

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

Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

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

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$ 2,500.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other None

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME WILKS RANCH OREGON LIMITED			PHONE (541) 446-3574	FAX (541) 446-3591
ADDRESS 4945 WILLOW CREEK ROAD			CELL	
CITY IRONSIDE	STATE OREGON	ZIP 97908	E-MAIL*	

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

AGENT / BUSINESS NAME JEFF PALMER			PHONE 541-446-3574	FAX
ADDRESS 4945 WILLOW CREEK RD			CELL	
CITY IRONSIDE	STATE OR	ZIP 97908	E-MAIL* jpalmer@wilksranch.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.)

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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.

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

WILKS RANCH OREGON, LTD by WILKS Ranch Holdings, LLC, general partner

Applicant Signature

FARRIS WILKS, president
Print Name and title if applicable

1/20/2015
Date

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Applicant Signature

Print Name and title if applicable

Date

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For Department Use		
App. No. G-17888	Permit No. _____	Date _____

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Oregon Water Resources Department
725 Summer Street NE, Suite A
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PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME WILKS RANCH OREGON LIMITED		PHONE (541) 446-3574	FAX (541) 446-3591
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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- 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.

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

WILKS RANCH OREGON, LTD BY WILKS RANCH HOLDINGS, LLC, general partner

Applicant Signature

FARRIS WILKS, president
Print Name and title if applicable

1/20/2015
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. 64928	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.

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JUN 20 2016

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*).

NA

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: 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
Little Desert Well	Willow Creek	>1 mile 2100 ft <i>SRB</i>	150 ft <i>SRB</i>
		<i>6/17/16</i>	<i>6/17/16</i>

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 wishes to drill a deep well (approx. 800') and seal it to the depth required, so as to prevent the new well from having any adverse effects on surface water.

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 1,014 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the 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 to obtain the necessary information.

92261-1-D

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)
Little Desert Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	16"	+1' to -300' bgs assumed	Uncertain	0 to -300' bgs	Unknown	Rock or bedrock	800'	1,014 gpm	677.50
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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* 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.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 1 thru October 31	677.50

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

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 135.50 Acres Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 677.50

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

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

Pump (give horsepower and type): 100 hp turbine

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Wish to drill a well, and construct a buried pipeline and install a pivot.

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B. Application Method

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

C. Conservation

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

Pivot irrigation will be utilized to minimize the amount of water necessary.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

Reservoir name: NA Acreage inundated by reservoir: NA

Use(s): NA

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

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

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Date construction will begin: Spring 2015

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Date construction will be completed: Fall 2019

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Date beneficial water use will begin: Spring 2020

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	Address	
NA	Na	
City	State	Zip
Na	NA	NA

SECTION 10: REMARKS

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

None

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

NOTE TO APPLICANTS

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.

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Land Use Information Form



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

Applicant: Wilks Ranch Oregon Limited
First Last

Mailing Address: 4945 Willow Creek Road

Ironside Oregon 97908 Daytime Phone: (541) 446-3574
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:
14 S	39 E	13	swsc	2000		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
14 S	39 E	24		2000		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
14 S	39 E	24		300		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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:

Malheur County, Oregon

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: 2.26 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:

Wish to drill a well and install a pivot to irrigate more ground.

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. → RECEIVED BY OWRD

Revised 3/4/2010

Ground Water/9

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G-17998

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Title 6 Ch 6-6-3
- 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.

Name: _____ Title: W. Alvin Scott PLANNING DIRECTOR
 Signature: W. Alvin Scott 571-413-5185 Phone: _____ Date: JAN 20 2015
 Government Entity: _____

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: _____

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RECORDER'S INFORMATION:

MALHEUR COUNTY, OR 2011-4459
D ST WD 12/14/2011 03:02 PM
Cnt=1 Pgs=10 Total: \$87.00

Until a change is requested, all tax statements shall be sent to:
Wilks Ranch
PO Box 111
Cisco TX 76437

After recording return to:
Wilks Ranch
Attn: Jessica Sullivan
PO Box 111
Cisco TX 76437



00007326201100044590100103

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

QNH06298

Ironside Associates Limited Partnership, an Oregon Limited Partnership, Grantor, conveys and warrants to Wilks Ranch Oregon, Ltd., a Texas Domestic Limited Partnership, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibits A-1 and A-2 attached hereto and by this reference incorporated herein.

SUBJECT TO AND TOGETHER WITH:

See Exhibit B attached hereto and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2009. 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 2009.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration.

Dated this 14th day of December, 2011.

Ironside Associates Limited Partnership
CRB Corporation, General Partner

By: *Catharine B. Gilson*
Its: Catharine B. Gilson, Director
Designated Signatory

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G-17878

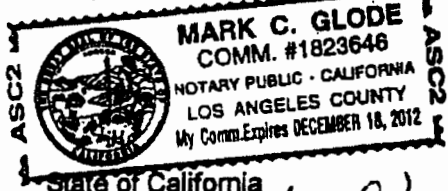
SALEM, OR

Reservoir Land Company of Oregon, Inc., General and Limited Partner

By: [Signature]
Catharine B. Gilson, Director
Its: Designated Signatory

State of California
County of Los Angeles ss

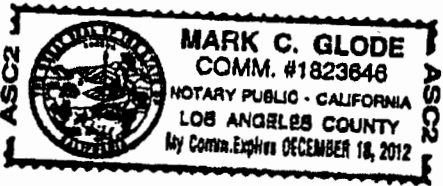
Dec. The foregoing instrument was acknowledged before me this 9th day of Dec., 2011, by Catharine B. Gilson, Director and designated signatory for CRB Corporation, General Partner.



[Signature]
Notary Public for California
My Commission Expires: Dec. 18, 2012

State of California
County of Los Angeles ss

Dec. The foregoing instrument was acknowledged before me this 9th day of Dec., 2011, by Catharine B. Gilson, Director and designated signatory for Reservoir Land Company of Oregon, Inc., General and Limited Partner.



