

Application for a Permit to Use Ground 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 Fred and Jonnie Justesen			PHONE (HM) 541-333-2311		
PHONE (WK)		CELL 541-980-2311		FAX	
ADDRESS 59720 TWIN LAKES ROAD					
CITY GRASS VALLEY		STATE OR	ZIP 97029	E-MAIL	

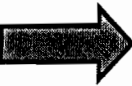
Agent Information – The agent is authorized to represent the applicant in all matters relating to this application.

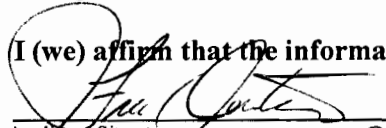
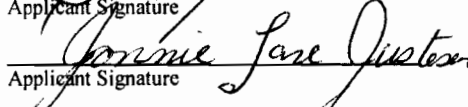
AGENT / BUSINESS NAME TENNESON ENGINEERING CORP (ATTENTION: LARRY TOLL)			PHONE 541-296-9177		FAX 541-296-6657
ADDRESS 3313 WEST SECOND STREET, SUITE 100					CELL
CITY THE DALLES		STATE OR	ZIP 97058	E-MAIL LTOLL@TENNESONENG.COM	

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.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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	<u>Fred Justesen</u> Print Name and title if applicable	<u>7-6-10</u> Date
 Applicant Signature	<u>Jon Justesen</u> Print Name and title if applicable	<u>7-6-10</u> Date

For Department Use		
App. No. <u>G-17414</u>	Permit No. _____	Date _____

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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ Yes

☒ There are no encumbrances.

☐ This land is encumbered by easements, rights of way, roads or other encumbrances.

☐ No

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

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

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

☐ Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
SHER 50251	Unnamed Intermittent Stream, Tributary to Jackknife Canyon	800 feet	10 feet

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: _____

Total maximum rate requested: 0.08 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Well	☐	☒	85696	☐	See Well	Log							
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MAR1 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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Ground Water/5

Revised 3/4/2010

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Storage in 3 Reservoirs	Year around	7.5
Maintenance of 3 Reservoirs	Year around	48

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: _____ Acres Supplemental: _____ Acres

List the Permit or Certificate number of the underlying primary water right(s): _____

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

- 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: _____

SECTION 5: WATER MANAGEMENT**RECEIVED**

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What equipment will you use to pump water from your well(s)?

☒ Pump (give horsepower and type): 10 hp submersible pump

☐ Other means (describe): _____

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

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
2" or 3" in PVC line from well to Res #1, The overflow from #1 will flow to #2 and the overflow from #2 will go to #3.

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 damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

The water requested is to fill and maintain the reservoirs. The use of flow meter will keep us within our limits. Currently there is no aquatic life here and no riparian areas, however if this project works, there will be water available for wildlife and aquatic life.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR Jackknife Reservoir #1

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: Jackknife Reservoir #1 Acreage inundated by reservoir: 1 acre

Use(s): Multi-purpose reservoir including but not limited to recreation, wildlife, fish, and stock water

Volume of Reservoir (acre-feet): 4 Dam height (feet, if excavated, write "zero"): 12

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

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR Jackknife Reservoir #2

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: Jackknife Reservoir #2 Acreage inundated by reservoir: 0.5 acre

Use(s): Multi-purpose reservoir including but not limited to recreation, wildlife, fish, and stock water

Volume of Reservoir (acre-feet): 2 Dam height (feet, if excavated, write "zero"): 10

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

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR Jackknife Reservoir #3

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: Jackknife Reservoir #3 Acreage inundated by reservoir: 0.4 acre

Use(s): Multi-purpose reservoir including but not limited to recreation, wildlife, fish, and stock water

Volume of Reservoir (acre-feet): 1.5 Dam height (feet, if excavated, write "zero"): 10

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

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SECTION 8: PROJECT SCHEDULE

Date construction will begin: Complete, Well constructed in 2008 and structures have been there for many years.

