township 17 South, Range 1 East of the Willamette Meridian.

PARCEL 10 Tax lot 1000

The South Half of Northeast Quarter (S½ of NE¼) and the North Half of Southeast Quarter (N½ of SE¼) of Section 6, Township 17 South, Range 2 East W.M.

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## EXHIBIT "A"

PARCEL 1 - Tax lot 903

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$ , Government Lots 9, 10, and 11, Section 6, Township 17 South, Range 02 East, of the Willamette Meridian, Lane County, Oregon.

PARCEL 2

The North  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  and the Northwest  $\frac{1}{4}$  of the Northeast  $\frac{1}{4}$  Section 7, Township 17 South, Range 02, East of the Willamette Meridian, Lane County, Oregon.

PARCEL 3

The South half; the South half of the Northwest quarter, and the Southwest quarter of the Northeast quarter of Section 32, Township 16, South, Range 2 East of the Willamette Meridian.

PARCEL 4

All of the Southeast quarter of the Northeast quarter of Section 31, Township 16 South, Range 2 East of the Willamette Meridian lying East of the following described line: BEGINNING at an iron rail which marks the Northeast corner of the Southeast quarter of the Northeast quarter said rail being 1320.0 feet South of the Northeast corner of said Section 31, running thence South approximately  $16^{\circ} 12'$  West approximately 1350.8 feet to an iron rail on the South line of said Southeast quarter of the Northeast quarter, said rail being 2594.4 feet South and 376.9 feet West of said Northeast corner of said Section 31.

PARCEL 5

All of Lot 9 in Section 31, Township 16 South, Range 2 East of the Willamette Meridian, in Lane County, Oregon, lying East of the following described line:

Beginning at an iron rail which marks a point on the North line of said Lot 9 and the South line of the Northeast quarter of said Section 31, said Township and Range, said point being 2594.4 feet South and 376.9 feet West of the North East corner of Section 31, Township 16 South, Range 2 East of the Willamette Meridian, in Lane County, Oregon, and running thence South  $11^{\circ} 02'$  West 1321.6 feet to an iron rail on the South line of said Lot 9.

PARCEL 6

The following portion of Lot 10, Section 31, Township 16 South, Range 02 East of the Willamette Meridian, Lane County, Oregon, to-wit:

Beginning at a point in the center of that certain roadway, said

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Send tax statements to:  
same as current

After recording, return to:  
B & J Barristers Aide for  
Michael P. Kearney  
260 Country Club Rd., #210  
Eugene, OR 97401

**BARGAIN AND SALE DEED**

RICHARD H. HAAKE, General Partner, WHITEWATER RANCH, LTD., an Oregon Limited Partnership, Grantor, conveys to WHITEWATER RANCH, LLC, an Oregon Limited Liability Company, Grantee, the real property situated in Lane County, Oregon and described on the attached Exhibit "A".

The true consideration for this conveyance is an exchange of property.

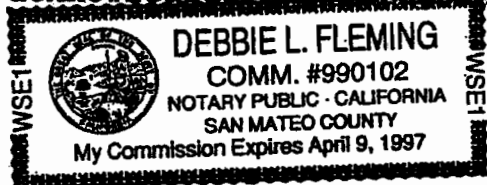
DATED this 22<sup>nd</sup> day of December, 1995.

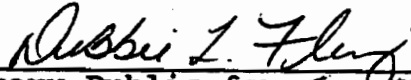
  
RICHARD H. HAAKE, General Partner

STATE OF California  
County of San Mateo ss.

3139DEC.29'95#08REC 25.00  
3139DEC.29'95#08PFUND 10.00

Personally appeared before me this 22<sup>nd</sup> day of December, 1995 the above named RICHARD H. HAAKE, General Partner of WHITEWATER RANCH, LTD., an Oregon Limited Partnership, and acknowledged the foregoing instrument.

  
DEBBIE L. FLEMING  
COMM. #990102  
NOTARY PUBLIC - CALIFORNIA  
SAN MATEO COUNTY  
My Commission Expires April 9, 1997

  
Notary Public for San Mateo, California  
My Commission Expires: April 9, 1997

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.

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WATER RESOURCES DEPT  
SALEM, OREGON

3139DEC.29'95#08A&T FUND 20.00

BARGAIN AND SALE DEED - (end)