



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

# Certificate of Water Right Ownership Update

## NOTICE TO SELLERS & BUYERS:

By law, all water belongs to the public (ORS 537.110). In almost every instance, a permit or water right certificate from the Water Resources Department is needed before using, diverting or storing water (ORS 537.130). However, most domestic wells do not require water rights. A certificate of water right stays with the land. In order to keep track of water right ownership, the Department requests that this form be submitted to the Department. ***If for multiple rights, a separate form for each right will be required.***

Water that has been used for a long time in one place or that involves a water structure (like a dam) that already exists is no guarantee that there is a water right which would allow the water use to continue.

If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

*Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.*

## PROPERTY SELLER INFORMATION

Applicant(s): Salem Heights Vineyard, LLC ATTN: Dana Sexton Vivier  
First Last  
 Mailing Address: c/o GI Partners, 2180 Sand Hill Road #210  
Menlo Park CA 94025  
City State Zip  
 Phone: 650-233-3600  
Home Work Other

## PROPERTY BUYER INFORMATION

Applicant(s): Roserock West 1, LLC  
First Last  
 Mailing Address: c/o Domaine Drouhin Oregon, PO Box 700  
Dundee OR 97115  
City State Zip  
 Phone: 503-864-2700  
Home Work Other

RECEIVED BY OWRD  
 AUG 25 2015  
 SALEM, OR

## PROPERTY DESCRIPTION (attach additional pages if necessary):

County: Polk Township: 7S Range: 4W Section: 12  
 Tax Lot Number(s): 200

Street address of water right property: N/A

Water Right Information (attach copy of water right permit or certificate & final proof map):

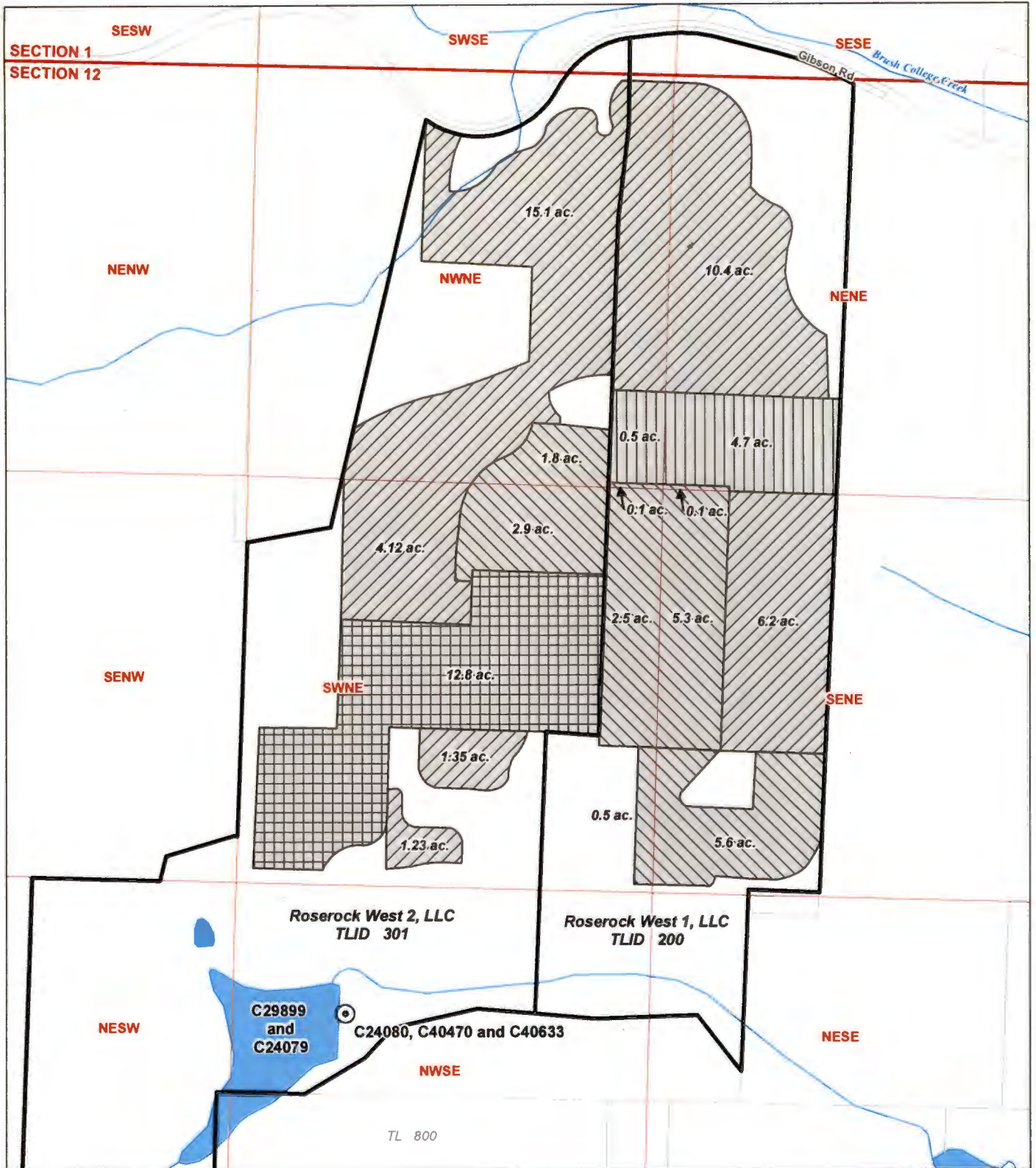
Application #: S-29901 Permit #: S-23681 Certificate or Page #: 40633

