



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 Store Water in a Reservoir (Standard Review)

Standard Review Process (ORS 537): You must use this form for any reservoir
storing more than 9.2 acre-feet *and* with a dam more than 10 feet high.

Use a separate form for each reservoir

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, insert "n/a". 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:

Applicant: Three Valleys Ranch LLC

First

Last

Mailing Address: P.O. Box 798

Heppner

City

OR

State

97836

Zip

Phone: (541) 676-9153

Home

(541) 676-8088

Work

(541) 980-8123

Other

*Fax: (541) 676-9153

*Email Address: jaaron@centurytel.net

I(We) make application for a permit to construct a reservoir and store the following described waters of the State of Oregon. The name of the reservoir is Wineland Lake

2. SOURCE OF WATER for the proposed use: Springs under/adjacent to pond,
a tributary of Rock Creek

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Is the proposed use an enlargement of an existing dam/reservoir? ☐ Yes ☒ No

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If the reservoir is not in channel of a stream, state how it is to be filled:

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The reservoir is an old mill pond. The pond was created by constructing dikes along the entire SW perimeter and a portion of the N perimeter. There is only 50 acres of land which drains into this reservoir. Water is supplied from springs under and adjacent to the reservoir.

For Department Use

App. No. R-87609

Permit No. _____ Date _____

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3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be (is) 10.0 feet above streambed or ground surface at the centerline of the crest of the dam.

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved prior to storage of water.

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other" give description:

An old earthfill dike is constructed around the SW and N perimeters of the reservoir, not a dam in a waterway in the usual sense. No seepage is apparent along the dike or toe of the dike.

4. PRIMARY OUTLET WORKS

Describe the location and the dimensions of the outlet conduit through the dam:

18" by 64' corrugated metal pipe at the east corner of the reservoir. Pipe invert is 1.6 feet below the low point on the dike, which is on the southwest corner of the reservoir. Pipe capacity is computed at a maximum flow of 6 c.f.s.

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

5. EMERGENCY SPILLWAY

Describe the location and the dimensions of the spillway channel:

The reservoir shows no signs of ever overflowing. If it did, it would spill over at the southwest corner of the reservoir. As indicated elsewhere, the volume between the overflow pipe and the lowest point on the dike is 26.12 acre-foot. There is only 50 acres upland drainage available. There is little likelihood that an emergency spillway could ever be needed.

6. THE USE(s) of the impounded water will be:

Upland storage, fish habitat and recreation, cattle usage and fire fighting. It is a small, beautiful lake.

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7. THE AMOUNT OF WATER to be stored is: 165.77 acre-feet.
The area submerged by the reservoir, when filled, will be 13.02 acres.

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: No construction needed.

Proposed date construction will be completed: N/A

Proposed date beneficial water use will begin: N/A

9. 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 10)

☒ There are no encumbrances

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

☐ No (Please check the appropriate box below)

☐ I have a recorded easement or written authorization permitting access.

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

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

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

List the names and mailing addresses of all affected landowners*

The reservoir and the area which drains into the reservoir occupies land in the Government Lot 4 of Section 5; the SW 1/4 of the NW 1/4 of said Section 5; SE 1/4 of the NW 1/4; and the NE 1/4 of the SW 1/4 of Section 5; all in T. 7 S., R. 24E, W.M. Wheeler County Oregon.

All land described here is in the ownership of the applicant.

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* Attach additional sheet(s) if necessary.

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10. 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 reservoir location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

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

I certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

Applicant: John H. Aaron 5-05-2008
Signature (If more than one applicant, all must sign.) Date
John H. Aaron 05-08-2010

Before you submit your application be sure to:

- Answer each question completely.
- Attach a legible map that includes township, range, section, quarter/quarter and tax lot.
- Include a Land Use Information Form or receipt stub signed by a local official.
- Include the legal description of all the property involved with this application. You may include a copy of your deed land sales contract or title insurance policy to meet this requirement.
- Include 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.

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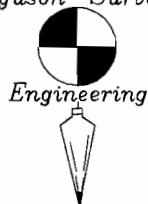
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Storage Water/4

Ferguson Surveying



P.O. Box 519, 210 E. Main
MT. VERNON, OR 97865
PHONE (541) 932-4320
FAX (541) 932-4430
EMAIL dffs@ortelco.net

WINELAND LAKE

SUPPLEMENTAL NARRATIVE

DESCRIBING UNIQUE CONDITIONS WHICH DELETE THE NEED FOR EMERGENCY OVERFLOW FACILITIES.

This small lake is situated near the top of the drainage, with only 50 acres of upland area, which drains into the lake. As stated elsewhere the lake is an old mill pond. It is difficult to determine what supplies the water to the lake, however it appears it was constructed in an area with sufficient water in the area occupied by the lake and adjacent land.

There is a small amount of water entering the southeast corner of the lake. When considering the site has an annual rainfall of approximately 20 inches and an annual evaporation estimated at 30 inches, (10 inches net evaporation), it can be determined that approximately 11 acre-feet are required to replace annual evaporation. This is equivalent to nearly 7 gallons per minute average over the entire year. No flow measurements were made on this small stream, but it will not sustain an average 7 gallons per minute.

In regard for the need of an emergency overflow, the following conditions prevail.

- (Rational Method) Peak runoff from available 50 acres of upland area is: 4 c.f.s.
- Computed maximum capacity of 18" corrugated metal overflow pipe is: 6 c.f.s.
- Storage required to contain a 100 year storm on the upland area: 0.5 acre feet
- Available volume between overflow pipe and low point in the dike: 26 acre feet

Considering there is 50 times more storage than needed to contain a 100 year event, and that the capacity of the 18" overflow pipe exceeds the peak flow requirements, emergency overflow is not an issue in this unique situation.