Date construction will be completed: October 1, 2011

Date beneficial water use will begin: October 1, 2011

SECTION 9: REMARKS

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

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Land Use Information Form



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

Applicant: Fred Justesen
First Last

Mailing Address: 59720 Twin Lakes Road

Grass Valley OR 97029 Daytime Phone: 541-333-2311
City State Zip

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), 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	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
4 S	17 E	25	SE ¼	2400		☐ Diverted ☒ Conveyed ☒ Used	Res
		36	NE ¼	4000		☒ Diverted ☒ Conveyed ☒ Used	Res
						☐ Diverted ☐ Conveyed ☐ Used	
						☐ Diverted ☐ Conveyed ☐ Used	

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

Sherman County	RECEIVED AUG 19 2010
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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: _____ ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Reservoirs

Briefly describe:

The plan is to pump water into 3 existing structures to create reservoirs for multi-purpose use, including but not limited to recreation, wildlife, fish, and stock water.
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Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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For Local Government Use Only

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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): Section 3.1 - Art. 3
- ☐ 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 (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Permitted use	Art. 3 - Sec. 3.1-2(a)	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: Georgia L. Macnab Title: Planning Director
Signature: Georgia L. Macnab Phone: 541-565-3601 Date: 7-13-10
Government Entity: Sherman County

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

Receipt for Request for Land Use Information

Applicant name: Justeren
City or County: Sherman Staff contact: Georgia L. Macnab
Signature: Georgia L. Macnab Phone: 541-565-3601 Date: 7-13-10

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

SHER 50251

SHER 50251

WELL LABEL # L 85696

START CARD # 188929

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Owner Well I.D.
First Name FRED Last Name JUSTSON
Company _____
Address 59720 TWIN LAKES RD
City CROSS LAKE State OR Zip 97029

(2) TYPE OF WORK ☒ New Well ☐ Deepening ☐ Conversion
☐ Alteration (repair/recondition) ☐ Abandonment

(3) DRILL METHOD
☒ Rotary Air ☐ Rotary Mud ☐ Cable ☐ Auger ☐ Cable Mud
☐ Reverse Rotary ☐ Other _____

(4) PROPOSED USE ☐ Domestic ☐ Irrigation ☐ Community
☐ Industrial/Commercial ☒ Livestock ☐ Dewatering ☐ Injection
☐ Thermal ☐ Other _____

(5) BORE HOLE CONSTRUCTION Special Standard: ☐ Yes (attach copy)
Depth of Completed Well 373 ft.

BORE HOLE				SEAL			
Dia	From	To	Material	From	To	Amount	Sec./lbs
10	0	18	BENTONITE	0	8	8	8
6	18	373					

How was seal placed: Method ☐ A ☐ B ☐ C ☐ D ☐ E
☐ Other RODDED

Backfill placed from _____ ft. to _____ ft. Material _____

Filter pack from _____ ft. to _____ ft. Material _____ Size _____

Explosives used: ☐ Yes Type _____ Amount _____

(6) CASING/LINER										
Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
☒		6	2	18	250	X				

Shoe ☐ Inside ☐ Outside ☐ Other Location of shoe(s) _____

Temporary casing ☐ Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
Screens Type _____ Material _____

Perf	Scrn	Casing	Linr	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size

(8) WELL TESTS: Minimum testing time is 1 hour

☐ Pump ☐ Bailer ☒ Air ☐ Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
60	100%	373	1

Temperature 57 °F Lab analysis ☐ Yes By _____

Water quality concerns? RECEIVED MAY 27 2008
From _____ To _____ Description _____ Amount _____ Units _____

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(9) LOCATION OF WELL (legal description)
County STEVENSON Twp 4 N of S Range 17 E or W W.M.
Sec 36 SE 1/4 of the NW 1/4 Tax Lot 4000
Tax Map Number _____ Lot _____
Lat _____ " or _____ DMS or DD
Long _____ " or _____ DMS or DD
Street Address of Well (or nearest address) 97078 DOLBY POINT
LAKE KENT OR 97033

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				
Completed Well	4-26-08			280

Flowing Artesian? ☐ Yes Dry Hole? ☐ Yes

WATER BEARING ZONES Depth water was first found 310

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
4-26-08	310	373	60			280

(11) WELL LOG

Ground Elevation 1700

Material	From	To
COIL + BUILDINGS	0	4
R30 BASKET	4	44
GRAY BASKET	44	96
BLACK BASKET	96	141
GRAY BASKET	141	310
GRAY, BROWN, RED ROCK, BLUE CLAY	310	373

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Date Started 4-23-08 Completed 4-26-08

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number _____ Date _____

Signed BEN TIBBETTS

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1762 Date 4-23-08

Signed Jo White
Contact Info. (optional) _____

G-17414

After recording return to:

