



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

**Application for a Permit to
 Store Water
 in a Reservoir
 (Alternate Review)**

Alternate Review Process (ORS 537.409): You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply, insert "n/a". A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/OWRD/PUBS/forms.shtml.

1. APPLICANT INFORMATION

Applicant: Leon Kennedy
First Last
 Mailing Address: 276 E. Roping Road
Atoka OK 74525
City State Zip
 Phone: _____ 541-571-4145
Home Work Other
 Fax: _____ E-Mail Address*: _____

* 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.)

2. AGENT INFORMATION

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

Agent: _____
First Last
 Mailing Address: _____

City State Zip
 Phone: _____
Home Work Other
 Fax: _____ E-Mail Address*: _____

* 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.)

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3. LOCATION AND SOURCE

A. Reservoir Name: Springhill Pond

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B. Source: Provide the name of the water body or other source from which water is diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.
 Source: Spring #3 Tributary to: A Line Canal

SALEM, OR SALEM, OR

C. County in which diversion occurs: Umatilla

| | | |
|-----------------------|---------------------------|-------------------|
| App. No. _____ | For Department Use | Date _____ |
| | Permit No. _____ | |

D. Reservoir Location

| Township (N or S) | Range (E or W) | Section | quarter/quarter | tax lot number |
|----------------------|-------------------|---------|-----------------|----------------|
| 4N | 29 E | 07B | SENW | 902 |

E. Dam: Maximum height of dam: 8 feet. If excavated, write "zero feet".

F. Quantity: Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 1.0 af

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

4. WATER USE

Indicate the proposed use(s) of the stored water. **NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stockwater, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.** If any use will be out of reservoir use, regardless of the type of storage listed, a secondary application must be filed to appropriate the stored water.

Multipurpose Use.

5. PROPERTY OWNERSHIP

Please provide a copy of the recorded deed(s).

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

There are no encumbrances

This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

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SALEM, OR

6. ENVIRONMENTAL IMPACT

- A. **Channel:** Is the reservoir: in-stream or off channel?
- B. **Wetland:** Is the project in a wetland? Yes No Don't know
- C. **Existing:** Is this an existing reservoir? Yes No
If yes, how long has it been in place? 0 _____ years.
- D. **Fish Habitat:** Is there fish habitat upstream of the proposed structure? Yes No Don't know
If yes, how much? _____ miles.
- E. **Partnerships:** Have you been working with other agencies? Yes No
Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

7. 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 | Address | |
| City | State | Zip |

8. DESCRIPTION

Provide a description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

Water from Spring #3 will be diverted into the pond. When pond is full the overflow will return back into the Spring #3 channel.

*pond will be used as "bump in system" & may be used for up to 6 AF or pond capacity * 6. Use from pond & springs to be authorized under subsequent application for irrigation.*