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Winelake Volume and Area Data (Tabular form)					
	Water Surface	Area (sq. ft.)	Area (acres)	Volume (acre-ft.)	Volume (gal.)
Overtop	4112	579719.56	13.31	191.89	62,527,631.53
	4111	571550.42	13.12	177.52	57,845,146.43
Overflow Inv.	4110.4	567058.54	13.02	165.77	54,016,392.09
	4110	564060.86	12.95	160.57	52,321,964.64
	4109	552953.19	12.69	147.73	48,138,032.24
	4108	537597.84	12.34	135.21	44,058,372.29
	4107	523191.21	12.01	123.04	40,092,760.35
	4106	507968.22	11.66	111.18	36,228,162.35
	4105	490537.79	11.26	99.71	32,490,646.41
	4104	473756.16	10.88	88.62	28,876,954.02
	4103	454106.99	10.42	77.95	25,400,119.22
	4102	433268.50	9.95	67.77	22,082,951.63
	4101	411478.42	9.45	58.05	18,915,675.70
	4100	386903.18	8.88	48.90	15,934,135.09
	4099	358569.13	8.23	40.34	13,144,846.82
	4098	328060.67	7.53	32.44	10,570,620.49
	4097	275483.69	6.32	25.41	8,279,884.92
	4096	232560.94	5.34	19.59	6,383,429.58
	4095	192658.56	4.42	14.69	4,786,757.55
	4094	155823.52	3.58	10.70	3,486,610.34
	4093	118159.66	2.71	7.54	2,456,919.81
	4092	74254.01	1.70	5.32	1,733,529.62
	4091	44879.82	1.03	4.02	1,309,922.76
	4090	35086.41	0.81	3.12	1,016,656.47
	4089	29884.59	0.69	2.38	775,526.41
	4088	26387.34	0.61	1.73	563,722.98
	4087	22971.75	0.53	1.17	381,246.18
	4086	18999.70	0.44	0.68	221,578.97
	4085	13981.32	0.32	0.30	97,755.43
	4084	5781.78	0.13	0.08	26,068.11
	4083	1295.19	0.03	0.01	3,258.51
	4082		0.00		

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Oregon Water Resources Department Land Use Information Form

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

Applicant Name: THREE VALLEYS RANCH LLC
 Mailing Address: P.O. Box 798
 City: HEPPNER State: OR Zip: 97836 Day Phone: 541-676-8088

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	1/4 1/4	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
7S	24E	5	LOT 4	300		☐ Diverted ☐ Conveyed ☒ Used	
7S	24E	5	SWNW	300		☐ Diverted ☐ Conveyed ☒ Used	
7S	24E	5	SE NW	300		☐ Diverted ☐ Conveyed ☒ Used	
7S	24E	5	NESW	300		☐ Diverted ☐ Conveyed ☒ Used	

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

B. Description of Proposed Use

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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

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

Estimated quantity of water needed: _____ ☐ 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: for use by wildlife, recreation and fire
suppression

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

Receipt for Request for Land Use Information

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

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For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

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

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

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

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

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

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Name: Robin Hunt-Palazo Title: Wheeler County Planning Director

Signature: [Signature] Phone: 541-763-2126 Date: 4-29-2010

Government Entity: Wheeler County Planning Department ORIGINALLY FILED 1-8-2009

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: Three Valleys Ranch; John Aaron

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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Wineland Lake
 Township 7 South, Range 24 East
 Lot 4 and the South West Quarter
 of the North West Quarter
 of Section 5
 Wheeler County, Oregon

Ferguson Surveying



Engineering

P.O. BOX 519, 210 E. MAIN
 MT. VERNON, OR 97865
 PHONE (541)932-4520
 FAX (541)932-4430
 EMAIL dfse@oretelco.net



RENEWAL DATE:
 01/01/2010



Note;
 Map Datum is a Local Grid,
 Based on True North.
 Elevations are Assumed
 and Relate Only to this Map.
 This Map is the Result of a
 Detailed Topographical Survey.

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SCALE 1"=100'

