

Dear Customer Service Group :

This application has received our assistance here in Watermaster District 5.

by Ray Silberman Phone # 541-278-5456
(Name)

Please let us know if there is anything else that might be needed.

Assistance was provided in the preparation of the:

- ☒ Application
- ☐ Map
- ☐ Other

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-88152



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

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

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

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

Use a separate form for each reservoir

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

1. APPLICANT INFORMATION

Applicant: Broken Spur Ranch LLC
First Last
Mailing Address: 30522 old field st.
Hermiston OR 97838
City State Zip
Phone: 541-571-1373
Home Work Other
Fax: _____ E-Mail Address*: harry @ broken spur arena .com
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

2. AGENT INFORMATION

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

Agent: Harry Larson
First Last
Mailing Address: 30522 old field st.
Hermiston OR 97838
City State Zip
Phone: 541-571-1373
Home Work Other
Fax: _____ E-Mail Address*: harry @ broken spur arena .com
* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

3. LOCATION AND SOURCE

A. Reservoir Name: Gibson Gulch Pond

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source: runoff Tributary to: Stewart Creek

C. County in which diversion occurs: UNAKILLIN

App. No. R-00132

For Department Use

Permit No. _____ Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
1 S	33 E	29 / 30	NW 34 NW	153300003400

E. **Dam:** Maximum height of dam: 10' 9.11" feet. If excavated, write "zero feet".

F. **Quantity:** Amount of water to be stored in the reservoir at maximum capacity. List volume in acre-feet: 9.2

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

4. WATER USE

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

stock water / multipurpose

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

5. PROPERTY OWNERSHIP

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

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

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

☒ There are no encumbrances

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

☐ **No** (Please check the appropriate box below)

N/D ☒ I have a recorded easement or written authorization permitting access.

☐ I do not currently have written authorization or easement permitting access.

