

# 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](http://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](http://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](http://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: \$2,050  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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### 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

# Application for a Permit to Use Ground Water



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 325-0900  
www.wrd.state.or.us

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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

WATER RESOURCES DEPT  
SALEM, OREGON

NAME STANLEY J. AND LORI L., BOSHART		PHONE (HM) 541-928-8662	
PHONE (WK)	CELL		FAX
ADDRESS 32818 TANGENT LP			
CITY TANGENT	STATE OR	ZIP 97389	E-MAIL*

### Organization Information

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

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

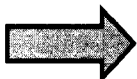
AGENT / BUSINESS NAME DOANN HAMILTON/PACIFIC HYDRO-GEOLOGY, INC		PHONE (503) 632-5016	FAX (503) 632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD			CELL (503) 349-6946
CITY MULINO	STATE OR	ZIP 97042	E-MAIL* PHGDMH@GMAIL.COM

Note: Attach multiple copies as needed

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

### By my signature below I confirm that I understand:

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



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

Stanley J. Boshart  
Applicant Signature  
Lori L. Boshart  
Applicant Signature

Stanley J. Boshart  
Print Name and title if applicable  
Lori L. Boshart  
Print Name and title if applicable

10-27-15  
Date  
10-27-15  
Date

For Department Use		
App. No. <u>G-18163</u>	Permit No. _____	Date _____

**SECTION 2: PROPERTY OWNERSHIP**

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

Yes

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

No

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

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
Well 1	Calapooia River	1,410 feet	15 feet
Well 2	Calapooia River	1,425 feet	15 feet
Well 3	Calapooia River	1,450 feet	15 feet
			<b>RECEIVED</b>
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			WATER RESOURCES DEPT SALEM, OREGON

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 well specifications given in the table below are estimates only. The actual well construction will be based on conditions encountered in the field. The objective will be to construct a well which develops water from the alluvial aquifer.**

59181-2

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 0.2 cfs (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 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)
Well 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	8 inch	0 to 100 feet	80 to 100 feet	0 to 50 feet	NA	Alluvium	100 feet		
Well 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	8 inch	0 to 100 feet	80 to 100 feet	0 to 50 feet	NA	Alluvium	100 feet		
Well 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	8 inch	0 to 100 feet	80 to 100 feet	0 to 50 feet	NA	Alluvium	100 feet		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Total:		100 gpm	97 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<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	March 1 to October 31	97 AF

**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: 80.0 Acres                      Supplemental: 0 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: 97 AF

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

**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): 95L07 6" submersible 95 GPM 7.5 Hp Franklin motor

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. From the well the mainline will run north-south through the hazelnuts with hydrants evenly spaced along the length. From these hydrants laterals will be attached to assemble a drip line system along each row of hazelnut trees.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
A drip line system will be installed at the base of the hazelnut trees.

**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.

Irrigation of the hazelnuts will be done with a drip irrigation system using best management practices to prevent waste. A flow meter will be used to measure the amount of water used.

**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

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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**

Date construction will begin: As soon as the permit is issued

Date construction will be completed: Five years after permit is issued

Date beneficial water use will begin: Five years after permit is issued

**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 NA	Address	
City	State	Zip

**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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WATER RESOURCES DEPT  
SALEM, OREGON

WR

# 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 Customer Service Group at 503-986-0801.

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SALEM, OREGON

WR



# 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: STANLEY J. AND LORI L. BOSHART  
First Last

Mailing Address: 32818 TANGENT LOOP

Tangent OR 97389 Daytime Phone: (541) 928-8662  
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:
11S	4W	25		700	Farm Use	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Linn County

### B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 0.2 cfs  
 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:

Drip irrigation will be installed to irrigate Hazelnut trees.

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 SALEM, OREGON



**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. →

## 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): CC 928.310(B)(2)

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

PD15-0266

Name: Alyssa Boles Title: Planner

Signature: Alyssa Boles Phone: 541-967-3816 Date: 10/26/15

Government Entity: Linn County

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

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_ NOV 19 2015

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

WATER RESOURCES DEPT  
SALEM, OREGON



RECORDING REQUESTED BY:

SEND TAX STATEMENTS TO:  
Stanley J Boshart and Lori L. Boshart  
32818 Tangent Loop  
Tangent OR 97389

AFTER RECORDING RETURN TO:  
Stanley J Boshart and Lori L. Boshart  
32818 Tangent Loop  
Tangent OR 97389

Escrow No: 471813028179-TTMIDWIL28

0151072  
11S 04W 25 700

LINN COUNTY, OREGON **2013-15852**  
 D-WD **09/18/2013 02:49:09 PM**  
 Cnt=1 Str=1 COUNTER \$15.00 \$11.00 \$15.00 \$19.00 \$10.00 **\$70.00**  
  
 00212467201300168520030035  
 I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
 Steve Druckenmiller - County Clerk 

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

South Albany Properties, LLC, Grantor, conveys and warrants to Stanley J Boshart and Lori L. Boshart, Husband and wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$375,000.00. (See ORS 93.030)

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 30.830, 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: 9.17.12

South Albany Properties, LLC

BY: Barbara Keeney, member  
Barbara Keeney, Member

BY: Judith Bender Bachman, member  
Judith Bender Bachman, Member

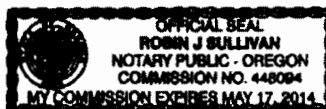
BY: Judy A Bender  
Judy A Bender, PR for the Estate of David A. Bender, Sr., Member