Outlet Overflow
 18"x64" CMP
 Inlet I.E.=4110.42
 Outlet I.E.=4118.57

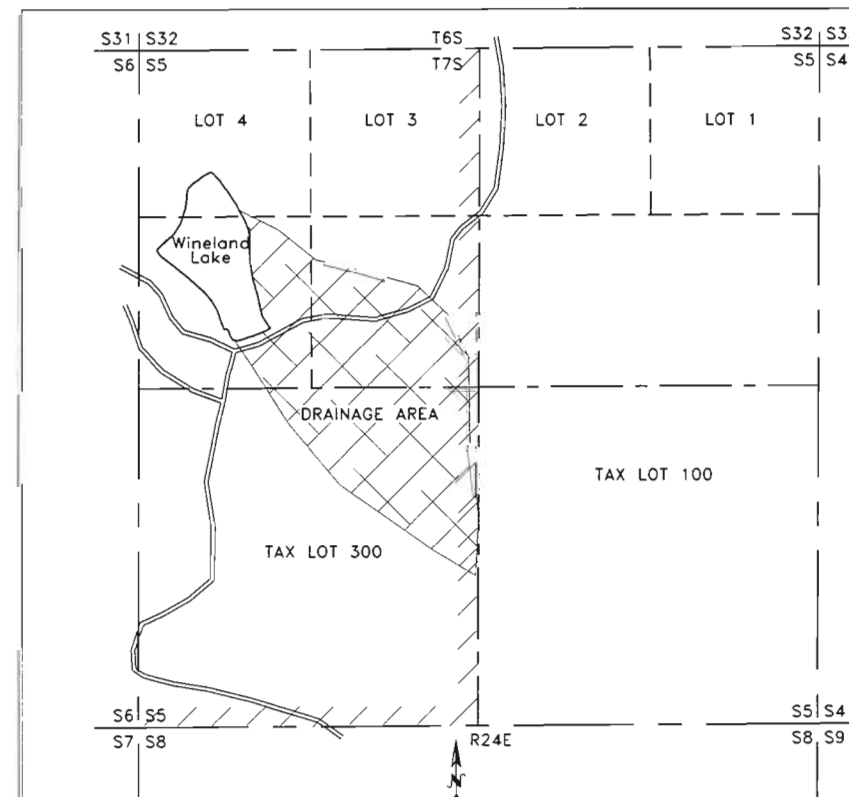
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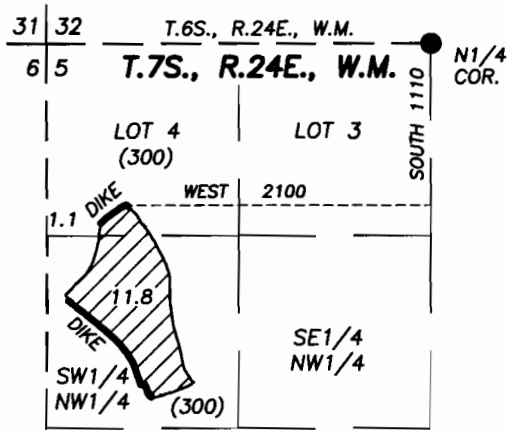
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Vicinity Map



SCALE 1"=1500'



SCALE: 1" = 1320'

THE NORTHERN MOST POINT OF THE RESERVOIR (WINELAND LAKE) IS 1110 FT. SOUTH AND 2100 FT. WEST OF THE N1/4 COR. SEC. 5 T.7S., R.24E.

**APPLICATION MAP
TO
STORE WATER IN A
RESERVOIR
FOR
THREE VALLEYS RANCH, LLC**

BY
ROBERT D. BAGETT
217 N. CANYON BLVD.
JOHN DAY, OREGON
(541) 575-1251

APRIL 7, 2010



RESERVOIR (WINELAND LAKE)



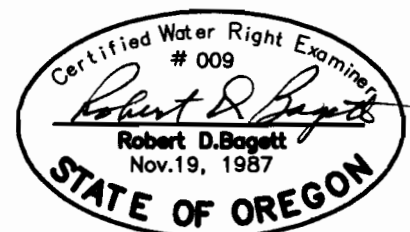
FOUND ALUMINUM MONUMENT AT THE N1/4 COR. SEC. 5

(300) Tax Lot

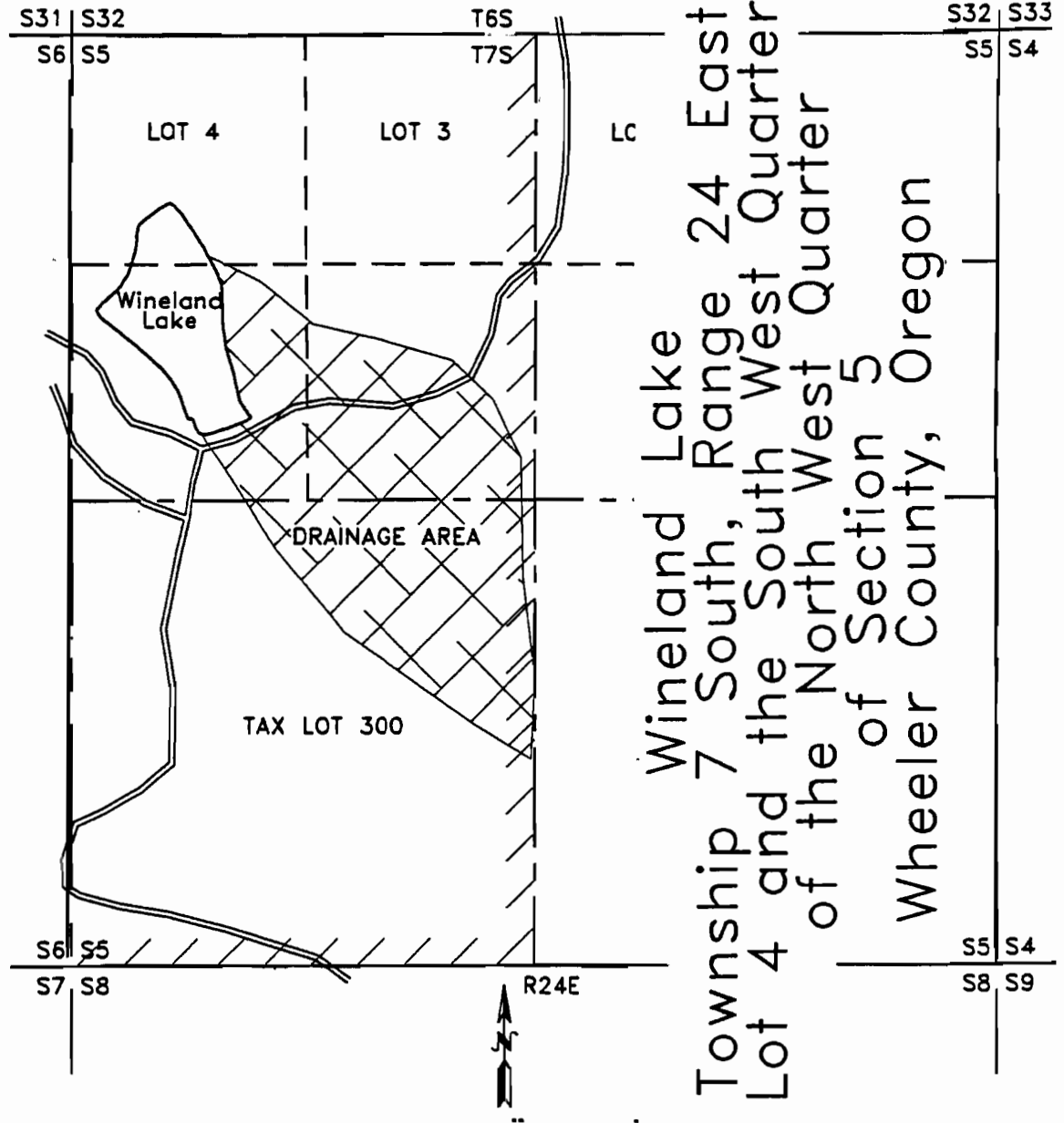
NOTE: THE PREPARATION OF THIS MAP WAS FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF THE PROPOSED WATER RIGHT AND HAS NO INTENT TO PROVIDE DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