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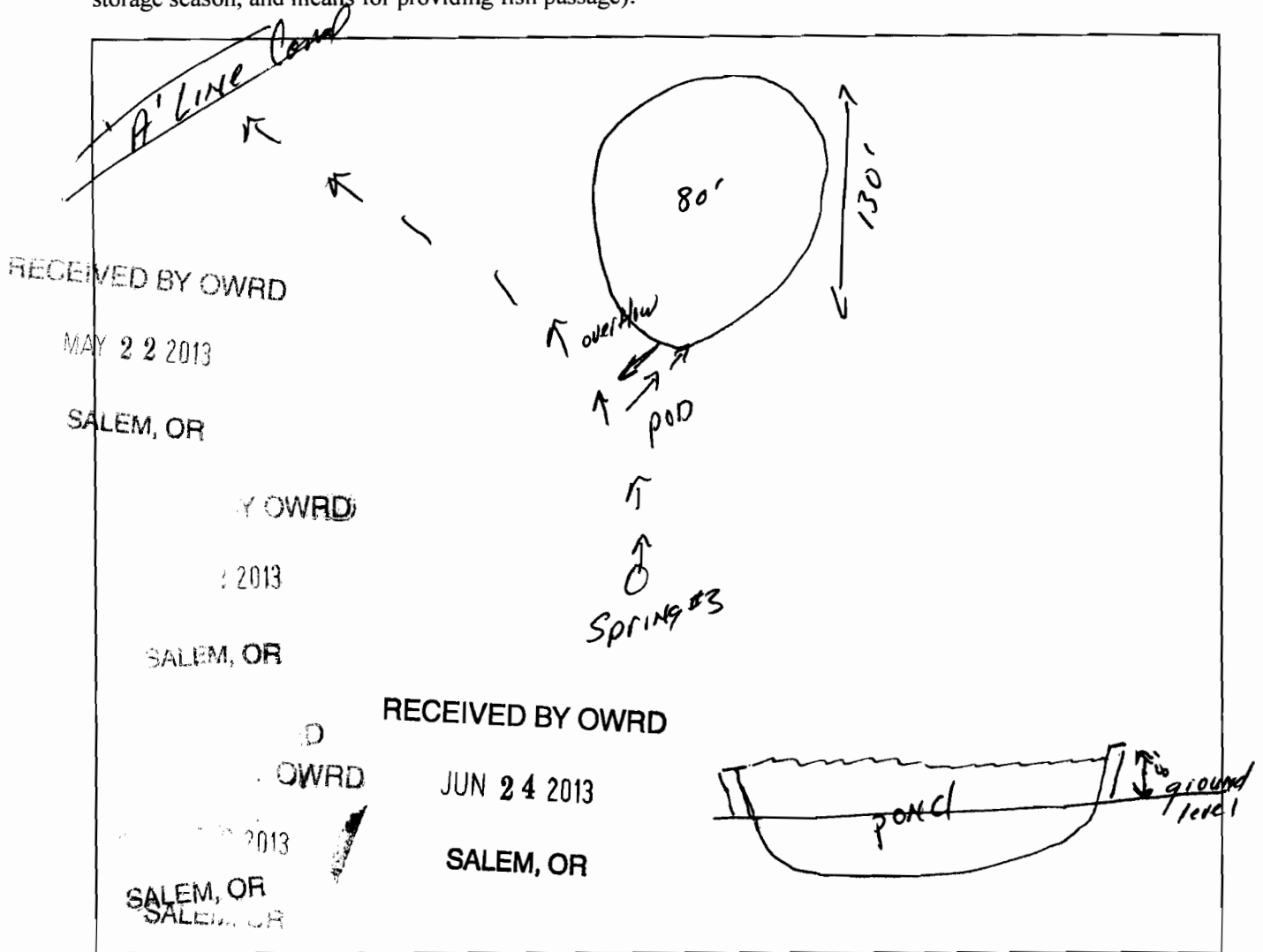
SALEM, OR

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MAY 22 2013

SALEM, OR

If the diversion involves a dam, use this space for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



9. SIGNATURE

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge.

Leon Kennedy
Landowner Signature

5/20/2013
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Included a legible map that includes Township, Range, Section, quarter-quarter and tax lot number.
- The map must meet map requirements to be accepted.
- Included a land use form or receipt stub signed by a local planning official.
- Included a check payable to Oregon Water Resources Department for the appropriate amount.

FEE STRUCTURE: The fee is based on the number of acre-feet proposed to be stored. The base fee is \$300. In addition, there is a fee of \$25 per acre-foot or fraction thereof. Example: 0.3 AF= \$325; 1.5 AF= \$350; 20.0 AF= \$800; 30.0 AF= \$1050. Plus a permit recording fee of \$400 (this fee is refunded if no permit is issued).

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: Leon First Kennedy Last

Mailing Address: 276 E. Roping Road

Atoka City OK State 74525 Zip Daytime Phone: 541-571-4145

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: |
|----------|-------|---------|--------------|-----------|---|--|--|--|--------------------|
| 4N | 29E | 07B | SENW | 902 | RR - 10 | <input checked="" type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | S IRR |
| 4N | 29E | 07B | SENW | 900 | | <input type="checkbox"/> Diverted | <input type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | S IRR |
| 4N | 29E | 07A | SWNE | 603, 600 | | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | S IRR |
| 4N | 29E | 07A | NENE NWNE | 600, 602 | | <input type="checkbox"/> Diverted | <input checked="" type="checkbox"/> Conveyed | <input checked="" type="checkbox"/> Used | S IRR |

