

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. However, to obtain authorization for multiple reservoirs, multiple forms may be combined into one application if filed at the same time.

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. 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 Agent: Martha Pagel

Agent: Martha Pagel
Schwabe, Williamson & Wyatt
Equitable Center
Center Street N.E., Suite 400
Salem, OR 97301 Phone: (503) 540-4262

1. APPLICANT INFORMATION:

Applicant: Dayspring Partners LLC Salem, OR 97301 Phone: (503) 540-4262
First Last

Mailing Address: 15350 S.W. Sequoia Parkway, Suite 250

<u>Portland</u>	<u>OR</u>	<u>97224</u>
City	State	Zip

Phone: _____ (503) 603-2500 _____
Home Work Other

*Fax: (503) 296-2053 *Email Address: jim@csimllc.com

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 Metolius Lake

2. SOURCE OF WATER for the proposed use: Unnamed springs and stream
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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For Department Use

App. No. R-87630 Permit No. 20 Date 10-2-71

3. DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 25.0 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:

4. PRIMARY OUTLET WORKS

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

A pipe will extend through the dam. The pipe will have a gate structure on the upstream face of the dam. The diameter and dimension of the outlet works will be designed by a professional engineer, and the designs will be submitted to the WRD prior to storage of water.

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:

An emergency spillway will be designed by a professional engineer, and the designs will be submitted to the WRD prior to storage of water.

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

Multipurpose.

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12-87610

7. THE AMOUNT OF WATER to be stored is: 75.0 acre-feet.
The area submerged by the reservoir, when filled, will be 11.4 acres.

8. PROJECT SCHEDULE (List Month and Year)

Proposed date construction will begin: As soon as permit is issued

Proposed date construction will be completed: October 1, 2014

Proposed date beneficial water use will begin: October 1, 2015

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

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*

NA

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* Attach additional sheet(s) if necessary.

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.

R-87630

Storage Water/3

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

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: James G. B. 5/17/10
Signature (If more than one applicant, all must sign.) Date

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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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: Dayspring Partners LLC
Mailing Address: 15350 S.W. Sequoia Parkway, Suite 250
City: Portland State: OR Zip: 97224 Day Phone: (503) 603-2500

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:
13 S	24 E	15	SW SE	100		☐ Diverted ☐ Conveyed ☒ Used	Reservoir
13 S	24 E	22	NE NE	100		☐ Diverted ☐ Conveyed ☒ Used	Reservoir
13 S	24 E	22	NW NE	100		☒ Diverted ☐ Conveyed ☒ Used	Reservoir
						☐ Diverted ☐ Conveyed ☐ Used	

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

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond ☐ Ground Water ☒ Surface Water (name) Unnamed stream & springs

Estimated quantity of water needed: 75.0 ☐ 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 Multipurpose

Briefly describe: Water will be stored for a variety of purposes, including recreation, aesthetics and
wildlife.

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

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

Name: Robin Hunt-Palazzo Title: Wheeler Co. Planning Director
Signature: [Signature] Phone: 541-763-2126 Date: 4-29-10
Government Entity: WHEELER COUNTY

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

Receipt for Request for Land Use Information

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Applicant name: _____

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City or County: _____

Staff contact: _____

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Signature: [Signature]

Phone: _____

Date: JUN 24 2010

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Business Registry Business Name Search

New Search

Business Entity Data

05-03-2010
17:01

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
516463-97	DLLC	ACT	OREGON	04-28-2008	04-28-2011	
Entity Name DAYSRING PARTNERS, LLC						
Foreign Name						

New Search

Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
Addr 1	15350 SW SEQUOIA PARKWAY STE 250					
Addr 2						
CSZ	PORTLAND	OR	97224		Country	UNITED STATES OF AMERICA

Please click here for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT		Start Date	06-04-2009	Resign Date	
Name	THOMAS	P	HARBOLT				
Addr 1	15350 SW SEQUOIA PARKWAY STE 250						
Addr 2							
CSZ	PORTLAND	OR	97224	Country	UNITED STATES OF AMERICA		

