

Application for a Permit to Use Ground Water



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

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JUL 02 2014

Water-Use Permit Application Processing

SALEM, OR

1. Completeness Determination

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

2. Initial Review

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

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

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

6. Final Order Issued

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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME GRANT 4-D FARMS		PHONE (HM)	
PHONE (WK) 208-531-5149	CELL 208-431-0006	FAX 208-531-5112	
ADDRESS 707 EAST 600 NORTH			
CITY RUPERT	STATE ID	ZIP 83350	E-MAIL* GRANT@PMT.ORG

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Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

SALEM, OR

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

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

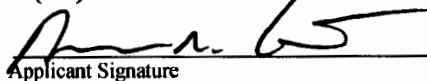
Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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


Applicant Signature

Duane R. Grant, Managing Partner
Print Name and title if applicable

6/19/14
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-17085</u>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

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

Yes

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

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

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List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

Well 2 is located on Federal Land owned by the Bureau of Land Management:

Attention: Richard White
 Bureau of Land Management
 100 Oregon St.
 Vale, OR 97918
 541-473-3144

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SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1 (existing)	Unnamed drainage which is a tributary to a tributary of Willow Creek	0.23 miles	33 feet
2 (existing)	Vale Oregon Main Canal	0.16 miles	60 feet
3 (proposed)	Vale Oregon Main Canal	0.17 miles	63 feet

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

The applicant drilled well 2 in December 2012. This well is located 40 feet west of the existing fence line. Subsequent mapping with GIS showed that the fence had not been installed on the property line. The applicant hired a surveyor who confirmed that the well was located on BLM property. The applicant then approached the BLM about the well and negotiated an interim license to allow the applicant to use well 2. This interim license is effective from June 12, 2014 through June 12, 2015 (attached). If a permanent agreement is reached with the BLM prior to the expiration of the interim license, proposed well 3 will not be drilled. If the applicant and the BLM fail to reach a permanent agreement, well 3 will be drilled and well 2 will be abandoned in accordance with BLM and OWRD well abandonment standards.

Proposed well 3 is located 110 feet from well 2. It is expected that well 3 will draw from the same water bearing sand layers as well 2. Therefore well 3's casing intervals, screened intervals and total depth are expected to be very similar to well 2. Well 3 will be continuously cased and sealed to a depth of fifty feet or as required by the OWRD's hydrogeologist.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: coarse sand

Total maximum rate requested: 3.78 cfs or 1,696 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

Gr-17885

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MALH 53561	<input type="checkbox"/>	12 inch	+2 - 328	100 - 320	0-50	74 (6-28-09)	Sand layers	328 FT		
2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MALH 53995	<input type="checkbox"/>	16 inch	+2-520	140-200 260-380 410-510	0-50	128 FT (1-15-13)	Sand layers	520 FT		
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	16 inch	¹ To be determined	To be determined	0-50+		Sand layers	TBD		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Total		1,696	1,021.1
						¹ Proposed well 3 will be located 110 feet from well 2, it is expected that the casing intervals, screened intervals and total depth would be very similar to those of well 2.							
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 15- November 15	(1021.1 acre-feet) 4.5 acre feet per acre

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

<p>For irrigation use only: Please indicate the number of primary and supplemental acres to be irrigated (<i>must match map</i>). Primary: <u>125.7</u> Acres Supplemental: <u>101.2</u> Acres List the Permit or Certificate number of the underlying primary water right(s): <u>74081, S50729</u> Indicate the maximum total number of acre-feet you expect to use in an irrigation season: <u>1021.1</u></p>	<p>RECEIVED BY OWRD JUL 02 2014 SALEM, OR</p>
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- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: n/a
 If the use is **mining**, describe what is being mined and the method(s) of extraction: n/a

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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 well(s)?

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Pump (give horsepower and type): Well 1: 100 HP nine-stage turbine pump, Well 2: 200 HP, turbine pump, Well 3: to be determined

Other means (describe): _____

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

The applicant proposes to pump water from the wells to three pivots. The locations of the wells and mainlines are shown on the application map. Water pumped from the wells will first flow through a manifolds (used to regulate and direct flow) before entering the mainline pipes. The pivots will all have a chemigation valve to prevent backflow from the pivots.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Three pivots will be used to irrigate. Corners will be irrigated with wheel lines and or hand lines.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

G-17885

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

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

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

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Use(s): n/a

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

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): n/a

USE OF STORED GROUND WATER	PERIOD OF USE
n/a	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: October 1, 2014

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Date construction will be completed: March 15, 2015

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Date beneficial water use will begin: March 15, 2015

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name Vale Oregon Irrigation District	Address 521 'A' Street West	
City Vale	State OR	Zip 97918

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SECTION 10: REMARKS

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

There are two Bureau of Reclamation water rights on the property: Certificate 74080 (primary) and 74081 (supplemental). Once the Initial Review is complete and if that review is favorable, the Vale Oregon Irrigation District (VOID) will submit a transfer application. The proposed transfer would move the portion of Certificates 74080 and 74081 covered by the groundwater right to other land owned by the applicant.