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

Umatilla County

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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) Springhill Pond

Estimated quantity of water needed: 1.0 af; 250 gpm
 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 storage

Briefly describe:

Divert water of spring #3 into pond and used stored water for supplemental irrigation on 56.3 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): UCDC 152.141(A)(1)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

| Type of Land-Use Approval Needed (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 |
| RECEIVED BY OWRD | RECEIVED BY OWRD | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| MAY 22 2013 | JUN 24 2013 | <input type="checkbox"/> Obtained <input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued |
| SALEM, OR | SALEM, OR | <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.

Farm Use (UCDC 152.003) except livestock feed & sale yards, hog or poultry farms and the raising of fur bearing animals or hogs.

Name: CAROL JOHNSON Title: Planner
 Signature: Carol Johnson Phone: 541-278-6252 Date: 5-20-13
 Government Entity: Umatilla 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: _____

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

Recommendations for Water Right Applications under the Alternate Reservoir review process (ORS 537.409)

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

Within 60 days after the department provides public notice...any person may submit detailed, legally obtained information in writing, requesting the department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

The review of alternate reservoirs is limited to these criteria only.

Application #: R- Applicant's Name: *LEON Kennedy*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain: *Spring flows into "ALIMP" Canal - (Hermiton ID.)
Dist. has no WIR for spring sources.*

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who: Agency: Date:
Who: Agency: Date:

Watermaster signature: *[Signature]* Date: *5/20/13*

WRD Contact: Caseworker: Water Rights Division, 503-986-0900 / Fax 503-986-0901

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NOTE: This completed form must be returned to the applicant

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ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Leon Kennedy

Reservoir Name: Springhill pond Source: Spring #3 Volume (AF): 1.0 at

Twp Rng Sec QQ: 4N 29 E 1 SEM Basin Name: Umafilla in-channel off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) District staff.

- 1) Is the proposed project and AO¹ off channel? YES NO
 (if yes then proceed to #4; if no then proceed to #2)
- 2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
 (if yes then proceed to #3; if no then proceed to #4)
- 3) If NMF are or were historically present:
- a. Is there an ODFW-approved fish-passage plan?..... YES NO
 - b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir does not meet the requirements of Oregon Fish Passage Law and shall not be constructed as proposed.

- 4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO
 Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period _____ through _____ poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource, then ODFW should recommend conditions or limitations.)
 If NMF fish are present at the project site or point of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

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This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

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Pond is equipped with a overflow,
Storage from Oct. 1 to April 14.

SALEM, OR

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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The review of alternate reservoirs is limited to these criteria only.

Application #: R-

Applicant's Name: *LEON Kennedy*

1) Does the proposed reservoir have the potential to injure existing water rights? NO YES

Explain:

*Spring flows into "ALMP" Canal - (Hermiton ID).
Dist. has no WR for spring sources.*

2) Can conditions be applied to mitigate the potential injury to existing water rights? NO YES

If YES, which conditions are recommended:

3) Did you meet with staff from another agency to discuss this application? NO YES

Who:

Agency:

Date:

Who:

Agency:

Date:

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Watermaster signature:



Date:

5/20/13

WRD Contact:

Caseworker:

Water Rights Division, 503-986-0900 / Fax 503-986-0901

NOTE: This completed form must be returned to the applicant

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MAY 21 2013

SALEM, OR

40/2

122513

WARRANTY DEED

316 0406

KNOW ALL MEN BY THESE PRESENTS, That RICHARD V. ERZ and KATHRYN A. ERZ, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by LEON A. KENNEDY and SUZANNE F. KENNEDY, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of UMATILLA and State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

RECEIVED



SEP 18 1997

UMATILLA COUNTY RECORDS

TO HAVE and to HOLD the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

EXCEPT AS SET FORTH ON ATTACHED EXHIBIT "A"

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 180,000.00**

However, the actual consideration consists of or includes other property or value given or promised which is (the whole or part of the) consideration (indicate which). (The sentence between the symbols @, if not applicable should be deleted. See ORS 93.030.)**for and in consideration of an IRC 1031 exchange on behalf of the Grantee

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 17 day of SEPTEMBER 19 97; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

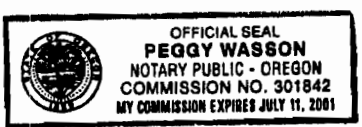
Richard V. Erz and Kathryn A. Erz signatures

STATE OF OREGON County of UMATILLA } ss.

