

# Application for a Permit to Use Surface Water



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

|            |       |            |        |
|------------|-------|------------|--------|
| NAME       |       | PHONE (HM) |        |
| PHONE (WK) | CELL  | FAX        |        |
| ADDRESS    |       |            |        |
| CITY       | STATE | ZIP        | E-MAIL |

### Organization Information

|  |             |                         |                       |
|--|-------------|-------------------------|-----------------------|
| NAME<br>APPLEGATE IRRIGATION CORPORATION |             | PHONE<br>(541) 899-7530 | FAX<br>(541) 899-7530 |
| ADDRESS<br>489 HAMILTON ROAD             |             |                         | CELL                  |
| CITY<br>JACKSONVILLE                     | STATE<br>OR | ZIP<br>97530            | E-MAIL                |

### Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

|   |             |                         |                       |
|---|-------------|-------------------------|-----------------------|
| AGENT / BUSINESS NAME<br>JIM CHRISTOPHERSON |             | PHONE<br>(541) 899-7530 | FAX<br>(541) 899-7530 |
| ADDRESS<br>489 HAMILTON ROAD                |             |                         | CELL                  |
| CITY<br>JACKSONVILLE                        | STATE<br>OR | ZIP<br>97530            | E-MAIL                |

Note: Attach multiple copies as needed

### 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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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 cancelled.
- 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 (we) affirm that the information contained in this application is true and accurate.

  
Applicant Signature

JIM CHRISTOPHERSON, CHAIRMAN  
Print Name and title if applicable

Aug 9, 2010  
Date

Applicant Signature

Print Name and title if applicable

Date

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|                         |                    |                  |            |
|-------------------------|--------------------|------------------|------------|
| App. No. <u>S-07646</u> | For Department Use | Permit No. _____ | Date _____ |
|-------------------------|--------------------|------------------|------------|

**A. Land and Location**

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. 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 | Tax Lot # | Plan Designation (e.g., Rural Residential/RR-5) | Water to be:                                 |  |  | Proposed Land Use: |
|----------|-------|---------|-----|-----------|---|--|--|--|--------------------|
| 38S      | 3W    | 33      |     | 900 ✓     |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 38S      | 3W    | 33      |     | 906 ✓     |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 38S      | 3W    | 33      |     | 1700 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 38S      | 3W    | 33      |     | 909 ✓     |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 3       |     | 2000 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | Irrigation         |
| 39S      | 3W    | 3,2,10  |     | 301 ✓     |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 10      |     | 2006 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 3       |     | 2001 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 3       |     | 2008 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 3       |     | 2007 ✓    |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 3       |     | 2002 ✓    |   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 39S      | 3W    | 11      |     | 800 ✓     |   | <input type="checkbox"/> Diverted            | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | irrigation         |
| 38S      | 3W    | 33      |     | 1601 ✓    |   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | irrigation         |
| 39S      | 3W    | 4       |     | 300 ✓     |   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | irrigation         |
| 39S      | 3W    | 3, 10   |     | 1900 ✓    |   | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input type="checkbox"/> Used            | irrigation         |

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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 the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SDC 4.2.2 (Table 4.2-1), 4.3.3 (Table 4.3-1), 6.3.1
- Land uses to be served by the 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<br>(e.g., plan amendments, rezones, conditional-use permits, etc.) | Cite Most Significant, Applicable Plan Policies & Ordinance Section References | Land-Use Approval:   |  |
|---|--|--|--|
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   |  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |

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

*For tax lots 300, 1700, 2000, 2002 and 2007, animal husbandry in excess of the standards of LDC Section 6.3.1(A) are not allowed. (See attached)*

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Name: ~~Michael W. Mattson~~ Michael W. Mattson Title: Planner II  
 Signature: *M W Matt* Phone: 541-774-0937 Date: 7-16-10  
 Government Entity: Jackson County Development Services

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

S-87646

APPLICATION FOR USE OF STORED WATER  
 APPLGATE IRRIGATION CORPORATION  
 SECTION 2, AFFECTED LANDOWNERS

|    | <u>LANDOWNER</u>   | <u>ADDRESS</u>                                      | <u>MAP</u>                                  | <u>TRANSFER #*</u>   | <u>CERT #</u>      | <u>POD</u> |
|----|--|---|---|----------------------|--------------------|------------|
| 1- | Stage Left Farm, LLC<br>Christopher W. Combs                 | 10670 Rochester Ave<br>Los Angeles, CA 90025        | 38S-3W-33 TL-900                            | T-10957*             | C-85462            | 3          |
| 7- | Carver & Patricia Moosman                                    | 2444 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 39S-3W-3 TL-2000                            | T-10168*             | C-81692            | 3          |
| 3- | Herschel E. & Roberta C. Wright                              | 1388 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 38S-3W-33 TL-906                            | T-10089*             | C-81949            | 2          |
| 4  | Daniel E. & Marilyn F. Milton                                | 560 Hamilton Rd.<br>Jacksonville, OR 97530          | 38S-3W-33 TL-1700                           | T-10090*             | C-81950            | 2          |
| 16 | William James & Lori McTaggart                               | 495 Little Applegate Road<br>Jacksonville, OR 97530 | 39S-3W (3,2.10) TL-301<br>39S-3W-10 TL-2006 | T-10087*<br>T-10088* | C-85461<br>C-85460 | 1<br>1     |
| 2  | Wayne B. & Sue M. Stone, Trustees<br>Stone Family 1991 Trust | 900 Hamilton Rd.<br>Jacksonville, OR 97530          | 38S-3W-33 TL-909                            | T-10159*             | C-85463            | 5          |
| 1) | Bank of America National Assoc.                              | 7255 Bay Meadows Way<br>Jacksonville, FL 32256      | 39S-3W-11 TL-800                            | T-10079*<br>T-10078* | C-85728<br>C-85632 | 1<br>1     |
| 7* | Hobart & Nanette Marvin                                      | 2557 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 39S-3W-3 TL-2001                            | T-10104*<br>T-10105* | C-85735<br>C-81954 | 1<br>1     |
| 8  | William D. Wright  | 2433 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 39S-3W-3 TL-2008                            | T-10104*<br>T-10092* | C-85735<br>C-85321 | 1<br>1     |
| 5  | John & Lynda Babbitt   | 2345 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 39S-3W-3 TL-2007                            | T-10091*             | C-85320            | 1          |
| 6  | William P. Christofferson                                    | 2444 Upper Applegate Rd.<br>Jacksonville, OR 97530  | 39S-3W-3 TL-2002                            | T-10167*             | C-85290            | 3          |

\*Time limited transfer to be processed along with this application to use stored water

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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.

**SECTION 4: WATER USE**

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              | USE | PERIOD OF USE | AMOUNT  |
|---------------------|-----|---------------|---|
| Applegate Lake Res. | IR  | IR Season     | 1419 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af |
|                     |     |               | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |
|                     |     |               | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |
|                     |     |               | <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af                 |

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 270.19 \*Acres      Supplemental: \_\_\_\_\_ Acres  
 List the Permit or Certificate number of the underlying primary water right(s): \*See Form I  
Underlying rights to be transferred instream under time limited transfers  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1419

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_
- If the use is **mining**, describe what is being mined and the method(s) of extraction:  
 \_\_\_\_\_

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## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): Centrifugal pumps, various Hp

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

Pumps are in place. Pumps deliver water to common pipelines to individual properties

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

High pressure sprinklers

### C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent adverse impact to public uses of affected surface waters.

Diversion rate of 1/65<sup>th</sup> cfs per acre and 5.25 acre-feet per acre was agreed to by all parties involved with this project to include the Bureau of Reclamation

## SECTION 6: RESOURCE PROTECTION

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: Screens are in place
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: All systems are in place
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: All systems are in place
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Application of water is by sprinkler and there will be no run-off

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Completed

Date construction will be completed: completed

Date beneficial water use will begin: Completed

**SECTION 8: REMARKS**

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

This application is to be processed with time limited transfers which transfer underlying rights to instream use

Rate of diversion for the 1419 acre-feet is up to 1/65<sup>th</sup> cfs per acre per BOR contract

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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: 270.19\*Acres \*(Underlying rights to instream under time limited transfers)

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

|                            |                      |                          |
|----------------------------|----------------------|--------------------------|
| Certificate # <u>81954</u> | <u>2.5</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85320</u> | <u>1.0</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85321</u> | <u>1.0</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85462</u> | <u>82.4</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>81692</u> | <u>1.0</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>81949</u> | <u>11.0</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>81950</u> | <u>6.0</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85460</u> | <u>1.5</u>           | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85461</u> | <u>61.29</u>         | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85463</u> | <u>23.6</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85728</u> | <u>34.0</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85632</u> | <u>10.4</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85735</u> | <u>19.5</u>          | <u>April 1 – Oct. 31</u> |
| Certificate # <u>85290</u> | <u>1.0</u>           | <u>April 1 – Oct. 31</u> |
| No Certificate             | <u>14.0 (Marvin)</u> | <u>April 1 – Oct 31</u>  |

\*Primary rights (256.19 ac) to be transferred instream in time limited transfers – 14.0 ac. no underlying right

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

1419 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.

Last revision August 4, 2009

S-87646



# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: remarks

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### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- 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.
- Fees - Amount enclosed: ~~\$2,625.00~~ \$2699. From Headwaters  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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### Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:

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SALES SECTION

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR EXCHANGE OF WATER SERVICE

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WATER RESOURCES DIVISION  
BUREAU OF RECLAMATION

PN Draft 1/15/09

Contract No. 09XX101703

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Rogue River Basin Project, Oregon

CONTRACT FOR EXCHANGE OF WATER SERVICE

THIS CONTRACT, made this 15th day of May, 2009, pursuant to section 14 of the Act of August 4, 1939 (53 Stat. 1187), as amended and supplemented; section 8 of the Act of December 22, 1944 (58 Stat. 887, 891); the Flood Control Act of 1962 (76 Stat. 1173); and section 5.a. (2) of the Endangered Species Act (Act of December 28, 1973, 87 Stat. 884) between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and the Applegate Irrigation Corporation hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates Applegate and Lost Creek Reservoirs in the Rogue River Basin, Oregon, herein styled the Project, from which there is a flow of water that can be used for irrigation of land, which flow, as it has been developed or as it will be augmented, has been appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

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BUREAU OF RECLAMATION

3. WHEREAS, the Contractor represents that its members hold senior water rights on the Little Applegate River as established by the State of Oregon Rogue River Decree, which if left instream, would significantly enhance both fish habitat and fish passage; and

4. WHEREAS, the Contractor is participating with the Oregon Water Trust and local, State, and Federal partners in the Little Applegate River Streamflow and Fish Habitat Improvement Project, which in addition to the exchange provided herein, consists of the construction of an irrigation distribution system, installation of pumping plants on the Applegate River and Little Applegate River, and the removal or notching of one or more diversion dams on the Little Applegate River, the goal of which is to improve fish passage and habitat conditions for anadromous fish and to conserve water through improved irrigation methods; and

5. WHEREAS, the State of Oregon Water Resources Department is expected to process time limited transfers to enable the members of the Contractor to transfer their Little Applegate River water rights to instream flow use and to process permits for additional points of diversion on the main stem of the Applegate River; and

6. WHEREAS, the Contractor represents that its members own the land hereinafter described and have agreed to enter into time limited transfers through the State of Oregon to transfer Little Applegate River out-of-stream water rights to instream use for 11.63 cubic feet per second for habitat enhancement and streamflow improvement, as consideration for out-of-stream use of up to 8.38 cubic feet per second of water from the Applegate Reservoir located on the Applegate River in Jackson County, Oregon; and

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SPECIAL SERVICES

7. WHEREAS, the United States recognizes that the exchange of water provided hereunder would benefit the public interest and the interests of the United States in the protection and restoration of habitat critical to Endangered Species Act listed and candidate species and the conservation of surface water through more efficient irrigation methods.

NOW, THEREFORE, in consideration of the premises hereinafter provided, it is agreed:

Replacement of Prior Contract

8. Contract No. 02XX101330, dated October 1, 2001, is being replaced by this contract.

Lands for Which Water is Furnished: Limitations on Deliveries

9. Upon issuance of the necessary water permit(s) and final order(s) by the State of Oregon approving the time limited transfer(s), acceptable in form to the United States, of the out-of-stream water rights to instream flow water rights as set forth in subarticle 10(a), the United States shall make available each year to the Contractor during the irrigation season from April 1 to October 31, inclusive, water from Applegate Reservoir in the Project for the irrigation of land served by the Contractor described as follows:

See Exhibit A hereto attached and by this reference made a part hereof.

Of the land described, not more than 567.27 acres are to be irrigated. The amount of water to be made available from Applegate Reservoir in the Project hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above

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described, but not to exceed a maximum diversion of 2,978 acre-feet of stored water annually, measured at the points of delivery of said water.

Exchange of Water Rights

10. (a) The United States agrees to annually furnish up to 2,978 acre-feet of stored water with a rate of up to 8.38 cubic feet per second (with a rate of up to 1/65th cubic feet per second per acre and a duty of up to 5.25 acre-feet per acre) to the Contractor from Applegate Reservoir for the irrigation of 567.27 acres described in Exhibit A of this contract, and in exchange as consideration for the stored water provided herein, the Contractor agrees that the following out-of-stream water rights from the Little Applegate River for 583.33 acres with a rate of up to 11.63 cubic feet per second will be transferred to instream flow rights with the State of Oregon under Oregon State law and administrative rules.

| Certificate # | Priority Date | Rate<br><i>cubic feet<br/>per second</i> | Acres         | Rate<br><i>per acre</i> |
|---------------|---------------|--|---------------|-------------------------|
| 56492         | 1854          | 2.53                                     | 88.34         | 1/35 <sup>th</sup>      |
| 43760         | 1854          | 0.94                                     | 75.0          | 1/80 <sup>th</sup>      |
| 16390         | 1854          | 3.08                                     | 154.0         | 1/50 <sup>th</sup>      |
| 16406         | 1854          | 0.16                                     | 8.0           | 1/50 <sup>th</sup>      |
| 16407         | 1854          | 0.15                                     | 6.0           | 1/40 <sup>th</sup>      |
| 16395         | 1857          | 2.5                                      | 124.7         | 1/50 <sup>th</sup>      |
| 32964         | 1908          | 1.77                                     | 87.29         | 1/50 <sup>th</sup>      |
| 6106 / 2940   | 1916          | 0.5                                      | 40.0          | 1/80 <sup>th</sup>      |
| <b>Totals</b> |               | <b>11.63</b>                             | <b>583.33</b> |                         |

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The duty of up to 5.25 acre-feet per acre was determined separately from the rate of up to 1/65th cubic feet per second per acre, and neither the duty nor the water provided annually under this

contract will be used to change the rate of up to 8.38 cubic feet per second provided to the 567.27 acres described in Exhibit A of this contract.

