

MAR 19 2014



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

SALEM, OR

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: Confederated Tribes of Warm Springs

Mailing Address: 320 W. Main St.

John Day Oregon 97845

Phone: 541-820-4521

Fax: 541-820-4523 E-Mail Address\*: steph.charette@wstribes.org

\* 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: Stephan Charette

Mailing Address: 320 W. Main St.

John Day Oregon 97845

Phone: 541-820-4521

Fax: 541-820-4523 E-Mail Address\*: steph.charette@wstribes.org

\* 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.)

3. LOCATION AND SOURCE

A. Reservoir Name: McHaley Pond

B. Source: Provide the name of the water body or other source from which water will be 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: John Day River-ditch connection Tributary to: Columbia River

C. County in which diversion occurs: Grant

For Department Use
App. No. R-87973 Permit No. Date

SALEM OR

APR 18 2014

RECEIVED BY OWRD

**D. Reservoir Location**

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
13S	33E	12	SW NW NW	100

**E. Dam:** Maximum height of dam: "zero feet" 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: 4.50

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.

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

RECEIVED BY OWRD

MAR 19 2014

**5. PROPERTY OWNERSHIP**

SALEM, OR

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:

N/A

**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? 60 \_\_\_\_\_ 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.

The McHaley Pond is an existing structure that was dug about 50-60 years ago to trap run-off from the lower McHaley ditch as a stock water source. The Tribes acquired the property in 2002 and have been using the pond as a publicly accessible pond for fishing and recreating. Triploid rainbow trout are stocked in the pond by ODFW. Water is diverted from the lower McHaley ditch into the pond by surface water run-off and ditch prism. Water flows out of the pond into the John Day River. There are no dams, although fish passage is blocked by grates in order to prevent fish from escaping and native fish from entering the pond.

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

RECEIVED BY OWRD

APR 18 2014

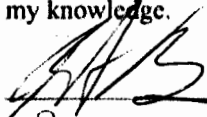
SALEM, OR

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).

RECEIVED BY OWRD		RECEIVED BY OWRD	
APR 18 2014		APR 18 2014	
SALEM, OR		SALEM, OR	

**9. SIGNATURE**

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

  
\_\_\_\_\_  
Landowner Signature  
Robert Brunoe, General Manager

2-25-14  
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).

**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? 60 \_\_\_\_\_ 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.

The McHaley Pond is an existing structure that was dug about 50-60 years ago to trap run-off from the lower McHaley ditch as a stock water source. The Tribes acquired the property in 2002 and have been using the pond as a publicly accessible pond for fishing and recreating. Triploid rainbow trout are stocked in the pond by ODFW. Water is diverted from the lower McHaley ditch into the pond by surface water run-off and ditch prism. Water flows out of the pond into the John Day River. There are no dams, although fish passage is blocked by grates in order to prevent fish from escaping and native fish from entering the pond.

# 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: *Confederated Tribes of the Warm Springs*

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

Explain:

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

If YES, which conditions are recommended: *This pond is tied to an existing irrigation ditch and can be easily be stopped from being filled. The historic use practice is to not divert irrigation water into the pond during the summer months. A standard fill period limitation should address any injury concerns. I do not believe there is potential to injure other water users if a fill period limitation is applied.*

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: *2/5/2014*

*Watermaster Dist. 4*

WRD Contact:

Caseworker:

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

RECEIVED BY OWRD

NOTE: This completed form must be returned to the applicant

MAR 19 2014

RECEIVED BY OWRD

SALEM, OR

APR 18 2014

5

SALEM, OR

R-8773

# ODFW Alternate Reservoir Application Review Sheet

**This portion to be completed by the applicant.**

Applicant Name/Address/Phone/Email: Confederated Tribes of Warm Springs,  
320 W. Main St., John Day, OR, 97845 541-820-4521 Steph. Charette  
ewstribes.org  
 Reservoir Name: McHaley Pond Source: John Day Volume (AF): 4.50  
 Twp Rng Sec QQ: 13S/33E/12/SW Basin Name: John Day  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 AO<sup>1</sup> 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 NMF<sup>2</sup> 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.
  - 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.

**RECEIVED BY OWRD**

APR 18 2014

**SALEM, OR  
RECEIVED BY OWRD**

MAR 19 2014

SALEM, OR

<sup>1</sup> 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)  
<sup>2</sup> NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

R-87973

Lined area for text entry.

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?  
 NO (explain)       YES (select from Menu of Conditions on next page)

Lined area for text entry.

ODFW Signature: Jeff A. Neal      Print Name: Jeff A. Neal  
ODFW Title: ODFW District Fish Biologist      Date: 2/5/14

**NOTE: This completed form must be returned to the applicant.**

Revised 10/4/12

RECEIVED BY OWRD

RECEIVED BY OWRD

APR 18 2014

MAR 19 2014

SALEM, OR

SALEM, OR

R-87973



Confed Tribe Warm Springs

# 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: Confederated Tribes of Warm Springs  
First Last

Mailing Address: 320 W. Main St.

John Day OR 97845 Daytime Phone: 541-820-4521  
City State Zip

### 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:
						Diverted	Conveyed	Used	
13S	33E	12	NW ¼	100	Ag. EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Multi-purpose
						<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:

Grant County, Prairie City, OR.

### B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 4.50  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 Multi-Purpose

Briefly describe:

This application is for the existing "McHaley" pond on Confederated Tribes of the Warm Springs property. The pond is used for public fishing opportunities and Multi-purpose uses.

**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.

RECEIVED BY OWRD

See bottom of Page 3. →

RECEIVED BY OWRD

MAR 19 2014

APR 18 2014

SALEM, OR

10

SALEM, OR

R-87973

MAR 19 2014

### For Local Government Use Only

T.135 R.33E sec 12 NW NW  
Tax lot 100

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): not regulated

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
		<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.

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

Name: Shannon Springer Title: Assistant Planner  
 Signature: [Signature] Phone: 541-575-1519 Date: 2/5/14  
 Government Entity: Grant County Planning Department

**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: \_\_\_\_\_

RECEIVED BY OWRD

APR 18 2014

INSTRUMENT 221452  
PAGE 1 OF 15 PAGES

SALEM, OR

WARRANTY DEED

Recording requested and  
when recorded return to:

Brent S. Kinkade  
Karnopp, Petersen, Noteboom  
Hansen, Arnett & Sayeg, LLP  
1201 NW Wall Street, Suite 300  
Bend, Oregon 97701-1957

*c/o Land Title*

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

P.O. Box C  
Warm Springs, OR 97761

*The true consideration for this conveyance is \$3,925,000*

15704

FORREST LAND COMPANY, LLC, an Oregon limited liability company Grantor,  
conveys and warrants to the **CONFEDERATED TRIBES OF THE WARM SPRINGS  
RESERVATION OF OREGON**, a federally recognized Indian tribe, Grantee, whose address is  
P.O. Box C, Warm Springs, OR 97761, the real property described on Exhibit A (the  
"Property"), free of encumbrances except as set forth on Exhibit B.

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 1 day of July, 2002.

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

Page 1.