☐ Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

6. ENVIRONMENTAL IMPACT

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

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

7. WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

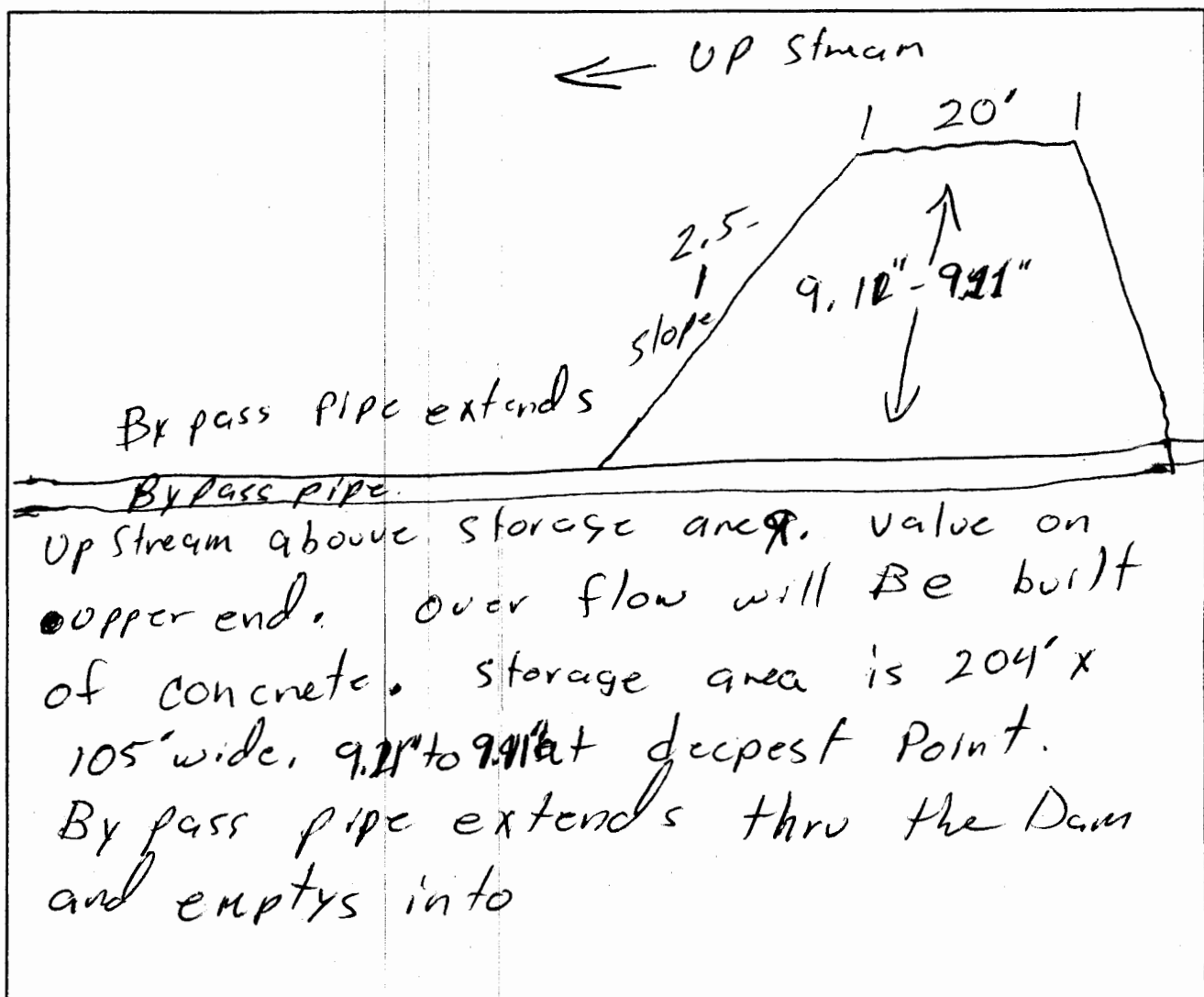
8. DESCRIPTION

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

use of overflow for excess water back into main channel

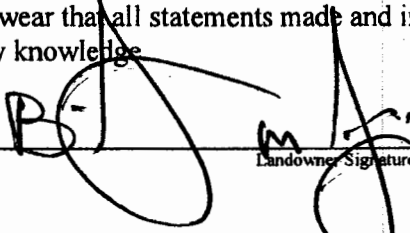
Live flow will be passed thru a bypass pipe with the inlet upstream from the storage area. The Dam will be approx. ~~12~~ - ~~15~~ 11" feet high, 20 feet across. it will be built with excavated soil from storage Area. Storage area will be approx. 204' x 105' x 9.11" Deep at the deepest Point. Over flow will be concrete to stop erosion. R00032

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



9. SIGNATURE

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


Landowner Signature

9/5/15
Date

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

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-88132

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: Broken Spur Ranch LLC
First Last

Mailing Address: 30522 Oldfield St.

Hermiston
City

OR
State

97839
Zip

Daytime Phone: 541-571-1373

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	$\frac{1}{4}$ $\frac{1}{4}$	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>1S</u>	<u>33E</u>	<u>29/30</u>	<u>NW of NW</u>	<u>3800</u>	<u>EFU</u>	☐ Diverted	☒ Conveyed	☐ Used	<u>EFU</u>
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

UMATILLA

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: 9.2 ☐ 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 CATTLE

Briefly describe:

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

RECEIVED BY OWRD

See bottom of Page 3. →

SEP 21 2015

SALEM, OR

SEP 21 2015

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.

SALEM, OR

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC Section 152.055

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

The applicants proposal meets the definition of "farm use" as described in UCDC Section 152.055

Name: Robert Waldher Title: Planner

Signature: Robert T Waldher Phone: 541.278.6251 Date: 08.28.15

Government Entity: Umatilla County Land Use Planning Dept.