010026

DICK & DICK, LLP
501 Washington St
The Dalles, OR 97058

True and actual consideration:

\$150,000.00

Until a change is requested all tax statements shall be sent to:

Jon Justesen
59720 Twin Lakes Rd
Grass Valley, OR 97029

60395

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS. That LARRY DEAN WILSON, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JON JUSTESEN and FRED JUSTESEN, hereinafter called grantees, does hereby grant, bargain, sell and convey unto the said grantees equally as tenants in common and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Sherman and State of Oregon, described as follows, to wit:

An undivided one-third of an undivided one-half (hereby conveying all of my interest) in:

Parcel 1:

The East Half of the Southeast Quarter, the Southwest Quarter of the Southeast Quarter and the Southeast Quarter of the Southwest Quarter of Section 24, Township 4 South, Range 17 East of the Willamette Meridian, County of Sherman, State of Oregon.

Parcel 2:

All of Section 25, Township 4 South, Range 17 East of the Willamette Meridian, County of Sherman, State of Oregon, EXCEPTING THEREFROM, that portion conveyed to Sherman County by Deed recorded September 26, 1930, in Book W, page 52, Sherman County Deed Records, ALSO EXCEPTING THEREFROM, that portion conveyed to Sherman County by deed recorded December 1, 1976, in Book 43, Page 316, Sherman County Deed Records.

Parcel 3:

In Township 4 South, Range 18 East of the Willamette Meridian, County of Sherman, State of Oregon:

Section 7: South Half of the Southeast Quarter.

Section 8: Southwest Quarter of the Southwest Quarter.

Section 17: West Half of the West Half.

Section 18: Northeast Quarter and the Southeast Quarter of the Northwest Quarter and the South Half.

Section 19: All

Section 20: West Half of the Northwest Quarter.

Section 30: All, EXCEPTING THEREFROM that portion conveyed to J.J. Decker by Deed recorded November 21, 1945, in Book 28, Page 471, Sherman County Deed Records. EXCEPTING THEREFROM County Roads.

SUBJECT TO: Exceptions and Reservations contained in Deed whereby the Grantor excepts and reserves unto him/herself, all minerals rights together with the terms and conditions thereof, executed by Eastern Oregon Land Company, recorded May 28, 1923, Book T, Page 541 B, records of Sherman County, Oregon. Affects Section 19.

SUBJECT TO: Exceptions and Reservations contained in deed whereby the Grantor excepts and reserves unto him/herself, all minerals rights together with the terms and conditions thereof, executed by Eastern Oregon Land Company, recorded December 28, 1942, Book 27, Page 342, records of Sherman County, Oregon. Affects Section 25.

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SUBJECT TO: The Lessee's interest in that certain farm lease between Robert W. Rambo, Trustee, and Wells Fargo Bank formerly First Interstate Bank of Oregon, as Lessors, and Paul and Carol Sather, husband and wife, Lessees dated October 1, 1996.

SUBJECT TO: rights reserved in federal patents or deeds and reservations, restrictions, land use and zoning laws.

TOGETHER WITH: All of my Lessor's landlord's interest in the growing crops and summer fallow on the above described real property. Also all of my Lessor's interest in and to that certain farm lease between Robert W. Rambo, Trustee, and Wells Fargo Bank formerly First Interstate Bank of Oregon, as Lessors, and Paul and Carol Sather, husband and wife, Lessees dated October 1, 1996.

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth above, and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration, paid for this transfer, stated in terms of dollars, is \$150,000.00.

IN WITNESS WHEREOF, the grantor has executed this instrument this 25th day of January, 2001.

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



Larry Dean Wilson
Larry Dean Wilson

STATE OF OREGON)
County of Wasco) ss.
January 25, 2001

Personally appeared the above named Larry Dean Wilson, and acknowledged the foregoing instrument to be her voluntary act and deed.