Type	MGR	MANAGER			Resign Date	
Name	THOMAS	P	HARBOLT			
Addr 1	15350 SW SEQUOIA PARKWAY STE 250					
Addr 2						
CSZ	PORTLAND	OR	97224	Country	UNITED STATES OF AMERICA	

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New Search

Name History

WATER RESOURCES DEPT

Business Entity Name	Name Type	Name Status	Start Date	End Date
DAYSRING PARTNERS, LLC	EN	CUR	08-13-2009	
ANTONE ACQUISITION, LLC	EN	PRE	04-28-2008	08-13-2009

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Please read before ordering Copies.

New Search

Summary History

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Image Date	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Disseminated By
03-29-2010	ANNUAL REPORT PAYMENT	03-29-2010		SYS		

12-8760

08-13-2009	ARTICLES OF AMENDMENT	08-13-2009		FI	Name	
06-04-2009	AMENDED ANNUAL REPORT	06-04-2009		FI	Agent	
05-01-2009	NOTICE LATE ANNUAL	05-01-2009		SYS		
04-28-2008	ARTICLES OF ORGANIZATION	04-28-2008		FI	Agent	

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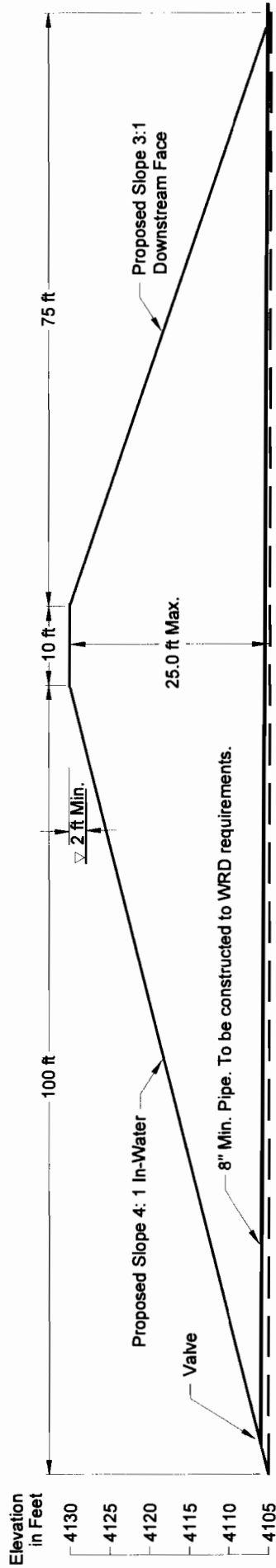
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12-87630

T13S, R24E, Section 15 & 22, WM WHEELER COUNTY



Notes:

1. The proposed dam location and elevations are approximate and based on the USGS Antone, Oregon (1992) 7.5 Minute Quadrangle Map.
2. Plans and specifications for the dam, emergency spillway and outlet pipe will be prepared by a professional engineer and submitted to the WRD prior to storage of water.

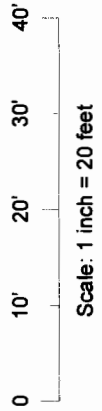
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SKOOKUM
WATER ASSOCIATES INC
P.O. Box 80174
Portland, OR 97280
(503) 319-8926

Proposed Metolious Lake
Conceptual Dam Design
Dayspring Partners LLC



12-07630

STATE OF OREGON

County of Wheeler

SS

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

AFTER RECORDING RETURN TO:

Barbara A. Jacobson
Kirkpatrick & Lockhart Preston Gates Ellis LLP
222 SW Columbia Street, Suite 1400
Portland, OR 97201

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

Antone Acquisition, LLC
Attn: Thomas P. Harbolt
15350 SW Sequoia Parkway, Suite 250
Portland, OR 97224

Escrow No.: BT-106104TA

Barbara S. Sitton
Wheeler County Clerk

DEED

by: J. Grunfield Deputy.