(b) The Contractor shall provide copies of the time limited transfer(s), final time limited transfer order(s), necessary water permit(s), and the water right certificate(s), hereinafter referred to as the Exchange Documentation, to the Contracting Officer.

(c) The Contractor shall provide copies of any changes, amendments, or cancellations of Exchange Documentation within sixty (60) days of receipt from the State of Oregon to the Contracting Officer.

(d) Upon receipt of the full and complete Exchange Documentation, or any changes thereto, the Contracting Officer will review the documentation for acceptability as consideration for the initial and continued releases of stored water.

(e) The use of stored water for irrigation will be furnished at no cost to the Contractor, and the transfer of the out-of-stream water rights to instream flow water rights will be furnished to the State of Oregon at no cost to the United States.

Furnishing of Water

11. (a) Upon receipt of Exchange Documentation acceptable in form to the Contracting Officer and to the Contractor, the United States will furnish water from Applegate Reservoir in the Project pursuant to this contract; Provided, that actions consistent with the requirements of the National Historic Preservation Act and State cultural resources laws shall occur if archeological deposits are discovered during construction of any associated facilities, and compliance with State burial laws shall occur if any human remains are encountered during

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SANTA FE COUNTY

construction. The Contractor must notify the United States Forest Service for any discoveries during construction of the pump plant and pipeline construction and contact the Natural Resources Conservation Service for discoveries during onfarm construction.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

- (1) Pump group 1A&B, 743 feet south and 190 feet east of SW corner of DLC 40, T. 38 S., R. 3 W., W.M.
- (2) Pump group 2A&B, 980 feet south and 130 feet east of center of Section 33, T. 38 S., R. 3 W., W.M.
- 2 (3) Pump group 3B, 1250 feet west and 20 feet south of SE corner of Section 33, T. 38 S., R. 3 W., W.M.
- (4) Pump group 3C, 1100 feet west and 270 feet south of NE corner of Section 4, T. 39 S., R. 3 W., W.M.
- 3 (5) Pump group 6B, 1180 feet west and <sup>4,90</sup>550 feet south of center of Section 3, T. 39 S., R. 3 W., W.M.
- 4 (6) Pump group 7B&C, 480 feet west and 230 feet north of S 1/4 corner of Section 3, T. 39 S., R. 3 W., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The Contractor shall be required to conform its diversions and releases to the control of the stream as established by the State watermaster. The water to be delivered hereunder shall be measured by means of measuring methods satisfactory to the State watermaster. Such methods shall be maintained by and at the expense of the Contractor, but they shall be and remain at all times available for review by the United States or the State watermaster whose representative may at all times have

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access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) If requested, the Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow the United States to adjust releases to meet the new schedules. The Contractor will provide information in writing to the Contracting Officer by December 1 of each year as to the actual amount of stored water diverted during the irrigation season for the lands described in Exhibit A of this contract. The Oregon Water Resources Department, through the Jackson County Watermaster's Office, will provide, or ensure that it will be provided, in writing to the Contracting Officer by December 1 of each year the amount of instream flow water attributed to the Little Applegate River water rights described in subarticle 10(a); obtained from the State watermaster or other sources whose measurement methodology is approved by the State watermaster and the United States, as outlined in Exhibit C to the contract.

(d) The Contractor shall maintain all fish screens used to divert stored water under this contract at all times in compliance with applicable guidelines from the Oregon Department of Fish & Wildlife and the National Marine Fisheries Service and the fish screens shall remain available at all times for inspection by representatives of these agencies.

#### Special Conditions

12. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert stored water to the

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lands described in Exhibit A. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer.

(b) The obligation of the United States to furnish water under this contract is subject to an operating plan for the Project determined in accordance with the law governing the project and other applicable State and Federal laws, including but not limited to the Endangered Species Act (16 U.S.C. § 1531 *et seq.*) (ESA). Furthermore, the obligation of the United States to furnish water under this contract shall be subject and subordinate to a determination of water availability to be made annually by the United States taking into account the operating plan for the Project developed by the Corps of Engineers, water forecasts, and other factors, including but not limited to those that may affect the ability of the United States under the ESA to provide flows for candidate, listed, or proposed species or to protect or preserve designated or proposed critical habitat.

(c) In the interests of conservation and protection of environmental resources, from time to time, but not less often than once every five (5) years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract, including the amount of stored water provided hereunder, may be modified, as determined by the Contracting Officer, to avoid or minimize impacts to species and/or critical habitat that are proposed, listed, or designated under the ESA, or to special status species (plants/animals) or habitat designated by

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the State or Indian Tribes that are not covered by the ESA. Any modification to the contract by the Contracting Officer shall be announced by written notice to the Contractor.

Term of Contract

13. This contract shall become effective upon issuance of final time limited transfer order(s) and necessary water permit(s) by the State of Oregon in a form deemed acceptable by the Contracting Officer and shall continue for a period of twenty-five (25) years and shall be automatically renewed for successive twenty-five (25) year periods, unless terminated in accordance with article 14 below; Provided, that no less often than once every five (5) years, this contract shall be reviewed by the Contracting Officer to ensure that it provides sufficient benefits to the United States. Such review(s) will be done at the same time as review(s) to be done by the Contracting Officer under subarticle 12(c).

Termination of Contract

14. (a) This contract may be terminated in whole or in part, and water service hereunder shall cease in whole or in part at the option of the United States upon failure of the Contractor or a member to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder or failure to comply with the conditions specified in subarticles 10(a) and 11(a) or the transfer documents. If this contract is terminated as to any member, the contract and the application of its provisions to other members shall not be affected thereby and shall remain in effect to the greatest extent permitted by law.

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Portland, Oregon 97232

(b) This contract may be terminated unilaterally by the United States if it determines that it does not provide sufficient benefits to the United States; Provided, it gives at least two (2) years advance notice in writing to the Contractor.

(c) The Contractor may terminate this contract unilaterally in the event that less stored water is furnished to the Contractor than water provided for instream flows from the Little Applegate River water rights described in subarticle 10(a); Provided, the Contractor has given at least 60-days advance notice in writing to the United States. The United States may terminate this contract unilaterally in the event that all water rights from the Little Applegate River provided in subarticle 10(a) are not made available for instream flows; Provided, the United States has given at least 60-days advance notice in writing to the Contractor.

(d) The Contractor may immediately terminate this contract unilaterally in the event the terms and conditions of this contract are modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or special status species (plants/animals) or habitat designated by the State or Indian Tribes that are not covered by the ESA as set forth in subarticle 12(c).

(e) The United States may immediately terminate this contract unilaterally and cease delivery of stored water upon a determination by the United States that the time limited transfers that provide for instream flows from the Little Applegate River water rights as set forth in subarticle 10(a) are not protected instream by the State of Oregon.

(f) In the event of termination, the Contractor and its members agree that all Contractor and member water rights to water stored in Applegate Reservoir shall be cancelled by the State of Oregon.

Disclaimer

15. No provision of this contract or the furnishing of water hereunder shall confer on the Contractor a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. The United States assumes no responsibility or liability for any illegal taking of endangered species at the Contractor's point(s) of diversion arising from the Contractor's use of water furnished under this contract. Further, the United States shall not be liable for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

Release

16. In consideration of this contract the members of the Applegate Irrigation Corporation release the United States from any and all obligations under Contract No. 02XX101330, between the United States and the Applegate Irrigation Corporation, dated October 1, 2001. To the extent permitted by law, the United States will hold the members of the Applegate Irrigation Corporation harmless from obligations arising under Contract No. 02XX101330.

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SHERMAN, OREGON

Constraints on the Availability of Water (Water Shortages)

17. (a) In its operation of the Project, the United States will use all reasonable means to guard against a Condition of Shortage in the quantity of water to be made available to the Contractor pursuant to this contract. In the event the United States determines that a Condition of Shortage appears probable, the Contracting Officer will notify the Contractor of said determination as soon as practicable.

(b) If there is a Condition of Shortage because of errors in physical operations of the Project, drought, other physical causes beyond the control of the United States or actions taken by the Contracting Officer to meet current and future legal obligations, then no liability shall accrue against the United States or any of its officers, agents, or employees for any damage, direct or indirect, arising therefrom.

(c) The Contractor assumes no liability for conditions of shortage in the Little Applegate River due to drought or other circumstances beyond the control of the Contractor

Notices

18. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Program Manager, Repayment and Acreage Limitation, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Suite 100, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to James W. Christopherson, Sr., Chairman, Applegate Irrigation Corporation, 489 Hamilton Road, Jacksonville, Oregon 97530. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

General Provisions

19. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit B and is hereby made a part of this contract.

- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. PROTECTION OF WATER AND AIR QUALITY
- c. EQUAL EMPLOYMENT OPPORTUNITY
- d. COMPLIANCE WITH FEDERAL RECLAMATION LAWS

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- e. ASSIGNMENT LIMITED-SUCCESSORS AND ASSIGNS OBLIGATED
- f. OFFICIALS NOT TO BENEFIT
- g. CHANGES IN CONTRACTOR'S ORGANIZATION
- h. BOOKS, RECORDS, AND REPORTS
- i. COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS
- j. PRIVACY ACT COMPLIANCE
- k. CONTRACT DRAFTING CONSIDERATIONS

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WATERBURY DISTRICT  
SAC 100-100

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

APPLEGATE IRRIGATION CORPORATION

(SEAL)

By: 

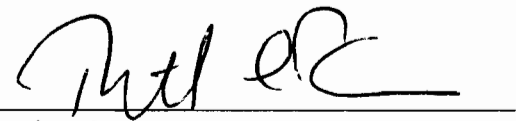
Title: CHAIRMAN

Attest:

By: 

Title: Treasurer

UNITED STATES OF AMERICA



Acting For

Regional Director  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road, Suite 100  
Boise, ID 83706--1234

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STATE OF OREGON )

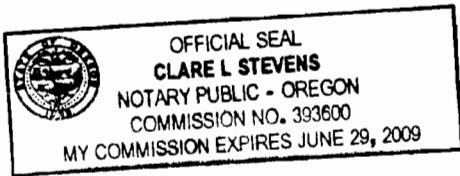
: ss

County of )

On this 13 day of FEB, 2009, before me, a Notary Public, personally appeared HERSCHEL E. WRIGHT and JAMES W. CHRISTOPHERSON known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they are representatives of Apparate Irrigation Inc. for which a water supply is to be provided under the contract and have executed this contract document as its free and voluntary act and deed and on oath stated that they are authorized to execute said instrument on its behalf.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

(SEAL)



*Clare L. Stevens*

Notary Public in and for the State of OREGON

Residing at: 7604 HWY 238 JACKSONVILLE, OR

My commission expires: 6/29/09

\*\*\*\*\*

STATE OF IDAHO )

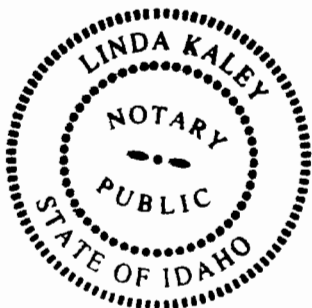
: ss

County of Ada )

On this 15 day of May, 2009, personally appeared before me Timothy Personius, to me known to be the official of the UNITED STATES OF AMERICA that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

(SEAL)



*Linda Kaley*

Notary Public in and for the State of IDAHO

Residing at: Meridian, ID

My commission expires: 6/2/2012

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NOTARY PUBLIC  
STATE OF IDAHO

EXHIBIT A

Listing of members of the Applegate Irrigation Corporation and the acreage in each quarter-quarter section to be irrigated under this contract.

| TOWNSHIP 38 SOUTH - RANGE 3 WEST, WILLAMETTE MERIDIAN |                   |         |   |
|---|-------------------|---------|---|
| NAME  | ACRES             | SECTION | 40-ACRE TRACT   |
| Helen M. & James W. Christopherson, Sr.               | 67.23             | 27      | NWSW 6a, NESW 5a<br>SWSW 25.94a, SESW 6a                      |
|   |                   | 28      | SESE 12a  |
|   |                   | 33      | NENE 8.3a   |
|   |                   | 34      | NWNW 3.99a  |
| Martina H. & James W. Christopherson, Jr.             | 3.77              | 27      | SWSW 2.06a  |
|   |                   | 34      | NWNW 1.71a  |
| Antonio Cruz Mena                                     | 2                 | 27      | SWSW 2a   |
| David M. & Pamela F. Palmer                           | 2                 | 27      | NWSW 2a   |
| Day W. Boddorff                                       | 154               | 33      | NENE 35a, NWNE 35a<br>NENW 23a, SENW 8a<br>SWNE 17a, SENE 17a |
|   |                   | 34      | NWNW 5a, SWNW 14a   |
| James & Susan Spencer <i>stop Left</i>                | 82.4              | 33      | SENE 4.6a, SWNE 21.2a<br>SENE 16.2a, NESE 14.6a<br>NESE 25.8a |
| Wayne B. & Susan M. Stone                             | <i>23.4</i> 25.24 | 33      | NWSE 12.2a, NESE 2.3a<br>SWSE 2.9a, SESE 7.84a                |
| Herschel E. & Roberta C. Wright                       | 11                | 33      | NESE 6a, SESE 5a  |
| Daniel E. & Marilyn F. Milton                         | 6                 | 33      | SESE 6a   |

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SALES SECTION

S-07646

**TOWNSHIP 39 SOUTH - RANGE 3 WEST, WILLAMETTE MERIDIAN**

| <b>NAME</b>  | <b>ACRES</b>  | <b>SECTION</b> | <b>40-ACRE TRACT</b>                               |
|--|---------------|----------------|--|
| Helen M. & James W. Christopherson                   | 3             | 4              | NENE 3a  |
| Patrick & Jane Henry                                 | 3             | 4              | NENE 3a  |
| Sandra King  | 2             | 4              | NENE 2a  |
| William P. Christofferson                            | 3             | 3              | NESW 3a  |
| Lynda & John Babbitt, Jr.                            | 2             | 3              | NESW 2a  |
| Carver & Patricia Moosman                            | 1             | 3              | NESW 1a  |
| William D. Wright                                    | 4             | 3              | NESW 4a  |
| Hobart & Nanette Marvin                              | 19 33         | 3              | NESW 2a, NWSE 20a<br>NESE 4a<br>SESE 2a, SWSE 5a   |
| James A. Armstrong                                   | 46.34         | 3              | SESW 1.3a, SWSE 7.34a                              |
|  |               | 10             | NWNE 14.3a, NENE 20.6a<br>SENE 2.8a                |
| Sarah G. & James A. Armstrong                        | 6             | 10             | NENE 6a  |
| William J. & Lori McTaggart                          | 63.29         | 3              | SWSE 26a, SESE 28.4a                               |
|  |               | 2              | SWSW 5a  |
|  |               | 10             | NENE 3.89a   |
| Philip & Merrell Schwimmer<br><i>Bank of America</i> | 47            | 11             | NWNW 13a<br>SWNW 14a, SENW 1a<br>NESW 13a, NWNE 6a |
| <b>TOTAL NO. OF ACRES</b>                            | <b>567.27</b> |                |  |

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WILLAMETTE COUNTY  
CLERK

**GENERAL PROVISIONS --- ROGUE RIVER BASIN PROJECT**

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case funds are not appropriated or allotted.