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Vicinity Map



Wineland Lake
Township 7 South, Range 24 East
Lot 4 and the South West Quarter
of the North West Quarter
5
Wheeler County, Oregon

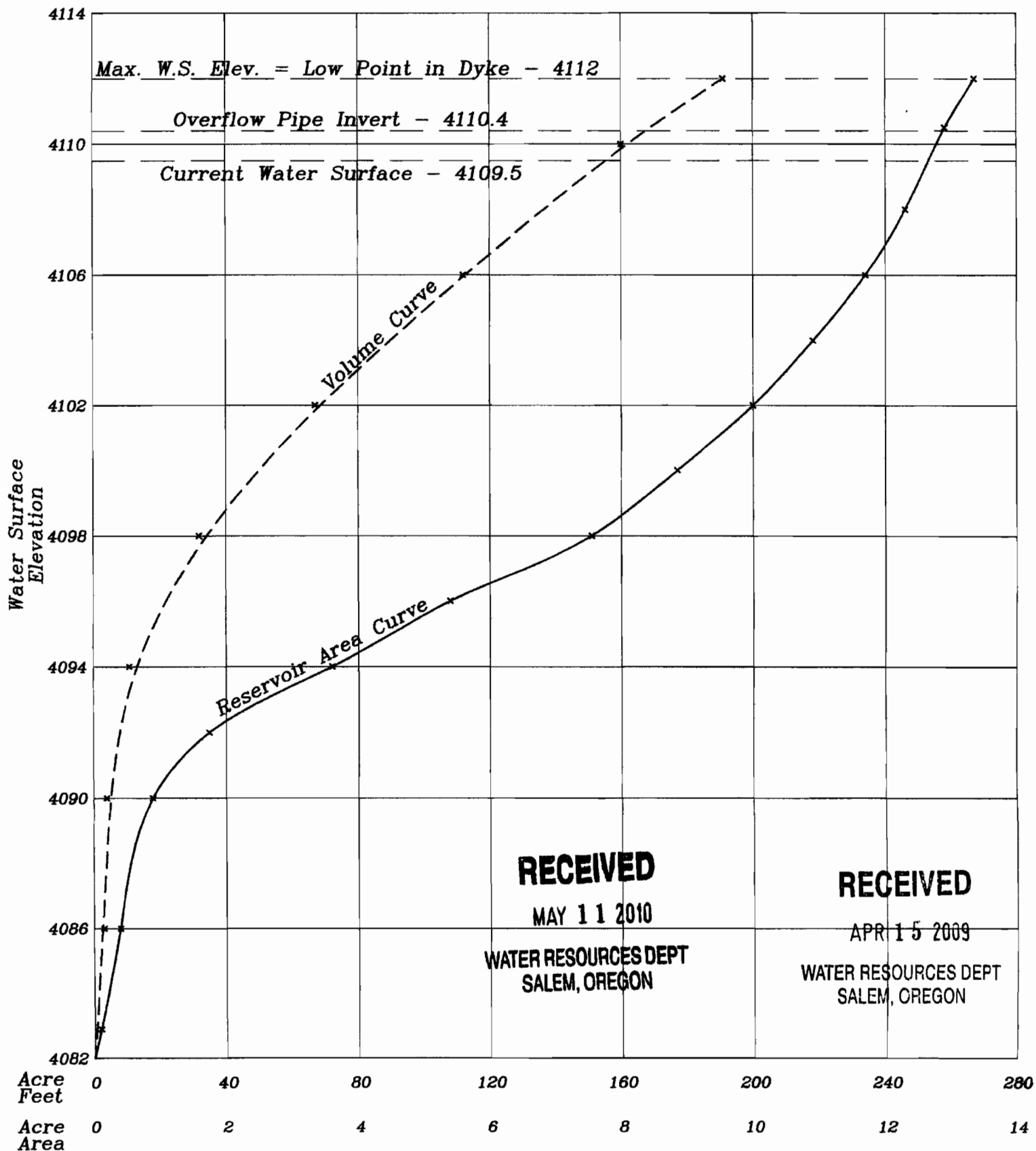
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Wineland Lake Volume and Area Graph



R-87609



Oregon

Theodore R. Kulengski, Governor

23 April 2008

Three Valleys Ranch
John Aaron – Manager
PO Box 798
Heppner, OR 97836

Water Resources Department
Watermaster District 21
Gilliam County Courthouse
P.O. Box 427
Condon, OR 97823
(541) 384-4207

RE: Inspection of Kinzua Dam; R-1661

Dear Mr. Aaron,

Thank you for your cooperation and for taking the time to assist in conducting the dam safety inspection on Searcy Lake (Kinzua Dam, R-1661). Reservoir inspections are a routine part of the Water Resources Department's on-going dam safety program.