BE IT REMEMBERED, That on this 17 day of SEPTEMBER, 19 97 before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard V. Erz and Kathryn A. Erz

known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

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



Peggy Wasson Notary Public for Oregon. My Commission expires 7-11-2001

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SALEM, OR

Form with fields for Grantor's Name and Address (Richard V. & Kathryn A. Erz), Grantee's Name and Address (Leon A. & Suzanne F. Kennedy), and recording information (Pioneer Title Company, 126 S. E. Court Avenue, Pendleton, OR 97801).

Form with fields for State of Oregon, County of Umatilla, recording date (09-18-97 at 11:35), location (R316-0406), document number (1997-3160406), fee (40.00), and signature of Records Officer (L. McNaught).

PIONEER TITLE CO. 58607-1 126 SE Court, Pend. OR. 97801

4



All that portion of the following described lands located in the Northeast Quarter of Section 7, Township 4 North, Range 29, E.W.M.:

Beginning at the Northeast corner of said Section 7; thence South along the East line of said Section 7, a distance of 133 feet to the North right of way line of the O.W. R. N. & Co., right of way; thence South 56° 10' West along said right of way, 4,940 feet to the Southeast corner of that tract of land conveyed to Robert O. Behrman by deed recorded in Book 268, Page 477, Deed Records; thence North along the East line of said Behrman Tract, 730 feet to the Northeast corner thereof, said point also being the intersection with the South right of way line of the "A" Line Canal of the Hermiston Irrigation District; thence in a generally Northeasterly direction along said South right of way line to the intersection with the North line of said Section 7; thence East along said North line 553.5 feet to the Northeast corner of said Section 7 and the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Subject to any and all water rights of way, canals and roads.

SUBJECT TO: (1) 1997-98 taxes, which are a lien, but not yet payable. (2) As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest. (3) The premises herein described are within the boundaries of the Hermiston Irrigation District and this property is therefore subject to all easements, levies and assessments thereof. (4) Easement, including the terms and provisions thereof, granted to Umatilla Electric Cooperative Association, recorded June 23, 1950 in Book 193, Page 216, Deed Records. (5) Rights of all public and private utility companies in that portion of the described lands formerly included within Leather Road, County Road No. 1213, as vacated by Vacation Ordinance recorded in Microfilm R-315, Page 156, Umatilla County Records.

RECEIVED BY OWRD

JUN 24 2013

SALEM, OR

WARRANTY DEED

142908

KNOW ALL MEN BY THESE PRESENTS, That RICHARD V. ERZ and KATHRYN A. ERZ, husband and wife

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by LEON A. KENNEDY and SUZANNE F. KENNEDY, husband and wife

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of UMATILLA and State of Oregon, described as follows, to-wit:

SEE ATTACHED EXHIBIT "A"

RECEIVED

SEP 18 1997

UMATILLA COUNTY RECORDS



TO HAVE and to HOLD the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

EXCEPT AS SET FORTH ON ATTACHED EXHIBIT "A"

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$70,000.00** However, the actual consideration consists of or includes other property or value given or promised which is (the whole/ part/ etc) consideration (indicate which) (The sentence between the symbols @, if not applicable should be deleted. See ORS 93.030.) **paid to an accommodator pursuant to an IRC 1031 exchange

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 17 day of SEPTEMBER 19 97; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

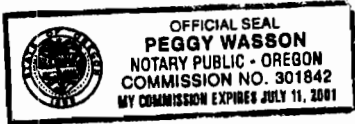
Richard V. Erz and Kathryn A. Erz (signatures)

STATE OF OREGON County of UMATILLA } ss.