PROTECTION OF WATER AND AIR QUALITY

b. (1) Project facilities used to make available and deliver water to the Contractor shall be operated and maintained in the most practical manner to maintain the quality of the water at the highest level possible as determined by the Contracting Officer: Provided, That the United States does not warrant the quality of the water delivered to the Contractor and is under no obligation to furnish or construct water treatment facilities to maintain or improve the quality of water delivered to the Contractor.

(2) The Contractor shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities necessary for the delivery of water by the Contractor; and shall be responsible for compliance with all Federal, State, and local water quality standards applicable to surface and subsurface drainage and/or discharges generated through the use of Federal or Contractor facilities or project water provided by the Contractor within the Contractor's Project Water Service Area.

(3) This article shall not affect or alter any legal obligations of the Secretary to provide drainage or other discharge services.

EQUAL EMPLOYMENT OPPORTUNITY

c. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, disability, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, disability, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, disability, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, and of the rules, regulations, and relevant orders of the Secretary of Labor.

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SANTA FE, NEW MEXICO

S- 87646

(5) The Contractor will furnish all information and reports required by Executive Order 11246 of September 24, 1965, and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to his books, records, and accounts by the Contracting Agency and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of such rules, regulations, or orders, this contract may be canceled, terminated or suspended in whole or in part and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246 of September 24, 1965, and such other sanctions may be imposed and remedies invoked as provided in Executive Order 11246 of September 24, 1965 or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.

(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of Executive Order 11246 of September 24, 1965, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, that in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH FEDERAL RECLAMATION LAWS

d. The parties agree that the delivery of irrigation water or use of Federal facilities pursuant to this contract is subject to Federal reclamation law, including but not limited to the Reclamation Reform Act of 1982 (43 U.S.C. 390aa et seq.), as amended and supplemented, and the rules and regulations promulgated by the Secretary of the Interior under Federal reclamation law.

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

e. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein by either party shall be valid until approved in writing by the other party.

#### OFFICIALS NOT TO BENEFIT

f. No Member of or Delegate to the Congress, Resident Commissioner, or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### CHANGES IN CONTRACTOR'S ORGANIZATION

g. While this contract is in effect, no change may be made in the Contractor's organization, by inclusion or exclusion of lands or by any other changes which may affect the respective rights, obligations, privileges, and duties of either the United States or the Contractor under this contract including, but not limited to, dissolution, consolidation, or merger, except upon the Contracting Officer's written consent.

#### BOOKS, RECORDS, AND REPORTS

h. The Contractor shall establish and maintain accounts and other books and records pertaining to administration of the terms and conditions of this contract, including the Contractor's water supply data; land-ownership, land-leasing, and water-use data; and other matters that the Contracting Officer may require. Reports shall be furnished to the Contracting Officer in such form and on such date or dates as the Contracting Officer may require. Subject to applicable Federal laws and regulations, each party to this contract shall have the right during office hours to examine and make copies of the other party's books and records relating to matters covered by this contract.

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FEDERAL BUREAU OF SURVEY  
WASHINGTON, D.C.

COMPLIANCE WITH CIVIL RIGHTS LAWS AND REGULATIONS

i. (1) The Contractor shall comply with Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), Section 504 of the Rehabilitation Act of 1973 (P.L. 93-112, as amended), the Age Discrimination Act of 1975 (42 U.S.C. 6101, et seq.), Title II of the Americans with Disabilities Act of 1990 if the entity is a State or local government entity [Title III if the entity is a non-government entity], and any other applicable civil rights laws, as well as with their respective implementing regulations and guidelines imposed by the U.S. Department of the Interior and/or Bureau of Reclamation.

(2) These statutes require that no person in the United States shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity receiving financial assistance from the Bureau of Reclamation on the grounds of race, color, national origin, disability, or age. By executing this contract, the Contractor agrees to immediately take any measures necessary to implement this obligation, including permitting officials of the United States to inspect premises, programs, and documents.

(3) The Contractor makes this agreement in consideration of and for the purpose of obtaining any and all Federal grants, loans, contracts, property discounts, or other Federal financial assistance extended after the date hereof to the Contractor by the Bureau of Reclamation, including installment payments after such date on account of arrangements for Federal financial assistance which were approved before such date. The Contractor recognizes and agrees that such Federal assistance will be extended in reliance on the representations and agreements made in this article and that the United States reserves the right to seek judicial enforcement thereof.

(4) Complaints of discrimination against the Contractor shall be investigated by the Contracting Officer's Office of Civil Rights.

PRIVACY ACT COMPLIANCE

j. (1) The Contractor shall comply with the Privacy Act of 1974 (5 U.S.C. 552a) (Privacy Act) and the Department of the Interior rules and regulations under the Privacy Act (43 CFR 2.45 et seq.) in maintaining landholder certification and reporting records required to be submitted to the Contractor for compliance with Sections 206, 224(c), and 228 of the Reclamation Reform Act of 1982 (96 Stat. 1261), and pursuant to 43 CFR 426.18.

(2) With respect to the application and administration of the criminal penalty provisions of the Privacy Act (5 U.S.C. 552a(i)), the Contractor and the Contractor's employees who are responsible for maintaining the certification and reporting records referenced in (1) above and are considered to be employees of the Department of the Interior. See 5 U.S.C. 552a(m).

(3) The Contracting Officer or a designated representative shall provide the Contractor with current copies of the Interior Department Privacy Act regulations and the Bureau of Reclamation Federal Register Privacy Act System of Records Notice (Interior/WBR-31, Acreage Limitation) which govern the maintenance, safeguarding, and disclosure of information contained in the landholders' certification and reporting records.

(4) The Contracting Officer shall designate a full-time employee of the Bureau of Reclamation to be the System Manager responsible for making decisions on denials pursuant to 43 CFR 2.61 and 2.64 and amendment requests pursuant to 43 CFR 2.72. The Contractor is authorized to grant requests by individuals for access to their own records.

(5) The Contractor shall forward promptly to the System Manager each proposed denial of access under 43 CFR 2.64 and each request for amendment of records filed under 43 CFR 2.71; notify the requester accordingly of such referral; and provide the System Manager with information and records necessary to prepare an appropriate response to the requester. These requirements do not apply to individuals seeking access to their own certification and reporting forms filed with the Contractor pursuant to 43 CFR 426.18 unless the requester elects to cite the Privacy Act as authority for the request.

CONTRACT DRAFTING CONSIDERATIONS

k. Articles 1 through 16 of this contract have been drafted, negotiated, and reviewed by the parties hereto, each of whom is sophisticated in the matters to which this contract pertains, and no one party shall be considered to have drafted the stated articles.

S-87646

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AUG 11 2010



# Oregon

Theodore R. Kulongoski, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266  
503-986-0900  
FAX 503-986-0904

November 14, 2007

Bureau of Reclamation  
Attn: Ryan Patterson  
1150 North Curtis Road, Suite 100  
Boise, ID 83706-1234

Dear Mr. Patterson:

The Oregon Water Resources Department (OWRD) supports the Farmer's/Buck and Jones Ditch Project (also known as the Lashep Project) as part of its efforts under the Oregon Plan for Salmon and Watersheds. The purpose of this project is to enhance streamflows in the Little Applegate River by transferring out-of-stream irrigation water rights to instream flow water rights and substituting the use of live flow for irrigation purposes with stored water. When the project is fully implemented, OWRD through the Jackson County Watermaster's Office will take on the responsibility of protecting the new instream water rights on the Little Applegate consistent with their priority dates.

To help meet the objectives of this project, OWRD intends to install and maintain a gauging station on the Little Applegate River with a telemetric link to the Bureau of Reclamation's Hydromet System. This gauge will provide data that will help OWRD monitor streamflows and the new instream water rights. The proposed gauging station will record and display real time instream flow data as outlined in paragraph 10(c) of the proposed contract. OWRD/Jackson County Watermaster's Office "...will also provide, or ensure that it will be provided, in writing to the Contracting Officer by December 1 of each year the amount of instream flow water attributed to the Little Applegate River water rights described in subarticle 9(a); obtained from the State watermaster of other sources whose measurements methodology is approved by the State watermaster and the United States.

We value our continued partnership with the water users participating in the Lashep project and with the Bureau of Reclamation. We look forward to implementing the next phase of this important project.

Sincerely,

Debbie Colbert  
Field Services Division Administrator

RECEIVED

AUG 11 2010

OWRD FIELD SERVICES DIVISION

c: Larry Menteer, District 13 Watermaster  
Bruce Sund, Deputy South West Region Manager  
Bill Ferber, West Region Manager  
Ruth Page, Bureau of Reclamation  
Larry Parsons, Bureau of Reclamation

RECEIVED

AUG 11 2010

WESTERN REGIONAL OFFICE  
800 N. GARDEN ST.  
DENVER, CO 80202

S-87646



Exhibit A to AIC letter Oct 14, 2009

| Certificate | TLT #   | Landowner   | Acre        | CFS/acre | feet/   | priority   |
|-------------|---------|---|-------------|----------|---------|------------|
| 1 - 85632   | T 10078 | Philip & Merrill Schwimmer                                      | 10.4        | .26      | 54.6    | 1908       |
| 2 - 85631   | T 10079 | Philip & Merrill Schwimmer                                      | 34          | .97      | 178.5   | 1854       |
| 3 - 85460   | T 10087 | William & Lori McTaggart  | 61.29       | 1.23     | 321.77  | 1908       |
| 4 - 85460   | T 10088 | William & Lori McTaggart  | 1.5         | .06      | 7.875   | 1854       |
| 5 - 81949   | T 10089 | Herschel & Roberta Wright                                       | 11.0        | .22      | 57.75   | 1857       |
| 6 - 81950   | T 10090 | Daniel & Marilyn Milton   | 6.0         | .1196    | 31.5    | 1857       |
| 7 - 85320   | T 10091 | John & Lynda Babbitt  | 1.00        | .025     | 5.25    | 1857       |
| 8 - 85321   | T 10092 | William Wright  | 1.00        | .025     | 5.25    | 1857       |
| 9 - 85321   | T 10104 | Hobart & Nanett Marvin<br>William Wright                        | 16.5<br>3.0 | .24      | 100.8   | 1916       |
| 10 - 81954  | T 10105 | Hobart & Nanett Marvin  | 2.5         | .0625    | 13.125  | 1857       |
| 11 - 85463  | T 10159 | Wayne & Sue Stone, Trustees                                     | 23.6        | .50      | 123.9   | 1857       |
| 12 - 85290  | T 10167 | William Christofferson  | 1.0         | .025     | 5.25    | 1857       |
| 13 - 81692  | T 10168 | Dave & Patricia Moosman   | 1.0         | .025     | 5.25    | 1857       |
| 14 - 85462  | T 10957 | Stage Left Farm   | 82.4        | 1.64     | 433.125 | 1857       |
|             |         | Total   | 255.89      |          |         |            |
| Priority    | CFS     |   |             |          |         |            |
| 1854        | 1.03    | ***   |             |          |         |            |
| 1857        | 2.6421  | *** most senior water rights on the Little Applegate River,     |             |          |         | 3.6721 cfs |
| 1908        | 1.49    |   |             |          |         |            |
| 1916        | 0.24    |   |             |          |         |            |
| Total       | 5.4021  | in stream this year, and about 5.17 cfs more to come next year. |             |          |         |            |

96-577  
AUG 11 1999  
NO-100-1-10000  
27-20

CER 1 85631 1100 10 (1)+(2)  
85631 T10079



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

May 21, 2010

WaterWatch of Oregon  
ATTN: Bob Hunter  
142 W. Dutton Road  
Eagle Point, OR 97524

### PROPERTY ANALYSIS REPORT

Property Analysis Report No. 470310006192 Premium: \$95.00

Borrowers Name(s): BANK OF AMERICA, NATIONAL ASSOCIATION AS SUCCESSOR BY MERGER TO LASELLE BANK NATIONAL ASSOCIATION AS TRUSTEE FOR WAMU 2006-AR14

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 16, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

**RECORDED ENCUMBRANCES:**

NONE

**LAST DEED OF RECORD RUNS TO:**

Bank of America, National Association as successor by merger to LaSelle Bank National Association as Trustee for WAMU 2006-AR14

Vesting deed from Northwest Trustee Services, Inc., grantor, to above vestee, dated January 11, 2010, recorded January 13, 2010, Instrument No. 2010-001442, Jackson County, Oregon.

**STREET ADDRESS:**

501 Little Applegate Road  
Jacksonville, OR 97530

RECEIVED

AUG 11 2010

WATER RESOURCES DEPT  
SALES OFFICE

Schwimmer & Bank of America

FILED 89-146 NW 400-56-000

105

PITION PLAT NO P-105-1990

INOR LAND PARTITION

SEC II, TWP 39 S, R 3 W, WILL MER, JACKSON CO, OREGON

SCALE: 1" = 400'

DEED FOR PHILIP SCHWIMMER

SURVEYOR'S CERTIFICATE

I, James E. Anderson, certify that I am a duly Registered Land Surveyor in the State of Oregon, License No. 1624, being first duly sworn, do hereby certify that this plat correctly represents a survey made by me and that I have correctly surveyed and marked with proper monuments parcel 2 as shown hereon, and that said plat and survey conform with the Ordinance of Jackson County and the State of Oregon, and that the following is an accurate survey and title description of the boundaries of said tract.

Beginning at a 2" iron pipe monumenting the section corner common to Sections 2, 3, 10 and 11, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 88°52'07" East along the section line common to said Sections 3 and 11, a distance of 1237.43 feet to the West One-Sixteenth corner common to said Sections 2 and 11; thence South 00°09'08" East a distance of 1330.28 feet to the Northwest One-Sixteenth corner of said Section 11; thence South 89°44'25" East 1336.98 feet to a found 1" iron pipe monumenting the Center-North One-Sixteenth corner of said Section 11; thence South 08°07'50" East 1333.26 feet to a found 1" iron pipe monumenting the Center One-Quarter corner of said Section 11 as set and recorded in Survey No. 4144 and called at the Jackson County Surveyor's Office; thence North 88°36'38" East 688.32 feet to a found 3/4" iron pin monumenting the Center-North-East 1/66 corner of said Section 11; thence South 00°07'30" East 136.93 feet, South 51°57'25" East 167.89 feet, South 50°48'08" East 144.49 feet, North 80°29'40" East 61.52 feet, North 59°08'30" East 44.68 feet, North 84°28'20" East 51.51 feet, South 81°28'25" East 56.33 feet, South 64°15'15" East 95.01 feet, South 25°17'40" East 106.48 feet, South 43°03'20" East 46.19 feet, South 33°29'29" East 56.22 feet and South 39°18'15" East 16.80 feet; thence South 40°03'20" West a distance of 625.09 feet, more or less, to the northerly right of way line of the Little Applegate Road (County Road); thence northerly along said northerly right of way line to a point on the west line of said Section 11; thence North along said west line to the true point of beginning.