DOC#: 20080151 PAGES: 16
RCPT: 531 101.00
5/05/2008 10:33 AM
REFUND: .00

STATUTORY WARRANTY DEED

David C. Harris, Kathleen H. Wolcott, and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87; David C. Harris, individually; Kathleen H. Wolcott and Roger S.C. Wolcott, Jr., as Trustees of the Kathleen H. Wolcott Revocable Trust U/T/A dated 9/22/04; and Michael H. Greene and Marylou H. Greene, as Trustees of the Greene Family Trust U/T/A dated 12/1/86, collectively the Grantors owning 100% interest in the Property described herein, hereby convey and warrant to Antone Acquisition, LLC, an Oregon limited liability company, the Grantee, the real property legally described on Exhibit A ("Property"), attached hereto and incorporated by reference herein, together with all water rights, air rights, mineral rights and mining rights held by them in connection therewith and all improvements located thereon, free and clear of all liens and encumbrances, except those Permitted Encumbrances of record as specifically set forth on Exhibit B, attached hereto and by reference incorporated herein.

The true consideration for this conveyance is TWENTY-FIVE MILLION DOLLARS (\$25,000,000).

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 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 ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Statutory Warranty Deed

Page 1 of 1
WATER RESOURCES DEPT
SALEM, OREGON

20080151 Pg. 1 of 16

12-87630

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WATER RESOURCES DEPT
SALEM, OREGON

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30 April
DATED this 5th day of May, 2008.

HARRIS FAMILY TRUST, U/T/A dated 6/9/87

David C. Harris, Trustee

Kathleen H. Wolcott, Trustee
Kathleen H. Wolcott, Trustee

Marylou H. Greene, Trustee

STATE OF Oregon)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 30 day of April, 2008, by David C. Harris, Kathleen H. Wolcott and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87.



[Signature]
Notary Public for
My commission expires: 6.19.08

[Remainder of page intentionally left blank; signatures continued on following page]

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SALEM, OREGON

Statutory Warranty Deed

Page 2 of 12

20080151 pg. 2 of 16

R-87630

DATED this 5th day of May, 2008.

HARRIS FAMILY TRUST, U/T/A dated 6/9/87

(X) David C. Harris, Trustee
David C. Harris, Trustee

Kathleen H. Wolcott, Trustee

(X) Marylou H. Greene, Trustee
Marylou H. Greene, Trustee

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by David C. Harris, Kathleen H. Wolcott and Marylou H. Greene, as Trustees of the Harris Family Trust U/T/A dated 6/9/87.

Notary Public for
My commission expires:

13.01
see attached

[Remainder of page intentionally left blank; signatures continued on following page]

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WATER RESOURCES DEPT

SALEM, OREGON

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOVE, Notary Public
Here Insert Name and Title of the Officer

personally appeared DAVID C. HARRIS AND MARYLOU H. GREENE
Name(s) of Signer(s)



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Betty G. Hove
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: 5-5-08

Number of Pages: 12

Signer(s) Other Than Named Above: Robert C. Harris B.O.D.

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SALEM, OREGON

Capacity(ies) Claimed by Signer(s)

Signer's Name: David C. Harris

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney In Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: Harris
Family Trust

Signer's Name: Marylou H. Greene

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney In Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer Is Representing: Harris
Family Trust

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WATER RESOURCES DEPT
SALEM, OREGON

David C. Harris
David C. Harris, individually

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by David C. Harris, individually.