State of OREGON  
COUNTY of Linn

This instrument was acknowledged before me on September 17, 2013 by Barbara Keeney and Judith Bender Bachman, Members and Judy A. Bender, PR for the Estate of David A. Bender, Sr. Member

[Signature] Notary Public - State of Oregon  
My commission expires: 5/17/2014

471813028179-TTMIDWIL28  
Deed (Warranty-Statutory)



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SALEM, OREGON

After recording  
return to Titor Title

G-19163

Exhibit "A"

A tract of land located in the Robert E. Harmon Donation Land Claim No. 77 and in Sections 23, 24, 25, and 26 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon. The hereinafter described tract is located in a portion of that South Albany Properties, LLC Tract described by deed recorded in MF Volume 1536, Page 574 of the Linn County Deed Records and being more particularly described as follows:

Beginning at the Southwest corner of the Robert E. Harmon Donation Land Claim No. 77 in said Township and Range and which point also being the Southwest corner of said South Albany Properties, LLC Tract; thence along the boundary line of last said tract, the following eleven (11) courses: 1) North, along the West line of said Harmon Claim, a distance of 34.6 chains; 2) thence South 89° 14' East, parallel to the South line of the said Harmon Claim, 50.581 chains, more or less, to the Northwest corner of that C.H. Morse, et ux Tract described by deed recorded on February 7, 1967 in Book 321, Page 684 of the Deed Records of Linn County, Oregon; thence along the Westerly line of the said Morse Tract and the Westerly line of the land described in that certain Memorandum of Land Sale Contract, between Richard J. Bender, et ux, and Linn County Real Estate Inc., et al, recorded April 16, 1973 in Volume 60, Page 492 of said deed records the following courses: 3) thence South 00° 46' West 844.34 feet; 4) thence South 00° 41' 30" West 390.03 feet to a 5/8 inch iron rod; 5) thence North 89° 18' 30" West 410.69 feet to a 5/8 inch iron rod; 6) thence South 64° 55' West 229.47 feet to a 5/8 inch iron rod; 7) thence South 11° 45' 45" West 186.23 feet to a 5/8 inch iron rod; 8) thence South 24° 01' West 188.81 feet to a 5/8 inch iron rod; 9) thence South 40° 04' 45" West 169.58 feet to a 5/8 inch iron rod; 10) thence South 09° 08' East 462.96 feet to a 5/8 inch iron rod on the South line of said Harmon Claim; 11) thence leaving the said Westerly line of South Albany Properties Tract and bearing Westerly, along the Southerly line of said Harmon Claim, 39.7 chains, more or less, to the point of beginning.

EXCEPTING THEREFROM two (2) parcels more particularly described as follows:

Parcel 1:

Beginning at a 5/8 inch rod that is on the South line of and being South 89° 23' 06" East 60.66 feet from the Southwest corner of said Harmon Claim; thence South 89° 23' 06" East, along the South line of said Harmon Claim, 1362.00 feet to a 3/4 inch rod; thence North 00° 15' 09" West 110.10 feet to a 5/8 inch rod; thence North 89° 23' 19" West 1361.91 feet to a 5/8 inch rod; thence South 00° 12' 26" East 110.01 feet to the point of beginning.

Parcel 2:

Beginning at a 3/4 inch rod on the South line of and being South 89° 23' 06" East 1422.66 feet from the Southwest corner of said Harmon Claim; thence South 89° 24' 03" East, along said South Claim line, 418.50 feet to a 5/8 inch rod; thence North 00° 35' 57" East 110.00 feet to a 5/8 inch rod; thence North 89° 23' 19" West 420.14 feet to a 5/8 inch rod; thence South 00° 15' 09" East 110.10 feet to the point of beginning.

TOGETHER WITH a portion of that Allen Tract that is identified as Parcel 2 as described by deed recorded in MF Volume 1009, Page 312 of the Linn County, Oregon Deed Records that is located in the Francis Simpson Donation Land Claim No. 76 and in Sections 25 and 26 in Township 11 South, Range 4 West, Willamette Meridian, Linn County, Oregon. The land being more particularly described as follows:

Beginning at the Northwest corner of said Simpson Claim; thence South 89° 23' 06" East, along the North line of said Simpson Claim, 60.66 feet to a 5/8 inch rod; thence South 00° 12' 26" East 1509.91 feet to a 5/8 inch rod on the North right-of-way line of Allen Lane (a 40.00 foot wide right-of-way also known as County Road No. 111); thence North 89° 23' 43" West, along said right-of-way line, 60.01 feet to a 5/8 inch rod on the West line of said Simpson Claim; thence along said West Claim line the following three (3) courses; 1) North 00° 12' 26" West 828.44 feet to the Easterly Northeast corner of the Vincent Watson Donation Land Claim No. 62 in said Township and Range; 2) thence North 00° 13' 17" West 337.23 feet to the Southeast corner of the George H. Hughes Donation Land Claim No. 78 in said Township and Range; 3) thence North 00° 18' 06" West 344.27 feet to the point of beginning

Subject to and excepting:

1. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2013-2014.

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2. The Land has been classified as Farmland, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

3. Regulations, levies, liens, assessments, rights of way and easements of Linn Soil and Water Conservation District.

4. Rights of the public to any portion of the Land lying within streets, roads and highways.

5. Any adverse claim based upon the assertion that:

a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of an unnamed lake in the event the boundary of said unnamed lake has been artificially raised or is now or at any time has been below the high watermark, if said unnamed lake is in its natural state.

b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.

c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of an unnamed lake, or has been formed by accretion to any such portion.

6. Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

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