There is also a VOID permit for primary water rights (S50729) on lands that would be covered by a primary groundwater right if this application is approved. The applicant is proposing to diminish the portion of this water right on his property from Primary to Supplemental upon issuance of this permit. A draft form *Affidavit for the Partial Diminution of a Water Right* is attached.

Well 2 is located on BLM property. The interim license agreement allowing the applicant to use this well for one year is attached. If a permanent agreement is not reached between the BLM and the applicant allowing the long-term use of well 2, the well will be abandoned. Well 2 would be replaced by proposed well 3.

The applicant is requesting a rate of 1/60th of one CFS per acre because he needs this rate to operate the pivot.

Attachments:

- Draft of *Affidavit for the Partial Diminution of a Water Right*
- Well log Malh 53561 (well 1)
- Well log Malh 53995 (well 2)
- Interim Use license for well 2

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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

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NOTE TO APPLICANTS

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In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

Land Use Information Form



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

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Applicant: Grant 4-D Farms First

Last

JUL 02 2014

Mailing Address: 707 East 600 North

SALEM, OR

SALEM, OR

Rupert City

ID State

83350 Zip

Daytime Phone: 20-531-5149

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:
17S	44E	21		8300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
17S	44E	21		8400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
17S	44E	28		8400	ERU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR

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

Malheur County

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: 3.78 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:

Grant 4-3 Farms is submitting a groundwater permit application to irrigate 226.9 acres.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

JUN 23 2014

For Local Government Use Only

SALEM, OR

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC CHAPTER 6 SECTION 6-6-7
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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Name: _____ Title: W. Alvin Scott Malheur County Interim Planning Dir.
 Signature: W. Alvin Scott Phone: _____ Date: Jun 18, 2014
 Government Entity: Malheur County Planning Dept. 541.473.5185

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

G-17885

Nancy Rorick Consulting

Hydrogeology, GIS and Water Rights

645 L Loop
Baker City, OR 97814
541-519-3644
nrorick@yahoo.com

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June 30, 2014

JUL 02 2014

Scott Grew
Oregon Department of Water Resources
725 Summer Street NE, Suite A
Salem, OR 97301-1271

SALEM, OR

Dear Mr. Grew:

On June 23, 2014 you returned Grant 4D's permit application to me as incomplete. I have addressed the three issues:

1. Attached is a copy of the deed to the property.
2. The original check in the amount of \$3400 is attached plus a check for \$300 for the total permit fee of \$3700.
3. I spoke with Jerry Grondin about the table in section 3. On proposed well 3, the actual depth, screened intervals and casing intervals will be determined when the well is drilled. Well 3 is located 110 feet from existing well 2 (MALH 53995). It is therefore expected that the dimensions of the proposed well 3 will be very similar to those of existing well 2. I have revised the table per my discussion with Mr. Grondin.

As I explained in the application, well 2 was inadvertently drilled on BLM land due to a misplaced fence line. The applicant has a one-year agreement to use well 2 while the BLM and the applicant work out a permanent agreement. If a permanent agreement is reached, well 3 will not be drilled. If an agreement is not reached, well 2 will be abandoned and well 3 will be drilled.

Please contact me if you have any more questions.

Sincerely,



Nancy L. Rorick
Hydrogeologist, RG, CWRE

CI-7805



Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1271
503-986-0900
FAX 503-986-0904

June 23, 2014

Nancy Rorick
645 L Loop
Baker City, OR 97814

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SALEM, OR

Dear Ms. Rorick:

The Water Resources Department has received your application to use or 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).

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,

Scott
Customer Service Group

Cc: OWRD Fiscal

G-1788

EVER



Standard Application Completeness Checklist

Minimum Requirements (OAR 690-310-0040)(ORS 537.400)

This is the checklist used by WRD staff

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Yes No

JUL 02 2014

Application _____ County _____ Priority Date _____ SALEM, OR

Township 175 Range 44e Section 21 & 28

Amount 3.78 cfs Use IR \$ IS WM Dist. # _____

Applicant Name Grant 4-D farms

Receipt No. 112499 Caseworker Assigned: Mary Kim Jeana

Contact info: Applicant/Organization Name and Mailing Address

Signature (in ink) of all applicants or the applicant's authorized agent (include title or authority if for an organization or corporation).

Property ownership: Does the applicant own all the land for the proposed project? (Y) / N

If No:

The affected landowner's name and mailing address must be listed

A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

~~NA~~ For a SW Application: Source of water must be indicated.

If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)

NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2).

If for stored water not under contract, is the source authorized under a permit, certificate, or decree? Permit or Certificate issued? Y / N Permit or Certificate # _____

~~NA~~ For a GW Application: Well Development Tables completed and/or a well log report included (if existing)

Proposed water use ~~from discussion with me~~

Amount of water from each source in GPM, CFS, or AF

Period of use indicated

If for supplemental irrigation, primary acreage or underlying permit or certificate number listed (Primary and Supplemental Irrigation counts as 2 uses)

Water Management Section (Estimates if the water system has not been designed)

~~NA~~ Resource Protection Section (N/A for Groundwater)

STATE OF OREGON WATER SUPPLY WELL REPORT

(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 101301

START CARD # 1007095

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Owner Well I.D.