[Signature]
Notary Public for California
My Commission Expires: Dec. 18, 2012

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SALEM, OR

G-17998

Exhibit A-1

Land in Malheur County, Oregon, as follows:

In Twp. 13 S., R. 39 E., W.M.:

- Sec. 13: N1/2
- Sec. 14: All.
- Sec. 15: All.
- Sec. 16: S1/2, S1/2 NE1/4, NE1/4 NE1/4.
- Sec. 17: SE1/4, N1/2 SW1/4.
- Sec. 20: E1/2, E1/2 SW1/4, NE1/4 NW1/4.
- Sec. 21: All.
- Sec. 22: All.
- Sec. 23: All.
- Sec. 24: S1/2 NW1/4, S1/2 SE1/4, SW1/4.
- Sec. 25: All.
- Sec. 26: All.
- Sec. 27: All.
- Sec. 28: E1/2, NW1/4, N1/2 SW1/4.
- Sec. 29: NE1/4, N1/2 SE1/4, E1/2 NW1/4, NE1/4 SW1/4.
- Sec. 34: All.
- Sec. 35: All.
- Sec. 36: All.

In Twp. 13 S., R. 40 E., W.M.:

- Sec. 18: Govt Lots 1, 2 and 3, E1/2 NW1/4, NE1/4 SW1/4.
- Sec. 23: SE1/4, S1/2 NE1/4.
- Sec. 24: S1/2, SW1/4 NE1/4, SE1/4 NW1/4.
- Sec. 25: Govt Lots 1, 2, 3 and 5, W1/2, N1/2 NE1/4, SW1/4 SE1/4 and that part of Mineral Entry No. 24, Lot 95 located within the East 1/2 of said Sec. 25.
- Sec. 26: E1/2, SE1/4 SW1/4.
- Sec. 30: Govt Lots 1, 2, 3 and 4, E1/2 W1/2.
- Sec. 31: All.
- Sec. 32: W1/2, SE1/4.
- Sec. 33: SW1/4.
- Sec. 34: E1/2 NE1/4.
- Sec. 35: E1/2, NW1/4.
- Sec. 36: All,

EXCEPTING that portion of the SE1/4 SE1/4 lying South and East of the County Road right of way.

In Twp. 13 S., R. 41 E., W.M.:

- Sec. 19: Govt Lots 3 and 4, E1/2 SW1/4, W1/2 SE1/4,
EXCEPTING that portion of the SW1/4 SE1/4 lying East of the County Road right of way.
- Sec. 30: Govt Lots 1, 2, 3 and 5, E1/2 NW1/4.
- Sec. 31: Govt Lots 1 thru 4, E1/2 SW1/4, SW1/4 SE1/4.

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In Twp. 14 S., R. 39 E., W.M.:

- Sec. 1: W 1/2, SE1/4 SE1/4, W1/2 SE1/4, W1/2 NE1/4.
- Sec. 2: All.
- Sec. 3: Govt Lots 1 thru 4, S1/2 NE1/4, E1/2 SE1/4.
- Sec. 11: All.
- Sec. 12: NW 1/4, S1/2, SW1/4 NE1/4.
- Sec. 13: All.
- Sec. 14: All.
- Sec. 23: N1/2NE1/4, N1/2NE1/4 NW1/4, NW1/2 SW1/4 NE1/4.
- Sec. 24: NE1/4, N1/2 NW1/4, SE1/4 NW1/4, SE 1/4, E1/2 SW1/4, SW1/4 SW1/4, SE1/2 NW 1/4 SW1/4.

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In Twp. 14 S., R. 40 E., W.M.:

- Sec. 4: Govt Lots 3 and 4, S1/2 NW1/4, N1/2 SW1/4.
- Sec. 5: Govt Lots 1 thru 4, S1/2 NE1/4, W1/2 SE1/4, NE1/4 SE1/4, S1/2 NW1/4, NE1/4 SW1/4.
- Sec. 6: Govt Lot 1.
- Sec. 9: SW1/4 SW1/4, E1/2 SW1/4, SE1/4, S1/2 NE1/4.
- Sec. 10: W1/2.

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Sec. 14: W1/2 E1/2, W1/2.
Sec. 15: All.
Sec. 16: All.
Sec. 17: NE1/4 NE1/4.
Sec. 19: Govt Lots 1 thru 4, NE 1/4 NW1/4, E1/2 SW1/4.
Sec. 21: All.
Sec. 22: All.
Sec. 23: SW1/4.
Sec. 26: W1/2 W1/2, NE1/4 NW1/4, N1/2 SE1/4 NW1/4.
Sec. 27: All.
Sec. 28: All.
Sec. 29: All.
Sec. 30: W1/2.
Sec. 32: All that portion lying North of the John Day Highway right of way.
Sec. 33: All that portion lying North of the John Day Highway right of way.
EXCEPTING THEREFROM that portion thereof conveyed to the State of Oregon, by Deed Recorded July 6, 1928, Book 30, Page 60, Deeds, for right of way gravel pit.
Sec. 34: All.
Sec. 35: W1/2 W1/2.

In Twp. 14 S., R. 40 E., W.M.:
Sec. 11: SE1/4 SW1/4, SW1/4 SE1/4.

In Twp. 14 S., R. 40 E., W.M.:
Sec. 11: NE1/4 SW1/4, N1/2 SE1/4, SE1/4 SE1/4.
Sec. 12: SW1/4, W1/2 SE1/4.
Sec. 13: All.
Sec. 14: E1/2 E1/2.
Sec. 23: SE1/4, N1/2.
Sec. 24: All.
Sec. 25: All.
Sec. 26: E1/2, E1/2 SW1/4, S1/2 SE1/4 NW1/4.
Sec. 35: E1/2, E1/2 W1/2.
Sec. 36: All.

In Twp. 14 S., R. 41 E., W.M.:
Sec. 5: SW1/4 NW1/4, NW1/4 SW1/4, S1/2 SW1/4.
Sec. 8: NW1/4, S1/2.
Sec. 9: SW1/4, W1/2 SE1/4.
Sec. 15: W1/2, S1/2 SE1/4.
Sec. 17: NW1/4, NW1/4 SW1/4, E1/2 SW1/4, E1/2.
Sec. 18: All.
Sec. 19: All.
Sec. 20: NW1/4 NW1/4, S1/2 NW1/4, SW1/4, SW1/4 SE1/4.
Sec. 21: S1/2.
Sec. 22: W1/2, W1/2 E1/2, E1/2 NE1/4.
Sec. 28: All.
Sec. 29: All.
Sec. 30: All.
Sec. 31: All.
Sec. 32: All.
Sec. 33: All.
Sec. 34: N1/2 NW1/4, SW1/4, E1/2.