BE IT REMEMBERED, That on this 17 day of SEPTEMBER 19 97, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Richard V. Erz and Kathryn A. Erz

known to me to be the identical individual s described in and who executed the within instrument and acknowledged to me that THEY executed the same freely and voluntarily.

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



Peggy Wasson (signature) Notary Public for Oregon. My Commission expires 7-11-2001

Form with fields for Grantor's Name and Address (Leon A. Kennedy & Suzanne F. Kennedy), Grantee's Name and Address, and recording information (Pioneer Title Company, 126 S. E. Court Avenue, Pendleton, OR 97801).

State of Oregon) County of Umatilla) This instrument was received and recorded on 09-18-97 at 11:35 in the record of document code type DE-WD Location R316-0405 Document number 1997-3160405 Fee 40.00

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JUN 24 2013

SALEM, OR

Office of County Records Received by (signature) Records Officer

3

PIONEER TITLE 0058628-1 128 SE Court, Pend. OR. 97801

EXHIBIT "A"



All that portion of the following described lands located in the Northwest Quarter of Section 7, Township 4 North, Range 29, E.W.M.:

Beginning at the Northeast corner of said Section 7; thence South along the East line of said Section 7, a distance of 133 feet to the North right of way line of the O.W. R. N. & Co., right of way; thence South 56° 10" West along said right of way, 4,940 feet to the Southeast corner of that tract of land conveyed to Robert O. Behrman by deed recorded in Book 268, Page 477, Deed Records; thence North along the East line of said Behrman Tract, 730 feet to the Northeast corner thereof, said point also being the intersection with the South right of way line of the "A" Line Canal of the Hermiston Irrigation District; thence in a generally Northeasterly direction along said South right of way line to the intersection with the North line of said Section 7; thence East along said North line 553.5 feet to the Northeast corner of said Section 7 and the point of beginning.

All being East of the Willamette Meridian, Umatilla County, Oregon.

Subject to any and all water rights of way, canals and roads.

SUBJECT TO: (1) 1997-98 taxes, which are a lien, but not yet payable. (2) As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest. (3) The premises herein described are within the boundaries of the Hermiston Irrigation District and this property is therefore subject to all easements, levies and assessments thereof. (4) Easement, including the terms and provisions thereof, granted to Umatilla Electric Cooperative Association, recorded June 23, 1950 in Book 193, Page 216, Deed Records. (5) Rights of all public and private utility companies in that portion of the described lands formerly included within Leather Road, County Road No. 1213, as vacated by Vacation Ordinance recorded in Microfilm R-315, Page 156, Umatilla County Records.

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SALEM, OR

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2012 5930154

161805

State of Oregon }
County of Umatilla }

SEND TAX STATEMENTS TO:

Lester M. & Serena L. Gillson
80240 S. Edwards Road
Hermiston, OR 97838

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JUN 21 2012

UMATILLA COUNTY
RECORDS

This instrument was received
and recorded on

06-21-12 at 10:45

in the record of instrument
code type DE-MEMO

AFTER RECORDING RETURN TO:

Pioneer Title Company
126 SE Court Avenue
Pendleton, OR 97801

Instrument Number 2012-5930154
Fee 58.00

Office of County Records



2012-5930154 1 of 4

Jacqueline Hampshire
Records Officer

MEMORANDUM OF LAND SALE CONTRACT

Pursuant to a Land Sale Contract dated JUNE 19, 2012, LEON A. KENNEDY, as "Seller" and LESTER M. GILLSON and SERENA L. GILLSON, husband and wife, as "Buyer" made and entered into a certain Land Sale Contract wherein said Seller agreed to sell to said Buyer and the latter agreed to purchase from Seller the fee-simple title in and to the following described real property in Umatilla County, State of Oregon, to-wit:

The real property described on Exhibit "A" which is attached hereto and by this reference incorporated herein.

The true and actual consideration for the transfer, set forth in said contract, is \$130,000.00. The terms of which are specified in said Land Sale Contract, but generally payable \$5,500.00 down on the signing of said contract and the balance payable in monthly installments of not less than \$850.00 each commencing June 15, 2012 through December 15, 2012 and thereafter, commencing with the payment due January 15, 2013 payments shall increase to \$937.50 each until the unpaid balance has been paid; the deferred balance shall bear interest at the rate of 5% per annum commencing with the January 1, 2013.