First Name Last Name Company ROMANS RANCHES Address 2200 6TH AVE WEST City WHEAT State OR Zip 97218

(2) TYPE OF WORK New Well Deepening Conversion Alteration (repair/recondition) Abandonment

(3) DRILL METHOD Rotary Air Rotary Mud Cable Auger Cable Mud Reverse Rotary Other

(4) PROPOSED USE Domestic Irrigation Community Industrial/Commercial Livestock Dewatering Injection Thermal Other

(5) BORE HOLE CONSTRUCTION Special Standard: Yes (attach copy) Depth of Completed Well 328 ft.

Table with columns: BORE HOLE (Dia, From, To), SEAL (Material, From, To, Amount, Scks). Row 1: Dia 20, From 0, To 328, Material BENTONITE, From 0, To 50, Amount 3000.

How was seal placed: Method A B C D E Other Dry POX Backfill placed from 50 ft. to 64 ft. Material BENTONITE Filter pack from 64 ft. to 328 ft. Material GRAVEL Size 3/8 Explosives used: Yes Type Amount

(6) CASING/LINER

Table with columns: Casing/Liner, Dia, From, To, Gauge, Steel, Plastic, Welded, Thrd. Row 1: Casing/Liner 12, Dia 12, From 12, To 328, Gauge 1/4, Steel, Plastic, Welded, Thrd.

Shoe Inside Outside Other Location of shoe(s) Temporary casing Yes Diameter From To

(7) PERFORATIONS/SCREENS

Perforations Method Draw here Screens Type Material

Table with columns: Perf, Scrm, Casing/Liner, Screen Dia, From, To, Screen/slot width, Slot length, # of slots, Tel/pipe size. Row 1: Perf 1, Scrm 1, Casing/Liner 12, Screen Dia 100, From 100, To 320, Screen/slot width 3/16 x 5/8, Slot length 6, # of slots 336.

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian Yield gal/min 900 Drawdown Drill stem/Pump depth 326 Duration (hr) 15 hr

Table with columns: Temperature, Lab analysis, Water quality compliance, From, To, Description, Amount, Units. Row 1: Temperature 62 F, Lab analysis, Water quality compliance, From, To, Description JUN 23 2014, Amount, Units JUL 15 2009.

(9) LOCATION OF WELL (legal description)

County Multnomah Twp 17 N or S Range 44 E or W W.M. Sec 28 SE 1/4 of the SE 1/4 Tax Lot 8400 Tax Map Number Lot Lat 44° 04' 9.26" or DMS or DD Long 117° 20' 17.70" or DMS or DD Street Address of Well (or nearest address) 6TH AVE WEST

(10) STATIC WATER LEVEL

Table with columns: Existing Well/Predeepening, Date, SWL (psi), SWL (ft). Row 1: Existing Well/Predeepening, Date 6-28-09, SWL (psi), SWL (ft) 74.

WATER BEARING ZONES Depth water was first found 170

Table with columns: SWL Date, From, To, Est Flow, SWL (psi), SWL (ft). Row 1: SWL Date 6-28-09, From 170, To 320, Est Flow 1200, SWL (ft) 77.

(11) WELL LOG Ground Elevation

Table with columns: Material, From, To. Rows: Clay Brown 0-16, Gravel 16-20, Clay Brown 20-140, Sand Brown 140-170, Clay Brown 170-180, Sand Gravel 180-210, Clay Brown 210-240, Sand Brown 240-270, Clay Brown 270-280, Sand Gravel 280-320, Clay Brown 320-328.

Date Started 6-17-09 Completed 6-28-09

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number Date 7-1-09 Signed [Signature]

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1867 Date 7-1-09 Signed [Signature] RECEIVED BY OWRD Contact Info. (optional)

RECEIVED

G-17885

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Owner Well I.D. _____

First Name _____ Last Name _____
 Company Grant 4-D Farms
 Address 225 N SLOE
 City Rufus State OR Zip 97350

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (repair/recondition) Abandonment

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/Commercial Livestock Dewatering Injection
 Thermal Other _____

(5) BORE HOLE CONSTRUCTION Special Standard: Yes (attach copy)
 Depth of Completed Well 520 ft.

BORE HOLE			SEAL				
Dia	From	To	Material	From	To	Amount	Sck/4bs
20	0	520	Bentonite	0	50	70	

How was seal placed: Method A B C D E
 Other dry pour
 Backfill placed from 50 ft. to 80 ft. Material Bentonite
 Filter pack from 80 ft. to 520 ft. Material gravel Size 3/8 minus
 Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER

Casing	Linr	Dia	+	From	To	Gauge	Steel	Plastic	Welded	Thrd
/		16	+	2	140	1/4	-	-	-	-
/		16		200	260	1/4	-	-	-	-
/		16		380	410	1/4	-	-	-	-
/		16		510	520	1/4	-	-	-	-

Shoe Inside Outside Other Location of shoe(s) _____
 Temporary casing Yes Diameter _____ From _____ To _____