In Twp. 14S., R. 41 E., W.M.:
Sec. 6: N1/2.

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In Twp. 15 S., R. 40 E., W. M.:

Sec. 1: All that portion lying North of the John Day Highway right of way.
EXCEPTING THEREFROM, a parcel of land located in that portion of Sections 1 and 2,
Twp. 15 S., R. 40 E., W.M, North of the Highway more particularly described as follows:
Commencing at a point 583.9 ft South and 51.7 ft West of the NW corner of said Sec. 1;
Thence South 74 degrees 40' E, 2841.5 feet;
Thence North 15 degrees 20' E, 250 ft;
Thence South 74 degrees 40' E, 1501.8 feet;
Thence South 8 degrees 06' W, 1928.1 ft;
Thence North 78 degrees 32' W, 4093.5 ft;
Thence North 0 degrees 43' E, 2052.8 ft to the point of beginning.
EXCEPTING THEREFROM a parcel as conveyed to Idaho Power Co. by Deed
recorded August 21, 1952, Book 90, Page 342, Deed Records.

In Twp. 15 S., R 40 E., W.M.:

Sec. 2: All that portion of the W1/2 NW1/4 lying North of the John Day Highway right of way.
Sec. 3: All that portion of the North ½ lying North of the John Day Highway right of way.
Sec. 4: All that portion of the Govt Lots 1 and 2 lying North and East of the John Day Highway
right of way.

In Twp. 15 S., R. 41 E., W.M.:

Sec. 6: N1/2, N1/2 S1/2.

TOGETHER WITH one hundred percent (100%) of the mineral, wind, air, timber and water
interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by
Grantor.

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Exhibit A-2

Land in Malheur County, Oregon, as follows:

In Twp. 13 S., R. 39 E., W.M.:

- Sec. 17: S1/2 SW1/4.
- Sec. 19: NE1/4 NE1/4.
- Sec. 20: W1/2 NW1/4 and SE1/4 NW1/4.
- Sec. 28: SE1/4 SW1/4 and SW1/4 SW1/4.
- Sec. 29: S1/2 SE1/4 and SE1/4 SW1/4.
- Sec. 31: S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 and SE1/4.
- Sec. 32: ALL.
- Sec. 33: NE1/4, NE1/4 NW1/4, N1/2 SE1/4, NW1/4 NW1/4, SW1/4 NW1/4 and W1/2 SW1/4.

In Twp. 14 S., R. 39 E., W.M.:

- Sec. 3: SW1/4, S1/2 NW1/4, W1/2 SE1/4.
- Sec. 4: Govt. Lot 4, S1/2 NW1/4, SW1/4, S1/2 NE1/4 and SE1/4.
- Sec. 5: Govt. Lots 1, 2, 3 and 4, S1/2 NE1/4, SW1/4 NW1/4, N1/2 SW1/4, NW1/4 SE1/4 and E1/2 SE1/4.
- Sec. 6: NE1/4, N1/2 SE1/4.
- Sec. 8: N1/2 NE1/4.
- Sec. 9: SW1/4 NE1/4, W1/2, NW1/4 SE1/4, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4 and S1/2 SE1/4.
- Sec. 10: ALL.
- Sec. 15: N1/2 N1/2, SE1/4 NW1/4 and S1/2 NE1/4.
- Sec. 16: NE1/4 NE1/4 and the following parcels:
 - Beginning at the Northwest corner of the NW1/4 NE1/4;
 - Thence South 710 feet;
 - Thence S. 54 degrees E., 1036.54 feet;
 - Thence East 481.73 feet;
 - Thence North 1320 feet;
 - Thence West 1320 feet to the Point of Beginning.
- ALSO beginning at Northeast corner of the SW1/4 NE1/4;
- Thence West 481.73 feet;
- Thence S. 54 degrees E., 595.46 feet;
- Thence North 350 feet to the Point of Beginning.

TOGETHER WITH one hundred percent (100%) of the mineral, wind, air, timber and water interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by Grantor.

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Exhibit B

Exhibit A-1 Exceptions

1. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Unpatented mining claims whether or not shown by the public records.
5. Taxes for the fiscal year 2011-2012, following 12-14-11 (date of closing) and thereafter.
6. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. Rights to the Public in and to existing County Road rights-of-way.
8. Certificate of Reservoir Location, including the terms and provisions thereof, in favor of Orchards Water Company, recorded August 20, 1927, book F, Page 95, Water rights, as to Reservoir No. 3, in Secs. 5, 8, 9 and 16, Twp. 14 S., R. 41 E., W.M.
9. Reservations in Deeds from State of Oregon, Book N, Page 302; Book 15, Page 80; Book 18, Page 15; Book 23, Pages 577, 578 and 579; Book 91, Instrument No. 27830; reserving right of way for ditches, canals, and reservoir sites for irrigation purposes, constructed or which may be constructed by authority of the United States or otherwise. (Pertains to S ½, E ½ NE ¼, SW ¼ NE ¼ of Sec. 16, Twp. 13 S., R. 39 E., W.M.; Lot 2 in Sec. 31, Twp. 13 S., R. 41 E., W.M.; W ½, W ½ SE ¼, NE ¼ and NE ¼ SE ¼ of Sec. 16, Twp. 14 S., R. 40 E., W.M.)
10. Pole Line Easements, including the terms and provisions thereof, in favor of Idaho Power Company, a corporation, as follows:
 - (a) Recorded August 15, 1952, Instrument No. 24531, Book 90, Deeds, over and across Sections 32 and 33, Twp. 14 S., R. 40 E., W.M.
 - (b) Recorded August 15, 1952, Book 90, Page 284, Deeds, over and across the SW ¼ NW ¼ of Sec. 2, and over and across Section 3, Twp. 15 S., R. 40 E., W.M.
 - (c) Recorded May 2, 1967, Book 135, Page 441, Deeds, over and across the SE ¼ NE ¼ of Sec. 9, Twp. 14 S., R. 40 E., W.M.
11. Right of Way Grant, including the terms and provisions thereof, in favor of Malheur County, a political subdivision dated December 16, 1959, recorded May 3, 1960, Book 115, Page 536, Deeds, for road right of way 60 feet in width over and across lands located in Twp. 13 S., R. 40 E., W.M., Malheur County, Oregon.
12. Minerals Reserved, including the terms and provisions thereof, by Eastern Oregon Land Company, a corporation, as to a full interest therein in Deed recorded August 2, 1944, Book 60, Page 622, and all rights of the said Eastern Oregon Land Company, a corporation, and their successors interest as owners thereof. (Pertains to that portion of Sec. 3, Twp. 15 S., R. 40 E., W.M., lying North of the John Day Highway.)
13. Minerals Reserved, including the terms and provisions thereof, by Eastern Oregon Land Company, as to a full interest therein, in Deed recorded December 31, 1945, Book 64, Page 640, Deed Records, and all rights of the said party and their successors in interest as owners thereof. (Covers Sec. 25 and 36, Twp. 14 S., R. 40 E., W.M.; part of Sec. 1, Twp. 15 S., R. 40 E., W.M.; and Sec. 31, Twp. 14 S., R. 41 E., W.M.)

