

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

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: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: remarks

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: \$1900
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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). Each well must be identified by a unique name and/or number.
- 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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AUG 24 2011

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 JAMES FARMER, CHARLES WARREN FARMER, MARGARET M. FARMER			PHONE (HM)
PHONE (WK) 208-674-3200	CELL		FAX
ADDRESS P.O. BOX 1585			
CITY NYSSA	STATE OR	ZIP 97913	E-MAIL JFARMER@FORTBOISE.COM

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
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 NANCY RORICK / NANCY RORICK CONSULTING		PHONE 541-519-3644	FAX
ADDRESS 645 L LOOP			CELL
CITY BAKER CITY	STATE OR	ZIP 97814	E-MAIL NRORICK@YAHOO.COM

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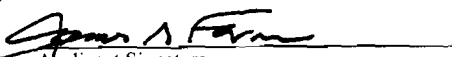
WATER RESOURCES DEPT
SALEM, OREGON

Note: Attach multiple copies as needed

By my signature below I confirm that I understand:

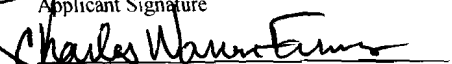
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before 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

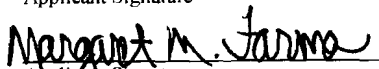
James Farmer
Print Name and title if applicable

8-18-11
Date


Applicant Signature

Charles Warren Farmer
Print Name and title if applicable

8-17-2011
Date


Applicant Signature

Margaret M. Farmer
Print Name and title if applicable

8-18-2011
Date

For Department Use		
App. No. <u>G-17485</u>	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.

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
1	Snake River	0.35 miles	about 5 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*).

Existing well Malh 1867 was drilled on April 18, 1970. Well log is attached.

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WATER RESOURCES DEPT
SALEM, OREGON

WR

Water will be applied to the crops when needed, and will be based on soil moisture testing. The most water efficient method of irrigation will be used to for the crop being irrigated.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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: n/a Acreage inundated by reservoir: n/a

Use(s): n/a

Volume of Reservoir (acre-feet): n/a Dam height (feet, if excavated, write "zero"): n/a

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): n/a

USE OF STORED GROUND WATER	PERIOD OF USE
n/a	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: existing well drilled 6-26-1967

Date construction will be completed: existing well drilled 6-26-1967

Date beneficial water use will begin: March 1, 2012

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SALEM, OREGON

SECTION 9: REMARKS

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

Water pumped from the well will be used as needed to supplement a primary water right. The water source for primary water right (Certificate 45954) is the Snake River.

The applicants are applying for a period of use from March 1 through October 31. They frequently plant the field in early March and require the water for irrigation.

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: James, Warren and Peggy
First

Farmer
Last

Mailing Address: P.O. Box 1545

Nyssa

City

OR

State

97913

Zip

Daytime Phone: 208-367-3207

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:
19S	47E	17		19S 47E 17 TL 100	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
						<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	
						<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:

Malheur County

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B. Description of Proposed Use

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

- Permit to Use or Store Water
 Water Right Transfer
 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 _____

Briefly describe:

Water pumped from a well will be used to irrigate 51.1 acres.

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.

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): _____.
- 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.

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WATER RESOURCES DEPT
SALEM, OREGON

Name: Bill Lawrence Title: Asst. Planning Director
 Signature: Bill Lawrence Phone: 541-473-5785 Date: 8/19/2011
 Government Entity: Malheur 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: _____

AFTER RECORDING RETURN TO:

AFTER RECORDING RETURN TO: Fatico
Fatico 22266

UNTIL A CHANGE IS REQUESTED ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:

Charles Warren Farmer,
James G. Farmer and Margaret D. Farmer
P.O. Box 1585
Nyssa, OR 97913

INSTRUMENT NO. 2005 - 7787
Page 1 of 6 Pages

1947B-3400, 3401, 3402, 4300

WARRANTY DEED

ALSCOTT FARMS, LLC, an Idaho limited liability company, called Grantor herein, hereby conveys and warrants to CHARLES WARREN FARMER, a single person, as to an undivided fifty (50%) percent interest, and JAMES G. FARMER and MARGARET D. FARMER, husband and wife, as to an undivided fifty (50%) percent interest, called Grantee, the following described real property free of encumbrances except as specifically set forth herein:

SEE ATTACHED EXHIBIT "A"

WARNING: 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.

The true consideration for this conveyance is: \$1,700,000.00.

Dated this 13th day of October, 2005.

