

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 KIM MCCREARY		PHONE (HM)	
PHONE (WK)	CELL (775) 745-9056		FAX
ADDRESS 1272 HIGHWAY 20-26			
CITY VALE	STATE OREGON	ZIP 97918	E-MAIL*

Organization Information

NAME DUCK RANCH, LLC		PHONE		FAX
ADDRESS 1272 HIGHWAY 20-26			CELL	
CITY VALE	STATE OREGON	ZIP 97918	E-MAIL*	

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

AGENT / BUSINESS NAME CK3, LLC		PHONE (541) 889-5411		FAX	RECEIVED BY OWRD APR 15 2013
ADDRESS 368 SW 5 TH AVENUE				CELL	
CITY ONTARIO	STATE OR	ZIP 97914	E-MAIL*		

SALEM, OR

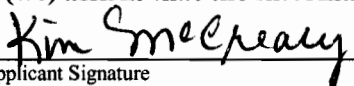
Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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

Kim McCreary
Print Name and title if applicable

4-8-13
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-17650</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*).

None

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
Duck Ranch Well #1	Malheur River	2,000 feet	15 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*).

We plan to drill a deep well to avoid interference of water in the River.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Blue Clay

Total maximum rate requested: 600 gpm (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.

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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)
Duck Ranch Well #1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	12"	0-40'	NA	0-40'	12' assumed	Blue clay	300'	600 gpm	459.3
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* 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. MARI 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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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Primary Irrigation	March 1 st thru October 31 st	38.1
Supplemental Irrigation	March 1 st thru October 31 st	421.2

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: 12.70 Acres Supplemental: 140.40 Acres

List the Permit or Certificate number of the underlying primary water right(s): 48051

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 459.3

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

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

Pump (give horsepower and type): 40 Hp

Other means (describe): NA

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Drill well, install pump and pipe the water to the existing concrete ditches.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) For the time being, the existing concrete ditches and siphon tubes will be used. Eventually we intend to covert to wheel lines or possibly pivot irrigation.

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 amount of water requested is the minimum amount of water that we believe is necessary to grow the types of crops that we do, if for some reason water is not available to us by Warm Springs Irrigation. A flow meter can be placed to measure the water used at any given time and the concrete ditches will prevent loss of water by infiltration into the ground before it reaches the desired place of use.

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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: NA Acreage inundated by reservoir: NA

Use(s): Na

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

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): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 11/01/2013

Date construction will be completed: 9/30/2015

Date beneficial water use will begin: 10/01/2015

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SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name Warm Springs Irrigation	Address 317 A Street West	
City Vale	State Oregon	Zip 97918

SECTION 10: REMARKS

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

Not Used

01-17650

Land Use Information Form



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NOTE TO APPLICANTS

SALEM, OR

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.

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: Kim First McCreary Last

Mailing Address: 1272 Highway 20-26

Vale City Oregon State 97918 Zip Daytime Phone: (775) 745-9056

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:
18	45	23		500	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
18	45	23		600	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
18	45	23		700	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
18	45	23		800	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU

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

Malheur County	RECEIVED BY OWRD APR 15 2013
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B. Description of Proposed Use

SALEM, OR

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: 600 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:

We would like to drill a new well to irrigate 12.7 acres of ground that currently does not have a water right and have a source of supplemental irrigation (if needed) for 140.40 acres of ground that already has a water right.



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. →

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): MCC Title 6
- 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.

Duck Ranch LLC

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SALEM, OR

Name: _____ Title: Jon D Beal Planning Dir.
 Signature: Jon D Beal Phone: _____ Date: 4-9-13
 Government Entity: Malheur Co Phone: 541-475-5185

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: _____

61-17650

Date _____

(For staff use only)



Oregon Water Resources Department
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Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- 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 _____

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MAP

- 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 _____

61-17650

Application for a Permit to Use Ground Water



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Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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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: within a district
- SECTION 10: 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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$1,900.00
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 None

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SALEM, OR

Gerry Clark

From: Pat Woodcock <pat@ck3llc.net>
Sent: Wednesday, April 17, 2013 1:23 PM
To: gerald.e.clark@state.or.us
Subject: FW: Deeds
Attachments: Deeds.pdf

Attached are the deeds for the Duck Ranch & Rise & Shine Applications that you requested. Please let me know if this is everything that you need to process the applications.

Thanks,

Pat J. Woodcock, P.E.