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14. Minerals as Conveyed to Roderick A. Stamey, as to an undivided 1/8th interest therein, in Deed recorded April 4, 1955, Book 99, Page 522, Deeds, and all rights of the said Roderick A. Stamey, and his successors in interest as owners thereof, covering a portion of the lands under consideration containing 12,925.29 acres, more or less.
15. Sale of Oil and Gas Royalty, including the terms and provisions thereof, in Book 100, Instrument Number 19864, Deed Records.
16. Mineral Deed, including the terms and provisions thereof, recorded October 31, 1957, in Book 108, Page 82, Deed Records.
17. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded February 20, 1987 Instrument Number 87-8903, Deed Records.
18. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded February 20, 1987, as Instrument Number 87-8904, Deed Records.
19. Mineral and Royalty Deed and Act of Sale, including the terms and provisions thereof, recorded May 10, 1988, Instrument Number 88-17992, Deed Records.
Assignment, Bill of Sale and Conveyance, recorded November 10, 1988, Instrument Number 88-22978, Deed Records.
Conveyance of Net Profit Production Payment, recorded November 10, 1988, Instrument Number 88-22981.
Assignment, Bill of Sale and Conveyance, recorded July 6, 1989, Instrument Number 89-35489, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35490, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35491, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35492, Deed Records.
Assignment, Bill of Sale and Conveyance, recorded March 9, 1990, Instrument Number 90-1705, Deed Records.
20. Mineral Deed, including the terms and provisions thereof, recorded March 29, 1989, Instrument Number 89-29282, Deed Records.
21. Conveyance of Net Profits overriding Royalty Interest, including the terms and provisions thereof, recorded February 21, 1991, Instrument Number 91-987, Deed Records.
Assignment, including the terms and provisions thereof, recorded October 25, 1994, Instrument Number 94-7350, Deed Records.
Assignment, including the terms and provisions thereof, recorded April 24, 1995, Instrument Number 95-2765, Deed Records.
Assignment, including the terms and provisions thereof, recorded May 8, 1995, Instrument Number 95-3110, Deed Records.
Assignment, Bill of Sale and Conveyance, including the terms and provisions thereof, recorded May 23, 1995, Instrument Number 95-3412, Deed Records.
Assignment, Bill of Sale and Conveyance, including the terms and provisions thereof, recorded May 23, 1995, Instrument Number 95-3413, Deed Records.
Conveyance and Assignment, including the terms and provisions thereof, recorded November 25, 1996, Instrument Number 96-8571, Deed Records.
22. Mineral Deed, including the terms and provisions thereof, recorded November 18, 1996, Instrument Number 96-8418, Deed Records.
23. Mineral Deed, including the terms and provisions thereof, recorded March 17, 1997, Instrument Number 97-1944, Deed Records.
24. Mineral Deed, including the terms and provisions thereof, recorded December 15, 1997, Instrument Number 97-9764, Deed Records.
25. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded June 29, 1998, Instrument Number 98-4963, Deed Records.

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26. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, a corporation, recorded June 14, 1999, Instrument Number 99-4508, Deed Records.
27. Mineral Deed, Conveyance, and Assignment, including the terms and provisions thereof, recorded July 2, 1999, Instrument Number 99-5039, Deed Records.
28. Statement of Claim, including the terms and provisions thereof, recorded September 2, 1999, Instrument Number 99-6969, Deed Records.
29. Warranty Deed, including the terms and provisions thereof, recorded November 22, 1999, Instrument Number 99-8891, Deed Records. (Mineral interest)
30. Right of Way Easement, including the terms and provisions thereof, in favor of Oregon Telephone Corporation recorded March 12, 2003, Instrument Number 2003-1859, Deed Records.
31. Quitclaim Deed, including the terms and provisions thereof, by and between International Paper Company, Sustainable Forests, LLC, International Paper Realty Corporation, Blue Sky Timber Properties LLC, SP Forests, LLC, IP Petroleum Company, Inc., GCO Minerals, LLC, IP Pacific Timberlands, Inc., IP Timberlands Operating Company, LTD., Champion Realty Corporation, Translates Properties Incorporated, The Long-Bell Petroleum Company, Inc., as Grantors and BRP LLC as Grantee recorded August 9, 2010, Instrument No. 2010-4919, Malheur County Deed Records. (Mineral Deed)
Memorandum of Option Agreement, including the terms and provisions thereof, recorded November 9, 2010, Instrument Number 2010-6653, Malheur County Deed Records (does not pertain to this transaction).

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Exhibit A-2 Exceptions

1. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Unpatented mining claims whether or not shown by the public records.
5. Taxes for the fiscal year 2011-2012, following 12-14-11 (date of closing) and thereafter.
6. The rights to the Public in and to that portion of the Premises herein lying within streets, roads, and highways.
7. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
8. An easement for powerlines in favor of Idaho Power Company created by Instrument, including the terms and provisions thereof, recorded March 28, 1955, in book 99, Instrument No. 16304, 16305, 16306, Deed Records, recorded February 5, 1974, Instrument No. 154083 Deed Records, recorded May 24, 1999, Instrument No. 99-3850, Deed Records.
9. Conveyance, including the terms and provisions thereof, recorded January 12, 1984, Instrument No. 84-119150, Deed Records.
10. Conveyance, including the terms and provisions thereof, recorded January 23, 1984, instrument No. 84-119320, Deed Records.
11. Conveyance, including the terms and provisions thereof, recorded February 3, 1984, Instrument No. 84-119530, Deed Records.
12. Easement, including the terms and conditions from Roy L. Consen to John M. Molthan, et ux, recorded September 29, 2003, Instrument No. 2003-7831, Deed Records.