WARRANTY DEED

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP  
ATTORNEYS AT LAW

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

R-87873

INSTRUMENT 221952  
PAGE 2 OF 15 PAGES

FORREST LAND COMPANY, LLC, an  
Oregon limited liability company

John Forrest  
JOHN FORREST, Manager

STATE OF OREGON )  
County of Grant JK ) ss.  
~~Deschutes~~ )

The foregoing instrument was acknowledged before me this 1 day of  
July, 2002, by JOHN FORREST, Manager for FORREST LAND COMPANY,  
LLC, an Oregon limited liability company.

Tami A. Kowing  
NOTARY PUBLIC FOR OREGON



RECEIVED BY OWRD

APR 18 2014

SALEM, OR

R-87873

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

EXHIBIT A

See attached.

INSTRUMENT 221952  
PAGE 3 OF 13 PAGES

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

EXHIBIT A

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP  
ATTORNEYS AT LAW

Riverpointe One • 1201 N.W. Wall Street, Suite 300 • Bend, Oregon 97701-1957 • (541) 382-3011

w1108.29\161141.doc

R-87973

RECEIVED BY OWRD

INSTRUMENT 221952  
PAGE 4 OF 15 PAGES

APR 18 2014

SALEM, OR

EXHIBIT "A"

Township 11 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:

Section 13: Lots 2,3, and 6; S1/2NE1/4; N1/2NW1/4; SE1/4NW1/4; NE1/4SE1/4; SAVE & EXCEPT that portion of said S1/2NE1/4, NE1/4NW1/4, and NE1/4SE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road; and SAVE & EXCEPT that portion of the NW1/4NW1/4 and SE1/4NW1/4 lying South and West of a line running from the Northwest corner of said Section 13 to the Southeast corner of the SE1/4NW1/4 of said Section 13. (Tax Acct. 4 11-34 500; Ref. 2583)

Township 11 South, Range 35 East of the Willamette Meridian, Grant County, Oregon:

Section 18: Lots 3 and 4; E1/2SW1/4; S1/2SE1/4; SAVE & EXCEPT that portion of said Lot 3, S1/2SE1/4, SE1/4SW1/4, and NE1/4SW1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road.

Section 19: Lots 1,2,5, and 6; NE1/4SE1/4; N1/2NW1/4SE1/4; SE1/4NW1/4SE1/4; E1/2SW1/4NW1/4SE1/4; NE1/4; SAVE & EXCEPT that portion of the NE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road.

Section 20: S1/2NW1/4; N1/2SW1/4; N1/2SE1/4; SW1/4SE1/4; S1/2SW1/4; SAVE & EXCEPT that portion of said S1/2NW1/4, NE1/4SW1/4, and N1/2SE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road. (Tax Acct. 4 11-35 500; Refs. 2488)

Township 12 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:

Section 25: ALL.

Section 26: All that portion thereof lying East of the existing County Road running up Dixie Creek. SAVE & EXCEPT the following: Beginning at the intersection of the Easterly line of Dixie Creek County Road and the Northerly line of Ricco Ranch County Road, the point of beginning; thence Easterly, along the Northerly line of Ricco Ranch County Road, a distance of 400 feet; thence Northerly, and parallel to Dixie Creek County Road, 150 feet; thence Westerly and paralleling the Northerly line of the Ricco Ranch County Road, 400 feet, to the Easterly line of Dixie Creek County Road; thence Southerly, along the Easterly line of Dixie Creek County Road, 150 feet to the point of beginning. ALSO SAVE & EXCEPT the following: Beginning at the intersection of the Easterly line of Dixie Creek County Road and the South line of said Section 26, the true point of beginning; thence East, along the South line of said Section 26, a distance of 35 feet; thence North and paralleling the centerline of Dixie Creek County Road, 40 feet; thence West and paralleling the South line of said Section 26, a distance of 35 feet; thence South, along the East line of Dixie Creek County Road, 40 feet to the point of beginning.

Section 36: NW1/4; W1/2NE1/4; SE1/4NE1/4; S1/2. (Tax Acct. 4-2 12-33 4000; Ref. 3339)

Township 12 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:

Section 31: Lots 1,2,3, and 4; E1/2W1/2; E1/2; SAVE & EXCEPT the following:

(a) Beginning at the Southeast corner of said Section 31; thence North, along the Section line, 953 feet; thence Southwesterly, along the highway to the South line of said Section 31; thence

RECEIVED BY OWRD

MAR 19 2014

R-8773

APR 18 2014

INSTRUMENT 221952  
PAGE 5 OF 15 PAGES

## SALEM, OR

the point of beginning, and being in the SE1/4SE1/4 of said Section 31, and East and South of the John Day Highway.

- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.
- (c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.  
(Tax Acct. 4-2-12-34 2500; Ref. 3354)

Township 13 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:  
Section 1: Lots 1,2,3, and 4; S1/2N1/2; S1/2; SAVE & EXCEPT the following:

- (a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded May 24, 1941, in Book 44, page 505.
- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded August 29, 1941, in Book 44, page 639.
- (c) A tract of land situated in the W1/2SW1/4 of said Section 1, described as follows: Beginning at a point on the West boundary line of said Section 1, said point being located at a point where the West boundary line of said Section 1 intersects the Northerly right of way line of Highway 26; thence North, along the West boundary line of said Section 1, 800.0 feet; thence East, 275.0 feet; thence South, parallel to the West boundary line of said Section 1, to the Northerly right of way line of said Highway 26; thence Westerly, along the North boundary of said Highway 26, to the point of beginning.
- (d) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.

Section 12: N1/2; SW1/4; That portion of the SE1/4 lying North and Northeasterly of County Road No. 62; SAVE & EXCEPT all that portion of the S1/2NE1/4 and of the W1/2 lying South of County Road No. 62.

ALSO: The NE1/4SE1/4 and the S1/2NE1/4 of said Section 12, SAVE & EXCEPT the following described tract: Beginning at a point on the South right of way line of County Road No. 62, said point being 2628 feet North and 1605.40 feet West of the Southeast corner of said Section 12; thence S2°32'00"E, 218.27 feet; thence S88°17'00"E, 10 feet; thence South, 275.20 feet; thence N89°52'32"E, 232.48 feet; thence S28°43'43"E, to a point on the West line of said NE1/4SE1/4 of Section 12; thence South to the Southwest corner of said NE1/4SE1/4; thence East, along the South line of said NE1/4SE1/4, to a point on the West boundary line of County Road No. 62; thence Northwesterly, along said right of way line to a point which is 612.5 feet West and 2240.1 feet North of the Southeast corner of said Section 12; thence N56°19'W, 366.0 feet, more or less; thence N49°48'W, to a point on the Southerly right of way line of County Road No. 62; thence Southwesterly, along said right of way line to the point of beginning. SAVE & EXCEPT the following:

- (a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded May 24, 1941, in Book 44, page 505.
- (b) That portion conveyed to Grant County, Oregon by Deed recorded June 15, 1991 in Book 85, page 230.

