

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME The ITALIAN Trust; John R. Rinaldi Jr., trustee and Bonnie J. Rinaldi, trustee		PHONE (HM) 541-702-2250
PHONE (WK)	CELL 541-324-4223	FAX 541-702-2251
ADDRESS 375 HAMILTON ROAD		
CITY JACKSONVILLE	STATE OR	ZIP 97530
E-MAIL * JOHN@RINALDINET.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		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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.)

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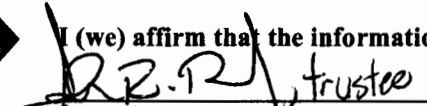
By my signature below I confirm that I understand:

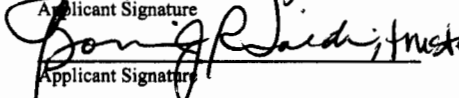
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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

SALEM, OR

I (we) affirm that the information contained in this application is true and accurate.

 trustee
 Applicant Signature John R. Rinaldi Jr., trustee 2.5.14
 Print Name and title if applicable Date

 trustee
 Applicant Signature Bonnie J. Rinaldi, trustee 2.5.14
 Print Name and title if applicable Date

Revised

App. No. <u>S-07758</u>		For Department Use	
Permit No. _____	Date _____	_____	_____

Application for a Permit to Use Surface Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem Oregon 97301-1266
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME JOHN RINALDI JR. & BONNIE RINALDI		PHONE (HM) 541-702-2250	
PHONE (WK)	CELL 541-324-4223	FAX 541-702-2251	
ADDRESS 375 HAMILTON ROAD			
CITY JACKSONVILLE	STATE OR	ZIP 97530	E-MAIL * JOHN@RINALDINET.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		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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.)

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By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

SALEM, OR

I (we) affirm that the information contained in this application is true and accurate.

Applicant Signature

John Rinaldi Jr.

Print Name and title if applicable

2.1.14

Date

Applicant Signature

Bonnie Rinaldi

Print Name and title if applicable

2.1.14

Date

Revised

App. No. 5-87758

For Department Use
Permit No. _____

Date _____

SECTION 2: PROPERTY OWNERSHIP

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

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- 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*).

The inlet, pump, and main irrigation line are on adjacent property pursuant to a recorded easement (copy attached)

You must 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.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: <u>Applegate River</u>	Tributary to: <u>Applegate Reservoir, under contract with the Bureau of Reclamation, Contract No. 149E101828 on file at OWRD</u>
Source 2: _____	Tributary to: _____
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

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

B. Applications to Use Stored Water

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

Yes.

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

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

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Applegate Reservoir	Irrigation	Annually from April 1 to October 31	10 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 3.25 Acres Supplemental: Acres
 List the Permit or Certificate number of the underlying primary water right(s):
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 10

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

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): 10HP Baldor motor w/ Berkeley pump

Other means (describe): _____

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

Existing 6" alum. inlet pipe with USFS approved fish screen with motor & pump located at top of river bank, which feeds network of underground PVC irrigation pipes via a 6" PVC main line connected to the pump.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

Water is applied via above ground rainbird sprinklers, drip lines and above-ground hoses

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is based on past years annual water consumption. Water use is measured via an installed McCrometer water meter. Waste is minimized by avoiding over watering by not irrigating on days with excessive wind or following a period of cool weather or rain.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: Existing diversion will be used which has a USFS approved fish screen installed.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No clearing or excavation of the river bank is necessary since diversion is in place.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No equipment other than the inlet & fish screen will be placed in the river at the point of diversion.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Erosion and runoff is minimized by avoiding overwatering and timing irrigation by not irrigating on days with excessive wind or following a period of cool weather or rain.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: N/A (all equipment is in place)

Date construction will be completed: N/A (all equipment is in place)

Date beneficial water use will begin: on or about April 1, 2014

SECTION 8: 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

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.
This application is for 10 ac.ft. of water of the Applegate Reservoir appropriated by the U.S. Bureau of Reclamation and provided to this property under Contract No. 149E101828, and is not intended to alter, modify or affect the existing water right on this property under ODWR Certificate No. 86581.

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Land Use Information Form



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

Applicant: John First Rinaldi Jr. Last

Mailing Address: 375 Hamilton Road

Jacksonville City OR State 97530 Zip Daytime Phone: 541-702-2250

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:
39S	3W	4	NE,NE	801	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	Farm
						<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:

Jackson County, Oregon	RECEIVED BY OWRD FEB 10 2014
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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 10 _____ 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:

Annual 10 ac/ft of water in the Applegate Lake under contract with the Bureau of Reclamation for general pasture and crop irrigation.

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): 4.2-1

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
		<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.