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MALHEUR COUNTY, OREGON

G-17988

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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Water-Use Permit Application Processing

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1. Completeness Determination

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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 \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$ 2,500.00
See the Department's Fee Schedule at www.orcgon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other None

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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.

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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*).

NA

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: 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
Little Desert Well	Willow Creek	2100 ft	150 ft

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 wishes to drill a deep well (approx. 800') and seal it to the depth required, so as to prevent the new well from having any adverse effects on surface water.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 1,014 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the 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 to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO. OR WELL LOG ID**	FLOWING OR 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)
Little Desert Well	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	16"	+1' to -300' bgs assumed	Uncertain	0 to -300' bgs	Unknown	Rock or bedrock	800'	1,014 gpm	677.50
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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* 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.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 1 thru October 31	677.50

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

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 135.50 Acres Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 677.50

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 100 hp turbine

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Wish to drill a well, and construct a buried pipeline and install a pivot.

B. Application Method

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

Pivots will be used for irrigation.

C. Conservation

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

Pivot irrigation will be utilized to minimize the amount of water necessary.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

Reservoir name: NA Acreage inundated by reservoir: NA

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Use(s): NA

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

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Spring 2015

Date construction will be completed: Fall 2019

Date beneficial water use will begin: Spring 2020

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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	Address	
NA	Na	
City	State	Zip
Na	NA	NA

SECTION 10: REMARKS

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

None

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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

SALEM, OR

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



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

Applicant: Wilks Ranch Oregon Limited
First Last

Mailing Address: 4945 Willow Creek Road

Ironside Oregon 97908 Daytime Phone: (541) 446-3574
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:
14 S	39 E	13	swsc	2000		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
14 S	39 E	24		2000		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
14 S	39 E	24		300		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" 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:

Malheur County, Oregon

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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: 2.26 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:

Wish to drill a well and install a pivot to irrigate more ground.

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. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____.
- 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: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: _____

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Date _____

(For staff use only)



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

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

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

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MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other _____

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RECORDER'S INFORMATION:

MALHEUR COUNTY, OR 2011-4459

D ST WD 12/14/2011 03:02 PM

Cnt=1 Pgs=10 Total: \$87.00



00007326201100044590100103

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

DeLong

Until a change is requested, all tax statements shall be sent to:
Wilks Ranch
PO Box 111
Cisco TX 76437

After recording return to:
Wilks Ranch
Attn: Jessica Sullivan
PO Box 111
Cisco TX 76437

STATUTORY WARRANTY DEED

QVMO 6298

Ironsides Associates Limited Partnership, an Oregon Limited Partnership, Grantor, conveys and warrants to Wilks Ranch Oregon, Ltd., a Texas Domestic Limited Partnership, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

See Exhibits A-1 and A-2 attached hereto and by this reference incorporated herein.

SUBJECT TO AND TOGETHER WITH:

See Exhibit B attached hereto and by this reference incorporated herein.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2009. 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 2009.

The true consideration for this conveyance is: Other value or property is part of or the whole consideration.

Dated this 14th day of December, 2011.

Ironsides Associates Limited Partnership

CRB Corporation, General Partner

By: *Cathanne B. Gilson*
Its: Cathanne B. Gilson, Director
Designated Signatory

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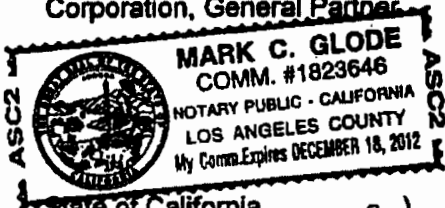
SALEM, OR

Reservoir Land Company of Oregon, Inc., General and Limited Partner

By: Catharine B. Gilson, Director
Its: Designated Signatory

State of California
County of Los Angeles ss

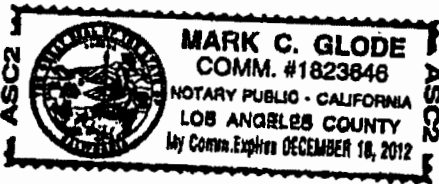
Dec. The foregoing instrument was acknowledged before me this 9th day of December, 2011, by Catharine B. Gilson, Director and designated signatory for CRB Corporation, General Partner.



[Signature]
Notary Public for California
My Commission Expires: Dec. 18, 2012

State of California
County of Los Angeles ss

Dec. The foregoing instrument was acknowledged before me this 9th day of December, 2011, by Catharine B. Gilson, Director and designated signatory for Reservoir Land Company of Oregon, Inc., General and Limited Partner.



[Signature]
Notary Public for California
My Commission Expires: Dec. 18, 2012

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MALHEUR COUNTY, OREGON

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Exhibit A-1

Land in Malheur County, Oregon, as follows:

In Twp. 13 S., R. 39 E., W.M.:

- Sec. 13: N1/2
- Sec. 14: All.
- Sec. 15: All.
- Sec. 16: S1/2, S1/2 NE1/4, NE1/4 NE1/4.
- Sec. 17: SE1/4, N1/2 SW1/4.
- Sec. 20: E1/2, E1/2 SW1/4, NE1/4 NW1/4.
- Sec. 21: All.
- Sec. 22: All.
- Sec. 23: All.
- Sec. 24: S1/2 NW1/4, S1/2 SE1/4, SW1/4.
- Sec. 25: All.
- Sec. 26: All.
- Sec. 27: All.
- Sec. 28: E1/2, NW1/4, N1/2 SW1/4.
- Sec. 29: NE1/4, N1/2 SE1/4, E1/2 NW1/4, NE1/4 SW1/4.
- Sec. 34: All.
- Sec. 35: All.
- Sec. 36: All.

