



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

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JUN 06 2016

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: JAMES KRUEGER
Mailing Address: 56603 COUNTRY VILLA LN.
WARREN OR 97053
Phone: 503/410-5262 N/A
Fax: N/A E-Mail Address*: JKRUEGER503@GMAIL.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: _____
Mailing Address: _____
Phone: _____
Fax: _____ E-Mail Address*: _____
* 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: KRUEGER ~~RESERVOIR~~ Reservoir.
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: SPRINGS Tributary to: LAKE CREEK
C. County in which diversion occurs: WHEELER

App. No. R-88242

For Department Use
Permit No. _____

Date _____

D. Reservoir Location

Township (N or S)	Range (E or W)	Section	quarter/quarter	tax lot number
8S	23E	9	NW-SE	1601

E. Dam: Maximum height of dam: 9 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

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.

. MULTIPURPOSE

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)

☐ 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.

7. WITHIN A DISTRICT

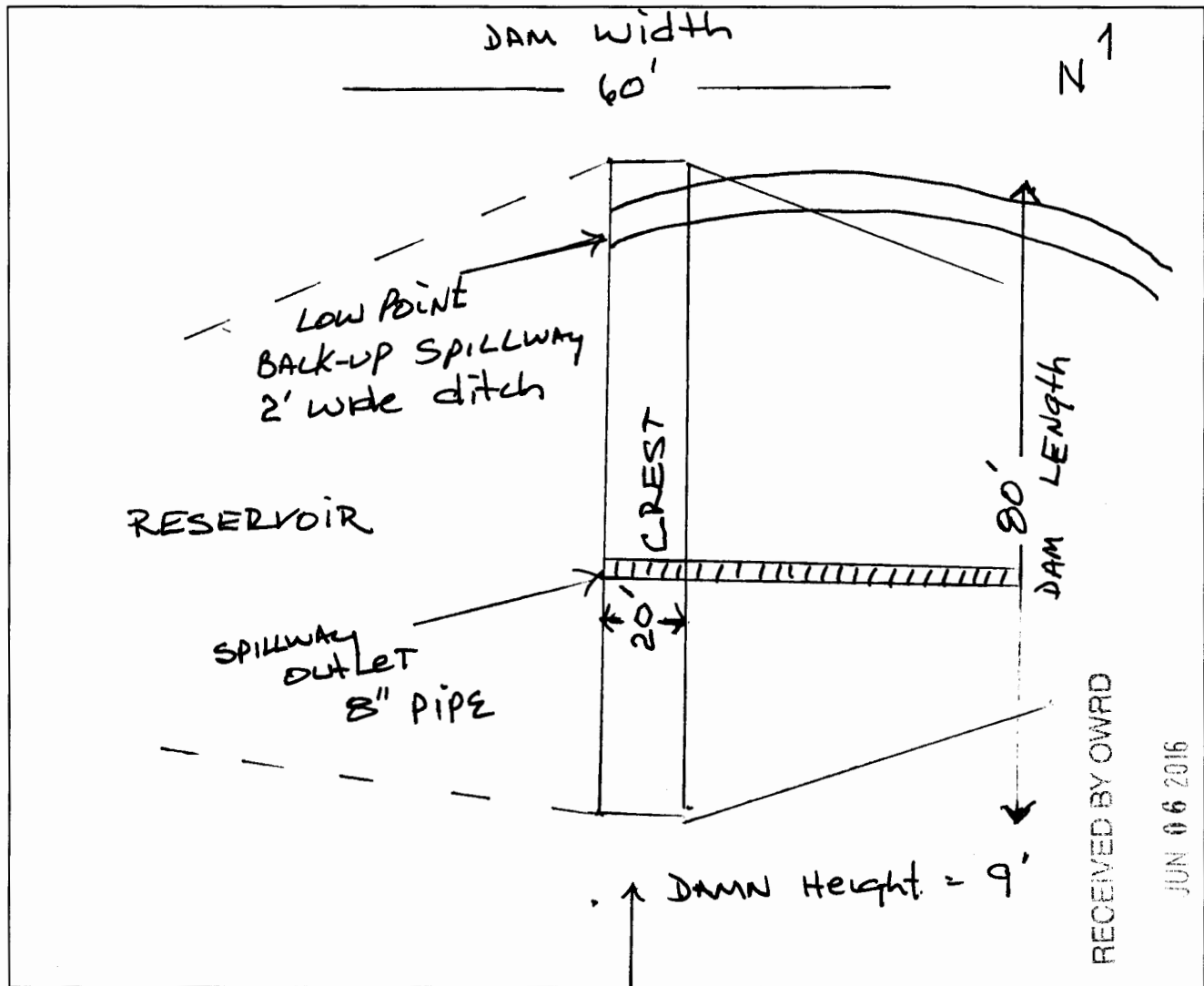
☐ Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

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.