CK3, LLC

Website: www.CK3LLC.net

Ontario:	Hermiston:
368 SW 5th Ave.	945 W. Orchard Ave.
Ontario, OR 97914	Hermiston, OR 97838
Office: (541) 889-5411	Office: (541) 567-2345
Fax: (541) 889-2074	Fax (541) 567-2305

From: Kim McCreary [<mailto:mccrearykim777@gmail.com>]
Sent: Wednesday, April 17, 2013 12:18 PM
To: pat@ck3llc.net
Subject: Deeds

Please see attached, and confirm that you have received this.

--
Respectfully,
Kim McCreary
RE/MAX Traditions
Office: (775) 575-5077
Cell: (775) 745-9056
Fax: (775) 575-7201

05921-19

Deeds

From East to West

- 1- Adams to McCreary - Tax Lot 2000
- 2 Adams to McCreary Tax Lot 2400
- 3 - Adams to McCreary Tax Lot 500
- 4 - Stevens to McCreary Tax Lot 400
- 5 - McCreary to Duck Ranch Tax Lots 1500-1700
sect.



AFTER RECORDING RETURN TO Falco

INSTRUMENT NO. 2005-9492
Page 1 of 2 Pages

STATUTORY WARRANTY DEED

KIRT S. ADAMS aka KIRT ADAMS Grantor

conveys and warrants to KIM W. MCCREARY & SUSAN L. MCCREARY, husband and wife Grantee

the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO

Map 1845D Tax Lot 2000 Account No. 13914 Code No. 43

This property is free and clear of liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO

The true consideration for this conveyance is \$350,000.00 paid by an accommodator pursuant to an IRC 1031 Exchange Here comply with the requirements of ORS 93.030)

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.

DATED this 27 day of December 2005

Kirt S. Adams

STATE OF OREGON, COUNTY OF Malheur)ss.

On December 27, 2005, personally appeared before me KIRT S. ADAMS and acknowledged to me that he executed the same as his voluntary act and deed.



Sharon L. Miles
Notary Public for Oregon
Commission Expires: 2-19-08

After recording return to:
FIRST AMERICAN TITLE CO. #22372

Send Tax Statements to:

Kim W. and Sue L. McCreary
3505 Plum Lane
Fallon, NV 89406

\$26.00

Inst. No. 2005-9492

I certify that the within Instrument of writing was received for record on the 27 day of December, 2005 at 3:45 O'clock P.M. FEE \$26

STATE OF OREGON, County of Malheur

DEBORAH R. DeLONG
County Clerk

Deborah R. DeLong

EXHIBIT 'A'

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 45 E., W.M.:

Sec. 24: W1/2 NW1/4,

EXCEPTING THEREFROM the following parcel: (Railroad right of way)
Beginning at a point 42.5 feet South of the Northeast corner of the NW1/4 NW1/4;
thence South, 100 feet;
thence Westerly in a straight line, 1320 feet to a point on the West boundary of said
Sec. 24, being 150 feet South of the Northwest corner thereof;
thence North 100 feet to a point 50 feet South of the said Northwest corner;
thence Easterly, in a straight line, to the Point of Beginning.
FURTHER EXCEPTING those portions conveyed to USA recorded Nov. 23,
1927. Book 29, Pages 7 & 8, Deeds for Adams and Hope Drains.

AND the N1/2 SW1/4.

TOGETHER with an easement for ingress-egress over and across the following
parcel:

Beginning at the Southeast corner of Sec. 23, Twp. 18 S., R. 45 E., W.M.;
thence North, along the East boundary of Sec. 23, 1,358.6 feet, more or less;
thence West 20 feet;
thence South, parallel with the said East boundary, 1,358.6 feet, more or less, to
the South boundary of Sec. 23:
thence East 20 feet to the Point of Beginning.

FURTHER SUBJECT to the Mallett Drain right of way.

The assessment roll and the tax roll disclose that the within described premises were specially assessed a farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Regulations of the Warmsprings Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Any adverse claim based upon the assertion that some portion of said land have been removed from or brought within the boundaries thereof by an avulsive movement of the Malheur River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Malheur River.

Easement in favor of USA as recorded in Book 28, Page 528 and recorded November 15, 1928, Book 31, Page 115, Deeds, for Mallett Drain.

Easement in favor of Malheur Home Telephone Co. recorded Aug. 14, 1970. Inst. 112827, Deeds across the South 20 feet of the North 50 feet of the NWNW.