In Twp. 13 S., R. 40 E., W.M.:

- Sec. 18: Govt Lots 1, 2 and 3, E1/2 NW1/4, NE1/4 SW1/4.
- Sec. 23: SE1/4, S1/2 NE1/4.
- Sec. 24: S1/2, SW1/4 NE1/4, SE1/4 NW1/4.
- Sec. 25: Govt Lots 1, 2, 3 and 5, W1/2, N1/2 NE1/4, SW1/4 SE1/4 and that part of Mineral Entry No. 24, Lot 95 located within the East 1/2 of said Sec. 25.
- Sec. 26: E1/2, SE1/4 SW1/4.
- Sec. 30: Govt Lots 1, 2, 3 and 4, E1/2 W1/2.
- Sec. 31: All.
- Sec. 32: W1/2, SE1/4.
- Sec. 33: SW1/4.
- Sec. 34: E1/2 NE1/4.
- Sec. 35: E1/2, NW1/4.
- Sec. 36: All,

EXCEPTING that portion of the SE1/4 SE1/4 lying South and East of the County Road right of way.

In Twp. 13 S., R. 41 E., W.M.:

- Sec. 19: Govt Lots 3 and 4, E1/2 SW1/4, W1/2 SE1/4,
EXCEPTING that portion of the SW1/4 SE1/4 lying East of the County Road right of way.
- Sec. 30: Govt Lots 1, 2, 3 and 5, E1/2 NW1/4.
- Sec. 31: Govt Lots 1 thru 4, E1/2 SW1/4, SW1/4 SE1/4.

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In Twp. 14 S., R. 39 E., W.M.:

- Sec. 1: W 1/2, SE1/4 SE1/4, W1/2 SE1/4, W1/2 NE1/4.
- Sec. 2: All.
- Sec. 3: Govt Lots 1 thru 4, S1/2 NE1/4, E1/2 SE1/4.
- Sec. 11: All.
- Sec. 12: NW 1/4, S1/2, SW1/4 NE1/4.
- Sec. 13: All.
- Sec. 14: All.
- Sec. 23: N1/2NE1/4, N1/2NE1/4 NW1/4, NW1/2 SW1/4 NE1/4.
- Sec. 24: NE1/4, N1/2 NW1/4, SE1/4 NW1/4, SE 1/4, E1/2 SW1/4, SW1/4 SW1/4, SE1/2 NW 1/4 SW1/4.

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In Twp. 14 S., R. 40 E., W.M.:

- Sec. 4: Govt Lots 3 and 4, S1/2 NW1/4, N1/2 SW1/4.
- Sec. 5: Govt Lots 1 thru 4, S1/2 NE1/4, W1/2 SE1/4, NE1/4 SE1/4, S1/2 NW1/4, NE1/4 SW1/4.
- Sec. 6: Govt Lot 1.
- Sec. 9: SW1/4 SW1/4, E1/2 SW1/4, SE1/4, S1/2 NE1/4.
- Sec. 10: W1/2.

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MALHEUR COUNTY, OREGON

Sec. 14: W1/2 E1/2, W1/2.
Sec. 15: All.
Sec. 16: All.
Sec. 17: NE1/4 NE1/4.
Sec. 19: Govt Lots 1 thru 4, NE 1/4 NW1/4, E1/2 SW1/4.
Sec. 21: All.
Sec. 22: All.
Sec. 23: SW1/4.
Sec. 26: W1/2 W1/2, NE1/4 NW1/4, N1/2 SE1/4 NW1/4.
Sec. 27: All.
Sec. 28: All.
Sec. 29: All.
Sec. 30: W1/2.
Sec. 32: All that portion lying North of the John Day Highway right of way.
Sec. 33: All that portion lying North of the John Day Highway right of way.
EXCEPTING THEREFROM that portion thereof conveyed to the State of Oregon, by Deed Recorded July 6, 1928, Book 30, Page 60, Deeds, for right of way gravel pit.
Sec. 34: All.
Sec. 35: W1/2 W1/2.

In Twp. 14 S., R. 40 E., W.M.:
Sec. 11: SE1/4 SW1/4, SW1/4 SE1/4.

In Twp. 14 S., R. 40 E., W.M.:
Sec. 11: NE1/4 SW1/4, N1/2 SE1/4, SE1/4 SE1/4.
Sec. 12: SW1/4, W1/2 SE1/4.
Sec. 13: All.
Sec. 14: E1/2 E1/2.
Sec. 23: SE1/4, N1/2.
Sec. 24: All.
Sec. 25: All.
Sec. 26: E1/2, E1/2 SW1/4, S1/2 SE1/4 NW1/4.
Sec. 35: E1/2, E1/2 W1/2.
Sec. 36: All.

In Twp. 14 S., R. 41 E., W.M.:
Sec. 5: SW1/4 NW1/4, NW1/4 SW1/4, S1/2 SW1/4.
Sec. 8: NW1/4, S1/2.
Sec. 9: SW1/4, W1/2 SE1/4.
Sec. 15: W1/2, S1/2 SE1/4.
Sec. 17: NW1/4, NW1/4 SW1/4, E1/2 SW1/4, E1/2.
Sec. 18: All.
Sec. 19: All.
Sec. 20: NW1/4 NW1/4, S1/2 NW1/4, SW1/4, SW1/4 SE1/4.
Sec. 21: S1/2.
Sec. 22: W1/2, W1/2 E1/2, E1/2 NE1/4.
Sec. 28: All.
Sec. 29: All.
Sec. 30: All.
Sec. 31: All.
Sec. 32: All.
Sec. 33: All.
Sec. 34: N1/2 NW1/4, SW1/4, E1/2.

In Twp. 14S., R. 41 E., W.M.:
Sec. 6: N1/2.

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In Twp. 15 S., R. 40 E., W. M.:

Sec. 1: All that portion lying North of the John Day Highway right of way.
EXCEPTING THEREFROM, a parcel of land located in that portion of Sections 1 and 2,
Twp. 15 S., R. 40 E., W.M. North of the Highway more particularly described as follows:
Commencing at a point 583.9 ft South and 51.7 ft West of the NW corner of said Sec. 1;
Thence South 74 degrees 40' E, 2841.5 feet;
Thence North 15 degrees 20' E, 250 ft;
Thence South 74 degrees 40' E, 1501.8 feet;
Thence South 8 degrees 08' W, 1928.1 ft;
Thence North 78 degrees 32' W, 4093.5 ft;
Thence North 0 degrees 43' E, 2052.8 ft to the point of beginning.
EXCEPTING THEREFROM a parcel as conveyed to Idaho Power Co. by Deed
recorded August 21, 1952, Book 90, Page 342, Deed Records.