BEFORE SIGNING AND 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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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

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PIONEER TITLE CO. *80MS-2*
126 SE Court, Pend. OR, 97801

424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 19 day of JUNE, 2012.

SELLER:

Leon A. Kennedy
Leon A. Kennedy

BUYER:

Lester M. Gillson
Lester M. Gillson

Serena L. Gillson
Serena L. Gillson

STATE OF OREGON)
)ss.
County of Umatilla)



2012-5930154 2 of 4

This instrument was acknowledged before me on JUNE 19, 2012 by Leon A. Kennedy.

Rosa L. Torres
Notary Public for Oregon
My Commission Expires: 01/01/14



STATE OF OREGON)
)ss.
County of Umatilla)

This instrument was acknowledged before me on JUNE 20, 2012 by Lester M. Gillson and Serena L. Gillson.

Rosa L. Torres
Notary Public for Oregon
My Commission Expires: 01/01/14



PREPARED BY:

David Wm. Hadley, OSB No. 81252
Attorney At Law
130 SE 3rd Street
Hermiston, OR 97838
kennedygillsonmemo1339

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2012-5930154 3 of 4

Parcel 1, PARTITION PLAT NO. 2011-12, (Instrument No. 2011-5780274), a replat of Parcel 3, Partition Plat No. 2007-43, located in the North Half and the Southwest Quarter of Section 7, Township 4 North, Range 29, East of the Willamette Meridian, Umatilla County, Oregon.

SUBJECT TO:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. The premises herein described are within the boundaries of the Hermiston Irrigation District, and this property is therefore subject to all easements, levies and assessments thereof.
3. Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative Association
Recorded : June 23, 1950, Book 193, Page 216, Deed Records.
4. Rights of all public and private utility companies in that portion of the described land formerly included within Leahter Road, County Road No. 1213, as vacated by Vacation Ordinance.
Recorded : Microfilm R-315, Page 156, Office of County Records.
5. Covenant Not to Sue, including the terms and provisions thereof
Recorded : March 31, 1999, Instrument No. 1999-3480128, Office of County Records.
6. Easements, including the terms and provisions thereof, reserved in Deed
Grantee : Leon A. Kennedy
Recorded : April 28, 1999, Instrument No. 1999-3490883, Office of County Records.
7. View Easement, including the terms and provisions thereof,
Grantee : Michael R. Atkinson, et ux
Recorded : August 28, 2000, Instrument No. 2000-3750166, Office of County Records.
8. Irrevocable Consent Agreement, including the terms and provisions thereof, between,
First Party : Umatilla County
Second Party : Leon A. Kennedy
Recorded : November 27, 2007, Instrument No. 2007-5290083, Office of County
: Records.
9. Easements as shown on Partition Plat No. 2011-12,
Recorded : May 9, 2011, Instrument No. 2011-5780274, Office of County Records.

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EXHIBIT A
PAGE 1 of 2

JUN 24 2013

SALEM, OR



2012-5930154 4 of 4

10. Irrevocable Consent Agreement, including the terms and provisions thereof, between,
First Party : Umatilla County
Second Party : Leon A. Kennedy
Recorded : May 18, 2011, Instrument No. 2011-5780536, Office of County Records.

11. Road Development Covenant, including the terms and provisions thereof, between,
First Party : Umatilla County
Second Party : Leon A. Kennedy
Recorded : May 18, 2011, Instrument No. 2011-5780537
Amended : May 8, 2012, Instrument No. 2012-5910598, Office of County Records.

12. Right of Way Easement, including the terms and provisions thereof,
Grantee : Umatilla Electric Cooperative
Recorded : June 2, 2011, Instrument No. 2011-5790055, Office of County Records.

13. Declaration of Covenants, Conditions, and Restrictions, including the terms and provisions thereof,
Recorded : June 21, 2012, Instrument No. 2012- 5930153 , Office of
: County Records.

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EXHIBIT A
PAGE 2 of 2