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).



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9. SIGNATURE

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

[Handwritten Signature]
 Landowner Signature

6/1/16
 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.

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: Jim KROEGER

1) Does the proposed reservoir have the potential to injure existing water rights?

☒ NO ☐ YES

Explain:

2) Can conditions be applied to mitigate the potential injury to existing water rights?

☐ NO ☒ YES

If YES, which conditions are recommended: STAFF GAGE, MAX OVERFLOW CHANNEL
NO SEASON. SPRING FED, IN = OUT.

3) Did you meet with staff from another agency to discuss this application?

☐ NO ☒ YES

Who: TREVOR WATSON

Agency: ODFW FISH BIOLOGIST

Date: 5/23/2016

Who:

Agency:

Date:

Watermaster signature:

Kenneth C. Thompson

Date: 5/23/2016

WRD Contact:

Caseworker:

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

NOTE: This completed form must be returned to the applicant

R-08242

ODFW Alternate Reservoir Application Review Sheet

This portion to be completed by the applicant.

Applicant Name/Address/Phone/Email: JAMES E KRUEGER
56603 COUNTRY VILLA LN. WARREN, OREGON 97146
503/410-5262 JKRUEGER503@GMAIL.COM
Reservoir Name: KRUEGER RESERVOIR Source: SPRINGS Volume (AF): 9 A/7.
Twp Rng Sec QQ: T8S R23E TL S9 NW SE Basin Name: JOHN DAY ☐ in-channel
☒ 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.

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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)

No conditions required

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)

ODFW Signature:

Trevor Watson

Print Name:

TREVOR WATSON

ODFW Title:

District Fish Biologist

Date:

5/23/16

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

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Revised 10/4/12

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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.

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.

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

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.

Land Use Information Form



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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

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

R-88242

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: JAMES KRUEGER
First Last

Mailing Address: 56603 COUNTRY VILLA LN.
WARREN OR 97053 Daytime Phone: 503/410-5262
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:
8S	23E	9	NWSE	1601		☐ Diverted	☐ Conveyed	☐ Used	
						☐ 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: RECEIVED BY OWRD

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B. Description of Proposed Use

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

- ☒ Permit to Use of 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 ☐ 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 STORAGE ONLY

Briefly describe:

MULTIPURPOSE USE OF POND INCLUDING FOREST MGMT., FIRE PROTECTION, STOCK WATER, AESTHETICS, & RECREATION

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): ORS 215.283
- ☐ 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

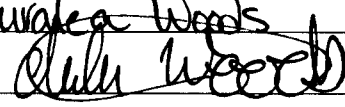
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OR

Name: Auralea Woods Title: Planning Director

Signature:  Phone: 541-763-2126 Date: 5/3/16

Government Entity: Wheeler County 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-88242

After Recording Return To and
Send Tax Statements To:
James E. Krueger
10990 SE 362 Avenue
Boring, OR 97009

Tax Account No. 891, 892, 1601, 1800, 1601
& 1402

SPECIAL WARRANTY DEED
(ORS 93.855)

Pioneer Resources I, L.L.C. A Delaware limited liability company, successor by conversion to and who took title as Pioneer Resources, LLC, an Oregon limited liability company, as to Parcel 1, and Pioneer Resources I, L.L.C. A Delaware limited liability company, as to Parcel 2, Grantor, conveys and specially warrants to James E. Krueger and Patricia L. Krueger, as husband and wife, as to an undivided 1/2 interest, and Gary L. Krueger, as to an undivided 1/2 interest, as tenants in common, Grantees, the following described real property free of encumbrances created or suffered by the Grantor except as specifically set forth herein:

See Exhibit "A" attached hereto and by reference made a part hereof.

TOGETHER WITH all appurtenances, including without limitation, all rights of the Grantor under that certain Statutory Bargain and Sale Timber Deed dated October 8, 1998 between Grantor, as grantor, and Frontier Resources, LLC as grantee, recorded under Wheeler County Recording No. 980387.

THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$390,000.00.

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SALEM, OR

010233

R 98042

Dated this 26th day of June, 2001

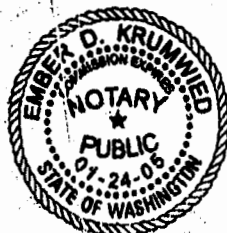
PIONEER RESOURCES I, L.L.C.
a Delaware limited liability company,
successor by conversion to and who took title
as Pioneer Resources, LLC,
an Oregon limited liability company

BY: OLYMPIC RESOURCE MANAGEMENT LLC,
A Washington limited liability company,
its Manager

David L. Nunes
By: David L. Nunes
Its: President + COO

State of Washington)
County of Kitsap)

This instrument was acknowledged before me on June 26, 2001
by David L. Nunes as President + COO of Olympic Resource Management LLC



Ember D. Krummied
Notary Public For the State of Washington
My commission expires: 01-24-05

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EXHIBIT "A"
Wheeler County, Oregon

Legal Description:

FOSSIL SOUTH/HAWK RIDGE

Parcel No. 2 of Land Partition No. 2001-02 as shown on the plat thereof on file and of record in the Office of the County Clerk of Wheeler County, Oregon, more particularly described as follows:

Parcel 1:

Township 8 South, Range 23 East, W.M.

Section 5: That portion lying South of Winlock County Road No. 1.
Section 8: E1/2SW1/4; SE1/4; That portion of the N1/2 lying South of Winlock County Road No. 1.
Section 9: N1/2SW1/4, SE1/4
Section 10: W1/2SW1/4.
Section 15: W1/2NW1/4.
Section 16: N1/2N1/2; SE1/4NE1/4.
Section 17: NE1/4; E1/2NW1/4.

Parcel 2:

Township 8 South, Range 23 East, W.M.

Section 9: S1/2SW1/4

Subject to:

Liens for current and future real estate taxes and assessments.

Rights of any tenants or lessees and any other persons in possession, including rights under any grazing leases and subleases.

Unrecorded documents affecting the Property disclosed by Grantor to Grantee prior to the date hereof, if any.

Mineral rights or reservations, oil gas, or mineral leases.

Water rights of third parties and rights of water districts.

Easements, rights-of-way, roadways, and any contract purporting to limit or regulate the use, occupancy, or enjoyment of the Property.

Matters disclosed by the public records as of the date hereof.

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SALEM, OR

128842

Matters that would be disclosed by a thorough physical inspection or an accurate survey of the Property.

The assessment roll and the tax roll disclose that the within described premises were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax, interest and penalties thereon may be levied for the years in which the land was subject to the special land use assessment.

Any rights of way for public utilities crossing the described lands.

The rights of the public and of governmental bodies in and to any portion of the described lands lying within the limits of highways, roads or ways.

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 all streams, lakes and ponds.

Any adverse claim based upon the assertion that Winlock County Road No. 1 moves or has moved.

The property described herein consists of many sections and portions of sections, many of which are contiguous. Access to much of the property may be through these adjoining tracts. Rights of access to the property are limited to those public roads, which abut or pass through the property described herein and no representation is made that all sections and/or parts thereof, having independent rights of access.

Timber Deed, including the terms and provisions thereof, recorded October 16, 1998 in Wheeler County Deed Records as No. 980387. Grantor: Pioneer Resources, LLC. Grantee: Frontier Resources, LLC.

Line of Credit Trust Deed, including the terms and provisions thereof, recorded April 9, 1999 in Wheeler County Mortgage Records as No. 990136. Grantor: Frontier Resources, LLC. Trustee: Oregon Title Insurance Company. Beneficiary: First Union National Bank. Amount: \$100,000,000.00.

UCC-1A, including the terms and provisions thereof, recorded April 9, 1999 in Wheeler County Mortgage Records as No. 990137. Debtor: Frontier Resources, LLC. Secured Party: First Union National Bank.

Timber Deed, including the terms and provisions thereof, recorded August 27, 1999 in Wheeler County Deed Records as No. 990295. Grantor: Frontier Resources, LLC. Grantee: Boise Cascade Corporation.

Subordination Agreement, including the terms and provisions thereof, recorded August 27, 1999 in Wheeler County Mortgage Records as No. 990296. Parties: First Union National Bank, Frontier Resources and Boise Cascade Corporation.

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