As reviewed through ZON 2014-00136

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Name: Charles Bennett Title: Planner II
 Signature: Charles Bennett Phone: 541 774-6115 Date: 1/31/14
 Government Entity: Jackson 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: _____

Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
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

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- 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)
- 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 _____

SALEM, OR

4:27

45
10
11

02 46645

EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT is made by and between the following parties:

PARTIES:

HOWARD R. JUUL and DIANE M. JUUL, husband and wife, hereinafter referred to as "JUUL". A legal description for the Juuls' real property is attached hereto as Exhibit "A" and by this reference incorporated herein.

JANET BARKER, aka JANET GRIER, hereinafter referred to as "BARKER". A legal description for Barker's real property is attached hereto as Exhibit "B" and by this reference incorporated herein.

JESSE L. SWORD, hereinafter referred to as "SWORD". A legal description for Sword's real property is attached hereto as Exhibit "C" and by this reference incorporated herein.

← Predecessor to Rinaldi

JACK W. FITCH and MARCIA E. FITCH, husband and wife, hereinafter referred to as "FITCH". A legal description for the Fitches' real property is attached hereto as Exhibit "D" and by this reference incorporated herein.

WILLIE L. RATILUFF, Trustee of the Willie L. Ratiluff Trust, hereinafter referred to as "RATILUFF". A legal description for Ratiluff's real property is attached hereto as Exhibit "E" and by this reference incorporated herein.

RECITALS

1. The above described PARTIES own contiguous pieces of property described in Exhibits "A" through "E".

2. The PARTIES are converting the irrigation system on the real property from flood irrigation to sprinkler irrigation and need to enter into this Easement Agreement in order to do so.

3. A map showing the location of the point of diversion from the Applegate River, the group irrigation main pipeline, the main pump station, the booster pump station and the point of connections with the PARTIES' real properties is attached hereto as Exhibit "F" and by this reference incorporated herein.

For the reasons recited above and in consideration of the following mutual promises and covenants, the PARTIES hereby agree as follows:

AFTER RECORDING, RETURN TO: GRANTLAND, BLODGETT & SHAW
1818 E. McANDREWS ROAD
MEDFORD OR 97504

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SALEM, OR

S-8788

A. Each PARTY hereby grants to the others a non-exclusive, perpetual easement over and across each PARTY'S respective parcel for the purpose of constructing, operating, repairing and maintaining pump stations and a buried irrigation mainline. This easement shall be over and across the real properties described in Exhibits "A", "B", "C", "D" and "E" and shall be for the benefit of the real properties described in "Exhibits "A", "B", "C", "D" and "E". The easement shall be ten (10) feet in width the centerline of which shall be the underground pipeline in the approximate location shown on the map attached as Exhibit "F". Except for the rights granted herein the PARTIES shall have the full use and control of their respective real properties.

B. The PARTIES shall have all rights of ingress and egress to and from this easement, including the right to cut, remove, or trim all vegetation, excepting trees with a diameter of greater than 5 inches (as measured at 4.5 feet above the ground) necessary for the PARTIES' use, operation and maintenance of the easement hereby granted, and all rights and privileges incident thereto. To realize the ingress and egress provisions in this easement, a PARTY must give notice to the other PARTY at least twenty-four hours in advance, excepting emergencies, in which case the PARTIES will give as much notice as possible.

The PARTIES agree not to plant any trees or shrubs, to construct any building or other obstruction in the right-of-way of the easement. The PARTIES agree to install a ten-foot wide gate in any future fencing that crosses the easement, and to provide the other PARTIES with keys to any such gate.

C. The irrigation system installed on this easement will be connected to the on-farm systems of the PARTIES and its use shall be shared amongst the PARTIES.

D. Each PARTY agrees to indemnify and hold any other PARTY or PARTIES harmless from any loss, claim or liability resulting from that PARTY'S use of the easement located on another PARTY'S real property. Each PARTY assumes all risk arising out of their use of the easement and each PARTY shall have no liability to the other PARTY or PARTIES or others for any condition or hazard existing on their respective real properties. However, each PARTY agrees to maintain comprehensive public liability insurance in the amount of at least \$300,000.00.

E. This easement shall be appurtenant to the real properties described in Exhibits "A", "B", "C", "D" and "E". In the event of any subdivision or sale of all or any portion of such property this easement shall remain appurtenant to all of the parcels that such property may be divided into.

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F. Each PARTY acknowledges that it will be their responsibility to maintain their own respective water rights with the State of Oregon. All PARTIES will operate the aforementioned pump station in accordance with Oregon water law. If the Oregon Water Resources Department terminates the water right(s) attached the property of any of the PARTIES pertaining to this easement, then the rights of the affected PARTY under this easement, including access to water delivered by this irrigation system, will terminate.