As mentioned during the site visit there are a few maintenance items that should be conducted and concerns to be monitored:

- There is substantial tree and shrub growth on the downstream slope of the dam that needs to be removed. The roots are a serious threat to the structure of the dam.
- Please monitor the seepage at the toe of the slope of the dam for an increase in flow or if it begins to carry sediment. Either event could indicate possible structural damage from the seepage. If you have a reason to draw down the reservoir you may want to consider lining the upstream side of the dam to reduce seepage.
- Please monitor the head cutting left of the emergency spillway for any new activity and remove any obstructions (logs) in the spillway. Looking at historical pictures of the spillway it appears the head cutting has been stable for some time. Rip rap may be necessary to stop new cutting.
- Continuing to cycle the mechanical outlet annually will help the system keep working. The bolted plate on the main pipe reduces the effectiveness of the mechanical outlet for emergency releases, a valve may serve better. If you have a reason to replace the mechanical outlet a bank-mounted system may make operation easier.

Thank you for showing me around Camp 5 reservoir. I have reviewed our water right records and do not find any water right information for Camp 5 reservoir located in the NWNW and SWNW of section 5 in Township 7 South Range 24 E. The surface area of the reservoir is approximately 12.5 acres, the average depth is unknown, the total volume exceeds 9.2 acre feet and the dam height is over 10 feet. Therefore, you will need to apply for a storage right using the Standard Process which will require an engineered as built plan for the dam. I will work with you on this process.

Sincerely,

Joel Clark
Watermaster, District 21

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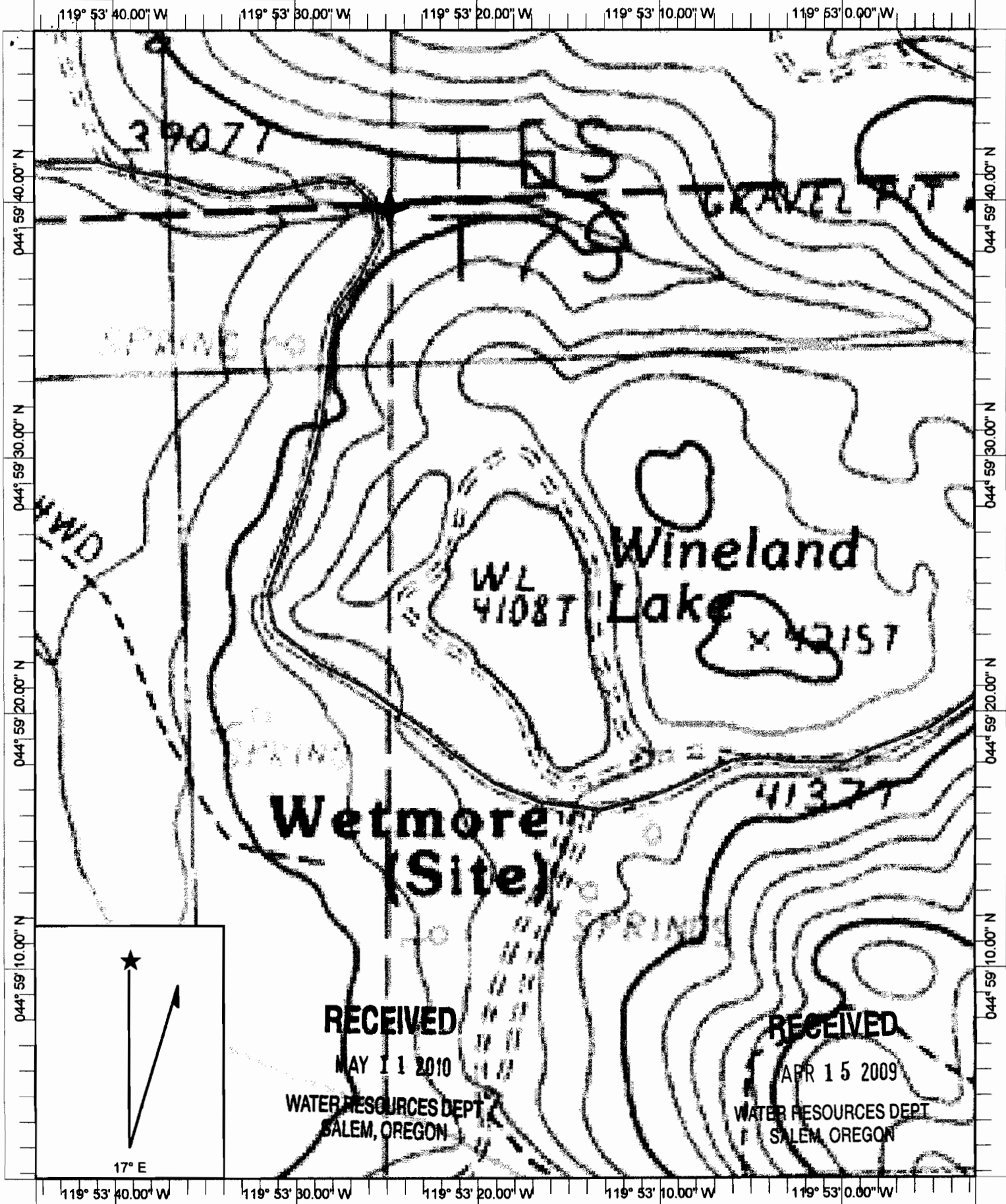
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Cc: E. George Robison, WRD Dam Safety

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Name: WHEELER POINT
Date: 1/5/2009
Scale: 1 inch equals 500 feet