Inst. No. 2005-7787
I certify that the within instrument of writing was received for record on the 17 day of October, 2005 at 4:03 o'clock P. M. FEE 46-
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk

ALSCOTT FARMS, LLC

By: Alscott, Inc., Manager

By: Dennis Moyer
Dennis Moyer Vice President
Grantor

By: [Signature] Deputy

A4600

G-17485

SCHEDULE "A" TO WARRANTY DEED

PARCEL 1:

Land in Malheur County, Oregon as follows:

In Twp. 19 S., R. 47 E., W.M.:

Sec. 8: All that portion of the East 1/2 lying West of the Nyssa Arcadia Drain Ditch right of way.

SUBJECT TO regulations of the Owyhee Ditch Company, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. Declaration for canal right of way, including the terms and provisions thereof, as filed by the Owyhee Ditch Company on October 19, 1916, Book 10, Page 45, Deed of Records of Malheur County, Oregon.

ALSO SUBJECT TO regulations, including levies, assessments, drainage rights and easements, of Nyssa-Arcadia Drainage District, which said assessments are collected as part of the general tax levy for Malheur County.

ALSO SUBJECT TO Right of Way Agreements between Kiesel, etal, recorded Feb. 1, 1922, Book 20, Pages 475 thru 478, Deed Records of Malheur County, Oregon, affecting pipelines.

ALSO SUBJECT TO mineral conveyed to Royalties and Minerals, Inc., an Idaho corp. and all rights of said party and its successors in interest as owners thereof, in Deed Recorded: May 12, 1955, Book 100, Inst. 17817 Deed Records of Malheur County, Oregon.

ALSO SUBJECT TO an easement for power lines created by instrument, including the terms and provisions thereof: Recorded: May 29, 1970, as Instrument No. 110613, official records of Malheur County, Oregon in favor of Idaho Power Company.

ALSO SUBJECT TO all easements, rights of way, reservations, roadways, both of record and those appearing upon the above-described premises.

TOGETHER WITH all water rights, ditch rights, and easements appurtenant thereto.

Assessor's Account No.: Map 1947B; Tax Lot 3400; Code 29; Reference No. 09629.

PARCEL 2:

Land in Malheur County, Oregon, as follows:

In Twp. 19 S., R. 47 E., W.M.:

Sec. 8: S1/2NW1/4 and SW1/4.

ALSO SUBJECT TO mineral conveyed to Royalties and Minerals, Inc., an Idaho corp. and all rights of said party and its successors in interest as owners thereof, in Deed Recorded: May 12, 1955, Book 100, Inst. 17817 Deed Records of Malheur County, Oregon.

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ALSO SUBJECT TO all easements, rights of way, reservations, roadways, both of record and those appearing upon the above-described premises.

TOGETHER WITH all water rights, ditch rights, and easements appurtenant thereto.

Assessor's Account No.: Map 1947B; Tax Lot 3402; Code 29; Reference No. 09631.

PARCEL 4:

Land in Malheur County, Oregon as follows:

In Twp. 19 S., R. 47 E., W.M.:

Sec. 16: All that portion of the NW1/4NW1/4 lying West of the Union Pacific Railroad right of way.

Sec. 17: All that portion of the East 1/2 lying and being West of the Union Pacific Railroad right of way

EXCEPTING THEREFROM that portion of the NW1/4NE1/4 lying West of the Arcadia Drain Ditch right of way,

ALSO, a parcel of land in the E1/2SW1/4 and SE1/4NW1/4 described as follows:

Beginning at the South 1/4 corner of said Sec. 17;

thence N. 0° 14' E., to the Northeast corner of said SE1/4NW1/4;

thence West, coincident with the North boundary thereof, to the East boundary of the County road;

thence S. 0° 51' W., coincident with the said East right of way, to the South boundary of said Sec. 17;

thence S. 89° 46' E., 67 feet to the Point of Beginning.

SUBJECT TO regulations of the Owyhee Ditch Company, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. Declaration for canal right of way, including the terms and provisions thereof, as filed by the Owyhee Ditch Company on October 19, 1916, Book 10, Page 45, Deed of Records of Malheur County, Oregon.

ADDED TO FILE #

Malheur 1860

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

RECEIVED STATE ENGINEER SALEM, OREGON APR 27 1970

WATER WELL REPORT No. 19/47-1761

RECEIVED MAY - 4 1970 STATE ENGINEER SALEM, OREGON

(1) OWNER:

Name: J. Albertson Address: Myrtle Oregon

(2) TYPE OF WORK (check):

New Well [x] Deepening [] Reconditioning [] Abandon []

(3) TYPE OF WELL:

Rotary [] Drive [] Cable [x] Jetted [] Dug [] Bored []

(4) PROPOSED USE (check):

Domestic [x] Industrial [] Municipal [] Irrigation [] Test Well [] Other []

CASING INSTALLED:

24" Diam. from 0 ft. to 43' ft. Gage 1/4" 12" Diam. from +1 ft. to 82' ft. Gage 1/4"

(6) PERFORATIONS:

Type of perforator used: TORCH & FACTORY PERFORATED Size of perforation: 3/8" in. by 1/2" in. 800 perforations from 33' ft. to 43' ft. 9952 perforations from 30' ft. to 82' ft.