G. The cost of routine maintenance and repair of the irrigation system installed on this easement shall be shared amongst the PARTIES pursuant to a percentage basis. This shall be broken down into two parts. The first part shall be the portion of the easement up to but not including the booster pump. This shall be shared by all five PARTIES according to the following percentage: Janet Barker, 27.2%; Jesse L. Sword, 11.9%; Jack W. Fitch and Marcia E. Fitch, 20.4%; Willie L. Ratluff Trust, 13.8%; Howard R. Juul and Diane M. Juul, 26.9%. That portion of the easement leading from the booster pump on shall be shared by the following PARTIES according to the following percentages: Janet Barker, 23.1%; Jack W. Fitch and Marcia E. Fitch, 46.1%; Willie L. Ratluff Trust, 30.8%.

H. The noise level due to the operation of the pump station, measured a distance of 25 feet from the pumps should not exceed 65 decibels (db), hereinafter the "sound threshold". If said sound threshold is exceeded, the offended PARTY may require that the pump station cease operation until the other PARTIES demonstrate to the offended PARTY that further operation of the pump will not exceed the sound threshold. The PARTIES shall install, or have installed, and maintain, noise suppression devices around the irrigation pump stations located in the easement to insure that said sound threshold is not exceeded.

I. If the rights of any individual PARTY expires as a result of the failure of that PARTY to comply with the terms and conditions of this Agreement, the rights of the other PARTIES shall continue in full force and effect provided that the cost sharing ratios set forth in Section G shall be adjusted to reflect the resultant revised ratio of the irrigation acreage of the remaining PARTIES sharing the easement.

J. In the event a suit or action is brought concerning this Agreement, the losing PARTY agrees to pay the prevailing PARTY'S reasonable attorney fees as determined by the trial court, or, if on appeal, similar fees as fixed by the appellate court.

K. This easement shall run with the land and shall be binding upon the PARTIES hereto, their heirs, assigns, personal representatives and successors in interest. This easement is subject to all prior liens, encumbrances, easements and exceptions of record.

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02 46645

IN WITNESS WHEREOF, the PARTIES have executed this Agreement on
this 3rd day of Sept, 2002.

Howard R. Juul
Howard R. Juul

Diane M. Juul
Diane M. Juul

Janet Barker
Janet Barker, aka Janet Grier

Jesse L. Sword
Jesse L. Sword

Jack W. Fitch
Jack W. Fitch

Marcia E. Fitch
Marcia E. Fitch

Willie L. Ratluff
Willie L. Ratluff, Trustee of the
Willie L. Ratluff Trust

4

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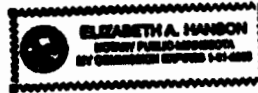
SALEM, OR

02 46645

STATE OF Minnesota)
COUNTY OF Hennepin)

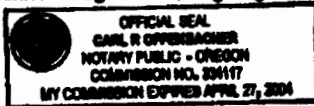
Personally appeared before me this 25th day of Aug., 2002, the above named HOWARD R. JUUL and DIANE M. JUUL and acknowledged the foregoing instrument to be their voluntary act and deed.

Elizabeth A. Hanson
Notary Public for Minnesota
My Commission Expires 1-31-2005



STATE OF OREGON)
COUNTY OF JACKSON)

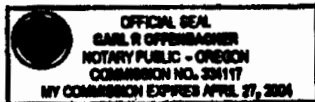
Personally appeared before me this 28TH day of AUG., 2002, the above named JANET BARKER, aka Janet Grier and acknowledged the foregoing instrument to be her voluntary act and deed.



Carl R. Oppenbacher
Notary Public for OREGON
My Commission Expires April 27, 2004

STATE OF OREGON)
COUNTY OF JACKSON)

Personally appeared before me this 2RD day of SEP., 2002, the above named JESSE L. SWORD and acknowledged the foregoing instrument to be his voluntary act and deed.



Carl R. Oppenbacher
Notary Public for OREGON
My Commission Expires April 27, 2004

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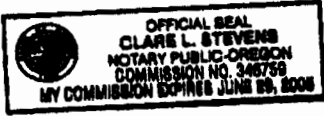
FEB 10 2014

SALEM, OR

02 46645

STATE OF OREGON)
COUNTY OF JACKSON)

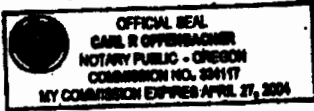
Personally appeared before me this 8/28/02 day of AUG., 2002, the above named JACK W. FITCH and MARCIA E. FITCH and acknowledged the foregoing instrument to be their voluntary act and deed.



Clare L. Stevens
Notary Public for 4129 2008 Oregon
My Commission Expires _____

STATE OF OREGON)
COUNTY OF JACKSON)

Personally appeared before me this 28th day of AUG., 2002, the above named WILLIE L. RATILUFF, Trustee of THE WILLIE L. RATILUFF TRUST and acknowledged the foregoing instrument to be his voluntary act and deed.