MAR 19 2014

SALEM, OR

R-8773

RECEIVED BY OWRD

APR 18 2014

INSTRUMENT 22 1952  
PAGE 6 OF 15 PAGES

SALEM, OR

(c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.  
(Tax Acct. 4-2 13-33 Ptn. of 100; Ref. 3373)

Township 13 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:  
Section 11: All that portion of the E1/2NE1/4 lying North of the right of way of the relocated County Road as said right of way is described in Deed recorded May 9, 1961, in Book 85, page 125, Deeds, SAVE & EXCEPT the following parcel of land, to-wit: Beginning at the Northeast corner of the SW1/4NE1/4 of said Section 11; thence North 70.0 feet; thence East 135.0 feet; thence South 373.0 feet, more or less, to the County Road; thence West 135.0 feet along the County Road; thence North 303.0 feet to the point of beginning. (Tax Acct. 4-2 13-33-11 102; Ref. 3421)

Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:

Section 6: Lots 1,2,3, and 4; E1/2SW1/4. SAVE & EXCEPT the following:

(a) That portion conveyed to the State of Oregon by and through its State Highway Commission, by Deed recorded February 27, 1939, in Book 43, page 153.

(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.

(c) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 23, 1941, in Book 44, page 558.

(d) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 23, 1944, in Book 46, page 443.

(e) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.

Section 7: Lot 1 and a portion of Lot 2 described as follows: Beginning at the Northwest corner of said Lot 2 (of record as the SW1/4NW1/4); thence South to the Southwest corner of said Lot 2; thence East on the South line of said Lot 2, 46 rods to the West line of the Clifford property; thence Northeasterly, along the West line of said property to the North line of said Lot 2 at a point thereon, 74.5 rods East of the point of beginning; thence West, 74.5 rods to the point of beginning. ALSO, that portion of Lot 3 described as follows: Beginning at the Southwest corner of Lot 2 of said Section 7; thence East 52 rods; thence Southwesterly 13 rods, more or less, to the North bank of the John Day River; thence Southwesterly, 50 rods, more or less, to the Section line of the West side of said Section 7; thence North, along said West line to the point of beginning. SAVE & EXCEPT any portion thereof lying within the rights of way of the County Road and State Highway.

TOGETHER with that certain tract situated in the SW1/4 of Section 6, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon, described as follows: Beginning at the Southwest corner of the SE1/4SW1/4 of said Section 6; thence N0°31'30"W, 28.50 feet to a point which is 80 feet Southeasterly of (when measured at right angles to) Engineers centerline Station 85+86.75 of the John Day Highway; thence on a line 80 feet Southeasterly of and parallel to the centerline of said

MAR 19 2014

SALEM, OR

R-87973



APR 18 2014

INSTRUMENT 201452  
PAGE 1 OF 15 PAGES

SALEM, OR

highway, 116.30 feet along the arc of a 2944.79 foot radius curve left (the long chord of which bears N67°58'20"E, 116.29 feet); thence S5°19'00"W, 72.52 feet to the South line of the SE1/4SW1/4 of said Section 6; thence N89°56'57"W, along the South line of said SE1/4SW1/4, 100.82 feet to the point of beginning.

ALSO, SAVE & EXCEPT that portion conveyed to Jerry Franklin, etux, by deed recorded January 21, 1986, in Book 132, page 873, described as follows: A tract of land in Lot 1 of Section 7, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon: Beginning at a point which is N39°07'08"E, 30.00 feet from Engineer's centerline Station 1+22.25 of proposed Grant County Road No. 61, as said road is shown on Map of Survey No. 866 filed in the Office of the Grant County Surveyor, said point being 161.60 feet South and 736.55 feet East of the Northwest corner of said Section 7; thence parallel to and 30 feet Easterly of the centerline of said proposed County Road, as follows: S50°52'52"E, 67.97 feet; 84.42 feet along the arc of a 985.00 foot radius curve right (the long chord of which bears S48°25'33"E, 84.40 feet); thence N10°34'23"W, 10.29 feet; thence N34°54'23"W, (record bearing N34°57'W), along the West line of the Oregon State Highway Department tract, 150.24 feet; thence S39°07'08"W, 44.39 feet to the point of beginning.

ALSO SAVE & EXCEPT that portion conveyed to Grant County, Oregon, a body politic, by deed recorded January 21, 1986, in Book 132, page 871, described as follows: A tract situated in Lot 1 of Section 7, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon: Beginning at a point on the Southerly right of way line of the John Day Highway opposite and 40 feet distant from Engineer's centerline Station 80+70.5 P.S.C., said point being 77.08 feet South and 818.18 feet East of the Northwest corner of said Section 7; thence 80.2 feet, along said right of way line on a 40 foot offset to a 400 foot spiral curve right (a=0.5), the long chord of which bears S80°10'27"W, (record bearing S80°30'W) 80.2 feet to the TRUE POINT OF BEGINNING: thence S34°54'23"E, (record bearing S34°57'E), along the Westerly line of the Oregon State Highway Dept. tract, 44.38 feet; thence S39°07'08"W, 44.39 feet, to a point on the proposed Easterly right of way line of County Road No. 61, said point being N39°07'08"E, 30.00 feet, (when measured at right angles) to Engineers Station 1+22.25 of said County Road; thence N50°52'52"W, along said proposed right of way line, 94.15 feet to the Southerly right of way line of the John Day Highway; thence 76.50 feet along said right of way line on a 40 foot offset to a 400 foot spiral curve left (a=0.5) the long chord of which bears N81°24'28"E, 76.50 feet to the TRUE POINT OF BEGINNING.

ALSO SAVE & EXCEPT the following:

- (a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.
  - (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 23, 1944, in Book 46, page 443.
  - (c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.
- (Tax Acct. 4-2 13-34 1100; Ref. 3436)

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

R-8773

EXHIBIT B

1. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
2. Rights of the public and governmental bodies in and to any portion of the Property lying below the high water mark of the John Day River and the Middle Fork of the John Day River, including any ownership rights which may be claimed by the State of Oregon below the high water mark.
3. Such rights and easements for navigation and fishing as may exist over that portion of the Property lying beneath the waters of the John Day River and the Middle Fork of the John Day River.
4. Any adverse claim based upon the assertion that:
  - (a) The Property or any part thereof is now or at any time has been below the ordinary HIGH water mark of the John Day River and the Middle Fork of the John Day River.
  - (b) Some portion of the Property has been created by artificial means or has accreted to such portion so created.
  - (c) Some portion of the Property has been brought within the boundaries thereof by an avulsive movement of the John Day River and the Middle Fork of the John Day River, or has been formed by accretion to any such portion.
5. Subject to any and all matters, including easements and assessment, if any, pertaining to irrigation ditches that may traverse the Property.
6. Easement, including the terms and provisions thereof:

For : Ditch right of way, together with all appurtenances thereto as more particularly described therein

Granted to : Robert Morehead and James F. Cleaver

Recorded : April 21, 1874

Book : B

Page : 319

Affects : SW1/4 of Sec. 7, Township 13 South, Range 34 East of the Willamette Meridian
7. Right of Way Deed, including the terms and provisions thereof, to Sumpter Valley Railway Company, recorded February 15, 1911, in Book 29, page 173. (Affects Sec. 31, Township 12 South, Range 34 East of the Willamette Meridian.
8. Right of Way Deed, including the terms and provisions thereof, to Sumpter Valley Railway Company, recorded March 13, 1911, in Book 29, page 197. (Affects Sec. 11, Township 13 South, Range 33 East of the Willamette Meridian.