Will all the lands associated with this water right be owned by the buyer?  Yes  No See Ownership Update for Roserock West 2, LLC

Name of individual completing this form: DAVID MILLMAN Phone: 503-864-2700

Signature: [Signature] Date: AUGUST 17, 2015

***Please be sure to attach a copy of your property deed or legal description of the property.***



**LEGEND**

- ⊙ Point of Diversion (POD)
- Place of Use**
- ▨ C24080, Primary Irrigation
- ▧ C40470, Primary Irrigation
- ▩ C40633, Primary Irrigation
- C40633, Supplemental Irrigation

- All Other Features**
- ▭ Roserock West 1 and 2, LLC (tax lots 200 and 301)
- ⬜ Tax Lot
- ~ Watercourse
- 🌊 Waterbody

**MAP NOTES:**  
 Date: July 30, 2015  
 Data Sources: US BLM, OWRD, Polk Co.

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**Ownership Update**

**Roserock West**  
 Certificates 24080, 40470, 40633, 29899, and 24079  
 Township 7 South, Range 4 West (W.M.)



STATE OF OREGON  
COUNTY OF POLK  
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **REX, V. L., and DUANE GIBSON**  
97304  
of **172 Rosemont Avenue NW, Salem, State of Oregon**, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
**Gibson Gulch (Creek) and reservoir constructed under Application number R-29900,**  
Permit number **R-1763**  
a tributary of **Willamette River** for the purpose of  
irrigation of **18.8 acres and supplemental irrigation of 12.8 acres**  
under Permit No. **23681** of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from **April 14, 1955**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
**0.30 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the **Lot 2 (NW 1/4 SE 1/4), Section 12, T. 7 S., R. 4 W.,  
W. M., 400 feet South and 400 feet East from Center, Section 12.**

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second  
per acre, or its equivalent for each acre irrigated from direct flow and shall be  
further limited to a diversion of not to exceed **2 1/2 acre feet** per acre for each acre  
irrigated during the irrigation season of each year from direct flow and storage  
from reservoir constructed under Permit number **R-1763** and shall be further limited  
to the use of stored water only on lands described as supplemental,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
0.1 acre		NE 1/4 NE 1/4
1.9 acres		NW 1/4 NE 1/4
5.9 acres	12.8 acres	SW 1/4 NE 1/4
10.9 acres		SE 1/4 NE 1/4
	Section 12	
	T. 7 S., R. 4 W., W. M.	

This certificate is issued to confirm a change in place of use and remaining right  
approved by an order of the State Engineer entered February 9, 1971, and supersedes  
certificate of water right heretofore issued to **Rex, V. L., Fred, and Duane Gibson**  
and recorded at page 29900, Volume 21, State Record of Water Right Certificates.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **June 28, 1974**

Chris L. Wheeler  
State Engineer

RECEIVED BY OWRD

AUG 25 2015

SALEM, OR Recorded in State Record of Water Right Certificates, Volume 32, page 40633

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO

Garvey Shubert Barer  
Bank of America Financial Center  
121 SW Morrison Street, 11th Floor  
Portland, OR 97204-3141  
Attn: Joseph West

MAIL TAX STATEMENTS TO

Domaine Drouhin Oregon  
PO Box 700  
Dundee, OR 97115  
*NGS-549215-17*

RECORDED IN POLK COUNTY		<b>2013-012945</b>
Valerie Unger, County Clerk		12/17/2013 03:18:21 PM
REC-WD	Cnl=1 Stn=1 K. WILLIAMS	\$66.00
\$25.00	\$11.00 \$10.00 \$5.00 \$15.00	

SPECIAL WARRANTY DEED

*FATLO: MCS - 549215-17*  
Salem Heights Vineyard, LLC, a Delaware limited liability company ("Grantor"), hereby conveys and specially warrants to Roserock West 1, LLC an Oregon limited liability company ("Grantee"), the real property described in Exhibit A, attached hereto and incorporated herein by this reference, free of encumbrances created or suffered by Grantor except as specifically set forth in Exhibit B, attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is other consideration.

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

Dated: December 17, 2013.