Subscribed and sworn to before me this 28th day of September, 1990.

Department of Planning and Development

Date 9-28-90

of September, 1990.

James E. Anderson  
County Surveyor

AUG 11 2010

NO

NO AGREEMENT AS SHOWN

5/8" x 24" NEAR WCAP MUDA  
OWNER FILE 1626.

06/02/2010 07:47 FAX

CORD DATA PER SURVEY NO. 7285  
DEPT AS SHOWN.

RECORD

James E. Anderson  
REGISTERED LAND SURVEYOR  
STATE OF OREGON  
1990

ASSESSED VALUATION  
LAND  
\$1,254,550.00

ASSESSED VALUATION  
IMPROVEMENTS  
\$0.00

TOTAL TAXES 1-068770-4  
2009-2010  
\$6,412.13 Delinquent

ASSESSED VALUATION  
LAND  
\$79,300.00

ASSESSED VALUATION  
IMPROVEMENTS  
\$252,430.00

TOTAL TAXES 1-079569-6  
2009-2010  
\$3585.49 Paid in Full

Taxes for the fiscal year 2009-2010, delinquent  
Total amount: \$6,412.13, plus interest, unpaid.  
Account No: 1-068770-4 39031100 800  
Affects: Parcel 1 of P-105-1990  
Millage Code: 49-46

Taxes for the fiscal year 2008-2009, delinquent  
Total amount: \$2,349.13, plus interest, unpaid.  
Account No: 1-068770-4 39031100 800  
Affects: Parcel 1 of P-105-1990  
Millage Code: 49-46

NOTE: Taxes for the fiscal year 2009-2010, paid in full.  
Total Amount: \$3,585.49  
Account No: 1-079569-6 39031100 801  
Affects: Parcel 2 of P-105-1990  
Millage Code: 49-46

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**



Tonya Wagerle  
Title Officer

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AUG 11 2010

WATER RESOURCES DEPT  
SALES SECTION

**LEGAL DESCRIPTION**

Parcels 1 and 2 of Partition Plat No. P-105-1990, in Jackson County, Oregon.

S-87646

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AUG 11 2010

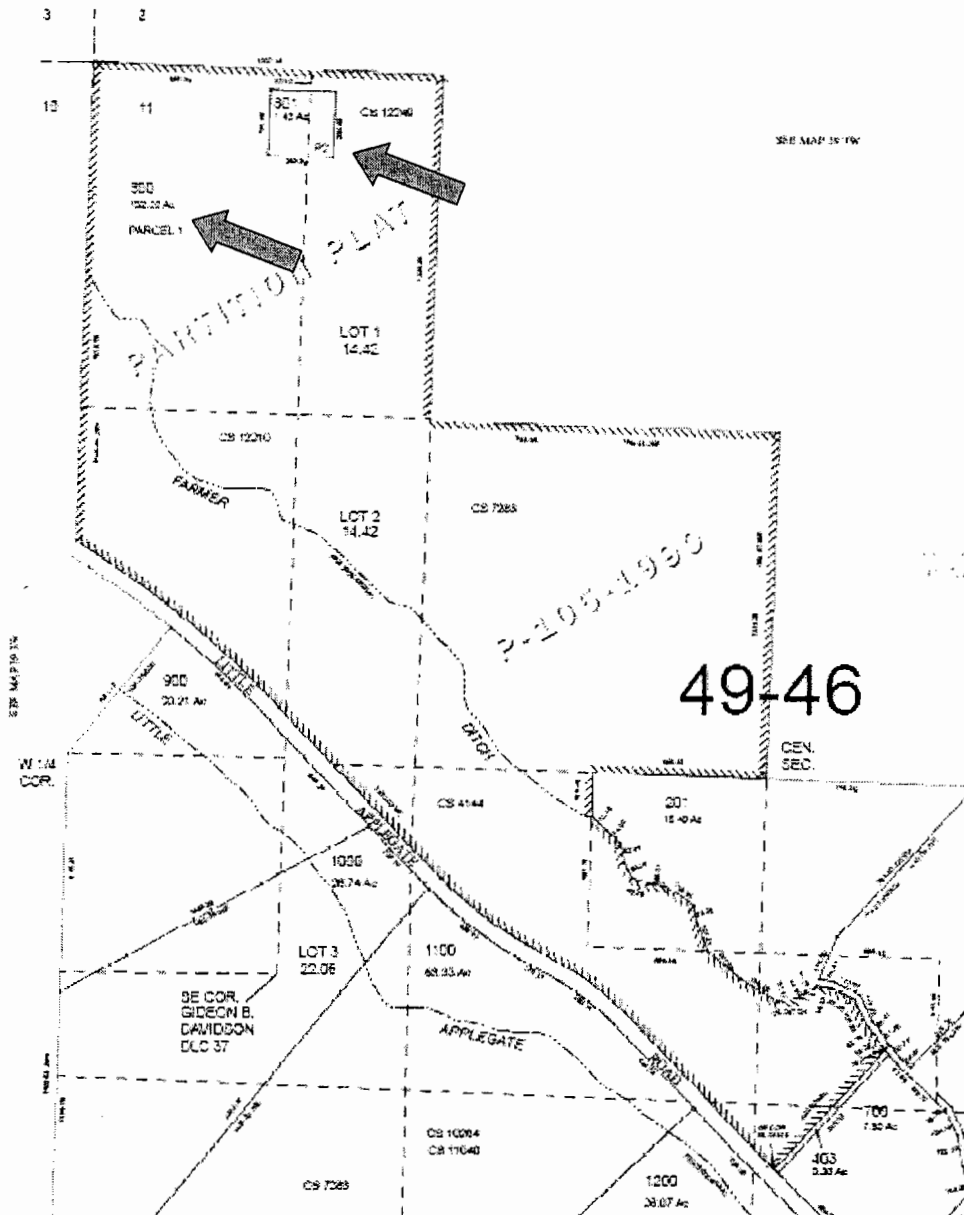
WATER RESOURCES DEPT  
SPLD. OF CORR.



# TICOR TITLE™

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

ASSESSOR'S MAP: 393W11 800 & 801



This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

S-87646



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

June 8, 2010

WaterWatch of Oregon  
ATTN: Bob Hunter  
142 W. Dutton Rd  
Eagle Point, OR 97524

**PROPERTY PROFILE REPORT**

Property Profile Report No. 470310006194 Premium: \$95.00

Borrowers Name(s): WILLIAM JAMES MCTAGGART and LORI MCTAGGART and FRANCES MARIE MCTAGGART, deceased

Ticor Title has searched its indices and docketts at the Jackson County Courthouse and as of May 19, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

Parcels 1 and 2 of PARTITION PLAT NO. P-53-1992, Jackson County, Oregon.

**RECORDED ENCUMBRANCES:**

NONE

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AUG 11 2010

**JUDGMENTS:**

NONE

WATER ASSOCIATION OF  
EAGLE POINT

**LAST DEED OF RECORD RUNS TO:**

William James McTaggart and Lori McTaggart, as tenants by the entirety, As to an Undivided 1/2 interest Frances Marie McTaggart, deceased, an estate in fee simple, As to an Undivided 1/2 interest, as tenants in common

Vesting deed from Jean G. Morken and Paul G. Morken and Betty G. Miller aka Betty C. Miller, grantor, to above vestee, recorded March 16, 1990, Instrument No. 90-06243, Jackson County, Oregon.

**STREET ADDRESS:**

495 Little Applegate Rd  
Medford, OR 97501

**TAX PARCEL NO.:**

ASSESSED VALUATION  
LAND  
\$1,215,460.00

ASSESSED VALUATION  
IMPROVEMENTS  
\$48,300.00

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$370.28  
Account No: 1-064200-1 393W00 301  
Millage Code: ~~49~~-46

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$517.59  
Account No: 1-081830-0 393W00 315  
Millage Code: 49-46

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$396.12  
Account No: 3-014924-4 393W00 315  
Affects: X218872  
Millage Code: 49-46

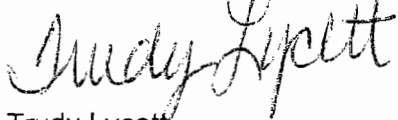
NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$26.80  
Account No: 1-068771-2 393W10 2006  
Millage Code: 49-16

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

TICOR TITLE



Trudy Lycett  
Title Officer

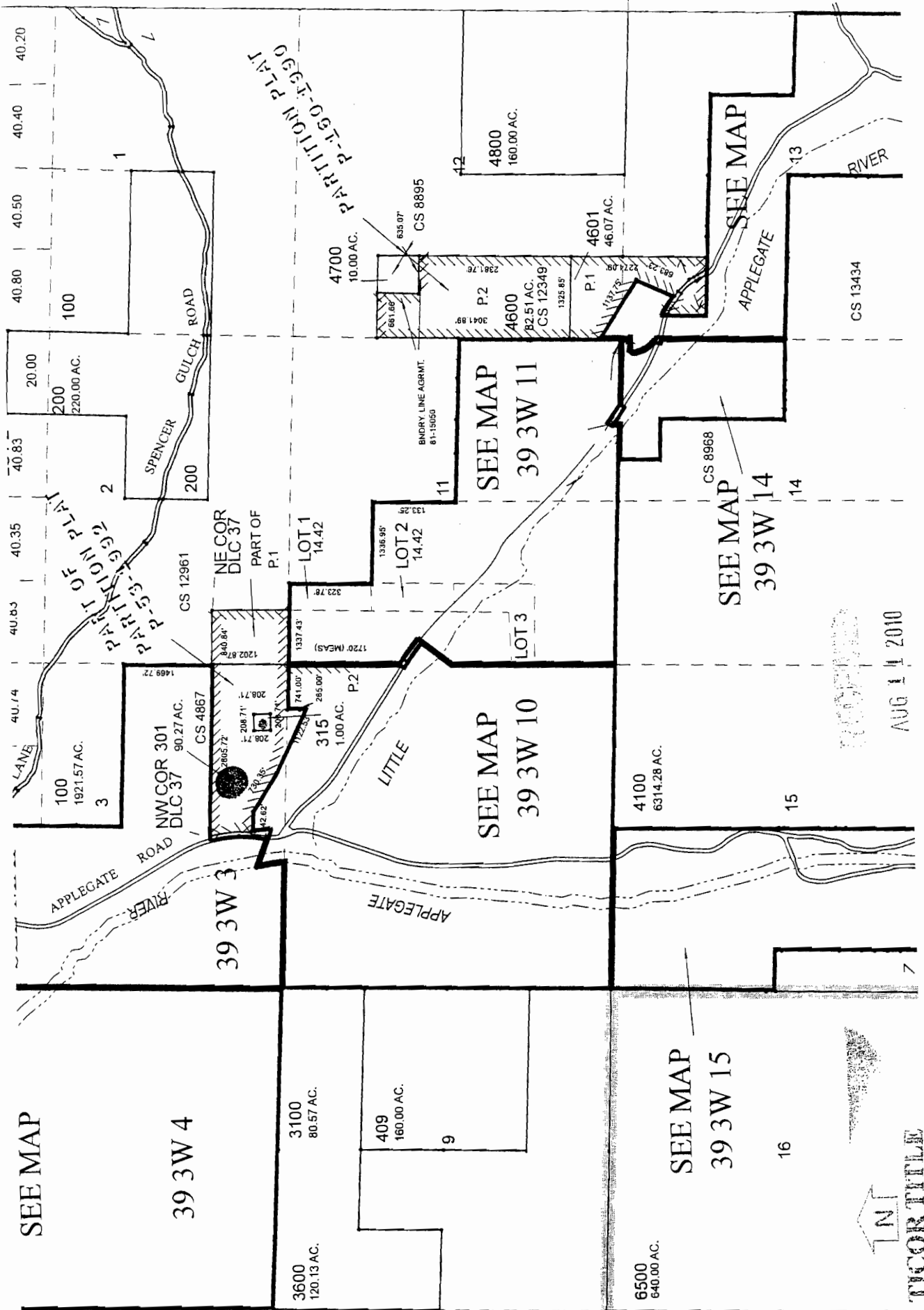
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AUG 11 2010

WATER RESOURCES DEPT  
SULLY OFFICE







SEE MAP

39 3W 4

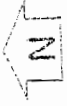
SEE MAP  
39 3W 10

SEE MAP  
39 3W 11

SEE MAP  
39 3W 14

SEE MAP  
39 3W 15

TTOR TITLE



This map and the accompanying legal description are provided solely to assist in locating the subject property. Ttor Title assumes no liability for discrepancies.

AUG 11 2010

WALTON COUNTY  
SHERIFF'S OFFICE

P-87646

16



502 West Main Street Suite 103  
 Medford OR 97501  
 (541) 773-7711  
 (888) 394-6626  
 (541) 776-7602

May 24, 2010

WaterWatch of Oregon  
 ATTN: Bob Hunter  
 142 W. Dutton Rd  
 Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006195 Premium: \$95.00

Borrowers Name(s): HERSCHEL E. WRIGHT AND ROBERTA C. WRIGHT REVOCABLE LIVING TRUST, DATED OCTOBER 19, 1998

Ticor Title has searched its indices and dockets at the Jackson County Courthouse and as of May 20, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

#### LEGAL DESCRIPTION:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

#### RECORDED ENCUMBRANCES:

NONE

#### JUDGMENTS:

NONE

#### LAST DEED OF RECORD RUNS TO:

Herschel E. Wright and Roberta C. Wright, Trustee(s) of the Herschel E. Wright and Roberta C. Wright Revocable Living Trust, dated October 19, 1998  
 Vesting deed from Herschel E. Wright and Roberta C. Wright, grantor, to above vestee, recorded November 13, 1998, Instrument No. 98-52851, Jackson County, Oregon.