An easement for ingress and egress created by Deed of Trust, including the terms and provisions thereof; Recorded: Jan. 27, 1992, as Instrument No. 92-596, official records of Malheur County, Oregon In Favor of: Northwest Farm Credit Services, ACA (affects the West 20 feet)



AFTER RECORDING RETURN TO: Faleo

INSTRUMENT NO. 2005 9490
Page 1 of 2 Pages

STATUTORY WARRANTY DEED

KIRT S. ADAMS aka KIRT ADAMS Grantor

conveys and warrants to KIM W. MCCREARY & SUSAN L. MCCREARY, husband and wife Grantee

the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO

Map 1845D Tax Lot 2400 Account No. 13916 Code No. 43

This property is free and clear of liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO

The true consideration for this conveyance is \$225,000.00 paid by an accommodator pursuant to an IRC 1031 Exchange Here comply with the requirements of ORS 93.030)

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.

DATED this 27 day of December 2005

Kirt S. Adams

STATE OF OREGON, COUNTY OF Malheur)ss.

On December 27, 2005, personally appeared before me KIRT S. ADAMS and acknowledged to me that he executed the same as his voluntary act and deed.



Sharon L. Miles
Notary Public for Oregon
Commission Expires: 2-19-08

After recording return to:
FIRST AMERICAN TITLE CO. #22435.

Send Tax Statements to:
Kim W. and Sue L. McCreary
3505 Pellum Ln
Fallon, NV 89406

\$2600

Inst. No. 2005-9490

I certify that the within Instrument of writing was received for record on the 27 day of December, 20 05 at 3:41 O'clock P.M. FEE 226

STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk
BY: Sheryl Johnson

EXHIBIT 'A'

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 45 E., W.M.:

Sec. 24: S1/2 SW1/4

EXCEPTING the State Highway right of way

The assessment roll and the tax roll disclose that the within described premises were specially assessed a farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Regulations of the Warm Springs Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals.

Easement in favor of USA as recorded in Book 28, Page 528 and recorded November 15, 1928, Book 31, Page 115, Deeds, for Mallett Drain.

An easement for power lines created by instrument, including the terms and provisions thereof;

Recorded: June 1974, Instrument No. 158708 Deed Records of Malheur County, Oregon

Favor of: Idaho Power Company

G-17650



INSTRUMENT NO. 2007 - 9447
Page 1 of 1 Pages

After recording return to:
Kim W. McCreary
3505 Pflum Lane
Fallon, NV 89406

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

Kim W. McCreary
3505 Pflum Lane
Fallon, NV 89406

Escrow No. ONM04194
Title No. 0004194
SWD

Inst. No. 2007-9447
I certify that the within Instrument of writing was received for record on the 31 day of December, 2007 at 3:56 O'clock P.M. FEE 21.-
STATE OF OREGON; County of Malheur
DEBORAH R. DeLONG
County Clerk
By: Shein Childs Deputy

STATUTORY WARRANTY DEED

Kirt S. Adams, Grantor(s) hereby convey and warrant to Kim W. McCreary and Susan L. McCreary, husband and wife, Grantee(s) the following described real property in the County of MALHEUR and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Malheur County, Oregon, as follows:
In Twp. 18 S., R. 45 E., W.M.:

Sec. 23: All that portion of the W 1/2 E 1/2 SE 1/4 lying South of the Nevada Canal and Ditch right Of way and North of the Mallett Drain right of way.

Reference #16039

Map 184523/Lot 500

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is \$0.00.

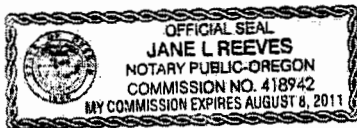
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

Dated this 31 day of December, 2007.

Kirt S. Adams

State of Oregon
County of MALHEUR

This instrument was acknowledged before me on December 31, 2007 by Kirt S. Adams.