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SALEM, OR

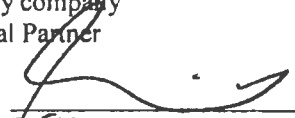
IN WITNESS WHEREOF, the undersigned has executed this Special Warranty Deed as of the date first hereinabove written.

SALEM HEIGHTS VINEYARD, LLC, a Delaware limited liability company

By: Meriwether Farms, LLC, a California limited liability company  
Its: Managing Member

By: GI Manager L.P., a Delaware limited partnership  
Its: Asset Manager

By: GI Manager LLC, a Delaware limited liability company  
Its: General Partner

By:   
Name: David Mace  
Its: Vice President

STATE OF \_\_\_\_\_ }ss  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally  
(here insert name and title of the officer)

appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature See Attached Certificate

(This area for notary stamp)

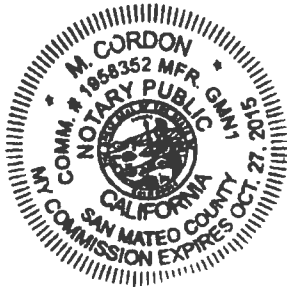
**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**  
**CIVIL CODE § 1189**

State of California

County of San Mateo }

On 12/21/2013 before me, M. Cordon, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared David E. Mace  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]  
Signature of Notary Public

**OPTIONAL**

*Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.*

**Description of Attached Document**

Title or Type of Document: Special Warranty Deed Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: Rose Rock West I, LLC

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_ Signer's Name: \_\_\_\_\_

- |  |  |
|--|--|
| <input type="checkbox"/> Corporate Officer — Title(s): _____   | <input type="checkbox"/> Corporate Officer — Title(s): _____   |
| <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General | <input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General |
| <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact                        | <input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact                        |
| <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator                    | <input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator                    |
| <input type="checkbox"/> Other: _____  | <input type="checkbox"/> Other: _____  |

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

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SALEM, OR

EXHIBIT A

Legal Description

A TRACT OF LAND IN THE NORTHEAST AND SOUTHEAST QUARTERS OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, POLK COUNTY, OREGON, AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE WEST LINE OF THAT TRACT CONVEYED TO EAGLE CREST VINEYARD, LLC, PER DOCUMENT 2003-015894, POLK COUNTY RECORDS, SAID ROD LYING NORTH 02°30'22" EAST 105.74 FEET FROM A 5/8" IRON ROD AT THE SOUTHWEST CORNER OF SAID TRACT;  
THENCE NORTH 37°49'23" WEST 230.80 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 88°08'19" WEST 323.16 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 84°54'47" WEST 206.64 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 02°18'37" EAST 913.24 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 86°07'08" EAST 172.25 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 02°18'55" EAST 1675.67 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 06°57'00" EAST 297.28 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 01°04'27" EAST 283.05 FEET TO A 5/8" IRON ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD 232 (GIBSON ROAD);  
THENCE ALONG SAID RIGHT-OF-WAY LINE, NORTH 83°49'21" EAST 112.71 FEET;  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A 500.87 FOOT RADIUS CURVE RIGHT (CHORD BEARS SOUTH 85°49'39" EAST 179.97 FEET) 180.96 FEET;  
THENCE SOUTH 75°28'39" EAST 184.95 FEET;  
THENCE ON THE ARC OF A 1021.74 FOOT RADIUS CURVE RIGHT (CHORD BEARS SOUTH 69°33'09" EAST 210.94 FEET) 211.32 FEET;  
THENCE SOUTH 63°37'39" EAST 65.40 FEET TO THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE WEST LINE OF SAID EAGLE CREST TRACT, FROM WHICH A 3/8" IRON ROD INSIDE A 1/2" PIPE LIES SOUTH 02°37'03" WEST 6.78 FEET;  
THENCE ALONG THE WEST LINE OF SAID EAGLE CREST TRACT, SOUTH 02°37'03" WEST 649.05 FEET TO A 3/8" IRON ROD INSIDE A 1/2" PIPE;  
THENCE SOUTH 02°35'57" WEST 1706.42 TO A 1/2" PIPE;  
THENCE SOUTH 02°38'35" WEST 262.70 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 87°26'48" WEST 229.33 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 02°30'22" WEST 588.68 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

SALEM, OR

AUG 25 2015

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1 - EASEMENT

This easement shall run with the land of the grantees which land adjoins the above described premises.

The purpose of this easement is to permit the grantees the use of such land covered by the easement for reservoir purposes, for the flooding thereof with water for storage of water for irrigation purposes, and for recreational purposes. There is also hereby granted to the grantees the right of ingress and egress to such property over and across the remaining property of the grantors.

As part of the consideration for the granting of this easement, the grantees hereby grant to the grantors the right of ingress and egress over and across the adjoining property of the grantees for the purpose of the grantors' inspecting the

Beginning at the iron pipe at the Northwest corner of the Hiram English Donation Land Claim in Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence East along the North line of said Donation Land Claim 267 feet; thence South 45 deg. West 380 feet to a point on the West line of said Donation Land Claim; thence North along the West line of said Donation Land Claim 267 feet to the place of beginning and containing 0.8 acres, more or less.