(7) PERFORATIONS/SCREENS

Perforations Method _____
 Screens Type Johnson split Material steel

Perf	Scrn	Csng	Linr	Screen Dia	From	To	Screen/slot width	Slot length	# of slots	Tele/pipe size
/				16	140	200	1/8	18	33%	
/				16	260	380	1/8	18	1	
/				16	410	520	1/8	18		

(8) WELL TESTS: Minimum testing time is 1 hour

Pump Bailer Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
1950		510	30 min

Temperature 72 °F Lab analysis Yes By _____
 Water quality concerns? Yes (describe below) _____

From	To	Description	Amount	Units

(9) LOCATION OF WELL (legal description)

County Malheur Twp 175 N or S Range 44E E or W W.M.
 Sec 28 NW 1/4 of the NW 1/4 Tax Lot 8400
 Tax Map Number _____ Lot _____
 Lat 44° 03' 55.33 or _____ DMS or DD
 Long 117° 20' 24.95 or _____ DMS or DD
 Street Address of Well (or nearest address) 6th ave west
Vale

(10) STATIC WATER LEVEL

	Date	SWL (psi)	+	SWL (ft)
Existing Well/Predeepening				
Completed Well	<u>1-15-13</u>			<u>128</u>

Flowing Artesian? Yes Dry Hole? Yes

WATER BEARING ZONES Depth water was first found 140

SWL Date	From	To	Est Flow	SWL (psi)	+	SWL (ft)
<u>12-31-12</u>	<u>140</u>	<u>200</u>	<u>1950</u>			<u>128</u>
	<u>260</u>	<u>380</u>				
	<u>410</u>	<u>520</u>				

(11) WELL LOG Ground Elevation 2580

Material	From	To
<u>Clay Brown</u>	<u>0</u>	<u>137</u>
<u>Sand coarse</u>	<u>137</u>	<u>194</u>
<u>Clay</u>	<u>194</u>	<u>265</u>
<u>Sand coarse</u>	<u>265</u>	<u>379</u>
<u>Clay</u>	<u>379</u>	<u>404</u>
<u>Sand coarse</u>	<u>404</u>	<u>504</u>
<u>small gravel</u>		
<u>Clay</u>	<u>504</u>	<u>520</u>

Date Started 12-1-12 Completed 12-31-12

(unbonded) Water Well Constructor Certification

I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

RECEIVED BY OWRD
 License Number _____ Date JUN 23 2014

Signed _____ SALEM, OR

(bonded) Water Well Constructor Certification

I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1867 Date 5-31-13
 RECEIVED BY OWRD

Signed Alan W. Strubbe
 Contact Info. (optional) _____

JUL 02 2014

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JUL 02 2014

JUN 23 2014

LICENSE AGREEMENT

SALEM, OR

SALEM, OR

This LICENSE AGREEMENT ("Agreement") shall be effective the 12th day of June, 2014, and is entered into by and between the U.S. DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT ("BLM"), hereinafter the "Grantor," and GRANT 4-D FARMS, an Idaho partnership, of 707 East 600 North, Rupert, Idaho 83350, hereinafter the "Grantee."

Recitals

A. Grantee owns real property situated in Malheur County, Oregon, more particularly described in Exhibit A hereto (the "Grantee Property").

B. Grantee drilled a well on property that was inside the fence line on the boundary of the Grantee Property, which fence line had existed for many years, and which Grantee reasonably believed was near the legal boundary of Grantee's Property (the "existing well").

C. After having drilled the existing well, in preparation for submittal of an application for a water right to the Oregon Dept. of Water Resources (ODWR), it was discovered that the fence line of the Grantee Property was inaccurate by approximately 40 feet and, in reality, Grantee had drilled the existing well on property owned by Grantor.

D. Grantor and Grantee desire to manage the error in the drilling of the existing well in a manner that is reasonable and allows the error to be corrected in a timely fashion while still allowing Grantee to use the existing well for one irrigation season.

Agreement

NOW, THEREFORE, in consideration of the recitals above, which are incorporated herein, and for good and valuable consideration, the receipt and sufficiency of which hereby is acknowledged, Grantor and Grantee agree as follows:

1. **Term.** This Agreement and all of the provisions, agreements and obligations set forth herein, save the provisions of paragraph 5, Point of Appropriation shall expire one (1) year from the date of this Agreement.

2. **Grant of License.** Grantor will allow Grantee the use of the existing well for a period not to exceed the term of this Agreement.

3. **Temporary Easement.** This license to Grantee to utilize the existing well includes the grant of a temporary easement by Grantor to Grantee, to allow access, over, upon, across and through the property owned by Grantor of sufficient dimensions to allow Grantee's continued operation, cleaning, maintenance and repair of the existing well throughout the term of this Agreement. This temporary easement shall be informal as between the parties and shall

expire with the termination of this Agreement. Grantee agrees that its use of this easement shall not otherwise interfere with Grantor's use of Grantor's Property.

4. **Right to Apply for Water Right.** In addition, Grantor will allow Grantee to apply for a supplemental water right under the current Drought Declaration which expires December 31, 2014, for the existing well and a permanent right for the new well to be drilled on Grantee's Property. If a permit is granted by ODWR, the parties acknowledge that Grantee may transfer such permit from the existing well to any new well that Grantee may drill on Grantee's Property.