RECEIVED BY OWRD

MAR 19 2014

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP  
ATTORNEYS AT LAW

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

SALEM, OR

w1108.29\161141.doc

R-87973

- 9. Right of Way Deed, including the terms and provisions thereof, to Sumpter Valley Railway Company, recorded March 13, 1911, in Book 29, page 198. (Affects Sec's. 6 & 7, Township 13 South, Range 34 East of the Willamette Meridian.
- 10. Right of Way Deed, including the terms and provisions thereof, to Sumpter Valley Railway Company, recorded January 2, 1913, in Book 30, page 111. (Affects Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian.
- 11. Easement, including the terms and provisions thereof:
  - For : the construction and maintenance of a ditch and flume together with all appurtenances thereto as more particularly described therein
  - Granted to : Prairie Power Company
  - Recorded : November 2, 1915
  - Book : 31
  - Page : 262
  - Affects : NE1/4SW1/4 Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian
- 12. Easement, including the terms and provisions thereof:
  - For : the construction and maintenance of a ditch and flume together with all appurtenances thereto as more particularly described therein
  - Granted to : Prairie Power Company
  - Recorded : December 18, 1915
  - Book : 31
  - Page : 309
  - Affects : NW1/4SW1/4 Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian
- 13. Mineral Reservation, including terms and provisions thereof:
  - Reserved by : Eastern Oregon Land Company
  - Recorded : February 18, 1921
  - Book : 34
  - Page : 62
  - Affects : Section 25, Township 12 South, Range 33 East of the Willamette Meridian
- 14. Mineral Reservation, including terms and provisions thereof:
  - Reserved by : Eastern Oregon Land Company
  - Recorded : April 19, 1926
  - Book : 36
  - Page : 351
  - Affects : Section 31, Township 12 South, Range 34 East of the Willamette Meridian

RECEIVED BY OW

MAR 19 2014

RECEIVED BY OWRD

SALEM, OR

EXHIBIT B

APR 18 2014

Winnop, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP  
ATTORNEYS AT LAW

w1108.29\161141.doc

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

SALEM, OR

R-87773

MAR 19 2014

15. Agreement, including the terms and provision thereof: **SALEM, OR**  
 Regarding : the use, drawing water from, and maintenance of a ditch  
 Between : A/W. Ward  
 And : Charlotte Livermore Ricco  
 Recorded : August 24, 1928  
 Book : E of Leases & Agreements  
 Page : 268  
 Affects : Section 26, Township 12 South, Range 33 East of the Willamette Meridian and section 2, Township 13 South, Range 33 East of the Willamette Meridian and other lands
16. Mineral Reservation, including terms and provisions thereof:  
 Reserved by : Eastern Oregon Land Company  
 Recorded : March 9, 1931  
 Book : 39  
 Page : 58  
 Affects : Section 31, Township 12 South, Range 34 East of the Willamette Meridian
17. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.  
 Granted to : The Pacific Telephone and Telegraph Company  
 Recorded : June 30, 1938  
 Book : 42  
 Page : 517  
 Affects : Sec. 6, Township 13 South, Range 34 East of the Willamette Meridian
18. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles, together with all appurtenances thereto as more particularly described therein.  
 Granted to : California Pacific Utilities Company  
 Recorded : August 28, 1951  
 Book : 63  
 Page : 466  
 Affects : Sec. 11, Township 13 South, Range 33 East of the Willamette Meridian
19. Easement as reserved in Deed  
 For : Forty foot easement for a ditch and spillway  
 Recorded : October 23, 1951  
 Book : 64  
 Page : 93  
 Affects : Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian

RECEIVED BY OWRD

## EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett &amp; Sayeg, LLP

ATTORNEYS AT LAW

w1108.29\161141.doc

APR 18 2014

Riverpointe One • 1201 N.W. Wall Street, Suite 300 • Bend, Oregon 97701-1957 • (541) 332-3011

SALEM, OR

R-87973

MAR 19 2014

SALEM, OR

20. Easement, including the terms and provisions thereof:  
For : the construction and maintenance of transmission lines and poles,  
together with all appurtenances thereto as more particularly described  
therein.  
Granted to : California Pacific Utilities Company  
Recorded : November 13, 1951  
Book : 64  
Page : 180  
Affects : Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian
21. Easement, including the terms and provisions thereof:  
For : the construction and maintenance of transmission lines and poles,  
together with all appurtenances thereto as more particularly described  
therein.  
Granted to : Oregon Telephone Corporation, a corp.  
Recorded : March 27, 1961  
Book : 84  
Page : 622  
Affects : Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian
22. Easement, including the terms and provisions thereof:  
For : Construction and maintenance of water lines, together with all  
appurtenances thereto as more particularly described therein  
Granted to : City of Prairie City  
Recorded : January 27, 1965  
Book : 92  
Page : 178  
Affects : Sec. 26, Township 12 South, Range 33 East of the Willamette Meridian
23. Easement, including the terms and provisions thereof:  
For : Construction and maintenance of water lines, together with all  
appurtenances thereto as more particularly described therein  
Granted to : City of Prairie City  
Recorded : January 27, 1965  
Book : 92  
Page : 180  
Affects : Sec. 26, Township 12 South, Range 33 East of the Willamette Meridian
24. Easement, including the terms and provisions thereof:  
For : Construction and maintenance of a roadway, together with all  
appurtenances thereto as more particularly described therein  
Granted to : United States of America  
Recorded : May 20, 1965  
Book : 93  
Page : 9  
Affects : Sec. 18, Township 11 South, Range 35 East of the Willamette Meridian

RECEIVED BY OWRD

APR 18 2014

EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP  
ATTORNEYS AT LAW

wf108.29\161141.doc

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

R-87773

- 25. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles,  
 together with all appurtenances thereto as more particularly described  
 therein.  
 Granted to : Idaho Power Company  
 Recorded : May 18, 1966  
 Book : 94  
 Page : 582  
 Affects : Sec's. 25 and 36, Township 12 South, Range 33 East of the Willamette  
 Meridian
  
- 26. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles,  
 together with all appurtenances thereto as more particularly described  
 therein.  
 Granted to : California Pacific Utilities Company  
 Recorded : June 16, 1966  
 Book : 95  
 Page : 5  
 Affects : that portion of subject premises as more particularly described therein
  
- 27. Easement, including the terms and provisions thereof:  
 For : Roadway, together with all appurtenances thereto as more particularly  
 described therein  
 Granted to : Floyd Ray Case, etux  
 Recorded : February 2, 1967  
 Book : 96  
 Page : 125  
 Further described in Easement recorded March 22, 1976  
 Book : 114  
 Page : 531  
 Affects : NE1/4SE1/4 of Sec. 12, Township 13 South, Range 33 East of the  
 Willamette Meridian
  
- 28. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles,  
 together with all appurtenances thereto as more particularly described  
 therein.  
 Granted to : California Pacific Utilities Company  
 Recorded : September 8, 1967  
 Book : 97  
 Page : 425  
 Affects : Sec. 26, Township 12 South, Range 33 East of the Willamette Meridian