#### STREET ADDRESS:

1388 Applegate Rd  
 Jacksonville, OR 97530

#### TAX PARCEL NO.:

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AUG 11 2010

WATER RESOURCES DEPT  
 SALEM, OREGON

ASSESSED VALUATION  
LAND  
\$361,460.00

ASSESSED VALUATION  
IMPROVEMENTS  
\$176,250.00

TOTAL TAXES  
2009-2010  
\$3,219.88 Paid in Full

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**



Trudy Lycett  
Title Officer

## LEGAL DESCRIPTION

Commencing at the Southeast corner of Section 33, Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence along the East boundary of said Section, North 0 degrees 08' 25" East 978.94 feet to a ¾ inch iron pin found for the true point of beginning; thence South 88 degrees 09' 55" West 649.51 feet to a ¾ inch iron pin found; thence North 2 degrees 39' 45" West 748.74 feet to a ¾ inch iron pin set; thence continue North 2 degrees 39' 45" West 20 feet, more or less, to the South boundary of easement for a lane for road purposes as described in Volume 315, Page 177 of the Deed Records of Jackson County, Oregon; thence East, along the South boundary of said lane, 687 feet, more or less, to the intersect of the East boundary of said Section 33; thence along the East boundary of said Section 33, South 0 degrees 08' 25" West 20 feet, more or less, to a ¾ inch iron pin set; thence continue along said Section boundary, South 0 degrees 08' 25" West 736.51 feet to the point of beginning.

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AUG 11 2010  
WATER RESOURCES DEPT  
SALEM OREGON  
S-97646





502 West Main Street Suite 103  
 Medford OR 97501  
 (541) 773-7711  
 (888) 394-6626  
 (541) 776-7602

May 24, 2010

WaterWatch of Oregon  
 ATTN: Bob Hunt  
 142 W. Dutton Rd  
 Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006197 Premium: \$95.00

Borrowers Name(s): DANIEL E. MILTON and MARILYN F. MILTON

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 20, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

#### LEGAL DESCRIPTION:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

#### RECORDED ENCUMBRANCES:

- Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.
 

|                 |  |
|-----------------|--|
| Grantor:        | Daniel E. Milton and Marilyn F. Milton         |
| Trustee:        | U. S. Bank Trust Company, National Association |
| Beneficiary:    | U. S. Bank National Association                |
| Amount:         | \$60,000.00                                    |
| Dated:          | September 12, 2001                             |
| Address:        | PROPERTYADD                                    |
| Recorded:       | October 24, 2001                               |
| Instrument No.: | 01-50478                                       |

in Jackson County, Oregon.

NOTE: Line of Credit loans may have special provisions for close out instructions in addition to payment in full in order to remove the lien from the subject property. A check with the lender is necessary to determine specific requirements.

JUDGMENTS:  
 NONE

LAST DEED OF RECORD RUNS TO:

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AUG 11 2010

WATER RESOURCES DEPT  
 SALES OFFICE

8-87646

Vesting deed from Larry R. Boydston and Patty L. Boydston, grantor, to above vestee, recorded December 6, 1996, Instrument No. 96-40818, Jackson County, Oregon.

**STREET ADDRESS:**

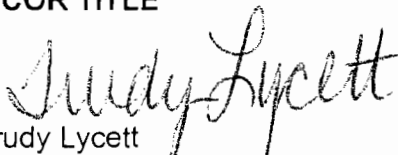
560 Hamilton Rd  
Jacksonville OR 97530

| ASSESSED VALUATION<br>LAND | ASSESSED VALUATION<br>IMPROVEMENTS | TOTAL TAXES<br>2009-2010 |
|----------------------------|------------------------------------|--------------------------|
| \$297,750.00               | \$194,900.00                       | \$3,671.60 Paid in Full  |

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**

  
Trudy Lycett  
Title Officer

**RECEIVED**  
AUG 11 2010  
S-87646  
WATER RESOURCES DEPT  
SALEM OREGON



## LEGAL DESCRIPTION

Beginning at the Southeast corner of Section 33, Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North 0 degrees 29' West, along the East line of said Section, 452.17 feet; thence South 89 degrees 10' 31" West 626.0 feet; thence North 0 degrees 29' West 3.0 feet; thence South 89 degrees 27' West 792.3 feet to the Easterly line of a County Road; thence along said road as follows: South 35 degrees 08' East, 471.9 feet; thence South 56 degrees 24' East 36.9 feet; thence South 71 degrees 40' East 37.18 feet; thence South 88 degrees 55' East 1084.65 feet to the point of beginning.

EXCEPTING THEREFROM the following: Beginning at the Southeast corner of Section 33 in Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence North 0 degrees 29' West, along the East line of said Section, 452.17 feet; thence South 89 degrees 10' 31" West 626.0 feet to the Northwest corner of tract described in Volume 526, Page 370 of the Deed Records of Jackson County, Oregon; thence Southerly, along the Westerly line of said tract, 235.0 feet, more or less, to the Northwest corner of tract described in Volume 434, Deed Page 482; thence South 1 degrees 25' East along the West line of said tract, 190.0 feet; thence South 88 degrees 55' East, along the South line of tract described in Volume 484, Deed Page 141, a distance of 611.88 feet to the point of beginning.

S-87646

RECEIVED

AUG 11 2010

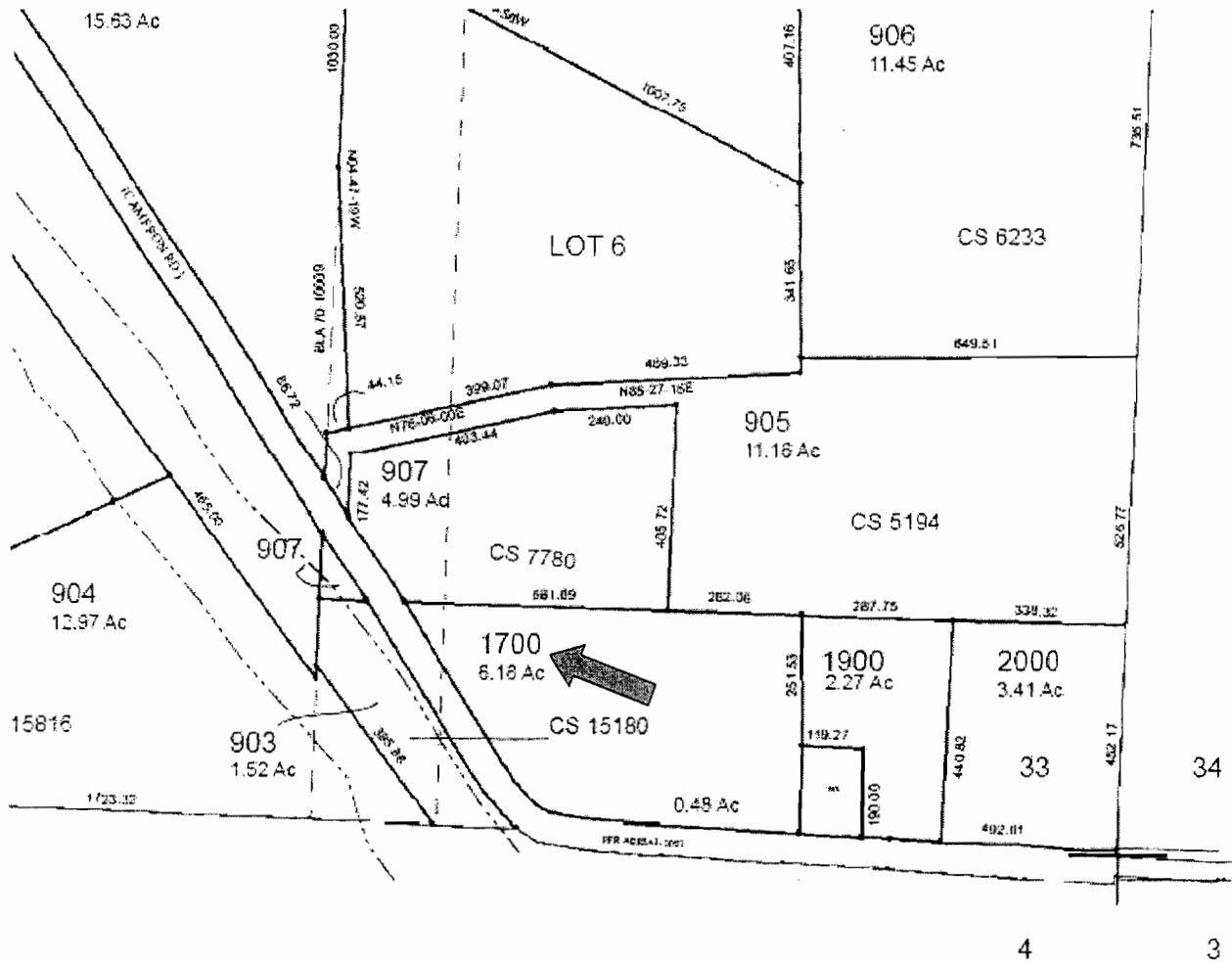
WATER RESOURCES DEPT  
SALEM, OREGON



**TICOR TITLE™**

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

**ASSESSOR'S MAP: 383W33 1700**



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AUG 11 2010

WATER RESOURCES DEPT  
SALEM, OREGON

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

S-87646



502 West Main Street Suite 103  
 Medford OR 97501  
 (541) 773-7711  
 (888) 394-6626  
 (541) 776-7602

May 25, 2010

WaterWatch of Oregon  
 ATTN: Bob Hunt  
 142 W. Dutton Rd  
 Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006198 Premium: \$95.00

Borrowers Name(s): JOHN BABBITT and LYNDA BABBITT

Ticor Title has searched its indices and dockets at the Jackson County Courthouse and as of May 20, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

#### LEGAL DESCRIPTION:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

#### RECORDED ENCUMBRANCES:

- Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
 

|                 |   |
|-----------------|---|
| Grantor:        | John Babbitt and Lynda Babbitt, husband and wife  |
| Trustee:        | First American  |
| Beneficiary:    | Mortgage Electronic Registration Systems, Inc., solely as nominee for Countrywide Bank, FSB, its successors and assigns |
| Amount:         | \$272,000.00  |
| Dated:          | July 12, 2007   |
| Loan No.:       | n/a   |
| Address:        | 2345 Upper Applegate Rd Jacksonville OR 97530   |
| Recorded:       | July 18, 2007   |
| Instrument No.: | 2007-033151   |

in Jackson County, Oregon.

#### JUDGMENTS:

NONE

#### LAST DEED OF RECORD RUNS TO:

John Babbitt and Lynda Babbitt, as tenants by the entirety

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AUG 11 2010

WATER RESOURCES DEPT  
 SALEM OREGON

Vesting deed from John M. Blum, Trustee of the John M. Blum Revocable Living Trust, dated April 28, 2005, grantor, to above vestee, recorded July 18, 2007, Instrument No. 2007-033150, Jackson County, Oregon.

**STREET ADDRESS:**

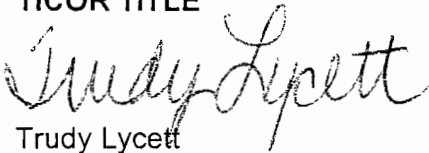
2345 Upper Applegate Rd  
Jacksonville, OR 97530

| ASSESSED VALUATION | ASSESSED VALUATION | TOTAL TAXES             |
|--------------------|--------------------|-------------------------|
| LAND               | IMPROVEMENTS       | 2009-2010               |
| \$271,290.00       | \$54,530.00        | \$2,344.46 Paid in Full |

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**



Trudy Lycett  
Title Officer

RECEIVED

AUG 11 2010

## LEGAL DESCRIPTION

Commencing at the corner common to Sections 2, 3, 10 and 11 in Township 39 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North 0 degrees 08' 30" East along the East line of said Section 3 a distance of 1990.10 feet to a 3/4 inch iron pin; thence West 3194.49 feet to a 3/4 inch iron pin located on the Northeasterly right of way line of the Applegate (County) Road; thence North 31 degrees 29' 30" West along said right of way line 463.11 feet to a 5/8 inch iron pin marking the true point of beginning; thence East 629.22 feet to a 5/8 inch iron pin; thence North 300.00 feet to a 5/8 inch iron pin set on the East-West center line of said Section 3; thence North 89 degrees 44' 47" West along said center line 815.21 feet to a 5/8 inch iron pin set on the Northeasterly right of way line of said Applegate (County) Road; thence South 31 degrees 29' 30" East 356.05 feet to the true point of beginning.

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AUG 11 2010

WATER RESOURCES DEPT  
SALEM, OREGON



CERT 85321 T 10104  
CERT 85321 T 10092

(8)+(7)



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

May 25, 2010

WaterWatch of Oregon  
ATTN: Bob Hunt  
142 W. Dutton Rd  
Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006199 Premium: \$95.00

Borrowers Name(s): WILLIAM D. WRIGHT

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 21, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

**RECORDED ENCUMBRANCES:**

NONE

**JUDGMENTS:**

NONE

**LAST DEED OF RECORD RUNS TO:**

William D. Wright, an estate in fee simple  
Vesting deed from Peggy D. Wines, Trustee of the Daniel J. Wines and Peggy D. Wines Revocable Living Trust u/a/d January 26, 1996, grantor, to above vestee, recorded March 23, 2000, Instrument No. 00-10802, Jackson County, Oregon.

**STREET ADDRESS:**

2433 Applegate Rd  
Jacksonville, OR 97530

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COUNTY CLERK  
JACKSON COUNTY

S-87646

ASSESSED VALUATION  
LAND  
\$681,080.00


ASSESSED VALUATION  
IMPROVEMENTS  
\$121,850.00

TOTAL TAXES  
2009-2010  
\$2,168.25 Paid in Full

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**

  
Trudy Lycett  
Title Officer

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AUG 11 2010

WATER RESOURCES DEPT  
SALEM OREGON

S-87646



## LEGAL DESCRIPTION

Commencing at the corner common to Sections 2, 3, 10 and 11 in Township 39 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence North 0 degrees 08' 30" East along the East line of said Section 3 a distance of 1990.10 feet to a 3/4 inch iron pin marking the true point of beginning of the herein described tract of land; thence West 3194.49 feet to a 3/4 inch iron pin located on the Northeasterly right of way line of the Applegate (County) Road; thence North 31 degrees 29' 30" West along said right of way line 433.79 feet to a 5/8 inch iron pin; thence East 350.00 feet to a 5/8 inch iron pin; thence South 31 degrees 29' 30" East 200.00 feet to a 5/8 inch iron pin; thence East 150.00 feet to a 5/8 inch iron pin; thence North 54 degrees 27' 30" East 847.30 feet to a 5/8 inch iron pin set on the East-West center line of said Section 3; thence South 89 degrees 44' 47" East 2124.89 feet along said center line to the Quarter corner common to said Sections 3 and 2; thence South 0 degrees 08' 30" West along the East line of said Section, 682.49 feet to the true point of beginning.