Jane L. Reeves
(Notary Public for Oregon)
My commission expires 8-8-11

821.25



INSTRUMENT NO. 2009 **1976**
Page **1** of **3** Pages

After recording return to:
Rise & Shine, LLC
1626 Ray Court
Fernley, NV 89408

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

Rise & Shine, LLC
1626 Ray Court
Fernley, NV 89408

Escrow No. ONM05598
Title No. 0005598
SWD

Inst. No. 2009-1976

I certify that the within instrument of writing was received for record on the 23 day of March, 2009 at 2:17 O'clock P.M. FEE 31.00

STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk
By: Sheyl Childs Deputy

STATUTORY WARRANTY DEED

Geraldine Ann Stevenson, an undivided 1/3 interest and Phyllis Kathryn Stanfield, an undivided 2/3 interest, as tenants in common, Grantor(s) hereby convey and warrant to Rise & Shine, LLC, Grantee(s) the following described real property in the County of Malheur and State of Oregon free of encumbrances except as specifically set forth herein:

Land in Malheur County, Oregon, as follows:
In Twp. 18 S., R. 45 E., W.M.:
Sec. 23: E 1/2 E 1/2 SE 1/4 and S 1/2 SE 1/4 NE 1/4.
EXCEPTING THEREFROM State Highway right-of-way.

Reference #13913 Map 184523/Lot 400

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

The true and actual consideration for this conveyance is **\$0.00**.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

31.00

G-17650

Dated this 24 day of February, 2009.

Geraldine Ann Stevenson
Geraldine Ann Stevenson

State of Washington

County of Lincoln

On this day personally appeared before me Geraldine Ann Stevenson to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that she signed the same as her free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand official seal this 24 day of February, 2009.

Tricia Sims
Printed Name:
Notary Public in and for the State of Washington
Residing at Reardon Tricia Sims
My appointment expires 7-21-2009



Map1845D TL 15, 17, 180

INSTRUMENT NO. 2007-4616
Page 1 of 4 Pages

Recorded at the request of
Maupin, Cox & LeGoy
4785 Caughlin Parkway
Reno, Nevada 89519

Inst. No. 2007-4616
I certify that the within Instrument of
writing was received for record on
the 18 day of June, 2007
at 2:08 O'clock P.M. FEE 36-
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk

After recordation, return Grant
Deed and mail future property
tax statements to Grantee at:

Kim and Susan McCreary
3505 Plum Lane
Fallon, NV 89406

By: Sherril Chelala Deputy

I, the undersigned, hereby affirm that this document submitted for recording does not contain the
social security number of any person or persons. (Per NRS 239B.030).

Kurt O. Hunsberger
Kurt O. Hunsberger, Esq.

GRANT DEED

Kim Wade McCreary and Susan Lee McCreary, as Co-Trustees under The
Enoch Trust dated October 9, 1996, hereby grant, bargain, and sell to Duck Ranch,
LLC, a Nevada limited liability company, all of their right, title and interest, in the real
property located in Malheur County, Oregon, more particularly described on Exhibit 1
attached hereto.

Together with all tenements, hereditaments, and appurtenances, including
easements and water rights, if any, thereto belonging or appertaining, and any
reversions, remainders, rents, issues, or profits thereof.

This conveyance is subject to the following liens and encumbrances:

1. General, special, and any supplemental county taxes and assessments
not delinquent.

///

24

G-17650

Dated this 15th day of MARCH, 2009

Phyllis Kathryn Stanfield

BY: [Signature]
Phyllis Kathryn Stanfield, by Doug Stanfield, as her attorney in fact

State of Hawaii

County of HONOLULU

On this day personally appeared before me Doug Stanfield to me known to be the individual described in and who executed the within and foregoing instrument, and acknowledged that he signed the same as his free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand official seal this 20th day of MARCH, 2009.

[Signature]
Printed Name: Lori Ina
Notary Public in and for the State of Hawaii
Residing at Honolulu
My appointment expires 12/15/2012
POWER OF ATTORNEY
Doc. No. 2117104 No. Pages: 12
Lori Ina [Signature]
Notary Public Hawaii Not. Clerk



2. Covenants, conditions, restrictions, reservations, easements, and rights-of-way of record, if any.

Dated this 13 day of June, 2007.

The Enoch Trust, dated 10/7/96

By Kim Wade McCreary
Kim Wade McCreary, Co-Trustee

By Susan Lee McCreary
Susan Lee McCreary, Co-Trustee

STATE OF NEVADA)
) ss.
COUNTY OF WASHOE)

This Grant Deed was acknowledged before me on June 13, 2007, by Kim Wade McCreary and Susan Lee McCreary, Co-Trustees under the Enoch Trust dated October 7, 1996.

Lorraine Leach
Notary Public

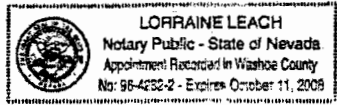


EXHIBIT "1"
(Marquis to McCreary)

INSTRUMENT NO. 2007-4616
Page 3 of 4 Pages

(Tax Lot 1500 and 1700)

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 45 E., W.M.:

Section 23: All of the S $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ and all of the SE $\frac{1}{4}$ SW $\frac{1}{4}$,
EXCEPTING THEREFROM Mallett Drain Right of Way.