RECEIVED BY OWRD

APR 18 2014

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP

ATTORNEYS AT LAW

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

w1108.29\161141.doc

R-8773

- 29. Easement, including the terms and provisions thereof:  
 For : the construction and maintenance of transmission lines and poles,  
 together with all appurtenances thereto as more particularly described  
 therein.  
 Granted to : Oregon Telephone Corporation, a corp.  
 Recorded : April 12, 1974  
 Book : 111  
 Page : 355  
 Affects : Sec's. 6 and 7, Township 13 South, Range 34 East of the Willamette  
 Meridian and Sec. 12, Township 13 South, Range 33 East of the  
 Willamette Meridian and other lands
  
- 30. Agreement, including the terms and provision thereof:  
 Regarding : Boundary Line  
 Between : Orrin Forrest  
 And : Edward Hines Lumber Co.  
 Recorded : June 6, 1977  
 Book : 116  
 Page : 922  
 Affects : Sec. 20, Township 11 South, Range 35 East of the Willamette Meridian
  
- 31. Easement, including the terms and provisions thereof:  
 For : Construction and maintenance of a water line, together with all  
 appurtenances thereto as more particularly described therein  
 Granted to : City of Prairie City  
 Recorded : November 16, 1977  
 Book : 117  
 Page : 873  
 Affects : Sec. 26, Township 12 South, Range 33 East of the Willamette Meridian
  
- 32. Easement, including the terms and provisions thereof:  
 For : Construction and maintenance of a road, together with all appurtenances  
 thereto as more particularly described therein  
 Granted to : Grant County, Oregon  
 Recorded : February 12, 1987  
 Book : 134  
 Page : 809  
 Affects : Sec. 18, Township 11 South, Range 35 East of the Willamette Meridian

RECEIVED BY OWRD

RECEIVED BY OWRD

MAR 19 2014

APR 18 2014

SALEM, OR

SALEM, OR

EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP

ATTORNEYS AT LAW

w1108.29\161141.doc

Riverpointe One · 1201 N.W. Wall Street, Suite 300 · Bend, Oregon 97701-1957 · (541) 382-3011

R-87973

38. Easement, including the terms and provisions thereof:  
For : the construction and maintenance of transmission lines and poles,  
together with all appurtenances thereto as more particularly described  
therein.  
Granted to : Oregon Trail Electric Consumers Cooperative, a corp.  
Recorded : May 21, 1998  
Instr. No. : 980996  
Affects : Sec. 12, Township 13 South, Range 33 East of the Willamette Meridian
39. Easement, including the terms and provisions thereof:  
For : the construction and maintenance of transmission lines and poles,  
together with all appurtenances thereto as more particularly described  
therein.  
Granted to : Oregon Trail Electric Consumers Cooperative, a corp.  
Recorded : August 27, 1998  
Instr. No. : 981844  
Affects : Sec. 26, Township 12 South, Range 33 East of the Willamette Meridian
40. Any uncertainty as to the exact location of the southerly line of the property described as  
being in the NE1/4SE1/4 and S1/2NE1/4 South of County Road No. 62 in Sec. 12,  
Township 13 South, Range 33 East of the Willamette Meridian with the northerly line of  
neighboring properties as set forth and shown in county surveys No. 1037 and 1059 as  
filed for record in the office of the Grant County Surveyor. No deeds, of record, have  
ever been exchanged nor has any boundary line agreement appeared of record,  
conforming these boundaries to the aforementioned surveys.

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

EXHIBIT B

Karnopp, Petersen, Noteboom, Hansen, Arnett & Sayeg, LLP

ATTORNEYS AT LAW

w1108.29\161141.doc

Riverpinto One • 1201 N.W. Wall Street, Suite 300 • Bend, Oregon 97701-1957 • (541) 382-3011

R-87773



RECEIVED BY OWRD

APR 18 2014

PAGE 1 OF 7 INSTRUMENT 22 1953 PAGES

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

DEED OF CONSERVATION EASEMENT  
FOR THE FORREST RANCH

SALEM, OR

THIS GRANT DEED OF CONSERVATION EASEMENT is made this 27 day of June, 2002, by the Confederated Tribes of the Warm Springs Reservation of Oregon, based in Warm Springs, Oregon (the "Grantor" or "Tribes"), in favor of the United States of America, acting by and through the Department of Energy, Bonneville Power Administration, based in Portland, Oregon (the "Grantee" or "BPA").

I. RECITALS

A. The Grantor is the fee simple owner of the real property commonly known as the Forrest Ranch in Grant County, Oregon, described in Exhibit A, attached to this deed and incorporated by reference.

B. The Bonneville Power Administration (BPA) is a power-marketing agency within the United States Department of Energy. The Pacific Northwest Electric Power Planning and Conservation Act, 16 U.S.C. 839b et seq. ("Act") directs BPA to protect, mitigate, and enhance fish and wildlife affected by the development and operation of Federal hydroelectric projects of the Columbia River and its tributaries, in a manner consistent with the purposes of the Act, the program adopted by the Pacific Northwest Electric Power and Conservation Planning Council ("Council") under subsection 4(h) of the Act, and other environmental laws. BPA has the authority pursuant the Northwest Power Act, 16 U.S.C. §§ 839b(h) and 839f(a), the Federal Columbia River Transmission System Act, 16 U.S.C. §838i(b), or the Bonneville Project Act, 16 U.S.C. §§ 832a(e) through (f), to acquire real estate or to assist in the acquisition and transfer of real property interests.

C. The Forrest Ranch is located on the Middle Fork and main stem of the John Day rivers and provides spawning and rearing habitat for anadromous fish species listed under the Endangered Species Act, and is a high priority subbasin for fish habitat protection pursuant to the 2000 National Marine Fisheries Service Biological Opinion on the Operation of the Federal Columbia River Power System. In addition, the Forrest Ranch provides wildlife habitat for species affected by the construction and operation of the Federal Columbia River Power System. This Conservation Easement is created for the purpose of retaining and protecting the natural values of the Forrest Ranch by protecting its natural resources, maintaining or enhancing air or water quality, and preserving its underlying archaeological or cultural resources.

D. The Tribes and BPA have entered into an agreement governing the acquisition and use of the Forrest Ranch. The Amended and Restated Oxbow Ranch Project Memorandum of Agreement (February 2002) (hereinafter "MOA") is incorporated into this agreement and is on file with BPA Manager, Real Property Services, 905 NE 11th Street (97232), P.O. Box 3621 (97208), Portland, OR. The Tribes intend to convey to BPA the right to preserve and protect the attributes of the Forrest Ranch, listed in subsection C above, in perpetuity.

15704

R-BFFRS

MAR 19 2014

## II. CONVEYANCE AND CONSIDERATION

SALEM, OR

For and in consideration of the funding BPA provided to the Tribes to acquire the Forrest Ranch, the Tribes hereby voluntarily grant and convey to the United States of America a conservation easement over the Forrest Ranch in perpetuity.