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S-87646

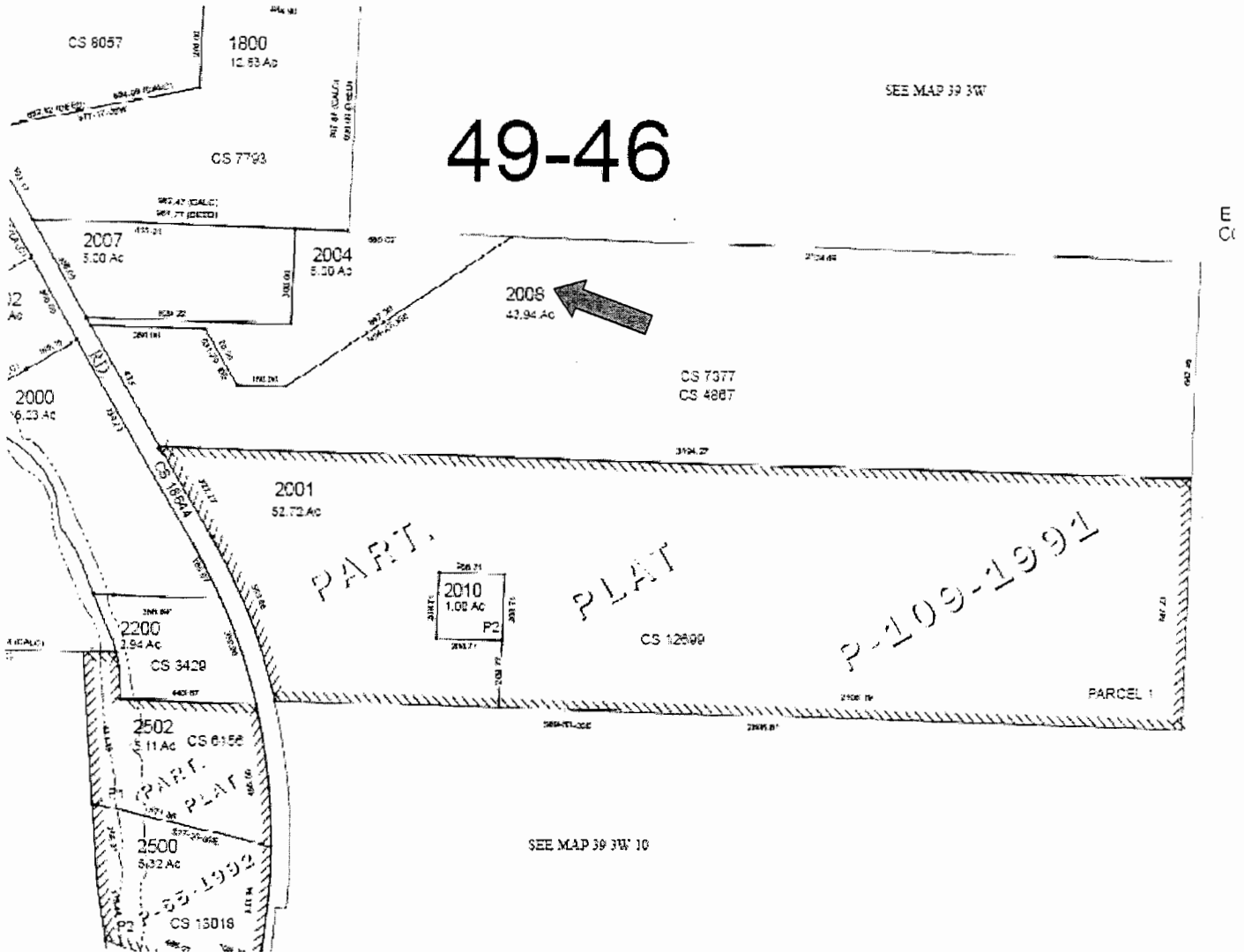
WATER RESOURCES DEPT  
SHELV. CO. 1001



**TICOR TITLE™**

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

**ASSESSOR'S MAP: 393W03 2008**



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AUG 11 2010  
WATER RESOURCES DEPT  
SALEM, OREGON

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

S-87646



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

May 25, 2010

WaterWatch of Oregon  
ATTN: Bob Hunt  
142 W. Dutton Rd  
Eagle Point, OR 97524

**PROPERTY PROFILE REPORT**

Property Profile Report No. 470310006200 Premium: \$95.00

Borrowers Name(s): THE TRUST ESTABLISHED BY HOBART A. MARVIN AND NANNETTE L. MARVIN 10/20/1992

Ticor Title has searched its indices and docketts at the Jackson County Courthouse and as of May 21, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

Parcels 1 and 2 of PARTITION PLAT NO. P-109-1991, Jackson County, Oregon.

**RECORDED ENCUMBRANCES:**

- Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
 

|                 |   |
|-----------------|---|
| Grantor:        | Hobart A. Marvin and Nannette Marvin, husband and wife      |
| Trustee:        | Continental Lawyers Title Company, a California corporation |
| Beneficiary:    | Accelerated Exchange, Inc., a California corporation        |
| Amount:         | \$120,000.00  |
| Dated:          | July 29, 1991   |
| Loan No.:       | n/a   |
| Address:        | 2557 Applegate Rd Jacksonville OR 97530                     |
| Recorded:       | August 13, 1991   |
| Instrument No.: | 91-19133  |

 in Jackson County, Oregon.

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AUG 11 2010

WATCH RESOURCES DEPT  
SALES CREDIT

S-87646

2. Line of Credit Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein.

Grantor: Hobart A. Marvin and Nanette Marvin  
Trustee: None appointed  
Beneficiary: CitiBank Federal Savings Bank  
Amount: \$250,000.00  
Dated: November 26, 2001  
Loan No.: n/a  
Address: PROPERTYADD  
Recorded: December 19, 2001  
Instrument No.: 01-61041  
in Jackson County, Oregon.

NOTE: Line of Credit loans may have special provisions for close out instructions in addition to payment in full in order to remove the lien from the subject property. A check with the lender is necessary to determine specific requirements.

JUDGMENTS:  
NONE

LAST DEED OF RECORD RUNS TO:

Hobart A. Marvin, Trustee(s) of the The Trust established by Hobart A. Marvin and Nannette L. Marvin 10/20/1992

Vesting deed from Hobart A. Marvin and Nanette Marvin, husband and wife, grantor, to above vestee, recorded February 11, 1993, Instrument No. 93-04669, Jackson County, Oregon.

STREET ADDRESS:

2557 Applegate Rd Jacksonville OR 97530

| ASSESSED VALUATION | ASSESSED VALUATION |
|--------------------|--------------------|
| LAND               | IMPROVEMENTS       |
| \$823,590.00       | \$469,810.00       |

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$6,758.85  
Account No: 1-047915-3 393W03 2001  
Millage Code: 49-16

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$111.09  
Account No: 1-080654-9 393W03 2010  
Millage Code: 49-46

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AUG 11 2010

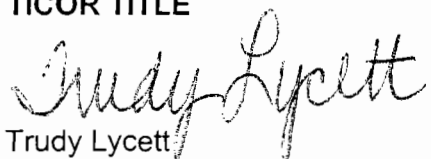
WATER RESOURCES DEPT  
SALEM OREGON

S-87646

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

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**TICOR TITLE**



Trudy Lycett  
Title Officer

RECEIVED

AUG 11 2010

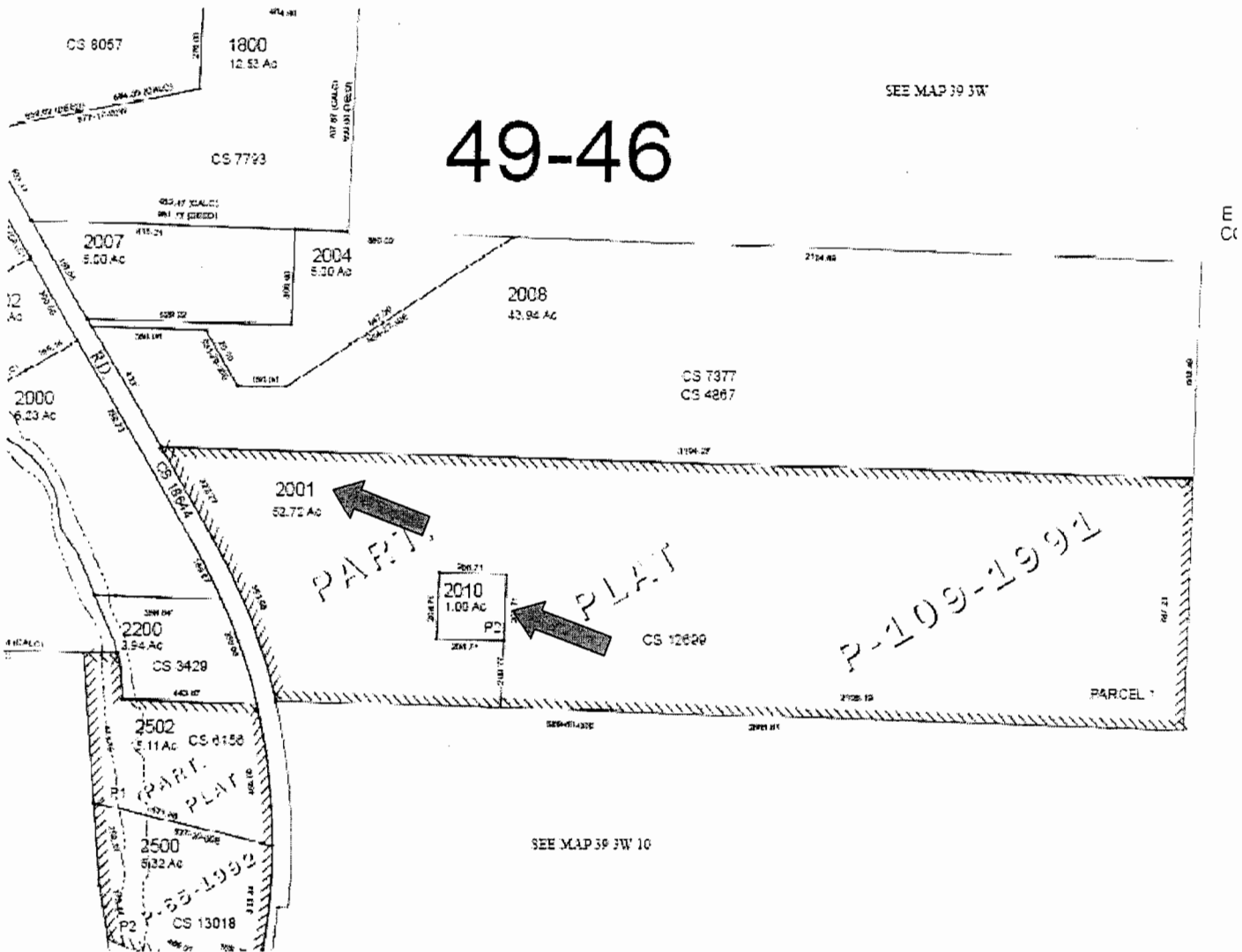
WATER RESOURCES DEPT  
SALEM, OREGON



**TICOR TITLE™**

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

**ASSESSOR'S MAP: 393W03 2001 & 2010**



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AUG 11 2010

WATER RESOURCES DEPT  
SALEM OREGON

This print is made solely for the purpose of assisting in locating the premises, and the Company assumes no liability for information printed on this map, including but not limited to zoning, variations (if any) in area, actual dimensions, and locations as determined by survey.

S-87646



502 West Main Street Suite 103  
 Medford OR 97501  
 (541) 773-7711  
 (888) 394-6626  
 (541) 776-7602

May 25, 2010

WaterWatch of Oregon  
 ATTN: Bob Hunt  
 142 W. Dutton Rd  
 Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006201 Premium: \$95.00

Borrowers Name(s): The STONE FAMILY TRUST OF 1991

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 21, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

#### LEGAL DESCRIPTION:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

#### RECORDED ENCUMBRANCES:

- Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
 

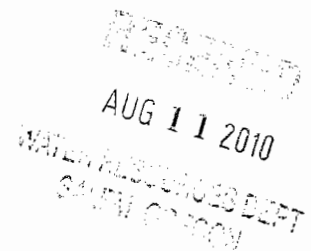
|                 |                                       |
|-----------------|---------------------------------------|
| Grantor:        | Wayne Stone and Sue Stone             |
| Trustee:        | Amerititle                            |
| Beneficiary:    | Rogue Federal Credit Union            |
| Amount:         | \$420,000.00                          |
| Dated:          | February 20, 2002                     |
| Loan No.:       | n/a                                   |
| Address:        | 900 Hamilton Rd Jacksonville OR 97530 |
| Recorded:       | February 26, 2002                     |
| Instrument No.: | 02-10029                              |

 in Jackson County, Oregon.

JUDGMENTS:  
 NONE

#### LAST DEED OF RECORD RUNS TO:

Wayne Stone and Sue Stone, Trustee(s) of the Stone Family Trust of 1991  
 Vesting deed from Wayne Stone and Sue Stone, grantor, to above vestee, recorded February 26, 2002, Instrument No. 02-10047, Jackson County, Oregon.



STREET ADDRESS:  
900 Hamilton Rd  
Jacksonville, OR 97530

|  |  |   |
|--|--|---|
| ASSESSED VALUATION<br>LAND<br>\$547,520.00 | ASSESSED VALUATION<br>IMPROVEMENTS<br>\$267,110.00 | TOTAL TAXES<br>2009-2010<br>\$3,979.96 Paid in Full |
|--|--|---|

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

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TICOR TITLE

  
Trudy Lycett  
Title Officer



## LEGAL DESCRIPTION

Commencing at the Northeast corner of Donation Land Claim No. 41, Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence East 21.78 feet (Record 21.80 feet); thence South 26.40 feet (Record 26.59 feet) to a sandstone marking the Northeast corner of the tract of land described in Volume 89, Page 168, Jackson County, Oregon, Deed Record, said corner being the true point of beginning of the herein described parcel; thence, from said point of beginning, South 89 degrees 04' 00" West 713.68 feet along the East and West line of the boundary agreement described in Document No. 70-10009, Official Records of Jackson County, Oregon, to a 1 inch iron pipe on the Easterly line of Hamilton Road (County Road); thence along said Easterly line on the arc of a curve to the left having a radius of 984.93 feet and a central angle of 2 degrees 09' 07" a distance of 36.99 feet (the long chord to which bears North 44 degrees 34' 50" West 36.99 feet) to a 1 inch iron pipe; thence North 45 degrees 50' 38" West 187.25 feet to a 1 inch iron pipe (Record North 45 degrees 50' 20" West 187.19 feet); thence along the arc of a curve to the right having a radius curve to the right having a radius of 686.20 feet and a central angle of 28 degrees 02' 54", a distance of 335.92 feet (the long chord to which bears North 31 degrees 49' 07" West 332.58 feet); thence North 17 degrees 47' 16" West (Record North 17 degrees 47' 30" West) 152.16 feet to a 5/8 inch iron pin; thence North 89 degrees 04' 00" East 1098.03 feet to a 5/8 inch iron pin; thence South 0 degrees 12' 36" West 590.54 feet to the true point of beginning.