Notary Public for
My commission expires:

*BAH
see attached*

[Remainder of page intentionally left blank; signatures continued on following page]

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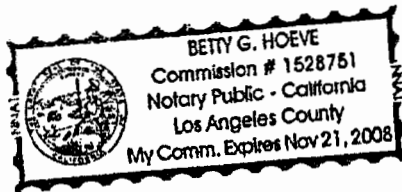
WATER RESOURCES DEPT
SALEM, OREGON

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOEVE, Notary Public
personally appeared DAVID C. HARRIS



who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature Betty G. Hoeve
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: 5-5-08 Number of Pages: 12

Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: David C. Harris

- ☒ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: _____

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☐ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: _____

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OF SIGNER
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OREGON

KATHLEEN H. WOLCOTT REVOCABLE
TRUST, U/T/A dated 9/22/04

Kathleen H. Wolcott, trustee
Kathleen H. Wolcott, Trustee

Roger S.C. Wolcott, Jr., trustee
Roger S.C. Wolcott, Jr., Trustee

STATE OF Oregon)
County of Deschutes) ss.

The foregoing instrument was acknowledged before me this 30 day of April
2008, by Kathleen H. Wolcott and Roger S.C. Wolcott, Jr., as Trustees of the Kathleen H.
Wolcott Revocable Trust U/T/A dated 9/22/04.



[Signature]
Notary Public for
My commission expires: 6.19.08

[Remainder of page intentionally left blank; signatures continued on following pages]

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SALEM, OREGON

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GREENE FAMILY TRUST, U/T/A dated 12/1/86

Marylou H. Greene, Trustee
Marylou H. Greene, Trustee

Michael H. Greene, Trustee
Michael H. Greene, Trustee

STATE OF _____)
County of _____) ss.

The foregoing instrument was acknowledged before me this _____ day of _____, 2008, by Marylou H. Greene and Michael H. Greene, as Trustees of the Greene Family Trust U/T/A dated 12/1/86.

Notary Public for
My commission expires:

[Final signature page]

B.H.H.
see attached

K:\185654-4\000011180C9_BA\18006A23A3--Statutory Warranty Deed 4-24-08.doc

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CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

State of California

County of Los Angeles

On May 1, 2008 before me, BETTY G. HOEVE NOTARY PUBLIC
Date Here Insert Name and Title of the Officer

personally appeared MARYLOU H GREENE AND MICHAEL H GREENE
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

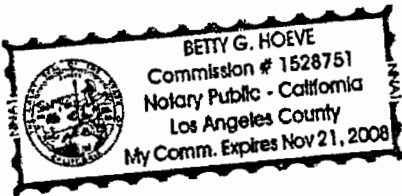
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Betty G. Hoeve
Signature of Notary Public

Place Notary Seal Above



OPTIONAL

Though the information below is not required by law, it may prove valuable to persons relying on the document and could prevent fraudulent removal and reattachment of this form to another document.

Description of Attached Document

Title or Type of Document: Statutory Warranty Deed

Document Date: 5-5-08 Number of Pages: 12

Signer(s) Other Than Named Above: DAVID BBA

Capacity(ies) Claimed by Signer(s)

Signer's Name: Marylou H. Greene

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Greene Family Trust

RIGHT THUMBPRINT
OF SIGNER
Top of thumb here

Signer's Name: Michael H. Greene

- ☐ Individual
☐ Corporate Officer — Title(s): _____
☐ Partner — ☐ Limited ☐ General
☐ Attorney in Fact
☒ Trustee
☐ Guardian or Conservator
☐ Other: _____

Signer Is Representing: Greene Family Trust

RIGHT THUMBPRINT
OF SIGNER
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EXHIBIT A

Legal Description

Located in WHEELER COUNTY, OREGON:

In Township 12 South, Range 24 East of the Willamette Meridian:

Section 13: All.

14: All.