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

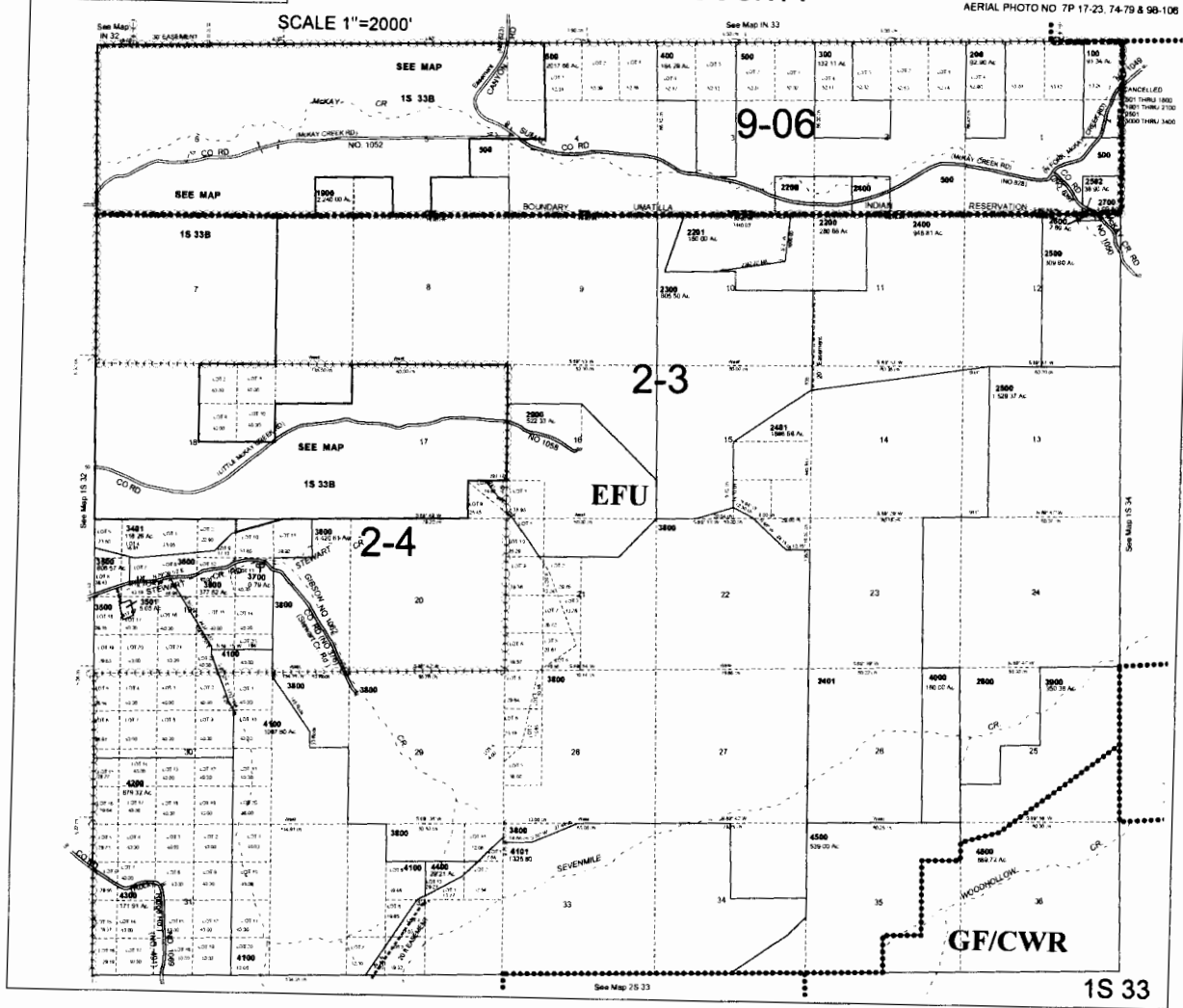
Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

R-88152

AERIAL PHOTO NO 7P 17-23, 74-79 & 98-106



RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-88132

WATERMASTER ALTERNATE RESERVOIR APPLICATION REVIEW SHEET

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

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

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

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

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

Application #: R-

Applicant's Name: Broken Spur Ranch, LLC

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

Explain: Division 33 applies. - no storage allowed April 15 - September 30th.

