

# 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 <b>ALLAN SAUL LIVING TRUST</b>		PHONE (HM) <b>503 734 8121</b>	
PHONE (WK)	CELL	FAX	
ADDRESS <b>3099 River Rd S. #150 A</b>			
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97302</b>	E-MAIL <b>Joe.allan@comcast.net Karensaul1@comcast.net</b>

### Organization Information

NAME <b>SAME AS ABOVE</b>		PHONE	FAX
ADDRESS		CELL <b>APR 21 2011</b>	
CITY	STATE	ZIP	E-MAIL

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


AGENT / BUSINESS NAME <b>Karen E. Saul, Trustee</b>		PHONE <b>503 734 8121</b>	FAX
ADDRESS <b>3099 River Rd. S. #150 A</b>		CELL <b>same</b>	
CITY <b>Salem</b>	STATE <b>OR</b>	ZIP <b>97302</b>	E-MAIL <b>Karensaul1@comcast.net</b>

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. 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.


Karen E. Saul, Trustee      Karen E. Saul, Trustee      4/21/11  
Applicant Signature      Print Name and title if applicable      Date  
for ALLAN SAUL LIVING TRUST  
Applicant Signature      Print Name and title if applicable      Date

App. No. <b>S-87715</b>	For Department Use
Permit No. _____	Date _____

**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.

*power transmission lines cross part of property*

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: SOURCE OF WATER**

**A. Proposed Source of Water**

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

Source 1: Perfect Hill Reservoir Tributary to: \_\_\_\_\_

Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

\_\_\_\_\_

**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes. *Certificate of Water Right #86381 issued 7/9/10*

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

APR 21 2004

THIS CERTIFICATE ISSUED TO

ALLAN SAUL LIVING TRUST  
JOSEPH H ALLAN & KAREN E SALL, TRUSTEES  
3099 RIVER RD S, #150A  
SALEM OR 97302

confirms the right to store water perfected under the terms of Permit R-14249. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION NUMBER: R-86385

SOURCE: RUNOFF, TRIBUTARY TO ASH SWALE

STORAGE FACILITY: PERFECT HILL

PURPOSE or USE: MULTIPLE PURPOSE

MAXIMUM STORAGE VOLUME: 8.625 ACRE FEET

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: JULY 26, 2005

DAM LOCATION/ POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
7 S	5 W	WM	3	NE SE	2300 FEET NORTH & 220 FEET WEST FROM SE CORNER, SECTION 3

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q
7 S	5 W	WM	3	NE SE

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080, you may either petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate at any time before it has issued, and after the time has expired for the completion of the appropriation under the permit, or within three months after issuance of the certificate.

Measurement, recording and reporting:

A. The Director may require the water user to install a meter or other suitable measuring device as approved by the Director. If the Director notifies the water user to install a meter or other measuring device, the water user shall install such device within the period stated in the notice. Such installation period shall not be less than 90 days unless special circumstances warrant a shorter installation period. Once installed, the water user shall maintain the meter or measuring device in good working order, and shall allow the watermaster access to the meter or measuring device. The Director may provide an opportunity for the water user to submit alternative measuring procedures for review and approval.

B. The Director may require the water user to keep and maintain a record of the amount (volume) of water used, and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water-use information, the periods of water use, and the place and nature of use of water under the right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the maintenance of an outlet pipe, or the provision of other means to evacuate water when determined necessary by the Director to satisfy prior downstream rights.

The water user shall pass all live flow outside the storage season described above.

This right does not provide for the appropriation of water for any out-of-reservoir uses, the maintenance of the water level, or maintaining a suitable freshwater condition. If any water is used for out-of-reservoir uses, or any live flow is appropriated to maintain either the water level or a suitable freshwater condition, a secondary water right is required.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

This right does not authorize the water user to interfere with or affect adjacent property not under the ownership of the water user.

