

Application for a Permit to Use Ground Water



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

Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

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

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

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

6. Final Order Issued

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

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G-18382

Revised 2/1/2012

Ground Water/1

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$2,500
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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

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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Rogue's Lair Farms LLC / James Belushi			PHONE (HM)
PHONE (WK)	CELL 310-466-8053	FAX none	
ADDRESS 360 Hamilton Avenue Suite 100			
CITY White Plains	STATE NY	ZIP 10601	E-MAIL* whitehorseprod@aol.com

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 Rogue Civil LLC / Evan Malepsy			PHONE 541-621-2868	FAX none
ADDRESS 52 Pineridge Lane				CELL 541-621-2868
CITY Eagle Point	STATE OR	ZIP 97524	E-MAIL* emalepsy@roguecivil.com	

Note: Attach multiple copies as needed

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

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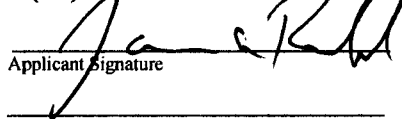
By my signature below I confirm that I understand:

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

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


 Applicant Signature _____ Print Name and title if applicable James Belushi, president Date 8/29/16
 Applicant Signature _____ Print Name and title if applicable _____ Date _____

For Department Use		
App. No. <u>G-18782</u>	Permit No. _____	Date _____

Revised 2/1/2012

Ground Water/3

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SECTION 2: PROPERTY OWNERSHIP

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

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

The lands have easements but no other property owners are affected by this application.

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
4	Rogue River	1446'	+15'
5	Rogue River	1608'	+11'

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)*.

Wells have not been drilled, no well log available.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: **1.97 CFS** (1/40 CFS per acre * 78.8 acres) (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)
4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBD	<input type="checkbox"/>	6"	1'-25'	40'-100'	0'-20'	(not drilled yet)	Bedrock	100'		
5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	TBD	<input type="checkbox"/>	6"	1'-25'	40'-100'	0'-20'	(not drilled yet)	Bedrock	100'		
	<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"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* 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.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year round	394

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: N/A Acres Supplemental: N/A Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

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

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

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

Pump (give horsepower and type): 5HP Submersible

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from the well to distribution pipes that will apply the water to plants via drip irrigation.

B. Application Method

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

Drip

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.

Waste will be prevented by utilizing drip irrigation, a very efficient method, at a rate and volume that is limited to the needs of the plants and no more. A totalizing flow meter will measure the amount of water diverted. The nursery place of use will not be located within an area that includes aquatic life or riparian habitat. There will be no runoff from the nursery, preventing discharge of any kind to surface waters and preventing any adverse impacts to public uses of surface waters.

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SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

Reservoir name: N/A Acreage inundated by reservoir: N/A

Use(s): N/A

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

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): N/A

USE OF STORED GROUND WATER	PERIOD OF USE
N/A	N/A

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Upon permit issuance, anticipated date: 5/2017

Date construction will be completed: 8/2017

Date beneficial water use will begin: 8/2017

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name N/A	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*).

Requested volume is based on 5.0 acre-feet per acre for containerized plants. 5.0AF/acre*78.8 Acres = 394 AF.

G-18782

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: Rogues's Lair Farms LLC (James Belushi)
First _____ Last _____

Mailing Address: 360 Hamilton Avenue, Suite 100

White Plains City NY State 10601 Zip Daytime Phone: 310-466-8053

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:
36S	1W	6	NW/NE	200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
36S	1W	6	SW/NE	200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
						<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:

Jackson

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: 1.97 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 Nursery

Briefly describe:

This Land Use Form is being submitted as required for a new water right application to use groundwater for nursery use including the possible production of marijuana on the subject property.

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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

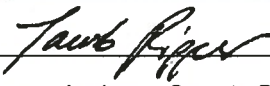
- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s):
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary 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:	
Type 1 Farm Use Authorization (Production)	LDO Table 4.2-1 & Section 3.13	<input checked="" 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.

See attached memo.