Location: 044° 59' 24.2" N 119° 53' 18.5" W
Caption: Three Valleys Ranch
Wineland Lake
Water Rights

Copyright (C) 1997 Mountain Inn

R-87609

AFTER RECORDING:

Return this document
and send all tax statements to:
Three Valleys Ranch
5151 Corporate Drive
Troy, MI 48096

RECEIVED BY: *Paul*

Send Tax Statements;
SAME

STATUTORY SPECIAL WARRANTY DEED

PIONEER RESOURCES I, LLC, a Delaware limited liability company, successor by conversion and who took title as Pioneer Resources, LLC, an Oregon limited liability company, **Grantor**, conveys and specially warrants to **THREE VALLEYS RANCH**, a Michigan limited liability company, **Grantee**, the following described real property free of encumbrances created or suffered by the **Grantor** except as specifically set forth on **EXHIBIT A**, attached hereto and by this reference made a part hereof:

Parcel 2 of Wheeler County Partition Plat No. 2002-01 recorded April 8, 2002, in the Office of County Surveyor, of the Official Records of Wheeler County, Oregon.

RESERVING, however, unto **Grantor**, permanent, non-exclusive easements as described on **EXHIBIT B**, and as shown on **EXHIBIT C**, all as attached hereto and by this reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT THE GRANTEE 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 consideration for this conveyance is \$6,400,000.00.

FRONTIER/FRONTIER/PaulSWDFossil.doc

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Dated this 20th day of May, 2002.

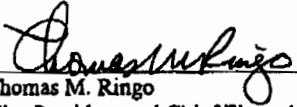
Grantor:

PIONEER RESOURCES I, LLC

a Delaware limited liability company

By Olympic Resource Management LLC

a Washington limited liability company, Its Manager


Thomas M. Ringo

Vice President and Chief Financial Officer

STATE OF WASHINGTON)

) ss.

County of KITSAP)

The foregoing instrument was acknowledged before me this 20th day of May, 2002 by Thomas M. Ringo of Olympic Resource Management, a Washington limited liability company, on behalf of the company.


Ember D. Krummied

Notary Public for Washington

My commission expires: 01/24/05



EGD/PIONEER/PaulSWDFossil.doc

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SALEM, OREGON**

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EXHIBIT A
to Statutory Special Warranty Deed
Permitted Encumbrances
Wheeler County, Oregon

Grantee accepts the property, conveyed hereby, subject to the following matters that are exceptions to the warranties contained herein:

1. **Statutory Bargain and Sale Timber Deed**
 Grantor: Pioneer Resources, LLC
 Grantee: Frontier Resources, LLC
 Recorded October 16, 1998 under instrument No. 980387, Wheeler County, OR
2. **Line of Credit Trust Deed**
 Grantor: Frontier Resources, LLC
 Beneficiary: First Union National Bank
 Recorded April 9, 1999 under instrument No. 990136
 Subordinated August 27, 1999 under instrument No. 990296, Wheeler County, OR
3. **UCC-1A**
 Debtor: Frontier Resources, LLC
 Secured Party: First Union National Bank
 Recorded April 9, 1999 under instrument No. 990137, Wheeler County, OR
4. **Lease**
 Lessor: Pioneer Resources, LLC
 Lessee: State of Oregon - Dept of Forestry
 Recorded July 10, 1995 under instrument No. 950292
5. **Timber Deed**
 Grantor: Frontier Resources, LLC
 Grantee: Boise Cascade Corporation
 Recorded August 27, 1999 under instrument No. 990295, Wheeler County, OR
6. **Subordination Agreement**
 Parties: Frontier Resources, LLC
 Boise Cascade Corporation
 First Union National Bank
 Recorded August 27, 1999 under instrument No. 990296, Wheeler County, OR
7. **Subleases, if any, as created by Lessor in a Grazing Lease between Pioneer Resources and Frontier resources, a memorandum of which was recorded on October 6, 1998 under record No. 980390 of the official records of Wheeler County, OR.**

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EXHIBIT B
to Statutory Special Warranty Deed
Easement Reservation

Grantor hereby reserves permanent non-exclusive easements over and across existing roads on strips of land, 40 feet in width, that are portions of the property conveyed hereby and as shown on the map, attached hereto as EXHIBIT C on which the road segments are identified as follows:

Road Segment A-C: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the Kinzua County Road and Hoover Creek County Road and is over and across the following portions of the real property conveyed herein:

T6S, R22E, WM

Section 33: NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{4}$ SE $\frac{1}{4}$

Section 34: S $\frac{1}{4}$

T7S, R22E, WM

Section 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 2: N $\frac{1}{4}$

Section 3: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$

Road Segment C-L: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the Lone Rock County Road or the 21 Road and is over and across the following portions of the real property conveyed herein:

T7S, R22E, WM

Section 1: S $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{4}$ S $\frac{1}{4}$

T7S, R23E, WM

Section 4: SW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 5: S $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{4}$ S $\frac{1}{4}$

Section 6: N $\frac{1}{4}$ S $\frac{1}{4}$

Road Segment L-D: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the 21 Road and is over and across the following portions of the real property conveyed herein:

T7S, R23E, WM

Section 4: S $\frac{1}{4}$ N $\frac{1}{4}$, N $\frac{1}{4}$ S $\frac{1}{4}$

Road Segment E-F: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the 21 Road and is over and across the following portions of the real property conveyed herein:

T6S, R23E, WM

Section 34: SW $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$

Road Segment G-H: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the Lone Rock County Road or the 21 Road and is over and across the following portions of the real property conveyed herein:

T6S, R23E, WM

Section 35: That portion of the S $\frac{1}{4}$ lying Southerly of the North boundary line of the 21 Road.