## III. PURPOSE

It is the purpose of this Conservation Easement to retain the conservation values of the Forrest Ranch by protecting its natural resources, maintaining or enhancing air or water quality, and preserving its underlying archaeological or cultural resources in perpetuity, and preventing any use of the Ranch that will impair or interfere with the conservation values of the Ranch. The MOA describes what in this Easement are called the conservation values, which include the following: anadromous fish and their habitat, including the riparian and upland habitats that affect instream habitat; resident fish and wildlife and their habitats, historical and cultural resources; and water quality including temperature, sediment load, and flow levels. The Tribes intend that this Easement will confine the use of the Forrest Ranch to such activities as are consistent with this purpose. BPA shall have the right, but not the obligation, to enforce any and all terms of this Easement.

## IV. RIGHTS CONVEYED TO GRANTEE

A. To accomplish the purpose of this Conservation Easement, the Tribes convey the following rights to BPA. BPA has the right to:

- Access and inspect the Forrest Ranch at all reasonable times upon reasonable notice to assure compliance with this Conservation Easement.
- To prevent any activity on the Forrest Ranch inconsistent with this Conservation Easement, the MOA, or any property management plan developed and adopted by the parties under the MOA, and to require the restoration of areas or features of the Ranch that are damaged by any inconsistent use.
- To ensure the Tribes do not convey the Forrest Ranch without BPA's written consent.
- To prevent the Tribes from allowing or taking any ground disturbing actions prior to completion of a management plan approved by BPA, or from allowing or taking such actions that are not part of the management plan once the plan is developed and approved.
- To prohibit grazing of domestic livestock and feral horses and cattle anywhere on the Project unless it is done pursuant to the Property Management Plan to manage Forrest Ranch for fish and wildlife.
- To prohibit timber harvesting unless it is done pursuant to the Property Management Plan to improve Forrest Ranch as fish and wildlife habitat, for proper fire or land management, or protection of person or property.
- To prohibit all residential, commercial, or industrial uses of Forrest Ranch, except as permitted in the Property Management Plan.

RECEIVED BY OWRD

APR 18 2014 1108.29\162050.doc

SALEM, OR

R-87973

B. Under the MOA the Tribes are obligated to develop a Property Management Plan for the Forrest Ranch, and BPA has the right to approve that plan. Once the plan is completed and approved, the parties may record a copy with the Grant County Clerk and substitute the restrictions in the plan for those in Subsection IV(A) above.

**V. PROHIBITED USES**

The Tribe will ensure that all the habitat acquired, improved, or managed with BPA funds is permanently protected and managed for fish and wildlife on behalf of BPA and the United States, preventing any and all uses of the properties that are inconsistent with this Agreement, the Northwest Power Planning Council's Columbia River Basin Fish and Wildlife Program, the Northwest Power Planning Act, the Property Management Plan required by Section 2.4 of this Agreement, or the ESA. Prohibited uses of the habitat acquired or managed under this Agreement include those specifically listed below. However, the Parties intend that any activity that violates the purposes of this agreement is prohibited, and therefore the list identified below is not exhaustive.

- (i) Grazing of domestic livestock and feral horses and cattle on the property unless used as a method to manage the properties for wildlife as outlined in the Property Management Plan, and provided such usage does not have a material negative impact on fish or wildlife habitat;
- (ii) Timber harvesting, or the removal of other shrubbery or vegetation except such harvesting as is identified in the Property Management Plan for the purpose of improving the Project as fish or wildlife habitat, or as is necessary for proper fire management, for disease protection, or as is necessary for protection of person or property;
- (iii) All residential, commercial, or industrial uses of the properties, except as permitted in the Property Management Plan;
- (iv) Erecting of any building, billboard, or sign except as approved in the Property Management Plan;
- (v) Depositing of soil, trash, ashes, garbage, waste, bio-solids or any other material except as allowed under applicable federal, state, and local laws, at locations approved of in the Property Management Plan;
- (vi) Excavating, dredging or removing of loam, gravel, soil, rock, minerals, sand, hydrocarbons or other materials, except as permitted in the Property Management Plan;
- (vii) Otherwise altering the general topography of the Property, including but not limited to building of roads and flood control work, except for work related to restoration or enhancement projects identified in the Property Management Plan;

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

R-87873

- (viii) Granting any easement, lien, or other property interest for any purpose (without the written consent of Grantee), over properties acquired or managed pursuant to this agreement; (ix) Any other use that, overall, the Tribe or BPA determines has a material negative impact on fish or wildlife habitat.

**VI. PERMITTED USES**

The Tribes reserve, for itself and its heirs, successors, and assigns, the right to pursue activities on or use of the Forrest Ranch which are consistent with the purposes of the Conservation Easement or the MOA and which are not otherwise prohibited.

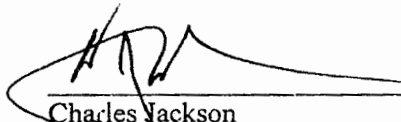
**VII. ADMINISTRATIVE MATTERS**

The provisions of the MOA shall govern the administration of this Conservation Easement. By way of example, but not of limitation, such administration includes notice, dispute resolution, hold harmless and indemnification, remedies, and waivers of sovereign immunity.

**VIII. SIGNATURE AND ACKNOWLEDGMENTS**

To have and to hold the easement herein granted unto BPA and its successors and assigns, forever, IN WITNESS WHEREOF, the undersigned the Tribes has executed this instrument this 27 day of June, 2002.

THE CONFEDERATED TRIBES OF WARM SPRINGS RESERVATION OF OREGON

  
\_\_\_\_\_  
Charles Jackson  
Secretary-Treasurer

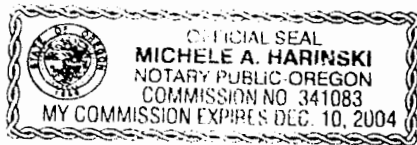
RECEIVED BY OWRD

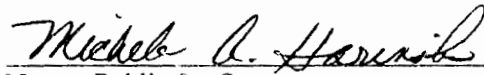
APR 18 2014

SALEM, OR

STATE OF OREGON )  
Multnomah) ss.  
County of ~~Jefferson~~ )

The foregoing instrument was acknowledged before me this 27<sup>th</sup> day of June, 2002, by Charles Jackson.