18: S $\frac{1}{2}$; S $\frac{1}{2}$ NW $\frac{1}{4}$, SAVE AND EXCEPT a parcel South of State Highway No. 26 and East of Antone County Road in the N $\frac{1}{4}$ SW $\frac{1}{4}$ of the said Section further described as follows: Beginning at a point which is the intersection of the Easterly right of way line of Antone County Road and the Southerly right of way line of Highway No. 26, said Section, Township and Range; thence South 41°32' East along the said Easterly right of way line 587.7 feet, more or less to the South line of NE $\frac{1}{4}$ SW $\frac{1}{4}$ of the said Section 18; thence East along the said South line 200 feet; thence North 306.17 feet, more or less; thence East 614.97 feet, more or less; thence North 729.39 feet to a point on the Southerly right of way line of Highway No. 26; thence Westerly along the said Southerly right of way line to the point of Beginning.

AND EXCEPTING THEREFROM a parcel of land lying in the S $\frac{1}{2}$ of Section 18, Township 12 South, Range 24 East of the Willamette Meridian, Wheeler County, Oregon and being a portion of that property described in that deed to Clinton O. Harris, trustee, recorded as No. M38-32, Wheeler County Deed Records; the said parcel being described as follows: Beginning on the Southerly line of the existing Ochoco Highway at a point opposite and 12.192 meters Southerly of Engineer's Station 25+603 on the center line of the relocated Ochoco Highway; thence South 430 meters; thence West 230 meters; thence North 21° West 253.556 meters more or less, to a point on the Southerly line of that property described in that deed to the State of Oregon, recorded January 30, 1931 in Book 19, Page 422 of Wheeler County Record of Deeds, said point being 150.400 meters Westerly of the Southeast corner of that property designated as Part #2 and described in that deed to the State of Oregon, by and through its State Highway Commission, recorded May 21, 1951 in Book 27, Page 247 of Wheeler County Record of Deeds; thence Easterly 150.400 meters along said Southerly line of Said State of Oregon properties to said Southeast corner; thence Northerly along the Easterly line of said Part#2 to the Southerly line of said Highway at a point opposite and 12.192 meters Southerly of Engineer's Station 25+430.190 on said center line; thence Easterly along said Southerly line of said Highway to the point of beginning.

EXHIBIT "A" Continued on next page

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18. A parcel of land lying in the SW1/4 being that property designated as Part #1 and described in that deed to the State of Oregon, by and through it's State Highway Commission, recorded May 21, 1951 in Book 27 Page 247 of Wheeler County Records of Deeds. ALSO that portion of that property described in that deed to the State of Oregon, recorded January 30, 1931 in Book 19, Page 422 of Wheeler County Record of Deeds lying Westerly of the center line of Fort Creek.

19: All.
20: All.
21: S½S½.
22: All.
23: All.
24: All.
25: All.
26: All.
27: All.
28: All.
29: All.
30: All.
31: All.
32: All.
33: All.
34: All.
35: All.
36: All.

Township 12 South, Range 25 East of the Willamette Meridian:

Section 19: All
20: All
21: All
22: S½; S½N½.
28: All
29: All
30: All
31: All
32: All
33: All

EXHIBIT "A" Continued on next page

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Township 13 South, Range 24 East of the Willamette Meridian:

Section 1: All

Section 2: All, EXCEPT the grave site of Mary E. Waterman, being reserved in that certain Deed recorded April 19, 1913 in Wheeler County Deed Book 13, page 116, and further described as a parcel in the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of the said Section 2 "five rods wide and 16 rods deep off the West side of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 2".

Section 3: All

Section 4: All

Section 5: All

Section 6: All

Section 7: N $\frac{1}{2}$; E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 8: All

Section 9: All

Section 10: All

Section 11: All

Section 12: N $\frac{1}{2}$; SW $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$.

Section 13: W $\frac{1}{2}$; SE $\frac{1}{4}$; W $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$; W $\frac{1}{2}$ E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$.

Section 14: All.

Section 15: All.

Section 16: All.

Section 17: SE $\frac{1}{4}$ SE $\frac{1}{4}$; E $\frac{1}{2}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 18: SE $\frac{1}{4}$ NE $\frac{1}{4}$; E $\frac{1}{2}$ SE $\frac{1}{4}$.