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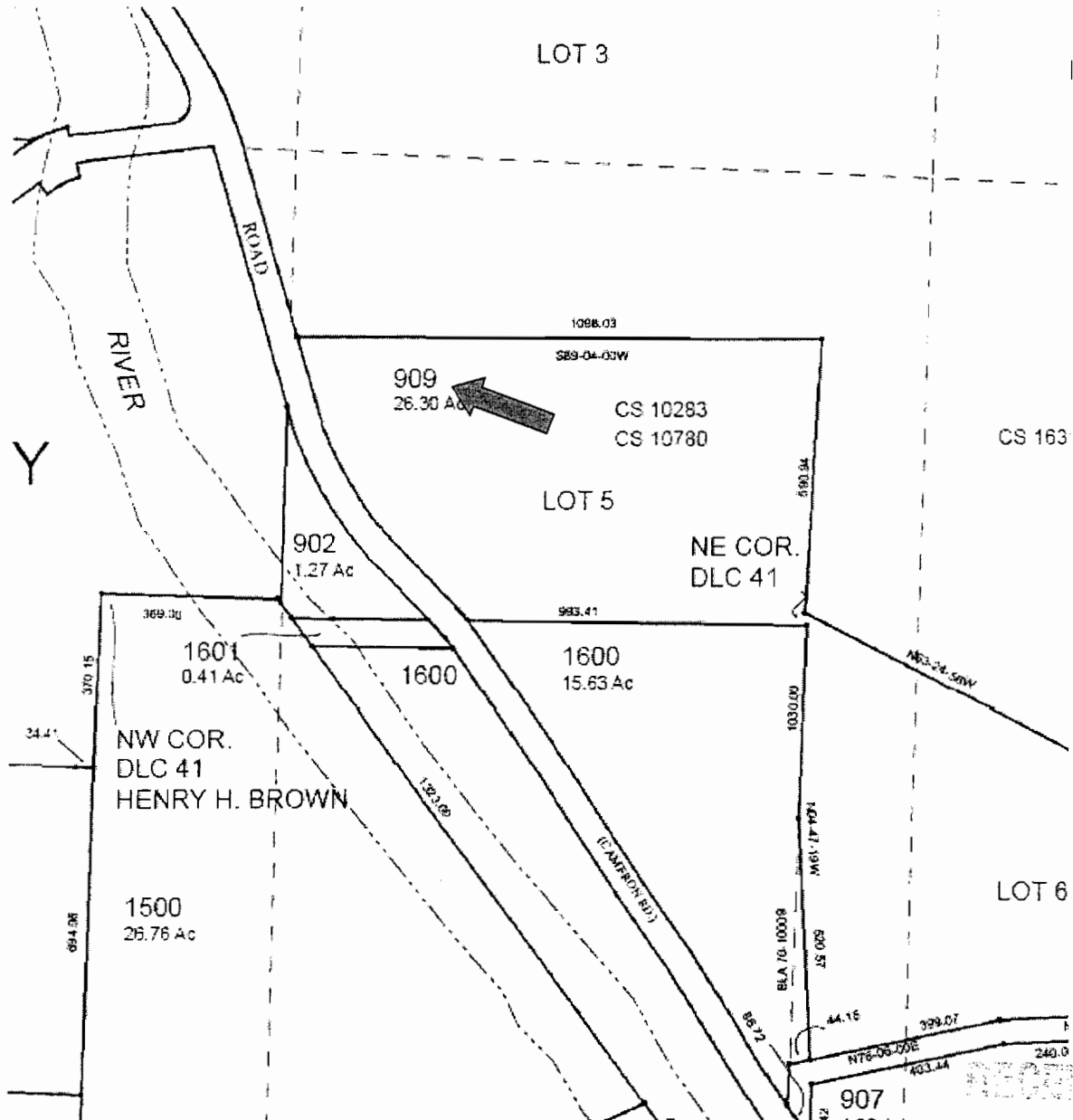
LAND RESOURCES DEPT  
SALE & RECORDS



# TICOR TITLE™

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

ASSESSOR'S MAP: 393W33 909



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WATER RESOURCES DEPT  
STAFF OFFICE

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S-87646



502 West Main Street Suite 103  
 Medford OR 97501  
 (541) 773-7711  
 (888) 394-6626  
 (541) 776-7602

May 25, 2010

WaterWatch of Oregon  
 ATTN: Bob Hunt  
 142 W. Dutton Rd  
 Eagle Point, OR 97524

### PROPERTY PROFILE REPORT

Property Profile Report No. 470310006202 Premium: \$95.00

Borrowers Name(s): WILLIAM F. CHRISTOFFERSON

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 21, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

#### LEGAL DESCRIPTION:

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

#### RECORDED ENCUMBRANCES:

- Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
 

|                 |   |
|-----------------|---|
| Grantor:        | William F. Christofferson   |
| Trustee:        | First American Title Insurance Company of Oregon  |
| Beneficiary:    | Mortgage Electronic Registration Systems, Inc., solely as nominee for GMAC Mortgage, LLC dba ditech, its successors and assigns |
| Amount:         | \$411,900.00  |
| Dated:          | October 12, 2007  |
| Loan No.:       | n/a   |
| Address:        | 2384 Applegate Rd Jacksonville OR 97530   |
| Recorded:       | November 5, 2007  |
| Instrument No.: | 2007-050588   |

in Jackson County, Oregon.

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AUG 11 2010

WATER WATCH OF OREGON DEPT  
 SALES OFFICE

2. Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,  
 Grantor: William F. Christofferson  
 Trustee: First American Title Insurance Company of Oregon  
 Beneficiary: Mortgage Electronic Registration Systems, Inc., solely as nominee for GMAC Mortgage, LLC dba ditech, its successors and assigns  
 Amount: \$25,300.00  
 Dated: March 28, 2008  
 Loan No.: n/a  
 Address: 2384 Applegate Rd Jacksonville OR 97530  
 Recorded: May 25, 2008  
 Instrument No.: 2008-015649  
 in Jackson County, Oregon.

3. Distraint Warrant and Writ of Execution Lien for the amount herein stated, including costs,  
 Amount: \$2,568.07  
 Claimant: Oregon Department of Revenue  
 Recorded: October 6, 2009  
 Instrument No.: 2009-037676  
 in Jackson County, Oregon.

JUDGMENTS:  
 NONE

LAST DEED OF RECORD RUNS TO:

William F. Christofferson, an estate in fee simple  
 Vesting deed from Lillian Christofferson, grantor, to above vestee, recorded March 26, 1998,  
 Instrument No. 98-11759, Jackson County, Oregon.

STREET ADDRESS:

2384 Applegate Rd  
 Jacksonville, OR 97530

|                    |                    |                         |
|--------------------|--------------------|-------------------------|
| ASSESSED VALUATION | ASSESSED VALUATION | TOTAL TAXES             |
| LAND               | IMPROVEMENTS       | 2009-2010               |
| \$315,650.00       | \$105,430.00       | \$3,085.65 Paid in Full |

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable.  
 Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

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AUG 11 2010

CLERK OF COUNTY CLERK  
 JACOBSON

S-87646

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

TICOR TITLE



Trudy Lycett  
Title Officer

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AUG 11 2010

S-87646

ADJUTANT GENERAL'S DEPT  
SERIES 07/1008

## LEGAL DESCRIPTION

A tract or parcel of land situated in the Southwest Quarter of Section 3, Township 39 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon, and being more fully described as follows: Commencing at a 5/8 inch X 24 inch iron pin situated on the Southwesterly right of way of the Applegate Road, said point bears South 2834.05 feet and East 1654.46 feet from the Section corner common to Sections 3 and 4, said Township and Range, and Sections 33 and 34, Township 38 South, Range 3 West; thence along said right of way, South 31 degrees 11' 30" East 300.0 feet to a 5/8 inch X 24 inch iron pin; thence leaving said right of way South 58 degrees 48' 30" West 166.16 feet to a 5/8 inch X 24 inch iron pin; thence continuing South 58 degrees 48' 30" West 186.6 feet to the center line of the Applegate River; thence along said center line North 61 degrees 31' 30" West 347.60 feet; thence leaving said river North 58 degrees 48' 30" East 309.0 feet to a 5/8 inch X 24 inch iron pin; thence continuing North 58 degrees 48' 30" East 219.30 feet to the point of beginning.

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AUG 11 2010

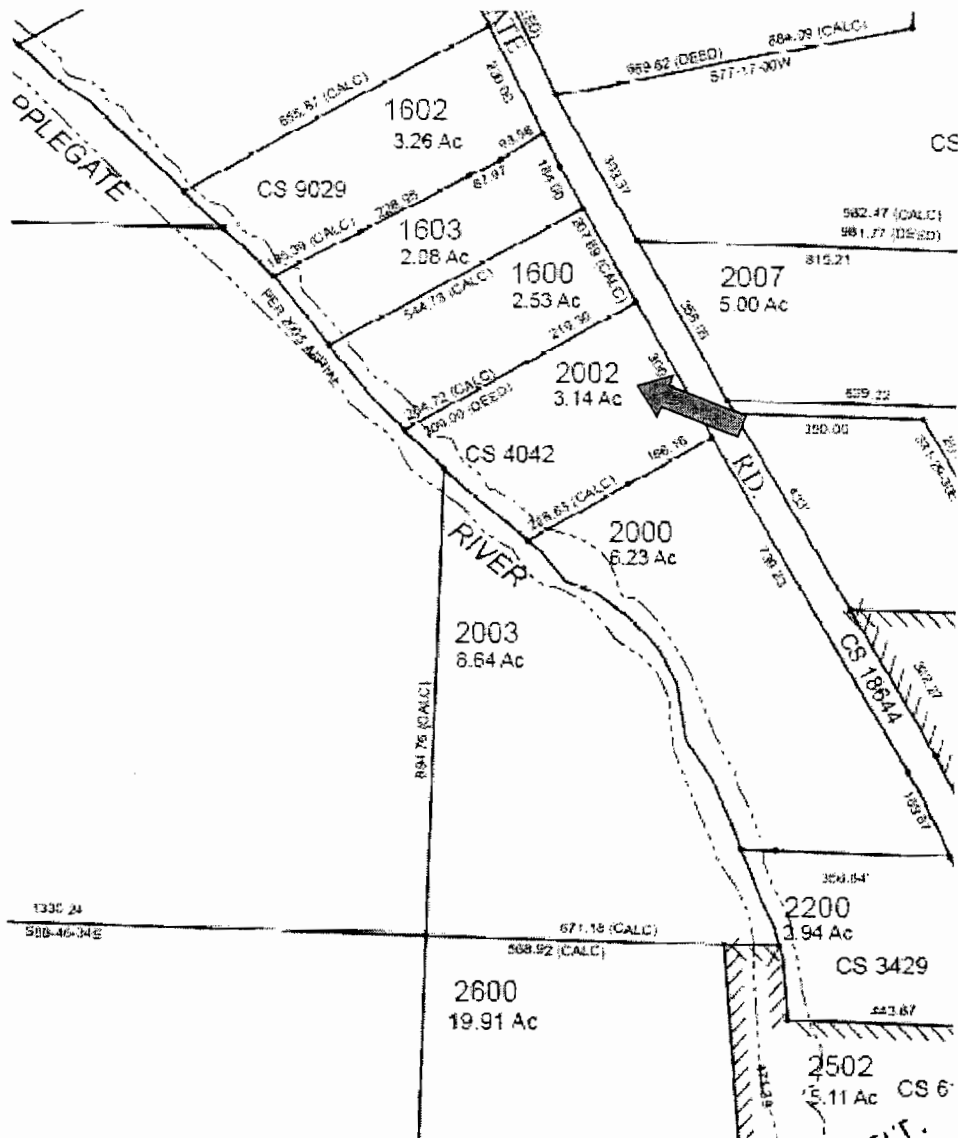
WATER RESOURCES DEPT  
SHEM, OREGON



# TICOR TITLE™

Ticor Title – 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

ASSESSOR'S MAP: 393W03 2002



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AUG 11 2010

AUG 11 2010

WATER RESOURCES DEPT  
SALEM OREGON

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S-97646



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

May 25, 2010

WaterWatch of Oregon  
ATTN: Bob Hunt  
142 W. Dutton Rd  
Eagle Point, OR 97524

**PROPERTY PROFILE REPORT**

Property Profile Report No. 470310006203 Premium: \$95.00

Borrowers Name(s): CARVER L. MOOSMAN and PATRICIA M. FINNIE MOOSMAN

Ticor Title has searched its indices and docket at the Jackson County Courthouse and as of May 21, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

**RECORDED ENCUMBRANCES:**

- Trust Deed, including the terms and provisions thereof, given to secure an indebtedness with interest thereon and such future advances as may be provided therein,
    - Grantor: Carver L. Moosman and Patricia M. Finnie Moosman
    - Trustee: Amerititle, an Oregon corporation
    - Beneficiary: Washington Mutual Bank, a Washington corporation
    - Amount: \$113,000.00
    - Dated: February 11, 2005
    - Loan No.: n/a
    - Address: 2444 Applegate Rd Jacksonville OR 97530
    - Recorded: February 28, 2005
    - Instrument No.: 2005-011031
- in Jackson County, Oregon.

**JUDGMENTS:**  
NONE

RECORDED

AUG 11 2010

WATER WATCH OF OREGON DEPT  
SALES PERSON

**LAST DEED OF RECORD RUNS TO:**

Carver L. Moosman and Patricia M. Finnie Moosman, as tenants in common  
Vesting deed from Carver L. Moosman, grantor, to above vestee, recorded November 17, 1997,  
Instrument No. 97-43051, Jackson County, Oregon.

S-87646



STREET ADDRESS:  
2444 Applegate Rd  
Jacksonville, OR 97530

| ASSESSED VALUATION<br>LAND | ASSESSED VALUATION<br>IMPROVEMENTS | TOTAL TAXES<br>2009-2010 |
|----------------------------|------------------------------------|--------------------------|
| \$213,720.00               | \$268,610.00                       | \$3,311.58 Paid in Full  |

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

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TICOR TITLE



Trudy Lycett  
Title Officer

RECORDED

AUG 11 2010

WATER RESOURCES DEPT  
SUNSHINE ROOM

## LEGAL DESCRIPTION

Commencing at a 5/8 inch X 24 inch iron pin, situated on the Southwesterly right of way of the Applegate Road (County Road), said point bears South, 2834.05 feet, and East, 1654.46 feet, from the Section corner common to Sections 3 and 4, Township 39 South, Range 3 West and Sections 33 and 34, Township 38 South, Range 3 West of the Willamette Meridian, Jackson County, Oregon; thence along said right of way, South 31 degrees 11' 30" East, 300.00 feet, to a 5/8 inch X 24 inch iron pin, for the true point of beginning, also being the Southeast corner of the tract described in instrument recorded as Document No. 70-06735, Official Records of Jackson County, Oregon; thence continuing along said right of way line, South 31 degrees 11' 30" East, 739.23 feet, to a point of curve, located at Engineer's Center Line Station, 126+64.56 P.C.; thence continuing along said right of way line, along the arc of a 1879.859 foot curve to the right (the long chord to which bears South 28 degrees 36' 22" East, 169.61 feet), an arc distance of 169.67 feet, to a 5/8 inch iron pin, at a point on curve, also being the Northeast corner of the tract described in instrument recorded as Document No. 75-00522, said Official Records; thence leaving said right of way line, along the North line of said described tract, North 89 degrees 36' 16" West, 300.00 feet, to a 5/8 inch iron pin, Witness Corner; thence continuing North 89 degrees 36' 16" West, 56.64 feet, more or less, to the center line of the Big Applegate River; thence in a Northwesterly direction, along said river center line, to a point that bears South 58 degrees 48' 30" West, from the true point of beginning, said point being the Southwest corner of tract described in instrument recorded as Document No. 70-06735, said Official Records; thence along the South line of said tract, North 58 degrees 48' 30" East, 186.6 feet, more or less, to a 5/8 inch iron pin, Witness Corner; thence continuing North 58 degrees 48' 30" East, 166.16 feet, to the true point of beginning.