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

If YES, which conditions are recommended:

Store water outside of Division 33 window timeframe.

See OWRD's Water Availability Analysis for Storage. Water is available January, February, March and through April 14.

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

Who:

Agency:

Date:

Who:

Agency:

Date:

Watermaster signature:

Ang Silberman

Date:

9/17/2015

WRD Contact:

Caseworker:

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

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

NOTE: This completed form must be returned to the applicant

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: Broken Spur Ranch LLC
30522 Oldfield St. Hermiston OR 97138 harrisebroken@gmail.com

Reservoir Name: Gibson Gulch Source: Surface Volume (AF): 9.2 Acres

Twp Rng Sec QQ: 1 S 33 E 29/30 NW 4 NW Basin Name: Umatilla ☒ in-channel
TAY Lot 3800 ☐ off-channel

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

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

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

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

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

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

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

RECEIVED BY OWRD

SEP 2 2010

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

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

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

☐ NO (explain)

☒ YES (select from Menu of Conditions on next page)

No storage from April 15 to September 30

The dam will be constructed with
a bypass pipe to pass water during
the non-storage season.

ODFW Signature:

William B Duke

Print Name:

William B Duke

ODFW Title:

District fish biologist

Date:

9/16/2015

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

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

Use this menu to identify appropriate conditions to be included in the permit, and indicate the abbreviations on the review form:

fishpass: As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.

fishself: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.

fishapprove: The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishdiv33: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

fishmay: Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering the proposed diversion and to provide adequate upstream and downstream passage for fish.

b52 Water may be diverted only when Department of Environmental Quality sediment standards are being met.

b5 The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.

b51a The period of use has been limited to _____ through _____.

b57 Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.

b58 Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.

futile call: The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the _____ River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

riparian: If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

RECEIVED BY OWRD

wq: The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

SEP 21 2015

fence: The stream and its adjacent riparian area shall be fenced to exclude livestock.

SALEM, OR

blv: Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.