Polk County, Oregon:

over and on the following described real premises situated in Duane Gibson, Fred Gibson and Rex Gibson, a perpetual easement, wife, do hereby give, grant and convey unto Virgil Lee Gibson, I, ~~Lee A. McAllister~~, and I, ~~Neil C. McAllister~~, his

EASEMENT

BOOK 195 PAGE 645



property and also to use the reservoir for recreational purposes including the right to fish and take fish therefrom.

This easement shall be perpetual conditioned only upon the payment by the grantees to the grantors, their successors or assigns, of a sum equal to 6 per cent of the true cash value of such real property herein described, such true cash value to be taken from the assessment roll of the assessor of Polk County, Oregon, and now fixed in the amount of \$320.00. Such 6 per cent of such true cash value shall be paid annually on or before the first day of May of each year and the grantors shall calculate and determine such sum and render their statement to the grantees on or before the first day of April of each year.

It is understood that the grantees, their successors and assigns shall be permitted to store water upon said easement *new* to a depth of ten (10) feet.

In the event the grantees shall fail to pay the annual amount here~~in~~ reserved or abandon the reservoir, then this easement shall cease and determine and a court of competent jurisdiction shall be permitted to determine such fact.

This easement shall be for the benefit of the grantees, their heirs, successors and assigns.

Dated this 21 day of May, 1964.

Lee A. McAllister  
Lee A. McAllister

Neil C. McAllister  
Neil C. McAllister  
Grantors

BOOK 195 PAGE 647

Virgil Lee Gibson  
Virgil Lee Gibson

Duane Gibson  
Duane Gibson

Fred Gibson  
Fred Gibson

Rex Gibson  
Rex Gibson  
Grantees

STATE OF OREGON }  
County of Marion } ss.

On this 21st day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named LEE A. McALLISTER and NELL C. McALLISTER, his wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have herunto set my hand and affixed my official seal the day and year last above written.

Ruth Shinn  
Notary Public for Oregon

My Commission expires: 7-24-64

STATE OF OREGON }  
County of Marion } ss.

On this 29th day of July, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named VIRGIL LEE GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helen J. Zumwalt  
Notary Public for Oregon

My Commission expires: April 10-1969



3 - EASEMENT

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SALEM OR

BOOK 195 PAGE 648

STATE OF OREGON }  
County of Marion } ss.

On this 13<sup>th</sup> day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named DUANE GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helene S. Zumwalt  
Notary Public for Oregon

My Commission expires: 4-10-68



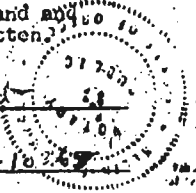
STATE OF OREGON }  
County of Marion } ss.

On this 3<sup>rd</sup> day of August, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named FRED GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helene S. Zumwalt  
Notary Public for Oregon

My Commission expires: 4-10-68



STATE OF OREGON }  
County of Marion } ss.

On this 13<sup>th</sup> day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named REX GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helene S. Zumwalt  
Notary Public for Oregon

My Commission expires: 4-10-68

4 - EASEMENT

154510  
June 1, 1965



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

# Certificate of Water Right Ownership Update

## NOTICE TO SELLERS & BUYERS:

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If you have any questions about this form or water right requirements, please contact your local watermaster or call the Water Resources Department at 503-986-0900.

*Note: Please type or print legibly when filling in the following information. Use additional paper if necessary.*

## PROPERTY SELLER INFORMATION

Applicant(s): Popcorn Hill Vineyard, LLC ATTN: Dana Sexton Vivier  
First Last  
 Mailing Address: c/o GI Partners, 2180 Sand Hill Road #210  
Menlo Park CA 94025  
City State Zip  
 Phone: 650-233-3600  
Home Work Other

## PROPERTY BUYER INFORMATION

Applicant(s): Roserock West 2, LLC  
First Last  
 Mailing Address: c/o Domaine Drouhin Oregon, PO Box 700  
Dundee OR 97115  
City State Zip  
 Phone: 503-864-2700  
Home Work Other

## PROPERTY DESCRIPTION (attach additional pages if necessary):

RECEIVED BY OWRD

County: Polk Township: 7S Range: 4W Section: 12  
 Tax Lot Number(s): 301  
AUG 25 2015

Street address of water right property: N/A  
SALEM, OR

Water Right Information (attach copy of water right permit or certificate & final proof map):