Section 20: All.

Section 21: All.

Section 22: All.

Section 23: All.

Section 24: All.

Township 13 South, Range 25 East of the Willamette Meridian:

Section 4: All

Section 5: All

Section 6: All

Section 7: E $\frac{1}{2}$; E $\frac{1}{2}$ NW $\frac{1}{4}$; NE $\frac{1}{4}$ SW $\frac{1}{4}$; Lots 1, 2, 3 and 4.

Section 8: All.

Section 9: N $\frac{1}{2}$ NW $\frac{1}{4}$; SW $\frac{1}{4}$ NW $\frac{1}{4}$.

Section 17: N $\frac{1}{4}$ SW $\frac{1}{4}$; SE $\frac{1}{4}$ SW $\frac{1}{4}$.

Section 18: NE $\frac{1}{4}$ SE $\frac{1}{4}$; S $\frac{1}{2}$ NE $\frac{1}{4}$; NE $\frac{1}{4}$ NE $\frac{1}{4}$; NW $\frac{1}{4}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ (sometimes referred to as Lot 7); E $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$; E $\frac{1}{2}$ SW $\frac{1}{4}$; Lots 3 and 4.

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EXHIBIT B

PERMITTED ENCUMBRANCES

1. Existing rights of way for roads, highways, irrigation ditches, canals, and pole lines.
2. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
3. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
4. Special rules and regulations pertaining to the assessment and taxation of fire patrol lands.
5. Any improvement located upon the insured property which constitutes a mobile/manufactured home as defined by Chapter 481, Oregon Revised Statutes, is subject to registration and taxation as therein provided and as provided by Chapter 308, Oregon Revised Statutes.
6. Mineral Reservations contained in Deeds from the Eastern Oregon Land Company, successor in interest to The Dalles Military Road Company:

- | | |
|----------------|--|
| A. Grantor: | Eastern Oregon Land Company |
| Grantee: | E. R. Laughlin |
| Recorded: | September 25, 1907 |
| Book/Page No.: | Book 8 Page 360 (Records of Wheeler County, Oregon) |
| Affects: | Section 24 in Township 12 South Range 24 East |
| | |
| B. Grantor: | Eastern Oregon Land Company |
| Grantee: | Peter C. Truchot |
| Recorded: | November 24, 1922 |
| Book/Page No.: | Book 16 Page 449 (Records of Wheeler County, Oregon) |
| Affects: | Section 29 in Township 12 South Range 24 East |
| | |
| C. Grantor: | Eastern Oregon Land Company |
| Grantee: | George Trosper |
| Recorded: | June 3, 1924 |
| Book/Page No.: | Book 17 Page 93 (Records of Wheeler County, Oregon) |
| Affects: | Section 11 in Township 13 South Range 24 East |
| | |
| D. Grantor: | Eastern Oregon Land Company |
| Grantee: | E. E. Krupke and Lola Krupke, husband and wife |
| Recorded: | February 15, 1943 |
| Book/Page No.: | Book 23 Page 513 (Records of Wheeler County, Oregon) |
| Affects: | Section 23 and 27 in Township 12 South Range 24 East |

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E. Grantor: Eastern Oregon Land Company
Grantee: George F. Vehrs
Recorded: June 14, 1948
Book/Page No.: Book 26 Page 205 (Records of Wheeler County, Oregon)
Affects: Sections 19, 21, 29, 31, 33 in Township 12 South Range 25 East
Sections 1, and 9 in Township 13 South Range 24 East Sections 5, 7, and
8 in Township 13 South Range 25 East

F. Grantor: Eastern Oregon Land Company
Grantee: Helen J. Laughlin
Recorded: November 8, 1948
Book/Page No.: Book 26 Page 311
Affects: Section 31 in Township 12 South Range 24 East Section 5 in Township 13
South Range 24 East