R-88132

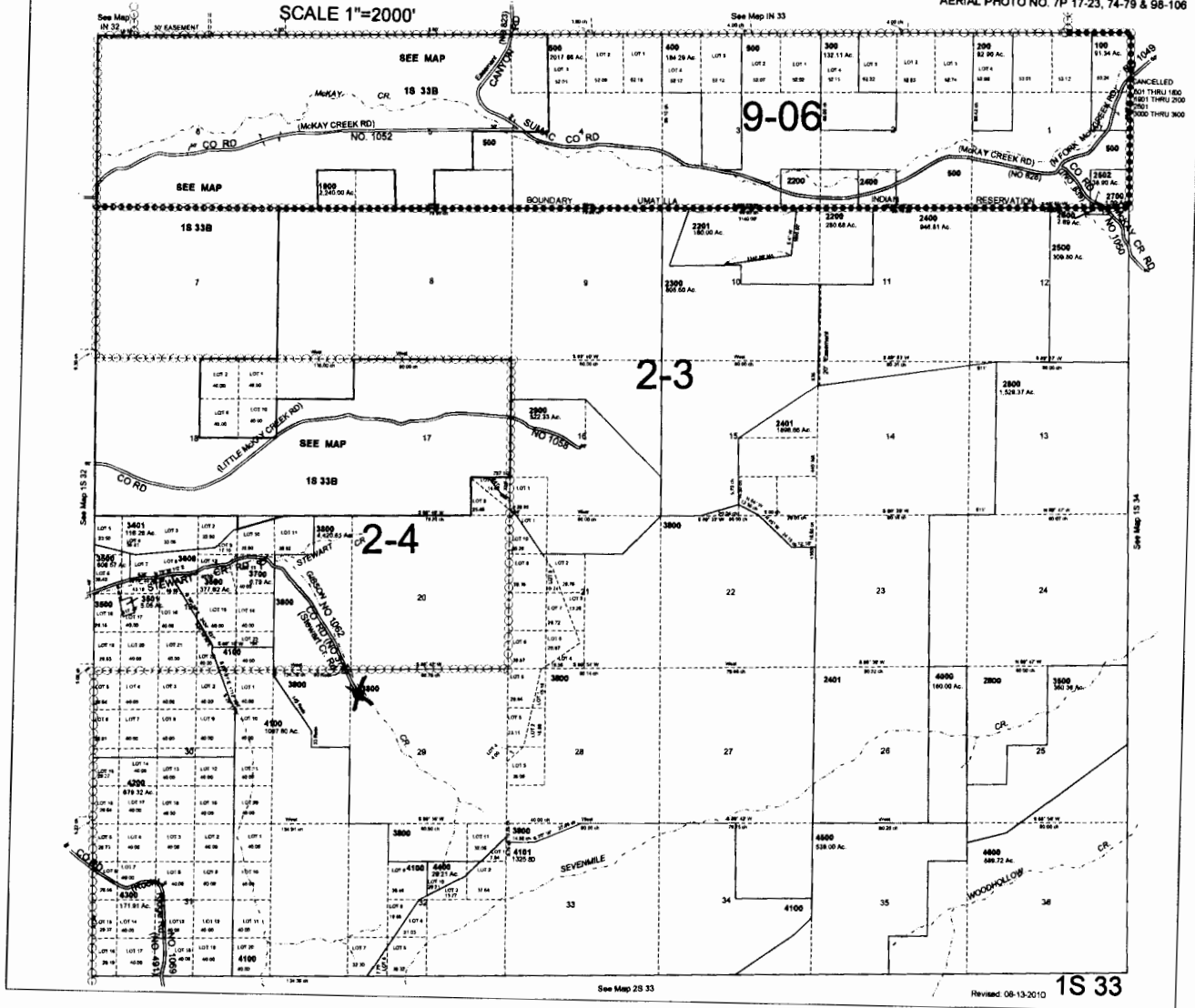
This map was prepared for Assessment & Taxation purposes only and was not prepared nor is it suitable for legal, engineering or surveying purposes.

T1S R33E WM UMATILLA COUNTY

1S 33

AERIAL PHOTO NO. 7P 17-23, 74-79 & 98-106

SCALE 1"=2000'



RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-8832

51/6

2008-5310056

After recording return to grantee herein.
Until a change is requested send all tax
statements to grantee herein.

RECEIVED

JAN 10 2008

UMATILLA COUNTY
RECORDS

GRANTEE'S NAME AND ADDRESS:

BROKEN SPUR RANCH, LLC

30522 OLD FIELD STREET

HERMISTON, OR 97836



2008-5310056 1 of 6

WARRANTY DEED -- STATUTORY FORM

(INDIVIDUAL or CORPORATION)

RUGG LAND & LIVESTOCK, LLC Grantor,

conveys and warrants to:

BROKEN SPUR RANCH, LLC, Grantee,

the following described real property free of encumbrances except as
specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

Encumbrances: see attached Exhibit 'B' for permitted exceptions

The true consideration for this conveyance is \$3,600,000.00*** However, if the
actual consideration consists of or includes other property or other value
given or promised, such other property or value is the whole/part of the
consideration. ***this transfer is for and in consideration of an IRC 1031

Exchange on behalf of the Grantor

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE
SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER SECTIONS 2, 3 AND 5 TO
22 OF CHAPTER 424, OREGON LAWS 2007 (MEASURE 49 (2007)). 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 SECTIONS 2, 3 AND 5 TO 22 OF CHAPTER 424, OREGON LAWS 2007
(MEASURE 49 (2007)).

If grantor is a corporation, this has been signed by authority of the Board of
Directors.

Dated this 5 day of January, 2008.