ALSO, all that portion of the E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$ lying South of the Malheur River and North of the Nevada Ditch.

Reference No. 13911	Code No. 43	Map No. 184500D	Tax Lot No. 1700
Reference No. 13910	Code No. 43	Map No. 184500D	Tax Lot No. 1500

(Tax Lot 1800)

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 45 E., W.M.:

Section 23: W $\frac{1}{2}$ SE $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$,

EXCEPTING THEREFROM all that portion of the W $\frac{1}{2}$ E $\frac{1}{2}$ SE $\frac{1}{4}$ lying South of the Nevada Canal and Ditch right of way and North of the Mallett Drain right of way, As described in Warranty Deed recorded September 25, 1986, Instrument No. 86-6271, Deed Records.

Reference No. 13912	Code No. 43	Map No. 184500D	Tax Lot No. 1800
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SUBJECT TO THE FOLLOWING EXCEPTIONS:

1. Charges and Assessments of the Warm Springs Irrigation District and any and all matters pertaining thereto. (Affects Tax Lots 1500, 1700 and 1800)
2. Rights of the Public in and to rights of ways for roads or highways (Affects Tax Lots 1700 and 1800)
3. Easement, including the terms and provisions thereof, in favor of the United States of America, recorded November 15, 1928, Book 31, Pages 115-116, Deed Records, for a perpetual easement to construct, reconstruct, repair, operate and maintain a drainage ditch, known as the Mallett Drain, Vale Project, Oregon, Deed Records (Affects Tax Lot 1800)
4. Reservations, including the terms and provisions thereof, as contained in Deed from Rex Marquis to Jessie B. Marquis, dated July 11, 1941, recorded July 16, 1941, Book 42, Page 506 and 607, Deed Records.

5. Conveyance of (Oil, Gas, Minerals, and other), including the terms and provisions thereof, contained in Deed to Martin Edwin Trapp, Jr., and Geralda M. Trapp, husband and wife, recorded October 24, 1958, Book 111, Page 46, Deed Records, Malheur County, Oregon. ((Affects Tax Lots 1500, 1700 and 1800)
6. Conveyance of (Oil, Gas, Minerals, and other), including the terms and provisions thereof, contained in Deed to E.P. Henson, as to an undivided one-quarter interest therein, recorded April 19, 1955, in Book 100, Page 3, Deed Records, Malheur County, Oregon. (Affects Tax Lots 1500, 1700 and 1800)
7. Lease (Oil, Gas, Minerals, and other), including the terms and provisions thereof, contained in instrument to William H. Martin, Jr., recorded October 5, 1959, in Book 34, Page 366, Leases and Agreements. (Affects Tax Lots 1500 and 1700)
8. Lease (Oil, Gas, Minerals, and other), including the terms and provisions thereof, contained in instrument to Maynard J. Davies, recorded June 4, 1971, Instrument No. 121380, Deed Records. (Affects Tax Lot 1700)
9. Easement and Right of Way, including the terms and provisions thereof, in favor of Kirt S. Adams, as disclosed in Warranty Deed, for rights of ingress and egress over and across the Mallet Drain and the South (or Gravity) canal to Highway 20, easement for ditch and irrigation water from existing head gate on the South (or Gravity) canal, and right of way, for pedestrian and vehicular farm traffic, as therein conveyed, recorded September 25, 1986, Instrument No. 86-6271, Deed Records. (Affects Tax Lot 1800)
10. Reservation of (Oil, Gas, Minerals,), including the terms and provisions thereof, contained in Deed from John T. Marquis, as to an undivided one quarter interest therein, recorded March 9, 1992, Instrument No. 92-1530, Malheur County, Oregon. (Affects Tax Lot 1800)
11. Conveyance of (Oil, Gas, Minerals,), including the terms and provisions thereof, contained in Deed from Geralda M. Trapp, recorded September 11, 1992, Instrument No. 92-6356, Malheur County, Oregon. (Affects Tax Lot(s) 1500, 1700 and 1800)
12. Reservations and exceptions in patent, charges and assessments of any taxing district or districts within the boundaries of which said premises are situate, roadway pole line and ditch easements, if any, and zoning ordinances, if any.