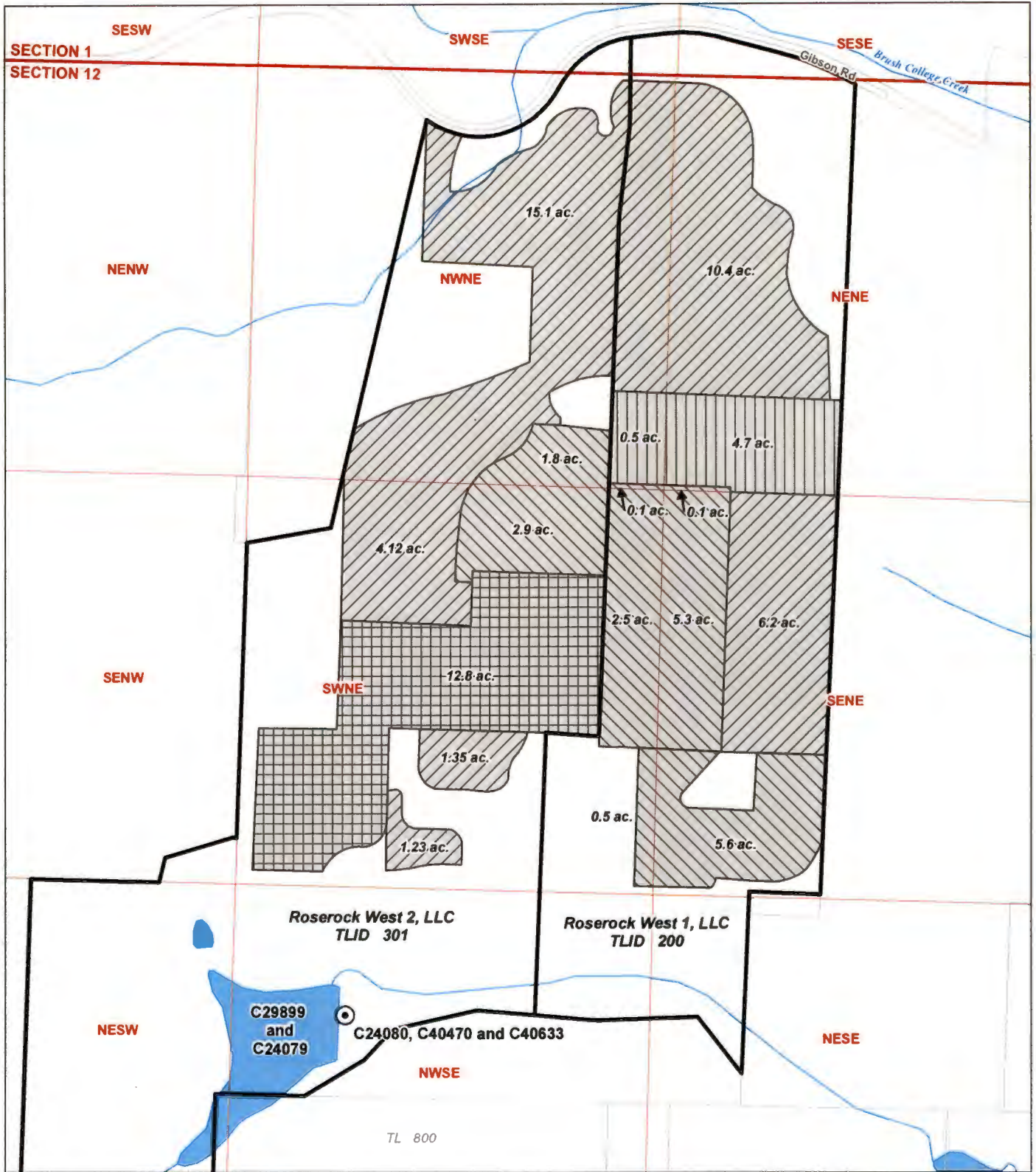
Application #: S-29901 Permit #: S-23681 Certificate or Page #: 40633

Will all the lands associated with this water right be owned by the buyer?  Yes  No See Ownership Update for Roserock West I. LLC

Name of individual completing this form: DAVID MILLMAN Phone: 503-864-2700

Signature: [Signature] Date: AUGUST 17, 2015

**Please be sure to attach a copy of your property deed or legal description of the property.**



**Ownership Update**

**Roserock West**

**Certificates 24080, 40470, 40633, 29899, and 24079**

**Township 7 South, Range 4 West (W.M.)**

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AUG 25 2015

SALEM, OR



**MAP NOTES:**  
Date: July 20, 2015  
Data Sources: US BLM, CWRD, P&G Co.

STATE OF OREGON  
COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

This Is to Certify, That **REX, V. L., and DUANE GIBSON**  
97304  
of **172 Rosemont Avenue NW, Salem, State of Oregon**, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
**Gibson Gulch (Creek) and reservoir constructed under Application number R-29900,**  
Permit number **R-1763**  
a tributary of **Willamette River** for the purpose of  
irrigation of **18.8 acres and supplemental irrigation of 12.8 acres**  
under Permit No. **23681** of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from **April 14, 1955**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes  
aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed  
**0.30 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the **Lot 2 (NW 1/4 SE 1/4), Section 12, T. 7 S., R. 4 W.,  
W. M., 400 feet South and 400 feet East from Center, Section 12.**