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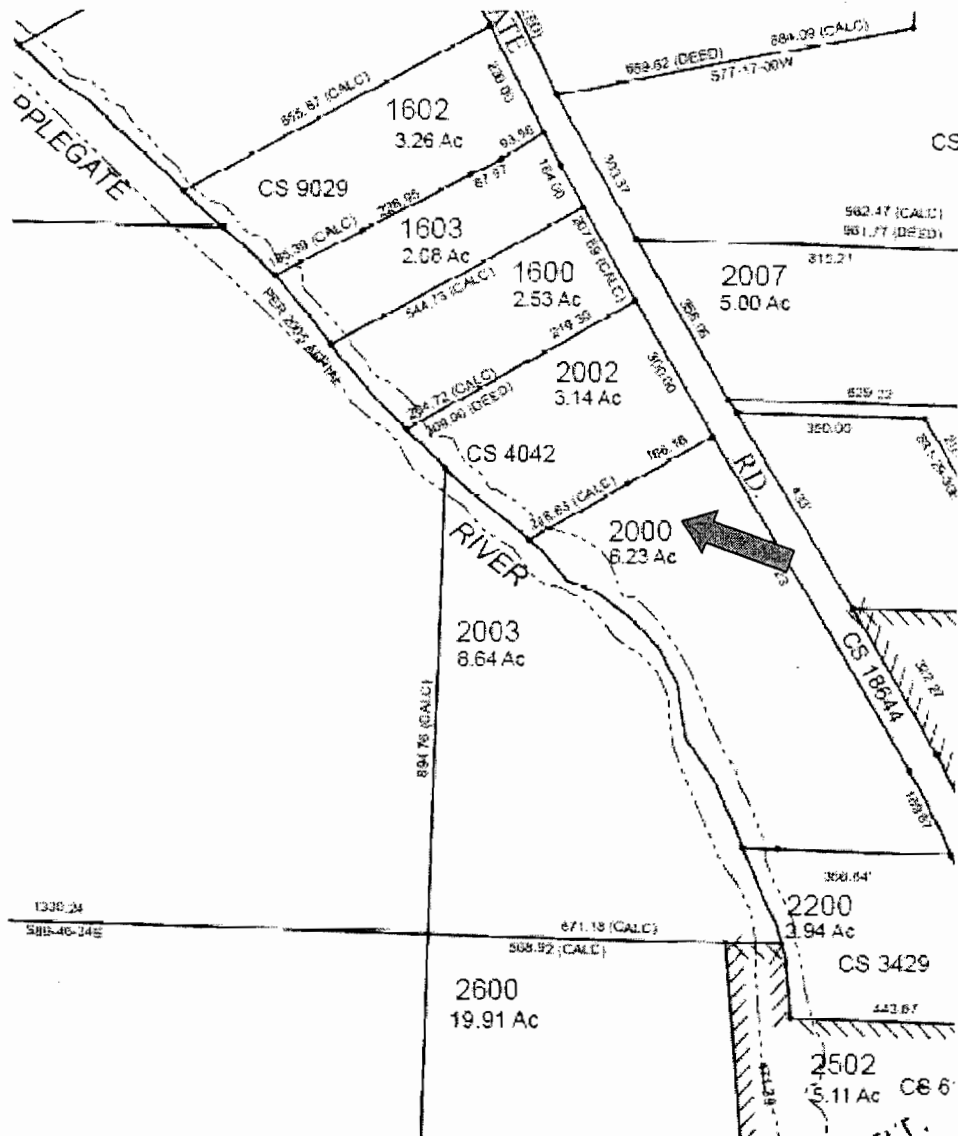
AUG 11 2010

WATER RESOURCES DEPT  
SHELL OCEANOGRAPHY



Ticor Title - 541-245-0828  
850 O'Hare Parkway, Ste. 100  
Medford, O R97 504

ASSESSOR'S MAP: 393W03 2000



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AUG 11 2010  
MILWAUKEE COUNTY DEPT  
S.W.M. OREGON

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S-87646



502 West Main Street Suite 103  
Medford OR 97501  
(541) 773-7711  
(888) 394-6626  
(541) 776-7602

May 26, 2010

WaterWatch of Oregon  
ATTN: Bob Hunt  
142 W. Dutton Rd  
Eagle Point, OR 97524

**PROPERTY PROFILE REPORT**

Property Profile Report No. 470310006204 Premium: \$95.00

Borrowers Name(s): STAGE LEFT FARM, LLC

Ticor Title has searched its indices and docketed at the Jackson County Courthouse and as of May 24, 2010 at 8:00 AM we find the following recorded, unsatisfied, state and federal tax liens, mortgages and or deeds of trust against the following described property:

**LEGAL DESCRIPTION:**

SEE 'LEGAL DESCRIPTION' ATTACHED HERETO AND BY REFERENCE MADE A PART HEREOF

**RECORDED ENCUMBRANCES:**

NONE

**JUDGMENTS:**

NONE

**LAST DEED OF RECORD RUNS TO:**

Stage Left Farm, LLC, a Limited Liability Company  
Vesting deed from James D. Spencer and Susan K. Spencer, grantor, to above vestee,  
recorded October 6, 2008, Instrument No. 2008-037260, Jackson County, Oregon.

**STREET ADDRESS:**

1176 Hamilton Rd,  
Jacksonville, OR 97530

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MAILER RESOURCES DEPT  
CALS 10700M

S-07646

ASSESSED VALUATION  
LAND  
\$1,437,780.00

ASSESSED VALUATION  
IMPROVEMENTS  
\$304,730.00

NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$4,741.26  
Account No: 1-047607-5 383W33 900  
Millage Code: 49-46

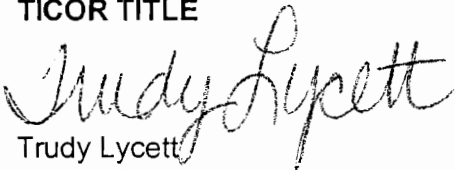
NOTE: Taxes for the fiscal year 2009-2010, paid in full.

Total Amount: \$6.02  
Account No: 1-074873-8 383W34C 290  
Millage Code: 49-46

NOTE: Jackson County recording charges are \$46.00 for the first page, plus \$5.00 each additional page which includes amounts for the survey corner restoration fee and department of revenue county assessment and taxation fund, when applicable. Additional fees will be assessed by the County Clerk if a document fails to meet the requirements for recording imposed by ORS Chapter 205.

This is not a title report and liability in connection with this service is expressly limited to the sum paid therefore and the issuing company will not be responsible for errors and omissions therein.

**TICOR TITLE**



Trudy Lycett  
Title Officer

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AUG 11 2010

CATERPILLAR SALES DEPT  
SALES OFFICE

S-87646

## LEGAL DESCRIPTION

Beginning at the intersection of the north line of Government Lot Two (2) and the easterly line of Hamilton Road in Section 33, Township 38 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence along the north lines of Government Lots Two (2), Three (3) and Four (4) North 89° 41' 41" East 2666.55 feet to the north-northeast corner of that tract described in Volume 390, page 419 of the Deed Records of Jackson County, Oregon; thence along the easterly line of said tract, South 06° 20' 03" East 1568.70 feet to the interior ell of said tract, said point also being on the northerly line of an easement for a lane for road purposes described in Volume 315, Page 177 said Deed Records; thence along said northerly line the following Seven (7) courses: North 89° 41' 36" East 1112.83 feet; thence South 87° 34' 29" East 21.12 feet; thence North 88° 12' 59" East 108.93 feet; thence South 85° 00' 55" East 56.61 feet; thence along the arc of a curve to the left having a radius of 460.00 feet a distance of 224.21 feet (the long chord of which bears North 81° 03' 22" East) 222.00 feet; thence North 67° 06' 25" East 137.77 feet; thence North 89° 15' 53" East 16.41 feet to the westerly line of Upper Applegate Road; thence along said westerly line along the arc of a curve to the left having a radius of 1939.86 feet a distance of 131.18 feet (the long chord of which bears South 02° 40' 22" East 131.15 feet) to the southerly line of the aforesaid easement and the northeast corner of that tract described in document No. 71-01733 of the Official Records of Jackson County, Oregon; thence along the southerly line of said easement and the northerly line of said tract, South 89° 52' 17" West 1342.76 feet (record North 89° 43' West 1346.12 feet) to the west line of Section 34, said Township and Range and the northeast corner of that tract described in Document No. 76-03347 said Official Records; thence continue along the southerly line of said easement and the northerly line of said tract the following two (2) courses: North 89° 37' 04" West 324.87 feet; thence South 88° 43' 00" West 362.06 feet to the northwest corner of said tract; thence along the westerly line of said tract, South 02° 42' 58" East 431.23 feet to a 5/8" iron pin; thence North 63° 24' 56" West 1007.75 feet to a 5/8" iron pin on the easterly line of Parcel 1 described in document No. 89-05028 said Official Records; thence along said easterly line North 00° 12' 36" East 550.57 feet to the northeast corner thereof; thence along the north line of said tract South 89° 04' 00" West 1098.03 feet to a 5/8" iron pin on the easterly line of Hamilton Road; thence along said easterly line the following three (3) courses: North 17° 47' 16" West 435.57 feet to a 1" iron pipe; thence along the arc of a curve to the left having a radius 746.20 feet a distance of 185.73 feet (the long chord of which bears North 24° 55' 06" West 185.25 feet); thence North 32° 02' 56" West 546.91 feet to the point of beginning.

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AUG 11 2010

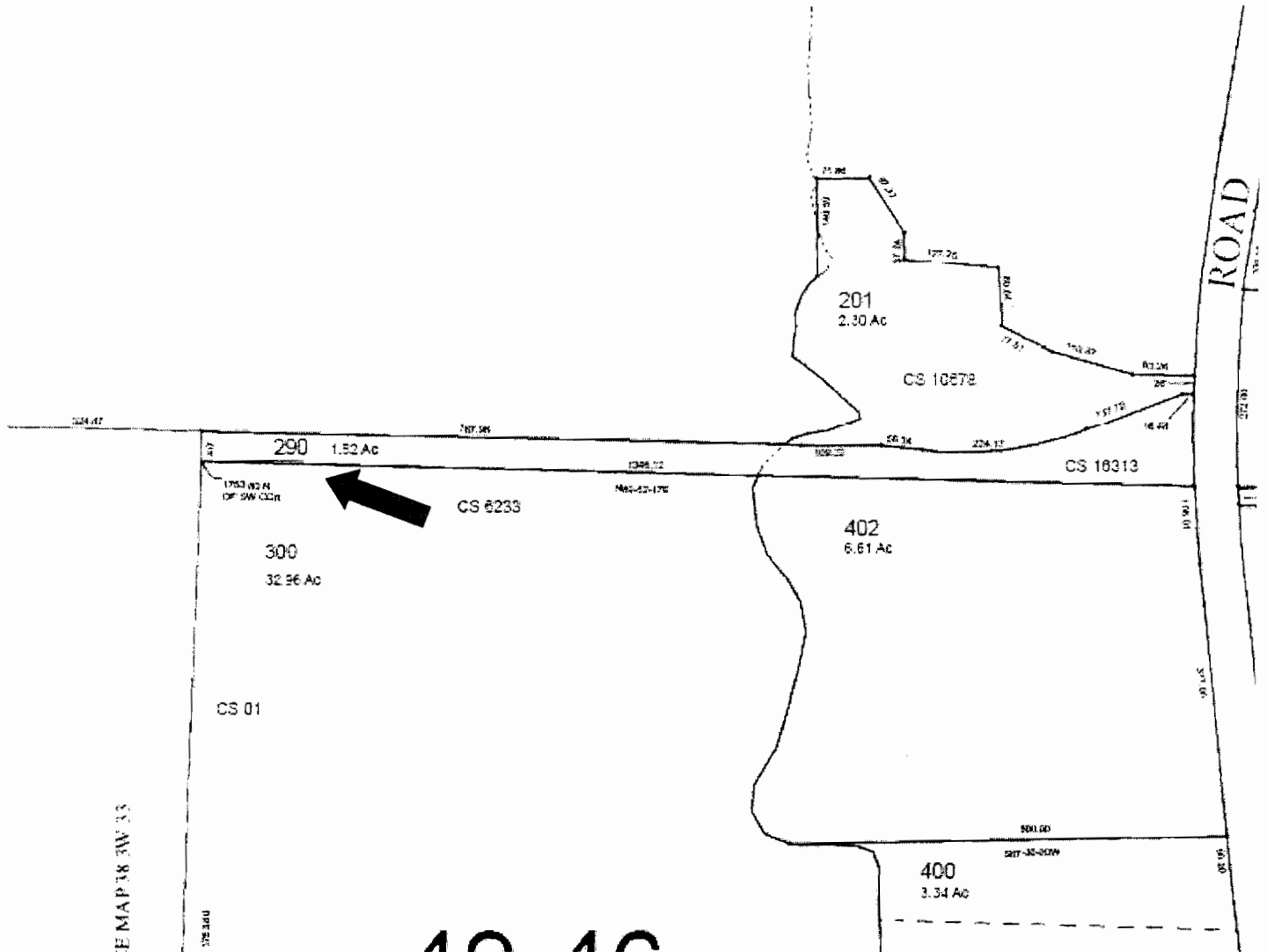
CLERK COUNTY CLERK DEPT  
SALES 023004

S-87646



Ticor Title - 541-245-0828  
 850 O'Hare Parkway, Ste. 100  
 Medford, OR 97504

ASSESSOR'S MAP: 383W34C 290



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AUG 11 2010

WATER RESOURCES DEPT  
 SHELBY, OREGON

S-67646

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