  
\_\_\_\_\_  
Michele A. Harinski  
Notary Public for Oregon

RECEIVED BY OWRD

MAR 9 2014

SALEM, OR

w1108.29\162050.doc

2-87973

RECEIVED BY OWRD

MAR 19 2014

APR 18 2014

SALEM, OR

SALEM, OR

EXHIBIT "A"

Township 11 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:  
 Section 13: Lots 2,3, and 6; S1/2NE1/4; N1/2NW1/4; SE1/4NW1/4; NE1/4SE1/4; SAVE & EXCEPT that portion of said S1/2NE1/4, NE1/4NW1/4, and NE1/4SE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road; and SAVE & EXCEPT that portion of the NW1/4NW1/4 and SE1/4NW1/4 lying South and West of a line running from the Northwest corner of said Section 13 to the Southeast corner of the SE1/4NW1/4 of said Section 13. (Tax Acct. 4 11-34 500; Ref. 2583)

Township 11 South, Range 35 East of the Willamette Meridian, Grant County, Oregon:  
 Section 18: Lots 3 and 4; E1/2SW1/4; S1/2SE1/4; SAVE & EXCEPT that portion of said Lot 3, S1/2SE1/4, SE1/4SW1/4, and NE1/4SW1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road.  
 Section 19: Lots 1,2,5, and 6; NE1/4SE1/4; N1/2NW1/4SE1/4; SE1/4NW1/4SE1/4; E1/2SW1/4NW1/4SE1/4; NE1/4; SAVE & EXCEPT that portion of the NE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road.  
 Section 20: S1/2NW1/4; N1/2SW1/4; N1/2SE1/4; SW1/4SE1/4; S1/2SW1/4; SAVE & EXCEPT that portion of said S1/2NW1/4, NE1/4SW1/4, and N1/2SE1/4 lying North and East of the Southern right of way line that is 30 feet Southerly and parallel with the centerline of the Middle Fork County Road. (Tax Acct. 4 11-35 500; Ref's. 2488)

Township 12 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:  
 Section 25: ALL.  
 Section 26: All that portion thereof lying East of the existing County Road running up Dixie Creek. SAVE & EXCEPT the following: Beginning at the intersection of the Easterly line of Dixie Creek County Road and the Northerly line of Ricco Ranch County Road, the point of beginning; thence Easterly, along the Northerly line of Ricco Ranch County Road, a distance of 400 feet; thence Northerly, and parallel to Dixie Creek County Road, 150 feet; thence Westerly and paralleling the Northerly line of the Ricco Ranch County Road, 400 feet, to the Easterly line of Dixie Creek County Road; thence Southerly, along the Easterly line of Dixie Creek County Road, 150 feet to the point of beginning. ALSO SAVE & EXCEPT the following: Beginning at the intersection of the Easterly line of Dixie Creek County Road and the South line of said Section 26, the true point of beginning; thence East, along the South line of said Section 26, a distance of 35 feet; thence North and paralleling the centerline of Dixie Creek County Road, 40 feet; thence West and paralleling the South line of said Section 26, a distance of 35 feet; thence South, along the East line of Dixie Creek County Road, 40 feet to the point of beginning.  
 Section 36: NW1/4; W1/2NE1/4; SE1/4NE1/4; S1/2. (Tax Acct. 4-2 12-33 4000; Ref. 3339)

Township 12 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:  
 Section 31: Lots 1,2,3, and 4; E1/2W1/2; E1/2; SAVE & EXCEPT the following:  
 (a) Beginning at the Southeast corner of said Section 31; thence North, along the Section line, 953 feet; thence Southwesterly, along the highway to the South line of said Section 31; thence East, 513 feet to

R-87973

the point of beginning, and being in the SE1/4SE1/4 of said Section 31, and East and South of the John Day Highway.

(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.

(c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.

(Tax Acct. 4-2 12-34 2500; Ref. 3354)

Township 13 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:

Section 1: Lots 1,2,3, and 4; S1/2N1/2; S1/2; SAVE & EXCEPT the following:

(a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded May 24, 1941, in Book 44, page 505.

(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded August 29, 1941, in Book 44, page 639.

(c) A tract of land situated in the W1/2SW1/4 of said Section 1, described as follows: Beginning at a point on the West boundary line of said Section 1, said point being located at a point where the West boundary line of said Section 1 intersects the Northerly right of way line of Highway 26; thence North, along the West boundary line of said Section 1, 800.0 feet; thence East, 275.0 feet; thence South, parallel to the West boundary line of said Section 1, to the Northerly right of way line of said Highway 26; thence Westerly, along the North boundary of said Highway 26, to the point of beginning.

(d) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.

Section 12: N1/2; SW1/4; That portion of the SE1/4 lying North and Northeasterly of County Road No. 62; SAVE & EXCEPT all that portion of the S1/2NE1/4 and of the W1/2 lying South of County Road No. 62.

ALSO: The NE1/4SE1/4 and the S1/2NE1/4 of said Section 12, SAVE & EXCEPT the following described tract: Beginning at a point on the South right of way line of County Road No. 62, said point being 2628 feet North and 1605.40 feet West of the Southeast corner of said Section 12; thence S2°32'00"E, 218.27 feet; thence S88°17'00"E, 10 feet; thence South, 275.20 feet; thence N89°52'32"E, 232.48 feet; thence S28°43'43"E, to a point on the West line of said NE1/4SE1/4 of Section 12; thence South to the Southwest corner of said NE1/4SE1/4, thence East, along the South line of said NE1/4SE1/4, to a point on the West boundary line of County Road No. 62; thence Northwesterly, along said right of way line to a point which is 612.5 feet West and 2240.1 feet North of the Southeast corner of said Section 12; thence N56°19'W, 366.0 feet, more or less; thence N49°48'W, to a point on the Southerly right of way line of County Road No. 62; thence Southwesterly, along said right of way line to the point of beginning. SAVE & EXCEPT the following:

(a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded May 24, 1941, in Book 44, page 505.

(b) That portion conveyed to Grant County, Oregon by Deed recorded June 8, 1961, in Book 85, page 230.

RECEIVED BY OWRD

RECEIVED BY OWRD

2-87973

MAR 19 2014

(c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.  
(Tax Acct. 4-2 13-33 Ptn. of 100; Ref. 3373)

Township 13 South, Range 33 East of the Willamette Meridian, Grant County, Oregon:  
Section 11: All that portion of the E1/2NE1/4 lying North of the right of way of the relocated County Road as said right of way is described in Deed recorded May 9, 1961, in Book 85, page 125, Deeds, SAVE & EXCEPT the following parcel of land, to-wit: Beginning at the Northeast corner of the SW1/4NE1/4 of said Section 11; thence North 70.0 feet; thence East 135.0 feet; thence South 373.0 feet, more or less, to the County Road; thence West 135.0 feet along the County Road; thence North 303.0 feet to the point of beginning. (Tax Acct. 4-2 13-33-11 102; Ref. 3421)

Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon:  
Section 6: Lots 1,2,3, and 4; E1/2SW1/4. SAVE & EXCEPT the following:  
(a) That portion conveyed to the State of Oregon by and through its State Highway Commission, by Deed recorded February 27, 1939, in Book 43, page 153.  
(b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.  
(c) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded June 23, 1941, in Book 44, page 558.  
(d) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 23, 1944, in Book 46, page 443.  
(e) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.  
Section 7: Lot 1 and a portion of Lot 2 described as follows: Beginning at the Northwest corner of said Lot 2 (of record as the SW1/4NW1/4); thence South to the Southwest corner of said Lot 2; thence East on the South line of said Lot 2, 46 rods to the West line of the Clifford property; thence Northeasterly, along the West line of said property to the North line of said Lot 2 at a point thereon, 74.5 rods East of the point of beginning; thence West, 74.5 rods to the point of beginning. ALSO, that portion of Lot 3 described as follows: Beginning at the Southwest corner of Lot 2 of said Section 7; thence East 52 rods; thence Southwesterly 13 rods, more or less, to the North bank of the John Day River; thence Southwesterly, 50 rods, more or less, to the Section line of the West side of said Section 7; thence North, along said West line to the point of beginning. SAVE & EXCEPT any portion thereof lying within the rights of way of the County Road and State Highway.