7. Reservation of one-half of all minerals and mineral rights as set out in Deed:
In Favor of: Edgar R. Hunt and Willa May Hunt, husband and wife.
Recorded: May 19, 1951
Book/Page No.: Book 27 of Deeds at page 245 (Records of Wheeler County, Oregon)
8. Reservation of Minerals as set out in deed:
To: State of Oregon
Book/Page No.: Book 25 of Deeds at page 537 (Records of Wheeler County, Oregon)
9. Reservation of Minerals as set out in deed:
To: State of Oregon
Book/Page No.: Book 26 of Deeds at page 204 (Records of Wheeler County, Oregon)
10. An Easement created by instrument, subject to the terms and provisions thereof:
Recorded: November 25, 1939
Book/Page No.: Book 22 of Deeds at page 392 (Records of Wheeler County, Oregon)
Grantor: Erie L. Laughlin
In Favor of: State of Oregon
Purpose: Allows the Highway Department to construct a snow fence along the
highway.
11. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: December 3, 1963
Recorded: December 11, 1963
Book/Page No.: Book 30 of Deeds at page 566 (Records of Wheeler County, Oregon)
Grantor: Hudspeth Sawmill Company et al
In Favor of: Hudspeth Pine, Inc.
Purpose: Perpetual Easement and Right of Way
12. A Conveyance of Minerals and a Reservation of Hunting and Fishing Rights as set out in deed:
In Favor of: Gerald W. Vehrs and Georgia Vehrs, husband and wife and the survivor
of Recorded: March 12, 1968
Book/Page No.: Book 32 of Deeds at page 42 (Records of Wheeler County, Oregon)

Exhibit B to Statutory Warranty Deed

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13. A Non-exclusive Road Easement created by instrument, subject to the terms and provisions thereof:
Dated: September 12, 1973
Recorded: September 21, 1973
Microfilm No.: M-34-55 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
In Favor of: United States of America
14. A Non-exclusive Road Easement created by instrument, subject to the terms and provisions thereof:
Dated: September 13, 1974
Recorded: December 9, 1974
Microfilm No.: M-34-297 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
In Favor of: United States of America
15. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: August 5, 1975
Recorded: August 14, 1975
Microfilm No.: M-34-414 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris and Flora H. Harris, husband and wife
In Favor of: Milton F. Shrum, Wilber K. Shrum, Elmer L. Shrum, Charles V. Shrum, Trudy Shrum Taylor and Irene Shrum Kaser unto their children and grandchildren
16. A Non-exclusive Road Easement, created by instrument, subject to the terms and provisions thereof:
Dated: November 4, 1977
Recorded: December 20, 1977
Microfilm No.: M-35-50 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris and Flora H. Harris
In Favor of: United States of America
17. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: April 15, 1985
Recorded: May 13, 1985
Microfilm No.: M-37-304 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris and Flora H. Harris; David C. Harris and Marylou Harris Greene
In Favor of: Telephone Utilities of Eastern Oregon, Inc.
Purpose: Telephone Line Right of Way
18. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: April 18, 1985
Recorded: May 13, 1985
Microfilm No.: M-37-313 (Records of Wheeler County, Oregon)
Grantor: Kathleen Harris Wolcott
In Favor of: Telephone Utilities of Eastern Oregon, Inc.
Purpose: Telephone Line Right of Way

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19. An Easement created by instrument, subject to the terms and provisions thereof:

Dated: January 10, 1986
Recorded: January 21, 1986
Microfilm No.: M-37-522 (Records of Wheeler County, Oregon)
Grantor: Clinton O. Harris
In Favor of: United States of America

20. An Easement as set out in deed, subject to the terms and provisions thereof:

Dated: January 10, 2001
Recorded: February 23, 2001
Microfilm No.: 010071 (Records of Wheeler County, Oregon)

21. Implied Way of Necessity, with regard to any parcels owned by third persons or entities which are landlocked within the subject Property.

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