5. **Point of Appropriation.** Grantee shall be allowed to use the existing well location as the "point of appropriation" for its initial water right application and shall thereafter be permitted to permanently transfer said point of appropriation to any new well that Grantee may drill on Grantee's Property.

6. **Termination.** At the termination of this Agreement as provided in paragraph 1, Term, Grantee agrees to remove all above ground structures from the existing well and decommission and/or abandon the existing well according to ODWR and BLM regulations. Grantee agrees that this shall be accomplished within ninety (90) days following the termination of the Agreement. Grantee agrees at its cost and expense to prepare and record a memorandum of termination of agreement if necessary to memorialize the termination. This clause does not preclude a superseding agreement that may be made necessary by Congressional or agency action.

7. **Consideration.** The consideration for this Agreement is the sum of \$ _____, payable by Grantee to Grantor upon the execution of this Agreement.

8. **Notice to ODWR.** The parties acknowledge that a copy of this Agreement will be sent to the Oregon Department of Water Resources ("ODWR").

9. **Maintenance.** Grantee shall maintain the existing well and all of its component parts during the term of this Agreement at Grantee's sole cost and expense.

10. **License Agreement Does Not Run with the Land.** The rights granted to Grantee under this License Agreement are exclusive to Grantee, not perpetual, and do not run with the Exhibit A property or with any other property owned by either Grantor or Grantee. This License Agreement, and all of the rights and privileges granted hereunder, shall terminate forever upon the termination of this Agreement as set forth in paragraph 1, Term.

11. **Remedies.** The parties hereto shall have all rights and remedies provided at law or in equity to enforce their rights hereunder.

12. **Recitals.** The above recitals are hereby incorporated into and made a part of this Agreement.

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13. **Entire Agreement.** The parties agree that this Agreement constitutes the entire agreement between the parties hereto.

14. **Attorney Fees.** In the event an action is brought to enforce any of the terms or provisions of this Agreement, or enforce forfeiture thereof for default thereof by either of the parties hereto, the successful party to such action or collection shall be entitled to recover from the losing party a reasonable attorney fee, together with such other costs as may be authorized by law.

15. **Severability.** In the event any of the provisions of this Agreement shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this Agreement.

16. **Headings.** The bolded paragraph headings are for convenience only and are not a part of this Agreement and shall not be used in interpreting or construing this Agreement.

17. **Situs.** This Agreement is established under the laws of the State of Oregon, and all questions concerning its validity and construction shall be determined under such laws.

18. **Binding Effect.** The provisions and stipulations of this Agreement shall inure to and bind the heirs, personal representatives, assigns and successors in interest of the parties hereto.

IN WITNESS WHEREOF, the Grantor and Grantee execute this License Agreement.

GRANTOR:
U.S. DEPARTMENT OF INTERIOR,
BUREAU OF LAND MANAGEMENT
("BLM")

By: 

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JUN 23 2014

SALEM, OR

GRANTEE:
GRANT 4-D FARMS

By: 

Duane R. Grant

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JUL 02 2014

SALEM, OR

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE** ••••

State of Oregon)
) ss
 County of Malheur)

I/We (or authorized agent), Duane R. Grant,
 residing at 707 East 600 North, Rupert, Idaho 83350,
 telephone number 208-431-0006, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 8100 and 8400,
 within the 1/4 1/4, Section 21, Township 17S N/S, Range 44E E/W, of the
 Willamette Meridian, in Malheur County, Oregon, as shown on the
 attached map and described in the attached deed and legal description and made part of this affidavit;

2. A portion of water right certificate number S50729 issued to Vale Oregon Irrigation District,
 with a date of priority of October 6, 1983 for use of _____ cubic foot per second of water
 from Malheur River (sources) for the
 purpose of irrigation (uses) is appurtenant to
 my/our property;

3. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water
 improvement, or water control district, or federal reclamation project (if the right is located within a district
 or reclamation project, name it here:
Vale Oregon Irrigation District);

4. If the water right is issued in the name of an irrigation district, then the affiant must have the
 concurrence of the district to the diminishment of the portion of the water right. (Signature of district
 manager on the line below documents concurrence of the district.)

 Signature of district manager Printed Name Date

5. I/We have obtained a alternate groundwater source (e.g., better, more economical) source
 of water for the primary irrigation of the portion of this water right shown on the attached map and
 described as follows: The right to the use of 0.675 cubic foot per second from
 _____ for the irrigation of 27 acres located:

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•••••			
NW 1/4	SW 1/4	21.0	Acres
NE 1/4	SW 1/4	1.0	Acres
SW 1/4	SW 1/4	2.0	Acres
Section <u>21</u>			
Township <u>17S</u> N/S, Range <u>44E</u> E/W, WM;			

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6. I/we request the water right be diminished from a right for primary irrigation to a right for
 supplemental irrigation of the lands described above in item #5;

**AFFIDAVIT FOR THE PARTIAL DIMINUTION OF A
WATER RIGHT CERTIFICATE
(CONTINUED)**

7. I/We agree that if this change is approved, it is permanent and the right to the use of water from Malheur River (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from Malheur River (source) for primary irrigation of these lands.