Issued JUL 09 2010



Dwight W. French  
Administrator Water Rights and Adjudications, for  
Philip C. Ward, Director  
Water Resources Department

APR 21 2011

# 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: Allan Saul Living Trust  
First Last

Mailing Address: 3099 River Rd. S. #150 A

Salem City OR State 97302 Zip Daytime Phone: 503 734 8121  
Karen Saul, Trustee

### 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:
7	5	2		302	EFU agriculture	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Polk County

### B. Description of Proposed Use

Type of application to be filed with the Water Resources Department: permit to use surface water

- 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) \_\_\_\_\_

cert. # 86385

Estimated quantity of water needed: 6 af  cubic feet per second  gallons per minute  acre-feet

- Intended use of water:  Irrigation  Commercial  Industrial  Domestic for \_\_\_\_\_ household(s)
- Municipal  Quasi-Municipal  Instream  Other \_\_\_\_\_

Briefly describe:

Irrigation of vineyard, landscape, and other crops to be planted on land now subject to USDA CRP (contract expires 2013)

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.



**FAXED**

See bottom of Page 3. →  
Surface Water/9

RECEIVED

APR 22 2011

WR

WATER RESOURCES DEPT.  
SALEM, OREGON

### 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): PCZO 136.030(A) farm use/irrigation  
*No construction proposed*
- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <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.

*\* If there is vegetation removal for the project proposed, compliance with PCZO 182.040(E) Management Plan for conflicting uses within a riparian setback area would be required.*

Name: Ashlyn Hillebrand Title: Assistant Planner  
 Signature: Ashlyn Hillebrand Phone: 503-623-9257 Date: 4/22/11  
 Government Entity: Polk 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: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_



**FAXED** to Face Water/10

**RECEIVED**  
 APR 22 2011  
 WATER RESOURCES DEPT.  
 SALEM, OREGON

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**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
Perfect Hill Reservoir certif. # <del>82381</del>	irrigation	summer/fall annually 5/1 thru 10/15	6 <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: 42 Acres                      Supplemental: 0 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**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): see attached AER 2/1/11

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)

Drip irrigation, low 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 damage to public uses of affected surface waters.

\_\_\_\_\_

**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: will aerate pond using solar powered conventional equipment. Screen (fish and aquatic) meets OR fish + wildlife standard

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

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

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: cover crops will be planted to prevent erosion. Approved septic system will prevent waste run-off.



**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: 7/1/11 target, if allowed

Date construction will be completed: 7/31/11

Date beneficial water use will begin: 7/31/11

**SECTION 8: REMARKS**

Use this space to clarify any information you have provided in the application.

primary intended use is to irrigate vineyard and landscape and other crops planted on owned land during dry season (summer/early fall) annually

# 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](http://www.wrd.state.or.us)

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

## 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**

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- 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:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <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.

Name: \_\_\_\_\_ Title: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

Government Entity: \_\_\_\_\_

**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: Allan Saul Living Trust  
 City or County: Polk County Staff contact: Autumn Hillebrand  
 Signature: Autumn Hillebrand Phone: 503-623-9237 Date: 4/21/11



After recording return to:  
 ALLAN SAUL LIVING TRUST  
 3099 River Rd S #150A  
 Salem, OR 97302

Until a change is requested all tax statements shall be sent to the following address:  
 ALLAN SAUL LIVING TRUST  
 3099 River Rd S #150A  
 Salem, OR 97302

File No.: 7121-1477373 (KJA)

THIS SPACE RESERVED FOR RECORDER'S USE

APR 21

RECORDED IN POLK COUNTY  
 Valerie Unger, County Clerk

2010-003464



\$56.00

00228097201000034640030038

04/12/2010 11:35:47 AM

REC-WD Cnt=1 Stn=1 K. WILLIAMS  
 \$15.00 \$10.00 \$11.00 \$15.00 \$5.00

**STATUTORY WARRANTY DEED**

**Priscilla Beacon Carrasco**, Grantor, conveys and warrants to **Joseph H. Allan and Karen E. Saul, Trustees under the ALLAN SAUL LIVING TRUST, dated December 22, 2006, and any amendments thereto.** , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**LEGAL DESCRIPTION:** Real property in the County of Polk, State of Oregon, described as follows:

**Beginning at the Southwest corner of the Henry Landers Donation Land Claim No. 73, in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence along the West line of said claim, North 0°00'29"West 2297.39 feet to an iron bar; thence South 89°26'30"East 1646.57 feet to the center of the County road from which an iron bar bears North 89°26'30"West 30.00 feet; thence South 0°43'46"West 2297.28 feet to an iron bar which is 1617.00 feet South 89°26'31"East from the point of beginning; thence South 73°52'23"West 1814.79 feet to an iron bar; thence North 13°40'20"East 535.00 feet to the place of beginning.**

**Save and except the North 30.00 acres thereof**

**Also save and except those premises sold to Robert V. Carrasco-Beacon by instrument recorded June 14, 1977 in Book 105, Page 742 Book of Records for Polk County, Oregon Also save and except that portion conveyed to Thoma Vineyards, LLC by deed recorded July 7, 2006 in 2006-011208 Book of Records for Polk County, Oregon**

The true consideration for this conveyance is **\$440,000.00.** (Here comply with requirements of ORS 93.030)

S-87715

FIRST AMERICAN TITLE 1477373

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195-336 AND SECTIONS 5 TO 11, OF CHAPTER 424, OREGON LAWS 2007.