The amount of water used for irrigation, together with the amount secured under any other  
right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second  
per acre, or its equivalent for each acre irrigated from direct flow and shall be  
further limited to a diversion of not to exceed **2 1/2 acre feet per acre** for each acre  
irrigated during the irrigation season of each year from direct flow and storage  
from reservoir constructed under Permit number **R-1763** and shall be further limited  
to the use of stored water only on lands described as supplemental,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

<u>Primary</u>	<u>Supplemental</u>	
0.1 acre		NE 1/4 NE 1/4
1.9 acres		NW 1/4 NE 1/4
5.9 acres	12.8 acres	SW 1/4 NE 1/4
10.9 acres		SE 1/4 NE 1/4
	Section 12	
	T. 7 S., R. 4 W., W. M.	

This certificate is issued to confirm a change in place of use and remaining right  
approved by an order of the State Engineer entered February 9, 1971, and supersedes  
certificate of water right heretofore issued to **Rex, V. L., Fred, and Duane Gibson**  
and recorded at page **29900, Volume 21, State Record of Water Right Certificates.**

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of  
use herein described.

RECEIVED BY OWRD

WITNESS the signature of the State Engineer, affixed

this date. **June 28, 1974**

AUG 25 2015

Chris L. Wheeler  
State Engineer

Recorded in State Record of Water Right Certificates, Volume **32**, page **40633**

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO

Garvey Shubert Barer  
Bank of America Financial Center  
121 SW Morrison Street, 11th Floor  
Portland, OR 97204-3141  
Attn: Joseph West

MAIL TAX STATEMENTS TO

Domaine Drouhin Oregon  
PO Box 700  
Dundee, OR 97115

*NCS-549215-17*

RECORDED IN POLK COUNTY		<b>2013-012946</b>
Valerie Unger, County Clerk		12/17/2013 03:18:21 PM
REC-WD	Cnt=1 Stn=1 K. WILLIAMS	\$71.00
\$30.00	\$11.00 \$10.00 \$5.00 \$15.00	

SPECIAL WARRANTY DEED

Popcorn Hill Vineyard, LLC, a Delaware limited liability company ("Grantor"), hereby conveys and specially warrants to Roserock West 2, LLC an Oregon limited liability company ("Grantee"), the real property described in Exhibit A, attached hereto and incorporated herein by this reference, free of encumbrances created or suffered by Grantor except as specifically set forth in Exhibit B, attached hereto and incorporated herein by this reference.

The true consideration for this conveyance is other consideration.

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

*FATCO: NCS-549215-17*

Dated: December 17, 2013.

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SALEM, OR


IN WITNESS WHEREOF, the undersigned has executed this Special Warranty Deed as of the date first hereinabove written.

POPCORN HILL VINEYARD, LLC, a Delaware limited liability company

By: Meriwether Farms, LLC, a California limited liability company  
Its: Sole Member

By: GI Manager L.P., a Delaware limited partnership  
Its: Asset Manager

By: GI Manager LLC, a Delaware limited liability company  
Its: General Partner

By:   
Name: David Mace  
Its: Vice President

STATE OF \_\_\_\_\_ }ss  
COUNTY OF \_\_\_\_\_

On \_\_\_\_\_ before me, \_\_\_\_\_, a Notary Public, personally  
(here insert name and title of the officer)

appeared \_\_\_\_\_  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature See Attached Certificate

(This area for notary stamp)



**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT  
CIVIL CODE § 1189**

State of California

County of San Mateo }

On 12/12/2013 before me, M. Cordon, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared David E. Mace  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies); and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature: [Handwritten Signature]  
Signature of Notary Public

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document Special Warranty Deed  
Title or Type of Document: Pacific Hill Vineyard LLC Document Date: \_\_\_\_\_  
Rosecrack West LLC  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: _____	Signer's Name: _____
<input type="checkbox"/> Corporate Officer — Title(s): _____	<input type="checkbox"/> Corporate Officer — Title(s): _____
<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General	<input type="checkbox"/> Partner — <input type="checkbox"/> Limited <input type="checkbox"/> General
<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact	<input type="checkbox"/> Individual <input type="checkbox"/> Attorney in Fact
<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator	<input type="checkbox"/> Trustee <input type="checkbox"/> Guardian or Conservator
<input type="checkbox"/> Other: _____	<input type="checkbox"/> Other: _____