GRANTOR(S): RUGG LAND & LIVESTOCK, LLC

BY: Tom Rugg
- TOM RUGG, MEMBER

BY: Maureen F. Rugg
MAUREEN F. RUGG, MEMBER

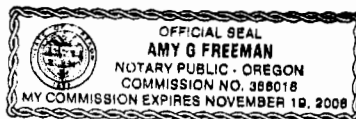
BY: Barbara J. Rugg
BARBARA J. RUGG, MEMBER

STATE OF OREGON, County of UMATILLA) ss.

This instrument was acknowledged before me on JANUARY 5, 2008,
by RUGG LAND & LIVESTOCK, LLC BY TOM RUGG, MAUREEN F. RUGG AND BARBARA J.
RUGG, MEMBERS

James J. Freeman
Notary Public for Oregon

My commission expires: 11/19/08



GRANTOR'S NAME AND ADDRESS:

RUGG LAND & LIVESTOCK, LLC

PO BOX 209

PILOT ROCK, OR 97868

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on

01-10-08 at 3:50

In the record of instrument
code type DE-UD

Instrument Number 2008-5310056
Fee 51.00

Office of County Records

James J. Freeman
Records Officer

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

PIONEER TITLE CO. 81331-1
102 SE Court, Pend. OR, 97801

R-08132

Tract I

TOWNSHIP 1 SOUTH, RANGE 33, E.W.M.

Section 15: Beginning 9 chains West of Southeast corner of Southwest Quarter of Southeast Quarter of said Section 15; thence North 64° West, a distance of 12.30 chains to West line of said Southwest Quarter of Southeast Quarter; thence South, a distance of 5.70 chains to Southwest corner of said Southwest Quarter of Southeast Quarter; thence East, a distance of 11 chains to the place of beginning.

ALSO beginning at Southwest corner of Southeast Quarter of Southwest Quarter of said Section 15; thence East, a distance of 20 chains to Southeast corner of said Southeast Quarter of Southwest Quarter; thence North, a distance of 5.70 chains; thence Southwesterly to the place of beginning.

Section 17: Government Lots 5, 6, 7, 8 and 9.

Excepting the following: Beginning at Northeast corner of said Lot 5; thence Southerly on Section line between Sections 16 and 17, a distance of 729 feet; thence 445 feet Northwesterly to a point 547.5 feet South and 397 feet West from Northeast corner of said Lot 5; thence Northwesterly, a distance of 741 feet to a point on East West line between Lots 1 and 5 in Section 17; thence 797.5 feet East to the point of beginning.

Section 18: Government Lot 25.

Section 19: Southeast Quarter,
East Half of Northeast Quarter,
Southwest Quarter of Northeast Quarter.
Government Lots 1, 10, 11, 13, 14 and 23.

Section 19: All that portion of Government Lot 12 described as beginning at southeast corner of said Lot 12; thence North 19.71° chains to Northeast corner of said Lot 12; thence South $43^{\circ} 48'$ West, a distance of 5.80 chains; thence South $14^{\circ} 21'$ East, a distance of 16.12 chains to the point of beginning.

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

Tract I (continued)



2008-5310056 3 of 6

TOWNSHIP 1 SOUTH, RANGE 33, E.W.M.

Section 19: ALSO beginning at a point North 73°37.5' East, a distance of 1356 feet from Quarter Section closing corner on West side of said Section 19, being 1320 feet East of West line of said Section 19; thence North 75°22.5' East, a distance of 636 feet; thence North 79°57.5' East, a distance of 758.5 feet; thence South 30°20' East, a distance of 2434 feet; thence South 34°18.5' East, a distance of 437 feet; thence South 09°15' West, a distance of 194 feet; thence South 20°1' East, a distance of 1712 feet; thence South 29°17' East, a distance of 394 feet to Southeast corner of Lot 2 of Northwest Quarter of Section 30; thence North along East line of said Lot 2 and along East line of Lots 22 and 15 of Southwest Quarter of said Section 19 to Northeast corner of said Lot 15; thence North 14°21' West, a distance of 1064 feet; thence North 43°48' East, a distance of 383.5 feet to Southeast corner of Lot 9 of Northwest quarter of said Section 19; thence North along East line of said Lot 9 to Northeast corner of said Lot 9; thence Southwesterly and Westerly along North line of said Lot 9 and along North line of Lots 8 and 7 of said Section 19 to a point 1320 feet East of West line of said Section 19; thence South, parallel with said West line of said Section 19, to the point of beginning.