Signature of legal owner as listed on deed, or authorized agent _____ Date

Signature of legal co-owner as listed on deed _____ Date
(if applicable)

Subscribed and Sworn to Before Me this _____ day of _____, 200_____.

Notary Public for Oregon
My Commission Expires _____

PLEASE ATTACH A LEGIBLE COPY OF: 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE PORTION OF THE WATER RIGHT AND/OR LANDS TO BE DIMINISHED CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED.

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Malheur County Title Company
81 South Oregon St.
Ontario, OR 97914

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

Grant 4-D Farms
707 E. 600N.
Rupert, ID 83350

File No.: 29382
Date: October 21, 2012



00013038201200039210070070

I, Deborah R. DeLong, County Clerk for Malheur
County, Oregon certify that the instrument identified
herein was recorded in the Clerk records.

Deborah R. DeLong - County Clerk

Ray

STATUTORY WARRANTY DEED

WILLIAM L. ROMANS and CINDY R. ROMANS, **Grantor**, conveys and warrants to GRANT 4-D FARMS, an Idaho Partnership, **Grantee**, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

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Map 1744	Tax Lot 13069 ^{£400}	Account No. 13069	Code No. 43
Map 1744	Tax Lot 10700	Account No. 13099	Code No. 43
Map 1744	Tax Lot 11700	Account No. 13103	Code No. 43
Map 1744	Tax Lot 11800	Account No. 13104	Code No. 43
Map 1744	Tax Lot 11500	Account No. 13110	Code No. 43
Map 1744	Tax Lot 11600	Account No. 13111	Code No. 43
Map 1744	Tax Lot 11400	Account No. 13112	Code No. 43
Map 1745	Tax Lot 3100	Account No. 13165	Code No. 43
Map 1744	Tax Lot 13800	Account No. 18370	Code No. 43
Map 1744	Tax Lot 14100	Account No. 13081	Code No. 43
Map 1744	Tax Lot 14200	Account No. 13084	Code No. 43
Map 1844	Tax Lot 3200	Account No. 18371	Code No. 43
Map 1744	Tax Lot 12000	Account No. 13105	Code No. 43
Map 1744	Tax Lot 11900	Account No. 16525	Code No. 43
Map 1744	Tax Lot 10900	Account No. 13097	Code No. 43
Map 1744	Tax Lot 14500	Account No. 13085	Code No. 43
Map 1744	Tax Lot 14600	Account No. 13086	Code No. 43
Map 1744	Tax Lot 14300	Account No. 13083	Code No. 43
Map 1744	Tax Lot 14400	Account No. 13075	Code No. 43
Map 1744	Tax Lot 15900 part	Account No. 13126	Code No. 43

This property is free from liens and encumbrances, EXCEPT:

SEE EXHIBIT 'A' ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is \$ 4,050,000.00 a portion of which is paid to an accommodator pursuant to an IRC 1031 exchange (Here comply with requirements of ORS 93.030)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007 AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AN SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 23 day of October, 2012

G-17885

Sharon L. Miles
Notary Public for Oregon

My commission expires: 2-19-16



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EXHIBIT 'A'

Title A

Parcel 1

(Tax Lot 8400)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 21: W1/2 SW1/4, SE1/4 SW1/4.

SUBJECT TO existing County Road right of way.

Sec. 28: W/12 NW1/4.

Parcel 2

(Tax Lot 10700)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 24: S1/2 SW1/4,

EXCEPTING THEREFROM all that portion of the SW1/4 SW1/4,
lying South and West of Willow Creek.

Parcel 3

(Tax Lot 11700)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: W1/2 NE1/4,

EXCEPTING THEREFROM the SW1/4 SW1/4 NE1/4 and W1/2 NW1/4 SW1/4 NE1/4.

(Tax Lot 11800)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: SW1/4 SW1/4 NE1/4, W1/2 NW1/4 SW1/4 NE1/4.

(Tax Lot 11600)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: W1/2 SE1/4,

EXCEPTING THEREFROM the W1/2 W1/2 SE1/4 and SE1/4 SW1/4 SE1/4.

(Tax Lot 11500)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: W1/2 W1/2 SE1/4 and SE1/4 SW1/4 SE1/4.

(Tax Lot 11400)

Land in Malheur County, Oregon, as follows:

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SUBJECT TO Owyhee Canal right of way.

Parcel 4

(Tax Lots 13800, 14100 & 14200)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 32: S1/2 SW1/4, SW1/4 SE1/4.

(Tax Lot 3200)

Land in Malheur County, Oregon, as follows:

In Twp. 18 S., R. 44 E., W.M.:

Sec. 5: Govt. Lots 1, 2, 3 and 4.

Parcel 5

(Tax Lots 11900 & 12000)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: NE1/4 SE1/4 NW1/4.

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 25: NE1/4 NW1/4, NW1/4 SE1/4 NW1/4, S1/2 SE1/4 NW1/4,

EXCEPTING from the above land that portion lying West of the Willowcreek Pump canal centerline right of way.