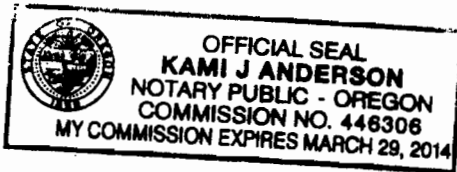
Dated this 5th day of April, 2010.

Priscilla Beacon Carrasco  
Priscilla Beacon Carrasco

APR 21 2010

STATE OF Oregon )  
 )ss.  
County of Polk )

This instrument was acknowledged before me on this 5th day of April, 2010 by **Priscilla Beacon Carrasco**.



Kami J Anderson  
Kami Anderson  
Notary Public for Oregon  
My commission expires: 3-29-2014

**Subject to:**

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
3. These premises are within the boundaries of Buell Red Prairie Water Association and are subject to the levies and assessments thereof, if any.

APN: 340588

Statutory Warranty Deed  
- continued

File No.: 7121-1477373 (KJA)

4. Easement, including terms and provisions contained therein: Recording Information: February 24, 1944 in Volume 117, Page 57 Deed Records for Polk County, Oregon In Favor of: United States of America For: Transmission Line

APR 24 1944

S-87715

# CERTIFICATION OF TRUST


We, JOSEPH H. ALLAN and KAREN E. SAUL, Trustees of the ALLAN SAUL LIVING TRUST, dated December 22, 2006, hereby certify as follows:

1. The Trust is presently in existence. It was executed on December 22, 2006.
2. The Settlers, also called Trustmakers, of the Trust are JOSEPH H. ALLAN and KAREN E. SAUL, and the currently acting Trustees of the Trust are: JOSEPH H. ALLAN and KAREN E. SAUL, 720 Tillman Ave. SE, Salem, Oregon 97302.
3. The Trustees have the power to deal with all trust assets, including but not limited to the General and Specific Powers set forth in Uniform Trust Code Sections 815 and 816, ORS 130.720 and 130.725, specifically including but not limited to the power to acquire, sell, assign, convey, pledge, encumber, lease, borrow, manage, and deal with real and personal property.
4. The Trust is revocable by the Trustmakers. Only the Trustmakers can revoke the trust.
5. Either one of the Trustees designated above may exercise trust powers individually.
6. The taxpayer identification number of the trust is the Social Security Number of either Trustmaker.
7. Trust property is to be titled as follows:  
  
JOSEPH H. ALLAN and KAREN E. SAUL, Trustees, under the ALLAN SAUL LIVING TRUST, dated December 22, 2006, and any amendments thereto.
8. The Trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this Certification to be incorrect.

We hereby certify the above to be true as of this date.

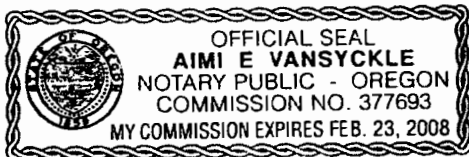
Dated December 22, 2006

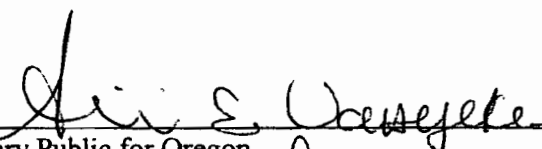
  
\_\_\_\_\_  
JOSEPH H. ALLAN, Trustee

  
\_\_\_\_\_  
KAREN E. SAUL, Trustee

STATE OF OREGON, County of Marion ) ss.

The foregoing Certification of Trust was acknowledged before me on December 22, 2006 by JOSEPH H. ALLAN and KAREN E. SAUL as Trustees.



  
\_\_\_\_\_  
Notary Public for Oregon  
My Commission Expires: Feb 23, 2008

S-87715