In Twp. 15 S., R 40 E., W.M.:

Sec. 2: All that portion of the W1/2 NW1/4 lying North of the John Day Highway right of way.
Sec. 3: All that portion of the North ½ lying North of the John Day Highway right of way.
Sec. 4: All that portion of the Govt Lots 1 and 2 lying North and East of the John Day Highway
right of way.

In Twp. 15 S., R. 41 E., W.M.:

Sec. 6: N1/2, N1/2 S1/2.

TOGETHER WITH one hundred percent (100%) of the mineral, wind, air, timber and water
interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by
Grantor.

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2011-04459

MALHEUR COUNTY, OREGON

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Exhibit A-2

Land in Malheur County, Oregon, as follows:

In Twp. 13 S., R. 39 E., W.M.:

- Sec. 17: S1/2 SW1/4.
- Sec. 19: NE1/4 NE1/4.
- Sec. 20: W1/2 NW1/4 and SE1/4 NW1/4.
- Sec. 28: SE1/4 SW1/4 and SW1/4 SW1/4.
- Sec. 29: S1/2 SE1/4 and SE1/4 SW1/4.
- Sec. 31: S1/2 NE1/4, SE1/4 NW1/4, E1/2 SW1/4 and SE1/4.
- Sec. 32: ALL.
- Sec. 33: NE1/4, NE1/4 NW1/4, N1/2 SE1/4, NW1/4 NW1/4, SW1/4 NW1/4 and W1/2 SW1/4.

In Twp. 14 S., R. 39 E., W.M.:

- Sec. 3: SW1/4, S1/2 NW1/4, W1/2 SE1/4.
- Sec. 4: Govt. Lot 4, S1/2 NW1/4, SW1/4, S1/2 NE1/4 and SE1/4.
- Sec. 5: Govt. Lots 1, 2, 3 and 4, S1/2 NE1/4, SW1/4 NW1/4, N1/2 SW1/4, NW1/4 SE1/4 and E1/2 SE1/4.
- Sec. 6: NE1/4, N1/2 SE1/4.
- Sec. 8: N1/2 NE1/4.
- Sec. 9: SW1/4 NE1/4, W1/2, NW1/4 SE1/4, N1/2 NE1/4, SE1/4 NE1/4, NE1/4 SE1/4 and S1/2 SE1/4.
- Sec. 10: ALL.
- Sec. 15: N1/2 N1/2, SE1/4 NW1/4 and S1/2 NE1/4.
- Sec. 16: NE1/4 NE1/4 and the following parcels:
 - Beginning at the Northwest corner of the NW1/4 NE1/4;
 - Thence South 710 feet;
 - Thence S. 54 degrees E., 1036.54 feet;
 - Thence East 481.73 feet;
 - Thence North 1320 feet;
 - Thence West 1320 feet to the Point of Beginning.ALSO beginning at Northeast corner of the SW1/4 NE1/4;
 - Thence West 481.73 feet;
 - Thence S. 54 degrees E., 595.46 feet;
 - Thence North 350 feet to the Point of Beginning.

TOGETHER WITH one hundred percent (100%) of the mineral, wind, air, timber and water interests owned by Grantor and one hundred percent (100%) of the Executive Rights owned by Grantor.

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Exhibit B

Exhibit A-1 Exceptions

1. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Unpatented mining claims whether or not shown by the public records.
5. Taxes for the fiscal year 2011-2012, following 12-14-11 (date of closing) and thereafter.
6. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
7. Rights to the Public in and to existing County Road rights-of-way.
8. Certificate of Reservoir Location, including the terms and provisions thereof, in favor of Orchards Water Company, recorded August 20, 1927, book F, Page 95, Water rights, as to Reservoir No. 3, in Secs. 5, 8, 9 and 16, Twp. 14 S., R. 41 E., W.M.
9. Reservations in Deeds from State of Oregon, Book N, Page 302; Book 15, Page 80; Book 18, Page 15; Book 23, Pages 577, 578 and 579; Book 91, Instrument No. 27830; reserving right of way for ditches, canals, and reservoir sites for irrigation purposes, constructed or which may be constructed by authority of the United States or otherwise. (Pertains to S $\frac{1}{2}$, E $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 16, Twp. 13 S., R. 39 E., W.M.; Lot 2 in Sec. 31, Twp. 13 S., R. 41 E., W.M.; W $\frac{1}{2}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, NE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 16, Twp. 14 S., R. 40 E., W.M.)
10. Pole Line Easements, including the terms and provisions thereof, in favor of Idaho Power Company, a corporation, as follows:
 - (a) Recorded August 15, 1952, Instrument No. 24531, Book 90, Deeds, over and across Sections 32 and 33, Twp. 14 S., R. 40 E., W.M.
 - (b) Recorded August 15, 1952, Book 90, Page 284, Deeds, over and across the SW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 2, and over and across Section 3, Twp. 15 S., R. 40 E., W.M.
 - (c) Recorded May 2, 1967, Book 135, Page 441, Deeds, over and across the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 9, Twp. 14 S., R. 40 E., W.M.
11. Right of Way Grant, including the terms and provisions thereof, in favor of Malheur County, a political subdivision dated December 16, 1959, recorded May 3, 1960, Book 115, Page 536, Deeds, for road right of way 60 feet in width over and across lands located in Twp. 13 S., R. 40 E., W.M., Malheur County, Oregon.
12. Minerals Reserved, including the terms and provisions thereof, by Eastern Oregon Land Company, a corporation, as to a full interest therein in Deed recorded August 2, 1944, Book 60, Page 622, and all rights of the said Eastern Oregon Land Company, a corporation, and their successors interest as owners thereof. (Pertains to that portion of Sec. 3, Twp. 15 S., R. 40 E., W.M., lying North of the John Day Highway.)
13. Minerals Reserved, including the terms and provisions thereof, by Eastern Oregon Land Company, as to a full interest therein, in Deed recorded December 31, 1945, Book 64, Page 640, Deed Records, and all rights of the said party and their successors in interest as owners thereof. (Covers Sec. 25 and 36, Twp. 14 S., R. 40 E., W.M.; part of Sec. 1, Twp. 15 S., R. 40 E., W.M.; and Sec. 31, Twp. 14 S., R. 41 E., W.M.)