(7) SCREENS:

Well screen installed? [] Yes [x] No Manufacturer's Name: Type: Model No. Diam. Slot size Set from ft. to ft.

(8) WATER LEVEL: Completed well.

Static level: 10 ft. below land surface Date: 4-18-70 Artesian pressure: lbs. per square inch Date:

(9) WELL TESTS:

Drawdown is amount water level is lowered below static level. Was a pump test made? [x] Yes [] No If yes, by whom? DRILLER Yield: 595 gal./min. with 100 ft. drawdown after 4 hrs.

Baller test

Artesian flow: g.p.m. Date:

Temperature of water

59° Was a chemical analysis made? [] Yes [x] No

(10) CONSTRUCTION:

Well seal-Material used: BENTONITE Depth of seal: 20' ft. Diameter of well bore to bottom of seal: 30 in. Were any loose strata cemented off? [] Yes [x] No Depth: Was a drive shoe used? [x] Yes [] No Did any strata contain unusable water? [] Yes [x] No Type of water? depth of strata: Method of sealing strata off: Was well gravel packed? [x] Yes [] No Size of gravel: 3/4" minus Gravel placed from 0 ft. to 78' ft.

(11) LOCATION OF WELL:

County: MALHEUR Driller's well number: SE 1/4 NW 1/4 Section 17 T. 19S R. 47E W.M. Bearing and distance from section or subdivision corner:

(12) WELL LOG:

Diameter of well below casing: 12" Depth drilled: 175' ft. Depth of completed well: 175' ft. Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level as drilling proceeds. Note drilling rates.

Table with columns: MATERIAL, From, To, SWL. Entries include: Soil heavy CLAY yellow GRAVEL cemented SAND + GRAVEL Reduced to 16" CLAY Blue SAND Blue CLAY Blue Reduced to 12" at 78' SAND BLACK 170' 175' 12' GRAVEL PACKED BETWEEN 24" - 16" & 12"

Work started 4-9 1970 Completed 4-18 1970 Date well drilling machine moved off of well 4-18 1970

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Jim Fullmer Date 4-25, 1970 (Drilling Machine Operator)

Drilling Machine Operator's License No. 102

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. NAME: HOLLOWAY DRILLING CO. (Person, firm or corporation) Address: ONTARIO OREGON [Signed] Max Holloway (Water Well Contractor) Contractor's License No. 16 Date 4-25, 1970

G-7405

AFTER RECORDING RETURN TO:

AFTER RECORDING RETURN TO: Fatco
FATCO 22266

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Charles Warren Farmer,
James G. Farmer and Margaret D. Farmer
P.O. Box 1585
Nyssa, OR 97913

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County Clerk

ALSCOTT FARMS, LLC

By: Alscott, Inc., Manager

By: [Signature]
Dennis Moyer, Vice President
Grantor

By: [Signature] Deputy

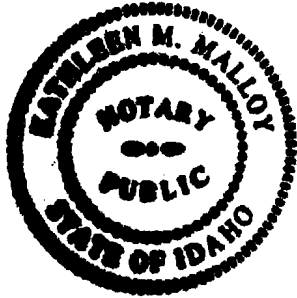
#44600

67-17485

STATE OF Idaho)
) ss.
County of Ada)

INSTRUMENT NO. 2005 - 7787
Page 2 of 6 Pages

The foregoing instrument was acknowledged before me this 13th day of October, 2005, by Dennis Moyer as Vice President of Alscott, Inc.



Kathleen M. Malloy
Notary Public for Idaho
Residence: Boise, Idaho
My Commission Expires: August 24, 2011

SCHEDULE "A" TO WARRANTY DEED

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In Twp. 19 S., R. 47 E., W.M.:

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ALSO SUBJECT TO regulations, including levies, assessments, drainage rights and easements, of Nyssa-Arcadia Drainage District, which said assessments are collected as part of the general tax levy for Malheur County.

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ALSO SUBJECT TO mineral conveyed to Royalties and Minerals, Inc., an Idaho corp. and all rights of said party and its successors in interest as owners thereof, in Deed Recorded: May 12, 1955, Book 100, Inst. 17817 Deed Records of Malheur County, Oregon.

ALSO SUBJECT TO an easement for power lines created by instrument, including the terms and provisions thereof: Recorded: Dec. 25, 1941, Book 53, Page 559, Deeds; Recorded: June 7, 1944, Book 60, Page 380, Deeds; Recorded: May 29, 1970, as Instrument No. 110612, official records of Malheur County, Oregon, in favor of Idaho Power Company.