Signer Is Representing: \_\_\_\_\_ Signer Is Representing: \_\_\_\_\_

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## EXHIBIT A

### Legal Description

A TRACT OF LAND IN THE NORTHEAST, SOUTHEAST AND SOUTHWEST QUARTERS OF SECTION 12, TOWNSHIP 7 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, POLK COUNTY, OREGON, AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD NO. 232 (GIBSON ROAD), SAID ROD LYING SOUTH 88°25'27" EAST 396.99 FEET, SOUTH 39°39'39" EAST 150.13 FEET, AND SOUTH 47°04'18" EAST 75.54 FEET FROM A BRASS CAPPED MONUMENT AT THE NORTH QUARTER CORNER OF SAID SECTION 12;  
THENCE LEAVING SAID RIGHT-OF-WAY LINE SOUTH 13°31'57" WEST 1352.40 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 80°20'05" WEST 276.87 FEET TO A POINT WHICH LIES 1.00 FEET EASTERLY OF, MEASURED PERPENDICULAR TO, THE WEST LINE OF THAT LAND CONVEYED TO CRAIG AND KATHLEEN HANNEMAN PER VOLUME 237, PAGE 142, POLK COUNTY BOOK OF RECORDS, ALSO BEING THE EAST LINE OF THAT TRACT CONVEYED TO SCHUDEL ENTERPRISES PER VOLUME 246, PAGE 211, SAID BOOK OF RECORDS, AND FROM WHICH POINT A 5/8" IRON ROD ON SAID LINES LIES SOUTH 80°20'05" WEST 1.03 FEET;  
THENCE PARALLEL TO THE LINE COMMON TO SAID HANNEMAN AND SCHUDEL TRACTS OVER FOLLOWING COURSES: SOUTH 01°59'23" WEST 492.93 FEET;  
THENCE SOUTH 01°57'20" WEST 466.00 FEET;  
THENCE NORTH 87°21'51" WEST 10.81 FEET;  
THENCE SOUTH 73°41'32" WEST 230.85 FEET;  
THENCE SOUTH 14°02'52" WEST 83.02 FEET;  
THENCE NORTH 88°23'21" WEST 418.43 FEET TO A POINT WHICH LIES 7.66 FEET EASTERLY OF SAID COMMON LINE AND FROM WHICH POINT A 5/8" IRON ROD LIES NORTH 88°23'21" WEST 1.00 FOOT;  
THENCE PARALLEL TO SAID LINE, SOUTH 01°58'02" WEST 1215.85 FEET TO A POINT WHICH LIES SOUTH 73°29'15" EAST 1.03 FEET FROM A 5/8" IRON ROD;  
THENCE SOUTH 73°29'15" EAST 122.21 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 62°40'28" EAST 582.44 FEET TO A POINT WHICH LIES 1.00 FEET WESTERLY OF, MEASURED PERPENDICULAR TO, THE WEST LINE OF THE HIRAM ENGLISH DLC 64, FROM WHICH POINT AN ALUMINUM CAPPED MONUMENT LIES NORTH 62°40'28" EAST 1.14 FEET;  
THENCE PARALLEL TO SAID CLAIM LINE, NORTH 01°25'40" EAST 287.62 FEET TO A POINT WHICH LIES 1.00 FOOT NORTHERLY OF A PROJECTION OF THE NORTH LINE OF SAID CLAIM;  
THENCE PARALLEL TO THE NORTH LINE OF SAID CLAIM, SOUTH 88°38'19" EAST 288.78 FEET TO A POINT WHICH LIES NORTH 59°17'56" EAST 1.89 FEET FROM A 5/8" IRON ROD;  
THENCE NORTH 59°17'56" EAST 227.98 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 43°23'23" EAST 134.87 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 77°17'46" EAST 281.29 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 85°22'54" EAST 188.33 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 02°18'37" EAST 913.24 FEET TO A 5/8" IRON ROD;  
THENCE SOUTH 86°07'08" EAST 172.25 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 02°18'55" EAST 1675.67 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 06°57'00" EAST 297.28 FEET TO A 5/8" IRON ROD;  
THENCE NORTH 01°04'27" EAST 283.05 FEET TO A 5/8" IRON ROD ON THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID COUNTY ROAD 232;  
THENCE ALONG SAID RIGHT-OF-WAY LINE ON THE ARC OF A 298.31 FOOT RADIUS CURVE LEFT (CHORD BEARS SOUTH 58°20'21" WEST 256.69 FEET) 265.36 FEET;  
THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE, SOUTH 32°51'21" WEST 54.15 FEET;  
THENCE ON THE ARC OF A 292.84 FOOT RADIUS CURVE RIGHT (CHORD BEARS SOUTH 79°11'12" WEST 423.65 FEET) 473.60 FEET TO THE POINT OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 01, 2008.

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## EXHIBIT B

### Encumbrances

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.

The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land pursuant to O.R.S. 321.358 to 321.372. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.

Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Unnamed Creek .

Easement, including terms and provisions contained therein:

Recording Information:	April 21, 1965 in Book 156, Page 0640, in Deed Records
In Favor of:	Portland General Electric
For:	Utilities

An easement for reservoir and incidental purposes, recorded June 01, 1965 as Book 195, Page 0645 in Deed Records.