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14. Minerals as Conveyed to Roderick A. Stamey, as to an undivided 1/8th interest therein, in Deed recorded April 4, 1955, Book 99, Page 522, Deeds, and all rights of the said Roderick A. Stamey, and his successors in interest as owners thereof, covering a portion of the lands under consideration containing 12,925.29 acres, more or less.
15. Sale of Oil and Gas Royalty, including the terms and provisions thereof, in Book 100, Instrument Number 19864, Deed Records.
16. Mineral Deed, including the terms and provisions thereof, recorded October 31, 1957, in Book 108, Page 82, Deed Records.
17. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded February 20, 1987 Instrument Number 87-8903, Deed Records.
18. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded February 20, 1987, as Instrument Number 87-8904, Deed Records.
19. Mineral and Royalty Deed and Act of Sale, including the terms and provisions thereof, recorded May 10, 1988, Instrument Number 88-17992, Deed Records.
Assignment, Bill of Sale and Conveyance, recorded November 10, 1988, Instrument Number 88-22978, Deed Records.
Conveyance of Net Profit Production Payment, recorded November 10, 1988, Instrument Number 88-22981.
Assignment, Bill of Sale and Conveyance, recorded July 6, 1989, Instrument Number 89-35489, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35490, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35491, Deed Records.
Conveyance of Net Profits overriding Royalty Interest, recorded July 6, 1989, Instrument Number 89-35492, Deed Records.
Assignment, Bill of Sale and Conveyance, recorded March 9, 1990, Instrument Number 90-1705, Deed Records.
20. Mineral Deed, including the terms and provisions thereof, recorded March 29, 1989, Instrument Number 89-29282, Deed Records.
21. Conveyance of Net Profits overriding Royalty Interest, including the terms and provisions thereof, recorded February 21, 1991, Instrument Number 91-987, Deed Records.
Assignment, including the terms and provisions thereof, recorded October 25, 1994, Instrument Number 94-7350, Deed Records.
Assignment, including the terms and provisions thereof, recorded April 24, 1995, Instrument Number 95-2765, Deed Records.
Assignment, including the terms and provisions thereof, recorded May 8, 1995, Instrument Number 95-3110, Deed Records.
Assignment, Bill of Sale and Conveyance, including the terms and provisions thereof, recorded May 23, 1995, Instrument Number 95-3412, Deed Records.
Assignment, Bill of Sale and Conveyance, including the terms and provisions thereof, recorded May 23, 1995, Instrument Number 95-3413, Deed Records.
Conveyance and Assignment, including the terms and provisions thereof, recorded November 25, 1996, Instrument Number 96-8571, Deed Records.
22. Mineral Deed, including the terms and provisions thereof, recorded November 18, 1996, Instrument Number 96-8418, Deed Records.
23. Mineral Deed, including the terms and provisions thereof, recorded March 17, 1997, Instrument Number 97-1944, Deed Records.
24. Mineral Deed, including the terms and provisions thereof, recorded December 15, 1997, Instrument Number 97-9764, Deed Records.
25. Quitclaim Mineral Deed, including the terms and provisions thereof, recorded June 29, 1998, Instrument Number 98-4963, Deed Records.

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26. Power Line Easement, including the terms and provisions thereof, in favor of Idaho Power Company, a corporation, recorded June 14, 1999, Instrument Number 99-4508, Deed Records.
27. Mineral Deed, Conveyance, and Assignment, including the terms and provisions thereof, recorded July 2, 1999, Instrument Number 99-5039, Deed Records.
28. Statement of Claim, including the terms and provisions thereof, recorded September 2, 1999, Instrument Number 99-6969, Deed Records.
29. Warranty Deed, including the terms and provisions thereof, recorded November 22, 1999, Instrument Number 99-8891, Deed Records. (Mineral interest)
30. Right of Way Easement, including the terms and provisions thereof, in favor of Oregon Telephone Corporation recorded March 12, 2003, Instrument Number 2003-1859, Deed Records.
31. Quitclaim Deed, including the terms and provisions thereof, by and between International Paper Company, Sustainable Forests, LLC, International Paper Realty Corporation, Blue Sky Timber Properties LLC, SP Forests, LLC, IP Petroleum Company, Inc., GCO Minerals, LLC, IP Pacific Timberlands, Inc., IP Timberlands Operating Company, LTD., Champion Realty Corporation, Translates Properties Incorporated, The Long-Bell Petroleum Company, Inc., as Grantors and BRP LLC as Grantee recorded August 9, 2010, Instrument No. 2010-4919, Malheur County Deed Records. (Mineral Deed)
 Memorandum of Option Agreement, including the terms and provisions thereof, recorded November 9, 2010, Instrument Number 2010-6653, Malheur County Deed Records (does not pertain to this transaction).

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Exhibit A-2 Exceptions

1. Facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
2. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof.
3. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
4. Unpatented mining claims whether or not shown by the public records.
5. Taxes for the fiscal year 2011-2012, following 12-14-11 (date of closing) and thereafter.
6. The rights to the Public in and to that portion of the Premises herein lying within streets, roads, and highways.
7. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
8. An easement for powerlines in favor of Idaho Power Company created by Instrument, including the terms and provisions thereof, recorded March 28, 1955, in book 99, Instrument No. 16304, 16305, 16306, Deed Records, recorded February 5, 1974, Instrument No. 154063 Deed Records, recorded May 24, 1999, Instrument No. 99-3850, Deed Records.
9. Conveyance, including the terms and provisions thereof, recorded January 12, 1984, Instrument No. 84-119150, Deed Records.
10. Conveyance, including the terms and provisions thereof, recorded January 23, 1984, Instrument No. 84-119320, Deed Records.
11. Conveyance, including the terms and provisions thereof, recorded February 3, 1984, Instrument No. 84-119530, Deed Records.
12. Easement, including the terms and conditions from Roy L. Coneen to John M. Molthan, et ux, recorded September 29, 2003, Instrument No. 2003-7831, Deed Records.

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