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Section 36: That portion of the S $\frac{1}{2}$ lying Southerly of the North boundary line of the 21 Road.

T6S, R24E, WM

Section 31: S $\frac{1}{2}$ S $\frac{1}{2}$

T7S, R24E, WM

Section 5: NW $\frac{1}{4}$

Section 6 E $\frac{1}{2}$ NE $\frac{1}{4}$

Road Segment I-J: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the 21 Road and is over and across the following portions of the real property conveyed herein:

T6S, R24E, WM

Section 32: SE $\frac{1}{4}$

Road Segment C-K: A 40 foot wide strip of land lying 20 feet on each side of the centerline of an existing road, commonly known as the Strawfork Road and is over and across the following portions of the real property conveyed herein:

T7S, R22E, WM

Section 1: SW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 2: S $\frac{1}{2}$ N $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SW $\frac{1}{4}$ SW $\frac{1}{4}$

Section 3: S $\frac{1}{2}$ SE $\frac{1}{4}$

Section 9: E $\frac{1}{2}$ SE $\frac{1}{4}$

Section 10: N $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Section 15: NW $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$

Section 16: NE $\frac{1}{4}$, SE $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$

Section 17: NE $\frac{1}{2}$ SE $\frac{1}{4}$ as described in instrument No. 960008

All as shown on EXHIBIT C, attached hereto and by this reference made a part hereof.

Road Segments A-B and B-L are shown on the partition map as public roads but are reserved hereby in the event that they might be determined to NOT be public roads at a later date.

The road easements, so reserved, shall be for ingress, egress, and utilities, providing access to remaining lands of Grantor and shall run with the land and automatically transfer to any subsequent owners of Grantors remaining land. Said benefited property of Grantor is described as Parcel 1 of Wheeler County Partition No. 2002-01 recorded April 8, 2002 in the Office of County Surveyor of the official records of Wheeler County, Oregon.

The purposes for the use of said easements, shall include, but not be limited to, Forest Management and the transportation of Forest Products. All uses, contemplated hereby, shall be conducted in conformance with all Federal, State and local laws, regulations, and ordinances.

The use of road segment C-K, by the owner of said Parcel 1, will be specifically limited to the hauling of forest products and the transporting of heavy equipment.

Grantee, its agents, assignees, contractors, employees, guests, invitees, licensees, and successors, shall have the right to use the reserved easement areas jointly with the Grantor, its agents, assignees, contractors, employees, guests, invitees, licensees, and successors, so long as such use does not unreasonably interfere with the enjoyment of the easements reserved hereby.

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The Grantor and Grantee, and their agents, assignees, contractors, employees, guests, invitees, licensees, and successors, shall share the costs of maintenance of the roadway, drainage, utility, and other facilities located within the reserved easement areas in proportion to their actual use thereof.

The easements, reserved hereby, touch and concern land, are appurtenant to said Parcel 1 and the property conveyed herein, and shall burden said property for the benefit of said Parcel 1 in perpetuity.

Each party, including Grantor, Grantee and their agents, assignees, contractors, employees, guests, invitees, licensees, and successors, using said roads shall defend, indemnify and hold harmless the other from and against all causes of action, litigation, cost, loss liability, damage and expense, including, without limitation, attorney's fees, for injury or death to persons, whomsoever, and damage to or loss of property to whomsoever belonging, arising out of or in any way connected with the use of the herein reserved road easements; provided, that said indemnifying user shall have no obligation to indemnify, defend or hold harmless the indemnified party's negligence or intentional misconduct.