Carl R. Oppenbacher
Notary Public for OREGON
My Commission Expires 4/27/2004

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EXHIBITS**Exhibit "A"****Legal Description—Juul Property**

Commencing at a one inch brass capped iron pipe at the northeast corner of Section 4, in Township 39 South, Range 3 West, of the Willamette Meridian in Jackson County, Oregon; thence South 00°12'45" West, along the east line of Section 4, a distance of 654.88 feet to the southeast corner of that tract described in instrument recorded as No. 81-09132, said official records and the True Point of Beginning; thence South 74°25'00" West, along the southerly line of said tract, 117.87 feet to a 5/8" iron pin; thence continue South 74°25'00" West, along said southerly line, 541.96 feet to a 5/8" iron pin; thence continue South 74°25'00" West, along said southerly line, 106.63 feet to the southwest corner thereof; thence South 30°31'50" East 251.98 feet, thence South 40°02'46" East 941.94 feet (record South 40°01'50" East 953.05 feet, more or less) to the east line of said Section 4; thence North 00°12'45" East, along said east line, 1,144.59 feet, more or less, to the True Point of Beginning.

Exhibit "B"**Legal Description—Barker Property**

That tract of land situated in the Northwest One Quarter of Section 3, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon and more fully described as follows: Commencing at the Northwest corner of said Section 3; thence South along the West line of said Section 3, a distance of 971.66 feet to the point of beginning, from which an iron pin bears South 89°46' East; thence South 89°46' East, 1055.07 feet to a 5/8" iron pin on the Westerly line of the County Road; thence South 9°44'10" West along said road, 283.93 feet to the beginning of a curve having a radius of 848.51 feet; thence along said curve (long chord of which bears South 4°07'50" West, 165.76 feet), a distance of 166.02 feet to a 5/8" iron pin; thence South 78°26'30" West, 1015.71 feet, more or less, to the Westerly line of said Section 3; thence along said section line, 653.00 feet to the point of beginning.

Exhibit "C"**Legal Description—Sword Property**

Commencing at a brass capped 1 inch iron pipe marking the Northeast corner of Section 4, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South 0°12'45" West along the East line of said Section 4, a distance of 415.07 feet to a 5/8 inch iron pin and the point of beginning; then West 213.46 feet to a 1/2 inch iron pipe; thence North 27°02'20" West 32.04 feet to a 5/8 inch iron pin; thence South 65°43'30" West 128.54 feet to a 5/8 inch iron pin; thence South 28°40'30" West 53.13 feet to a 5/8 inch iron pin; thence South 65°43'30" West 413.74 feet to a 1/2 inch iron pin; thence continuing South 65°43'30" West 97.09 feet to the center of the Applegate River; thence South 30°31'50" East along the center of said Applegate River 191.25 feet; thence North 74°25'00" East 106.63 feet to a 5/8 inch iron pin; thence continuing North 74°25'00" East 541.96 feet to a 5/8 inch iron pin; thence continuing

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North 74°25'00" East 117.87 feet to the East line of said Section 4; thence North 0°12'45" East 239.81 feet to the point of beginning.

Exhibit "D"

Legal Description—Fitch Property

That tract or parcel of land situate in the Northwest quarter of the Northwest quarter of Section 3, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon and more fully described as follows: Commencing at the northwest corner of Section 3, Township 39 South, Range 3 West of the Willamette Meridian in Jackson County, Oregon; thence South, along the West line of said Section 4, 40 feet to the south county right of way and the point of beginning; thence South 89°46'00" East, along said right of way, 1079.09 feet; thence south 176.54 feet, along the West line of the Shedd tract as described in Document #69-00404 of the Official Records of Jackson County, Oregon; thence South 82°30'35" West, 505.91 feet to a 5/8" iron pin; thence South 68°32'54" West, 257.35 feet to a 5/8" iron pin; thence South 15°20'40" East, 97.02 feet to a 5/8" iron pin; thence North 89°46'00" West, 369.04 feet to the west line of said Section 3; thence North along said West line, 433.01 feet to the point of beginning.

Exhibit "E"

Legal Description—Ratliff Trust Property

Commencing at the Northwest corner of Section 3, Township 39 South, Range 3 West, Willamette Meridian, Jackson County, Oregon; thence South along the West line of said Section 3, a distance of 971.92 feet to the point of beginning; thence South 89°46' East 449.21 feet to a 5/8" iron pin; thence North 0°14'00" East 203.91 feet; thence South 89°46' East 640.10 feet to the Westerly line of County road; thence North 9°44'10" East 25.35 feet; thence North 89°46' West 338.28' thence North 0°14'00" East 270' thence North 89°46' West 737.27' more or less to the West line of said Section; thence South 498.91' to the point of beginning.

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