In Favor of:	Virgil Lee Gibson, Duane Gibson, Fred Gibson and Rex Gibson
Affects:	as described therein

The terms and provisions contained in the document entitled "Restrictive Covenant" recorded July 08, 2005 as Fee No. 2005-011176 , Book of Records.

The terms, provisions and easement(s) contained in the document entitled "Declaration of Easements and Covenants" recorded August 12, 2005 as Fee No. 2005-013516, Book of Records.

The terms and provisions contained in the document entitled "Memorandum of Agreement" recorded August 12, 2005 as Fee No. 2005-013519, Book of Records.

The terms and provisions contained in the document entitled "Memorandum of Agreement of Right of First Refusal" recorded August 12, 2005 as Fee No. 2005-013520, Book of Records.

The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

BOOK 195 PAGE 645

EASEMENT

I, ~~Lee A. McAllister~~, and I, ~~Neil C. McAllister~~, his wife, do hereby give, grant and convey unto Virgil Lee Gibson, Duane Gibson, Fred Gibson and Rex Gibson, a perpetual easement, over and on the following described real premises situated in Polk County, Oregon:

Beginning at the iron pipe at the Northwest corner of the Hiram English Donation Land Claim in Township 7 South, Range 4 West of the Willamette Meridian, Polk County, Oregon; thence East along the North line of said Donation Land Claim 267 feet; thence South 45 deg. West 380 feet to a point on the West line of said Donation Land Claim; thence North along the West line of said Donation Land Claim 267 feet to the place of beginning and containing 0.8 acres, more or less.

This easement shall run with the land of the grantees which land adjoins the above described premises.

The purpose of this easement is to permit the grantees the use of such land covered by the easement for reservoir purposes, for the flooding thereof with water for storage of water for irrigation purposes, and for recreational purposes.

There is also hereby granted to the grantees the right of ingress and egress to such property over and across the remaining property of the grantors.

As part of the consideration for the granting of this easement, the grantees hereby grant to the grantors the right of ingress and egress over and across the adjoining property of the grantees for the purpose of the grantors' inspecting the

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SALEM, OR

1 - EASEMENT

property and also to use the reservoir for recreational purposes including the right to fish and take fish therefrom.

This easement shall be perpetual conditioned only upon the payment by the grantees to the grantors, their successors or assigns, of a sum equal to 6 per cent of the true cash value of such real property herein described, such true cash value to be taken from the assessment roll of the assessor of Polk County, Oregon, and now fixed in the amount of \$320.00. Such 6 per cent of such true cash value shall be paid annually on or before the first day of May of each year and the grantors shall calculate and determine such sum and render their statement to the grantees on or before the first day of April of each year.

It is understood that the grantees, their successors and assigns shall be permitted to store water upon said easement *new* to a depth of ten (10) feet.

In the event the grantees shall fail to pay the annual amount herein reserved or abandon the reservoir, then this easement shall cease and determine and a court of competent jurisdiction shall be permitted to determine such fact.

This easement shall be for the benefit of the grantees, their heirs, successors and assigns.

Dated this 21 day of May, 1964.

*Lee A. McAllister*  
Lee A. McAllister

*Neil C. McAllister*  
Neil C. McAllister  
Grantors

BOOK 195 PAGE 647

Virgil Lee Gibson  
Virgil Lee Gibson

Duane Gibson  
Duane Gibson

Fred Gibson  
Fred Gibson

Rex Gibson  
Rex Gibson  
Grantcoo

STATE OF OREGON }  
County of Marion } ss.

On this 21<sup>st</sup> day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named LEE A. McALLISTER and NELL C. McALLISTER, his wife, known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Paula Skene  
Notary Public for Oregon

My Commission expires: 7-24-64

STATE OF OREGON }  
County of Marion } ss.

On this 29<sup>th</sup> day of July, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named VIRGIL LEE GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Thelma J. Zimmert  
Notary Public for Oregon

My Commission expires: April 10-1969



3 - EASEMENT

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GREEN, OR

STATE OF OREGON }  
County of Marion } ss.

On this 13<sup>th</sup> day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named DUANE GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helen S. Zumwalt  
Notary Public for Oregon  
My Commission expires: 4-10-68

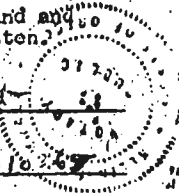


STATE OF OREGON }  
County of Marion } ss.

On this 3<sup>rd</sup> day of August, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named FRED GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helen S. Zumwalt  
Notary Public for Oregon  
My Commission expires: 4-10-68



STATE OF OREGON }  
County of Marion } ss.

On this 13<sup>th</sup> day of May, 1964, before me, the undersigned, a notary public in and for said county and state, personally appeared the within named REX GIBSON, known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Helen S. Zumwalt  
Notary Public for Oregon  
My Commission expires: 4-10-68

4 - EASEMENT

154510  
June 1, 1965