TOGETHER with that certain tract situated in the SW1/4 of Section 6, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon, described as follows: Beginning at the Southwest corner of the SE1/4SW1/4 of said Section 6; thence N0°31'30"W, 28.50 feet to a point which is 80 feet Southeasterly of (when measured at right angles to) Engineers centerline Station 85+86.75 of the John Day Highway; thence on a line 80 feet Southeasterly of and parallel to the centerline of said

RECEIVED BY OWRD

MAR 19 2014

APR 18 2014

R-87973

APR 18 2014

SALEM, OR

INSTRUMENT 22 1953  
PAGE 8 OF 9 PAGES

highway, 116.30 feet along the arc of a 2944.79 foot radius curve left (the long chord of which bears N67°58'20"E, 116.29 feet); thence S5°19'00"W, 72.52 feet to the South line of the SE1/4SW1/4 of said Section 6; thence N89°56'57"W, along the South line of said SE1/4SW1/4, 100.82 feet to the point of beginning.

ALSO, SAVE & EXCEPT that portion conveyed to Jerry Franklin, etux, by deed recorded January 21, 1986, in Book 132, page 873, described as follows: A tract of land in Lot 1 of Section 7, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon: Beginning at a point which is N39°07'08"E, 30.00 feet from Engineer's centerline Station 1+22.25 of proposed Grant County Road No. 61, as said road is shown on Map of Survey No. 866 filed in the Office of the Grant County Surveyor, said point being 161.60 feet South and 736.55 feet East of the Northwest corner of said Section 7; thence parallel to and 30 feet Easterly c. the centerline of said proposed County Road, as follows: S50°52'52"E, 67.97 feet; 84.42 feet along the arc of a 985.00 foot radius curve right (the long chord of which bears S48°25'33"E, 84.40 feet); thence N10°34'23"W, 10.29 feet; thence N34°54'23"W, (record bearing N34°57'W), along the West line of the Oregon State Highway Department tract, 150.24 feet; thence S39°07'08"W, 44.39 feet to the point of beginning.

ALSO SAVE & EXCEPT that portion conveyed to Grant County, Oregon, a body politic, by deed recorded January 21, 1986, in Book 132, page 871, described as follows: A tract situated in Lot 1 of Section 7, Township 13 South, Range 34 East of the Willamette Meridian, Grant County, Oregon: Beginning at a point on the Southerly right of way line of the John Day Highway opposite and 40 feet distant from Engineer's centerline Station 80+70.5 P.S.C., said point being 77.08 feet South and 818.18 feet East of the Northwest corner of said Section 7; thence 80.2 feet, along said right of way line on a 40 foot offset to a 400 foot spiral curve right ( $a=0.5$ ), the long chord of which bears S80°10'27"W, (record bearing S80°30'W) 80.2 feet to the TRUE POINT OF BEGINNING: thence S34°54'23"E, (record bearing S34°57'E), along the Westerly line of the Oregon State Highway Dept. tract, 44.38 feet; thence S39°07'08"W, 44.39 feet, to a point on the proposed Easterly right of way line of County Road No. 61, said point being N39°07'08"E, 30.00 feet, (when measured at right angles) to Engineers Station 1+22.25 of said County Road; thence N50°52'52"W, along said proposed right of way line, 94.15 feet to the Southerly right of way line of the John Day Highway; thence 76.50 feet along said right of way line on a 40 foot offset to a 400 foot spiral curve left ( $a=0.5$ ) the long chord of which bears N81°24'28"E, 76.50 feet to the TRUE POINT OF BEGINNING.

ALSO SAVE & EXCEPT the following:

- (a) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded May 24, 1941, in Book 44, page 505.
- (b) That portion conveyed to the State of Oregon, by and through its State Highway Commission, by Deed recorded February 23, 1944, in Book 46, page 443.
- (c) That portion included in Stipulated Final Judgment, entered November 17, 1993, in Case No. 930378CV, in the Circuit Court for the State of Oregon, County of Grant, entitled, "State of Oregon, by and through its Department of Transportation, Plaintiffs, vs. Ida L. Forrest, John C. Forrest, Heirs and Devisees of the Estate of Orrin Forrest, Defendants", recorded December 2, 1993, in the records of Grant County, Oregon, as Instrument No. 932380, appropriating for public purposes, additional highway right of way, as more particularly described therein.  
(Tax Acct. 4-2 13-34 1100; Ref. 3436)

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

R-87973



INSTRUMENT 22 1953  
PAGE 9 OF 9 PAGES



5958  
INST# 221953 REF# FEE 63.50  
FILED July 2 20 03  
RECORD OF Deeds TIME 10:30 AM PGS 9  
KATHY MCKINNON BY Kathy McKinnon  
COUNTY CLERK DEPUTY

RECEIVED BY OWRD  
APR 18 2014  
SALEM, OR

RECEIVED BY OWRD  
MAR 19 2014  
SALEM, OR

R-87973



# Oregon

John A. Kitzhaber, MD, Governor

## Water Resources Department

North Mall Office Building  
725 Summer St NE, Suite A  
Salem, OR 97301  
Phone (503) 986-0900  
Fax (503) 986-0904  
www.wrd.state.or.us

April 2, 2014

Stephan Charette  
320 W Main St  
John Day, OR 97845

Dear Stephan Charette:

The Water Resources Department has received your application to store water. At this time however, we are unable to accept your application, because the minimum filing requirements are not met according to the Oregon Administrative Rules (OAR 690-310-0040 and 0050).

**All** applicants or the applicant's authorized agent (include title or authority if for an organization or corporation), must sign the application in ink. *Signature must be an original "wet" signature. Copies cannot be accepted.*

We are hereby returning the incomplete application and the fees submitted. Please return the application, the required information, and this checklist, so the Department may begin processing your application in a timely manner.

This review is based only on the completeness of your application. Any determination of water availability, compliance with basin plan rules, or any other water related issues has not been made.

Should you have any questions, please do not hesitate to contact Customer Service at the address above or by telephone at 503-986-0801.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst

Cc: OWRD Fiscal

RECEIVED BY OWRD

APR 18 2014

SALEM, OR



**ATTENTION:**

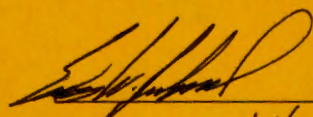
Dear Customer Service Group,

The Staff off the Watermaster's Office in District 4 has assisted with the preparation of this application ~~XXXXXX~~.

If there are any questions or problems with this application or map please contact the following staff person Eric W. Johnson at 541-575-0119 for additional information.

Thank you for your assistance,

Sincerely,

  
Watermaster Dist. 4

Date: 2/5/2014

Watermaster Office, District 4  
201 South Humbolt St., Ste 180  
Canyon City, Or 97820  
Voice: 541-575-0119  
Fax: 541-575-0641

RECEIVED BY OWRD

APR 18 2014

SALEM, OR

RECEIVED BY OWRD

MAR 19 2014

SALEM, OR

R-87973