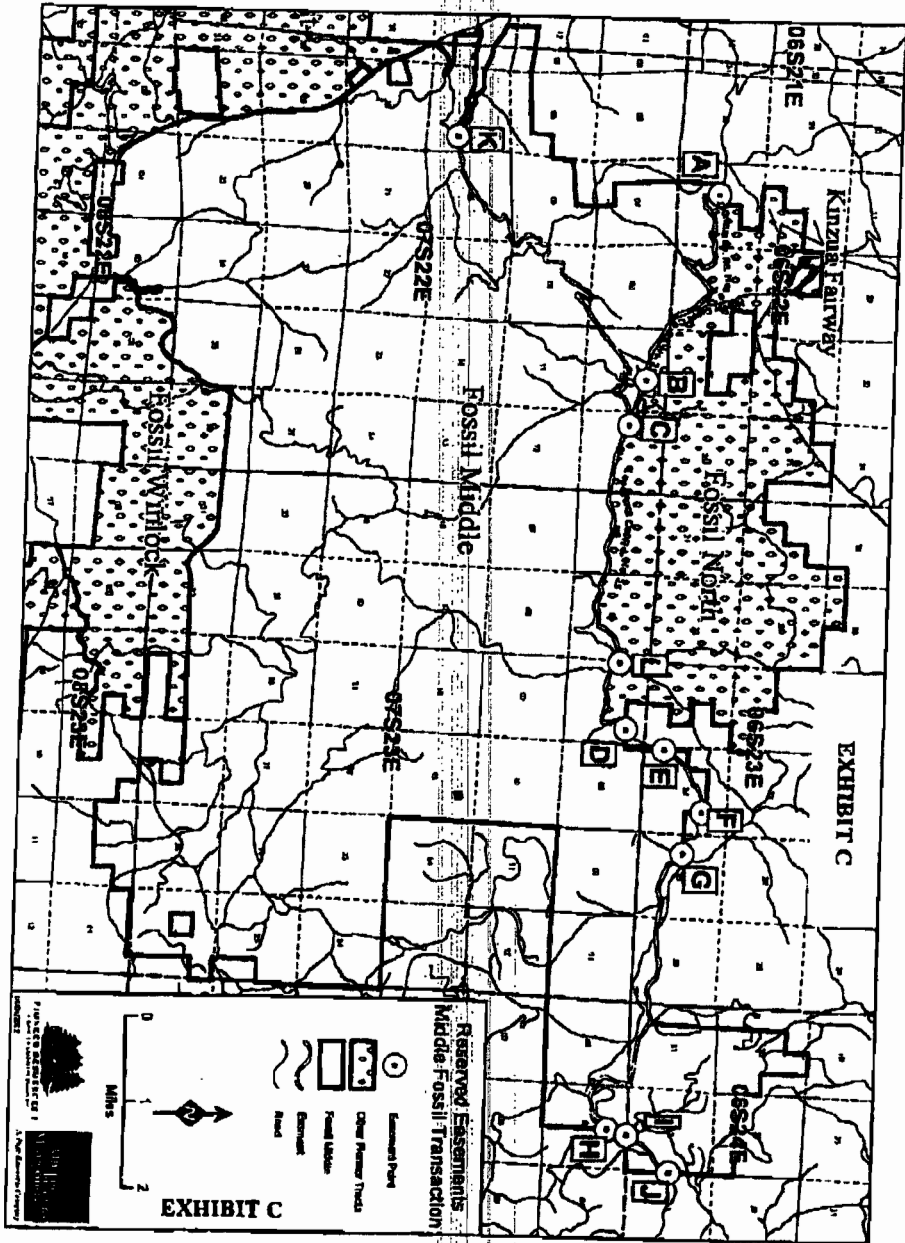
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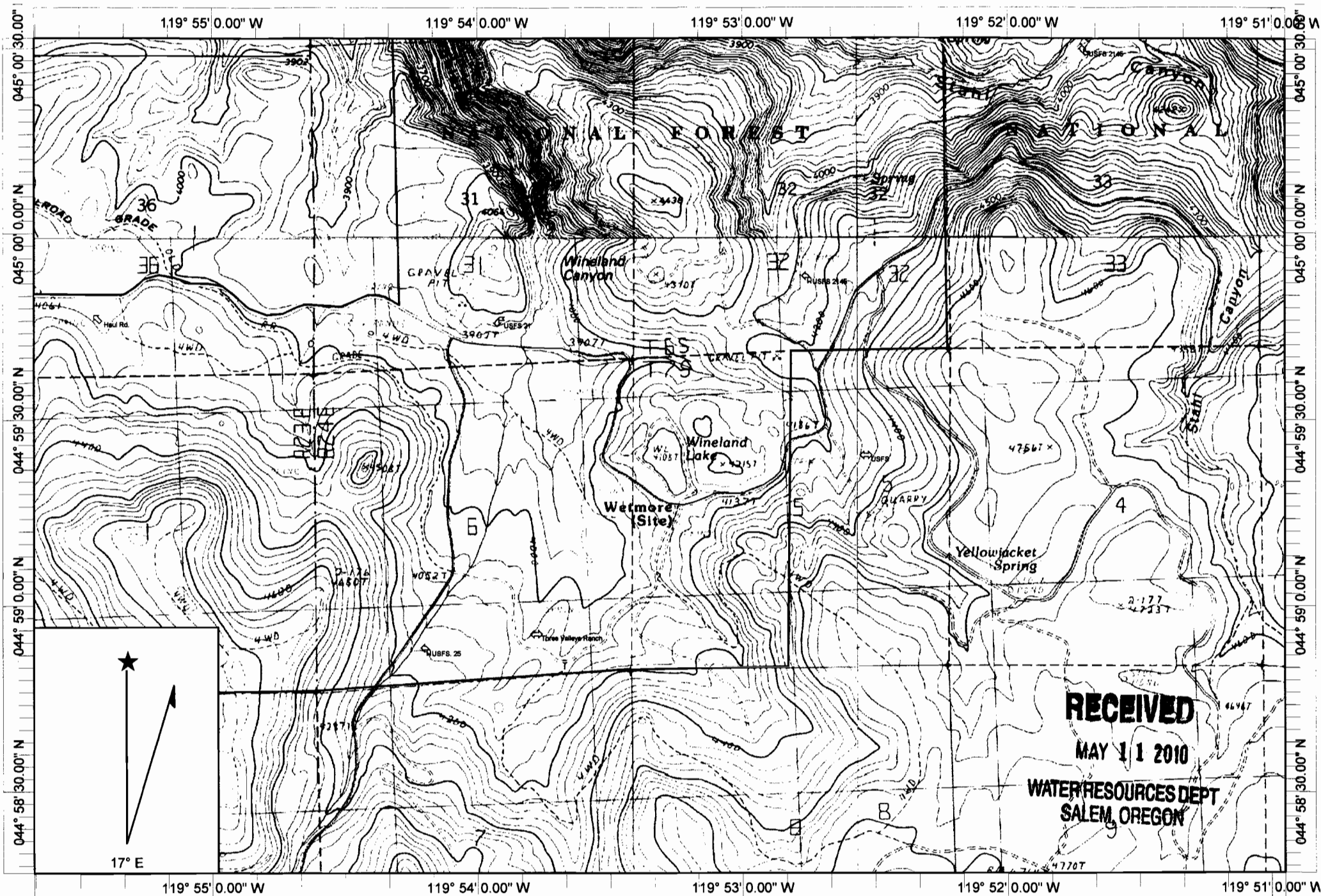


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Name: WHEELER POINT
Date: 2/10/2010
Scale: 1 inch equals 2000 feet

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Location: 044° 59' 24.2" N 119° 53' 18.6" W
Caption: Wineland Lake
Three Valleys Ranch
Applic. for Water Right