Before me:

Randy K. Condon
Notary Public for Oregon
My commission expires _____

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WATER RESOURCES DEPT
SALEM, OREGON

010026

STATE OF OREGON }
County of Sherman }

I hereby certify that this document was received and recorded on 01/26/01 at 10:30 A.M.

and assigned No. 010026 in the Microfilm Deed

Records of said county
A&T 11th LC 11th Recording 11th
Linda Cornie, County Clerk

by Rhyder Deputy

390447

After recording return to:

DICK & DICK, LLP
601 Washington St
The Dalles, OR 97058

True and actual consideration:

\$165,000.00 PLUS other consideration

Until a change is requested all tax statements shall be sent to:

Fred A. Justesen & Jonnie L. Justesen
59720 Twin Lakes Rd
Grass Valley, OR 97029

AD 60278

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That ROBERT T. JUSTESEN and EVELYN J. JUSTESEN, hereinafter called the grantors, for the consideration hereinafter stated, to grantors paid by FRED A. JUSTESEN and JONNIE L. JUSTESEN, equally as tenants in common, hereinafter called grantees, do hereby grant, bargain, sell and convey unto the said grantees and grantees' heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Sherman and State of Oregon, described as follows, to wit:

Section 36, Township 4 South, Range 17 East of the Willamette Meridian, Sherman County, Oregon.

Section 21; the West Half of Section 22; and the Northeast Quarter of Section 28, all in Township 3 South, Range 16 East of the Willamette Meridian, Sherman County, Oregon.

SUBJECT TO AND EXCEPTING Easements, encumbrances or claims thereof not shown by the public records, unpatented mining claims, reservations or exceptions in patents or in acts authorizing the issuance thereof, water rights, claims or title to water, Discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose; Existing rights of way for roads, highways, irrigation ditches, canals and pole lines; Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the (low/high) water mark of unnamed creeks; Exceptions and Reservations contained in deed whereby the Grantor excepts and reserves unto him/her self, all minerals rights together with the terms and conditions thereof executed by Eastern Oregon Land Company, recorded December 24, 1919, Book 5, Page 200 (Records of Sherman County, Oregon), Affects Section 21 and the West Half of Section 22, T 3 S, R 16 EWM; An easement created by instrument, subject to the terms and provisions thereof, dated September 16, 1988, recorded February 1, 1989, Microfilm No. 890034 (Records of Wasco County, Oregon) in favor of Pacific Northwest Bell Telephone Company, a Washington corporation, for purpose of underground communication lines, Affects Section 36, T 4 S, R 17 EWM; An easement created by instrument, subject to the terms and provisions thereof, dated August 31, 1989, recorded November 13, 1989, Microfilm No. 890338 (Records of Sherman County, Oregon) in favor of Pacific Northwest Bell Telephone Company, a Washington corporation, for purpose of underground communication lines and above ground cabinet, Affects Section 36, T 4 S, R 17 EWM; An easement created by instrument, subject to the terms and provisions thereof, dated July 22, 1998, recorded July 28, 1998, Microfilm No. 98-0305 (Records of Sherman County, Oregon), in favor of Wasco Electric Cooperative, Inc., a cooperative corporation, for purpose of electric transmission and distribution line together with necessary appurtenances, Affects Section 21, T 3 S, R 16, EWM.

To Have and to Hold the same unto the said grantees and grantees' heirs, successors and assigns forever.

And said grantors hereby covenant to and with said grantees and grantees' heirs, successors and assigns that grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth above, and that grantors will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$165,000.00. However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration

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AUG 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

C-17414

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IN WITNESS WHEREOF, the grantors have executed this instrument this _____ day of October, 1999.

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

Roger T. Justesen
 Roger T. Justesen

Evelyn J. Justesen
 Evelyn J. Justesen

STATE OF OREGON)

) ss.

County of Wasco)

October 15, 1999

Personally appeared the above named Evelyn J. Justesen, and acknowledged the foregoing instrument to be her voluntary act and deed.
 Before me:

Marsha K. Thompson
 Notary Public for Oregon

My commission expires 9/24/00

STATE OF OREGON)

County of Wasco)

October 15, 1999
 Personally appeared the above named Roger T. Justesen and acknowledged the foregoing instrument to be his voluntary act and deed.
 Before me:

Roger L. Dick
 Notary Public for Oregon

My commission expires 8/29/2001

RECEIVED

AUG 19 2010

WATER RESOURCES DEPT
SALEM, OREGON

STATE OF OREGON }
 County of Sherman }

I hereby certify that this document was
 received and recorded
 on 12-8-99 at 11:30 A M

and assigned No. 990447
 in the Microfilm Doc

Records of said county
 A&T LLC Recording LLC
 Linda Cornie, County Clerk

by D. Haydon Deputy

2 - WARRANTY DEED

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