EXCEPTING THEREFROM, beginning at a point South 66°15' West, a distance of 5 and 85/100 chains distant from Northeast corner of said Lot 13; thence South 88° West, a distance of 4 and 36/100 chains; thence South 1°10' East, a distance of 1 and 25/100 chains; thence South 69°18' East, a distance of 1 and 85/100 chains; thence North 87°10' East, a distance of 1 and 79/100 chains; thence North 40°5' East, a distance of 1 and 41/100 chains; thence North 5°15' West, a distance of 79/100 chains to the point of beginning.

ALSO EXCEPTING that right of way for road contained in Deed recorded in Book 191, Page 628 Deed Records;

ALSO EXCEPTING THEREFROM the South 798 feet of Lot 23 in said Section 19, all that portion of Lot 2 in Section 30 and the South 798 feet of Lot 22 of Section 19, conveyed to Samuel Porter, Jr., by Deed recorded in Book 221, Page 557, Deed Records.

RECEIVED BY OWRD

Section 20: All

Section 21: South Half.
South Half of North Half.
Government Lot 10.

SEP 21 2015

SALEM, OR

Section 21: Beginning at Northeast corner of said Section 21; thence South 20 chains to Southeast corner of Northeast Quarter of Northeast Quarter of said Section 21; thence West 20 chains to Southwest corner of said Northeast Quarter of Northeast Quarter; thence Northeasterly to the point of beginning.

R-88072



2008-5310056 4 of 6

Tract I (continued)

TOWNSHIP 1 SOUTH, RANGE 33, E.W.M.

Section 22: South Half of Northeast Quarter,
Northwest Quarter,
South Half

Section 22: Beginning at Southeast corner of North Half of Northeast Quarter of said Section 22; thence North 3.50 chains; thence West 12.15 chains; thence North 45° West, a distance of 24.15 chains to North line of said North Half of Northeast Quarter; thence West 11 chains to Northwest corner of said North Half of Northeast Quarter; thence South 20 chains; thence East 40 chains to the point of beginning.

Section 27: ALL

Section 28: ALL

Section 29: All

Section 30: East Half of Northeast Quarter

Section 30: Beginning at Northwest corner of Northeast Quarter of said Section 30; thence South 6 rods; thence Southeasterly 145 rods to a point 33 rods North of center of East Half of said Section 30; thence North 127 rods; thence at right angles West 80 rods to the point of beginning.

Section 32: Northeast Quarter of Northwest Quarter;
Northwest Quarter of Northeast Quarter,
Government Lots 10 and 11.

Section 33: Beginning at Northeast corner of Northwest Quarter of said Section 33; thence South 70° West, a distance of 27.45 chains; thence West, a distance of 14.68 chains to West line of said Northwest Quarter; thence North 10.25 chains to Northwest corner of said Northwest Quarter; thence East 40 chains to the point of beginning.

Section 34: Northeast Quarter.

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

Excepting therefrom any portion of the described lands located within the County Road right-of-ways.

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-88132

Tract II

TOWNSHIP 1 SOUTH, RANGE 32, E.W.M.