ALSO SUBJECT TO all easements, rights of way, reservations, roadways, both of record and those appearing upon the above-described premises.

TOGETHER WITH all water rights, ditch rights, and easements appurtenant thereto.

Assessor's Account No.: Map 1947B; Tax Lot 3401; Code 29; Reference No. 09630.

PARCEL 3:

Land in Malheur County, Oregon, as follows:
In Twp. 19 S., R. 47 E., W.M.:
Sec. 8: NE1/4NW1/4.

SUBJECT TO regulations of the Owyhee Ditch Company, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. Declaration for canal right of way, including the terms and provisions thereof, as filed by the Owyhee Ditch Company on October 19, 1916, Book 10, Page 45, Deed of Records of Malheur County, Oregon.

ALSO SUBJECT TO regulations, including levies, assessments, drainage rights and easements, of Nyssa-Arcadia Drainage District, which said assessments are collected as part of the general tax levy for Malheur County.

ALSO SUBJECT TO mineral conveyed to Royalties and Minerals, Inc., an Idaho corp. and all rights of said party and its successors in interest as owners thereof, in Deed Recorded: May 12, 1955, Book 100, Inst. 17817 Deed Records of Malheur County, Oregon.

ALSO SUBJECT TO an easement for power lines created by instrument, including the terms and provisions thereof: Recorded: Dec. 25, 1941, Book 53, Page 559, Deeds; Recorded: June 7, 1944, Book 60, Page 380, Deeds; Recorded: May 29, 1970, as Instrument No. 110612, official records of Malheur County, Oregon, in favor of Idaho Power Company.

ALSO SUBJECT TO all easements, rights of way, reservations, roadways, both of record and those appearing upon the above-described premises.

TOGETHER WITH all water rights, ditch rights, and easements appurtenant thereto.

Assessor's Account No.: Map 1947B; Tax Lot 3402; Code 29; Reference No. 09631.

PARCEL 4:

Land in Malheur County, Oregon as follows:

In Twp. 19 S., R. 47 E., W.M.:

Sec. 16: All that portion of the NW1/4NW1/4 lying West of the Union Pacific Railroad right of way.

Sec. 17: All that portion of the East 1/2 lying and being West of the Union Pacific Railroad right of way

EXCEPTING THEREFROM that portion of the NW1/4NE1/4 lying West of the Arcadia Drain Ditch right of way,

ALSO, a parcel of land in the E1/2SW1/4 and SE1/4NW1/4 described as follows:

Beginning at the South 1/4 corner of said Sec. 17;

thence N. 0° 14' E., to the Northeast corner of said SE1/4NW1/4;

thence West, coincident with the North boundary thereof, to the East boundary of the County road;

thence S. 0° 51' W., coincident with the said East right of way, to the South boundary of said Sec. 17;

thence S. 89° 46' E., 67 feet to the Point of Beginning.

SUBJECT TO regulations of the Owyhee Ditch Company, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. Declaration for canal right of way, including the terms and provisions thereof, as filed by the Owyhee Ditch Company on October 19, 1916, Book 10, Page 45, Deed of Records of Malheur County, Oregon.

ALSO SUBJECT TO regulations, including levies, assessments, drainage rights and easements, of Nyssa-Arcadia Drainage District, which said assessments are collected as part of the general tax levy for Malheur County.

ALSO SUBJECT TO mineral conveyed to Royalties and Minerals, Inc., an Idaho corp. and all rights of said party and its successors in interest as owners thereof, in Deed Recorded: May 12, 1955, Book 100, Inst. 17817 Deed Records of Malheur County, Oregon.

ALSO SUBJECT TO an easement for power lines created by instrument, including the terms and provisions thereof: Recorded: Oct. 23, 1944, Book 61, Page 345, Deeds; Recorded: May 7, 1947, Book 74, Page 252, Deeds; Recorded: Nov. 26, 1958, Book 111, Page 224, official records of Malheur County, Oregon, in favor of: Idaho Power Company.

ALSO SUBJECT TO all easements, rights of way, reservations, roadways, both of record and those appearing upon the above-described premises.

TOGETHER WITH that certain Right of Way benefitting the said real property as evidenced by those certain Agreements between Kiesel, etal, recorded Feb. 1, 1922, Book 20, Pages 475 thru 478, Deed Records of Malheur County, Oregon, affecting pipelines.

ALSO TOGETHER WITH that certain easement between Donald Stults, etal, recorded May 29, 1969, Inst. 99438, Deeds, affecting a ditch.

ALSO TOGETHER WITH all water rights, ditch rights, and easements appurtenant thereto.

Assessor's Account No.: Map 1947B; Tax Lot 4300; Code 29; Reference No. 09641.