ALSO AND INCLUDING that portion of the W1/2 NW1/4 lying East of the Willowcreek Pump canal centerline right of way.

SUBJECT to the Willowcreek Pump canal right of way.

Title B

Parcel 1

(Tax Lot 10900)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 24: SW1/4 NW1/4 and NW1/4 SW1/4.

Title B, Parcel 2

(Tax Lots 14500 & 14600)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 33: SW1/4 NW1/4, NW1/4 SW1/4, NE1/4 NE1/4.

Title C

Parcel 1

(Tax Lot 14300)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 32: S1/2 NE1/4, N1/2 SE1/4, SE1/4 SE1/4.

Parcel 2

(Tax Lot 14400)

Land in Malheur County, Oregon, as follows:

In Twp. 17 S., R. 44 E., W.M.:

Sec. 29: SW1/4 SE1/4.

Sec. 32: N1/2 NE1/4

Sec. 33: NW1/4 NW1/4.

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Sec. 26: S1/2 SE1/4.

Sec. 35: A parcel of land in the N1/2 NE1/4, more particularly described as follows:

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Unsurveyed Parcel No. 2 of Partition Plat No. 12-08, recorded August 01, 2012,
as Instrument No. 2012-2773, records of Malheur County, Oregon.

JUL 02 2014

SUBJECT TO the right of ways for 5th Avenue West and South Road C.

SALEM, OR

"The property herein described is situated in or near a resource (farm or ranch) zone, where the intent is to encourage agricultural use and minimize conflicts with nonresource uses. Nonresource residents may be subjected to common, customary and accepted farm and ranch practices that are conducted in accordance with Federal and State laws but ordinarily and necessarily produce noise, dust, smoke and other impacts. The grantees, including their heirs, assigns and lessees, by the recording of this statement, and in return for allowing a nonresource dwelling on this property, hereby accept the potential impacts of accepted farm and ranch practices as normal and necessary and part of the risk of establishing a dwelling in this area, and grantee acknowledges the need to avoid activities that conflict with nearby resource uses."

Life Estate. In favor of Douglas D. Fulwyler and Norma J. Fulwyler as contained indeed recorded October 25, 2012,
as Instrument No. 2012-3919 records of Malheur County, OR as follows:

"Reserving unto the Grantors for the life of the Grantors, and for the life of the survivor of them, exclusive possession of the following: The residence; the area immediately surrounding the residence, commonly referred to as the curtilage; the shop; and nonexclusive access to the residence and the shop from 5th Avenue West. This reservation shall terminate prior to the deaths of the Grantors if both of the Grantors, or the survivor of them, permanently vacate the residence. While this reservation remains in effect, Grantors shall maintain the reserved portion of the property in substantially the same condition as it was in on March 2, 2010, normal wear and tear excepted."

SUBJECT TO:

Title A
Parcel 1

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. At any time that the use of said land changes so much that it cannot be placed back into farm use, or if the zoning for the property changes, then the property will be subject to additional taxes or penalties and interest.

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

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

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

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

Recorded: November 26, 1958, in Book 111, Page 227, Deed Records of Malheur County, Oregon

Favor of: Idaho Power Company

Affects: SW1/4 SW1/4 Sec. 21, T. 17 S., R. 44 E.

Reservation of all oil and gas deposits, and easement for Vale Main Canal by the United States of America, or exceptions in the Patent, or in Acts authorizing the issuance thereof, recorded April 2, 1963, Book 124, Page 45, Deed Records.

Affects the W1/2 NW1/4, Sec. 28, T. 17 S., R. 44 E.

An easement for road right of way and buried irrigation mainline, created by instrument, including the terms and provisions thereof;

Dated: November 2, 2005

Recorded: November 2, 2005, as Instrument No. 2005-8271, official records of Malheur County, Oregon

Favor of: Jeffrey T. Romans

Affects: SE1/4 SW1/4, Sec. 21, T. 17 S., R. 44 E.

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

Recorded: July 24, 2006, as Instrument No. 2006-5369, affects W1/2 SW1/4, Sec. 21, T. 17 S., R. 44 E.

Recorded: June 11, 2007, as Instrument No. 2007-4383, affects NW1/4 SW1/4, Sec. 21, T. 17 S., R. 44 E.

Recorded: June 11, 2007, as Instrument No. 2007-4386, affects NW1/4 SW1/4, Sec. 21, T. 17 S., R. 44 E.

Favor of: Idaho Power Company

6-17085

Title A,
Parcels 2 and 3

The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. At any time that the use of said land changes so much that it cannot be placed back into farm use, or if the zoning for the property changes, then the property will be subject to additional taxes or penalties and interest.