Beginning at Northwest corner of Section 28, Township 1 South, Range 32, thence East along North line of said Section 28, a distance of 101.68 feet to a point on center line of existing County Road No. 842-1/2, which is the True Point of Beginning for this description; thence South 16°44' East along centerline of said County Road 842-1/2, a distance of 1306.38 feet; thence on a arc of a curve to the right, whose radius is 2864.79 feet, a distance of 591.67 feet; thence South 4°54' East, a distance of 3456 feet; thence on the arc of a curve to the left whose radius is 2864.79, feet a distance of 991.67 feet; thence South 24°44' East, a distance of 287.40 feet; thence on the arc of a curve to the left, whose radius is 1432.40 feet, a distance of 229.17 feet; thence South 33°54' East, a distance of 1302.60 feet to the P.C. of a 4° curve to the right; thence South 33°54' East, a distance of 137.08 feet to the P.I. of said 4° curve; thence South 22°58' East, a distance of 7.86 feet; thence North 89°30' East, a distance of 1850.43 feet; thence North 23°17' West, a distance of 619.11 feet; thence North 20°05' West, a distance of 1167.16 feet; thence North 10°47'30" West, a distance of 954.46 feet; thence North 4°25' West, a distance of 1392.42 feet; thence North 52°57' West, a distance of 483.04 feet; thence North 31°03' West, a distance of 415.98 feet; thence North 13°37' West, a distance of 830.94 feet; thence North 10°55' East, a distance of 1007.66 feet; thence North 1°32'30" West, a distance of 547.78; thence North 5°09'30" West, a distance of 910.35 feet to North line of said Section 28; thence South 89°39' West, a distance of 2290.43 feet along North line of said Section 28, to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Umatilla County, State of Oregon, by Deeds recorded in Book 120, Page 70, Deed Records;

ALSO EXCEPTING that certain tract of land known as Lots 15 and 16, in Appleburg Acreage Tracts and being described as follows:

Beginning at Northwest corner of said Section 28; thence North 89°51' East along line between Sections 21 and 28, a distance of 1334 feet; thence South 14°6' East, a distance of 327 feet; thence Westerly, a distance of 1414 feet to a point on West line of said Section 28, which point is South 317 feet from Northwest corner of said Section 28; thence North along West line of said Section 28, a distance of 317 feet to the point of beginning.

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

Excepting therefrom any portion lying within the County Road right-of-ways.

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-0032


2008-5310056 6 of 6

Subject to the following permitted exceptions:

1. As disclosed by the tax rolls the premises herein described have been zoned or classified for special use. At any time that said land is disqualified for such use said property will be subject to additional taxes and interest.
2. Electric Line Easement, including the terms and provisions thereof
Grantee : B. W. Gilliland, etal
Recorded : August 10, 1940 in Book 160, Page 92, Deed Records.
3. Easement, including the terms and provisions thereof
Grantee : Pacific Power & Light Company
Recorded : December 6, 1960 in Book 261, Page 248, Deed Records.
4. Easement, including the terms and provisions thereof
Grantee : Pacific Power & Light Company
Recorded : December 6, 1960 in Book 261, Page 249, Deed Records.
5. Stockdrive Easement, including the terms and provisions thereof
Grantee : Dean Forth, etux
Recorded : January 22, 1962 in Book 266, Page 301, Deed Records.
6. Right of way for Road, including the terms and provisions thereof contained in deed
Grantee : Charles A. Michael
Recorded : August 22, 1912 in Book 79, Page 191, Deed Records.
7. Land Use Agreement for Livestock Grazing, including the terms and provisions thereof, between
First Party : Barbara Rugg
Second Party : Dean Forth and Louise Forth
Recorded : March 28, 1995 in Microfilm R-268, Page 1622, Office of Umatilla County Records. (Affects NE-1/4 of Sec. 34)
8. Easement for right-of-way ditch including the terms and provisions thereof
Recorded : August 29, 1907 in Book 50, Page 550, Deed Records.
9. Easement for access road, including the terms and provisions thereof reserved in deed
Grantor : Helen E. Sherrill
Recorded : February 15, 1978 in Microfilm R-29, Page 972, Office of Umatilla County Records.

RECEIVED BY OWRD

SEP 21 2015

SALEM, OR

R-88132