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

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

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

An easement for power lines created by instrument, including the terms and provisions thereof;
Recorded: June 27, 1939, in Book 15, Page 338, Leases and Agreements Records
Recorded: December 22, 1947 in Book 72, Page 338, Deed Records
Recorded: December 23, 1947, in Book 72, Page 406, Deed Records
Favor of: Idaho Power Company

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Mineral reservation, as reserved by Eastern Oregon Land Company and all rights of said Eastern Oregon Land Company and its successors in interest as owners thereof, in Deed

SALEM, OR

Recorded: February 15, 1941, Book 51, Page 563, Deed records of Malheur County, Oregon

The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected

Mineral reservation, as reserved by R.E. Skippen, et ux and all rights of said R.E. Skippen, et ux and its successors in interest as owners thereof, in Deed

Recorded: April 3, 1952, Book 89, Instrument No. 21424 Deed records

The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected

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

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

Ownership of the State of Oregon in and to that portion of the premises herein described lying below the high water mark of Willow Creek as it now exists or at any time has existed.

Any improvement located upon the insured property which constitutes a manufactured structure or mobile home as defined by Chapter 446, Oregon Revised Statutes, is subject to registration and taxation as provided by Chapter 308, Oregon Revised Statutes. Affects Tax Lot 3100

Title A
Parcel 4

The assessment roll and the tax roll disclose that the within described premises were specially assessed as range land. At any time that the use of said land changes so much that it cannot be placed back into farm use, or if the zoning for the property changes, then the property will be subject to additional taxes or penalties and interest.

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

Reservations, claims and conveyances of oil, gas and mineral rights as contained in various documents of record, including the terms and provisions thereof, as follows:

As conveyed to Russell Cobb, Jr. as to a 1/2 interest, in Deed,

Recorded: September 22, 1954, Book 97, Inst. No. 11060, Deed records of Malheur County, Oregon

Affects: T. 18 S., R. 44 E.

As reserved by Kenneth A. Johnson, et ux, in Deed,

Recorded: October 25, 1945, Book 97, Inst. No. 11837, Deed records of Malheur County, Oregon

Affects: SW1/4 SW1/4 Sec. 32, T. 17 S., R. 44 E.

Notice of claim by Walter Duncan, Inc., recorded Jan. 4, 1984, Inst. No. 84-119032.

Affects part of Sec. 32

G-17885

Affects: Tax Lot 13800

Special Warranty Deed to Joe Burnett, recorded Feb. 6, 2006, Inst. No. 2006-852, records of Malheur County, Oregon

Affects: Tax Lot 13800

Statement of claim by Sempra Energy Production Company, recorded April 17, 2006, Inst. No. 2006-2735, records of Malheur County, Oregon

Affects: Tax Lot 13800

Mineral Deed to Lynne W. Phillips, Trustee of the Lynne W. Phillips Trust, et al, recorded March 23, 2009, Inst. No. 2009-1972, records of Malheur County, Oregon

Affects: Tax Lot 13800

Special Warranty Deed to Joe Burnett, Trustee of the Joe and Terri Burnett Revocable Trust, recorded Jan. 4, 2010, Inst. No. 2010-10, records of Malheur County, Oregon

Affects: Tax Lot 13800

Mineral Deed to Daniel Lee Smith, recorded May 10, 2010, Inst. No. 2010-2847, records of Malheur County, Oregon

Affects: part of Sections 31 & 32, location not disclosed.

The oil, gas and mineral interest reserved or conveyed above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected

Lack of access. According to available maps and plats, there is no access to the premises from any existing public road or street. Affects all Title A, Parcel 4

Shared Well Agreement, including the terms and provisions thereof,

Between: William L. Romans and Gregory Romans,

Recorded: October 22, 2012, as Instrument No. 2012-3882, official records of Malheur County, Oregon.

Also affects other property

Title A,
Parcel 5

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

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

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

Regulations of the Vale-Oregon Irrigation District, within which the above property lies, including levies, assessments, water and irrigation rights and easements for ditches and canals. . (Affects a portion)

Mineral reservation, as reserved by Lester F. Scott, et ux, and all rights of said Lester F. Scott, et ux, and their successors in interest, as owners thereof, in Deed

Recorded: July 1946, Book 67, Page 420, Deed records of Malheur County, Oregon

Affects: Tax Lot 12000

The mineral interest reserved or excepted above has not been followed out and subsequent transactions affecting said interest or taxes levied against same are not reflected

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

Recorded: June 1950, Book 82, Page 528, Deed Records of Malheur County, Oregon

Favor of: Idaho Power Company

Affects: W1/2 NW1/4

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Title B
Parcel 1

SALEM, OR

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

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

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

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

Recorded: Dec. 22, 1947, in Book 72, Page 337, Deed Records of Malheur County, Oregon

Favor of: Idaho Power Company

Affects: NW1/4 SW1/4.

6-17385

Parcels 1 & 2

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

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

Reservations, claims, leases and conveyances of oil, gas and mineral rights.

Lack of access. According to available maps and plats, there is no access to the premises from any existing public road or street.

Shared Well Agreement, including the terms and provisions thereof,

Between: William L. Romans and Gregory Romans,
Recorded: October 22, 2012, as Instrument No. 2012-3882, official records of Malheur County, Oregon.
Also affects other property

Exchange Agreement, contained in Bargain and Sale Deed including the terms and provisions thereof,

Between: William L. Romans and Gregory Romans,
Recorded: October 22, 2012, as Instrument No. 2012-3878, official records of Malheur County, Oregon.
Also affects other property

Title D

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

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

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

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SALEM, OR

61-17886