Name: Jacob Ripper Title: Planner II

Signature:  Phone: 541-774-6907 Date: 09/03/2016

Government Entity: Jackson County Development Services

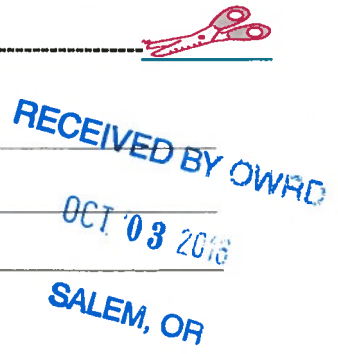
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use 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: _____





**JACKSON
COUNTY**
Oregon

MEMO
INTER - OFFICE

**Development Services
Planning**

Jacob Ripper
Planner II

10 S. Oakdale Ave, Room 100
Medford, OR 97501
Phone: 541-774-6940
ripperja@jacksoncounty.org

To: Oregon Water Resources Department
From: Jacob Ripper
Subject: Nursery
Date: September 3, 2016

For the purposes of the Oregon Water Resources LUCS, nursery use is as defined in OAR 690-300-010, not as stated in the Jackson County Land Development Ordinance.

Sincerely,
Jacob Ripper

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**JACKSON
COUNTY**
Oregon

MEMO
INTER-OFFICE

Development Services

Kelly A. Madding
Director

10 S. Oakdale, Rm 100
Medford, OR 97501
Phone: 541-774-8900
Fax: 541-774-6791
maddingka@jacksoncounty.org

To: Jackson County Land Use Compatibility Statement (LUCS) Type 1 Applicant
From: Kelly A. Madding, Director
Subject: Jackson County Land Use Requirements
Date: December 31, 2015

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AUG 23 2016
JACKSON COUNTY
PLANNING

This LUCS is not a land use authorization allowing you to conduct your recreational marijuana use on your property.

This LUCS is a communication mechanism between state agencies such as the Oregon Liquor Control Commission (OLCC) and the Oregon Water Resources Department (OWRD) and Jackson County stating that your recreational marijuana use is not prohibited, is prohibited, or may be permitted via a Conditional Use Permit or other land use permits.

You will need to come back to Jackson County for a land use permit authorizing you to conduct your recreational marijuana use. The land use permit will be the result of a land use application. That land use application, depending on your proposed use could take between 20 days (typical for production) to 150 days (for retail sales). From a timing standpoint you may want to consider having Jackson County land use approval prior to paying for your OLCC license to make sure you can lawfully conduct your recreational marijuana use in Jackson County.

Evan Malesky
Signature

8/23/16
Date

EVAN MALESKY
Print Name

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Date _____

(For staff use only)



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

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

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

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MAP

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

20131-3



Oregon Water Resources Department
 Apply for a Permit to Appropriate Ground Water and/or Store Ground Water

- [Main](#)
- [Help](#)
- [Return](#)
- [Contact Us](#)

Today's Date: Tuesday, August 23, 2016

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,150.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1.97	\$600.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$300.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,500.00

OWRD Fee Schedule

Fee Calculator Version B20130709

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 SALEM, OR

FA-2588538-PS

UNLESS A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO THE FOLLOWING ADDRESS:

Rogue's Lair Farms, LLC
360 Hamilton Avenue, Suite 100
White Plains, NY 10601

Jackson County Official Records	2016-004305
R-WD	
Stn=12 BARROWCK	02/17/2016 03:30:01 PM
\$30.00 \$11.00 \$10.00 \$8.00 \$20.00	\$79.00
i. Christine Walker, County Clerk for Jackson County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Christine Walker - County Clerk	

AFTER RECORDING, RETURN TO:

Phyllis Strosser
First American Title Insurance Co. of Oregon
1225 Crater Lake Ave. Suite 101
Medford, OR 97504

WARRANTY DEED

CHARLES F. MERRON, Grantor, conveys to ROGUE'S LAIR FARMS, LLC, an Oregon limited liability company, Grantee, the real property located in Jackson County, Oregon, more particularly described as follows:

The West Half of the Northeast Quarter of Section 6, Township 36 South, Range 1 West of the Willamette meridian in Jackson County, Oregon.

free of encumbrances except as specifically set forth below:

1. The Reservation of Life Estate for the life of CHARLES F. MERRON;
2. The exceptions listed on Exhibit A attached hereto and incorporated herein; and
3. The terms and conditions of the Life Estate Agreement attached hereto as Exhibit B and incorporated herein.

The true consideration for this conveyance is the sum of Seven Hundred Thousand Dollars (\$700,000.00).

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, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED this 11th day of February, 2016.

Charles F. Merron
CHARLES F. MERRON

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SEP 09 2016

SALEM, OR

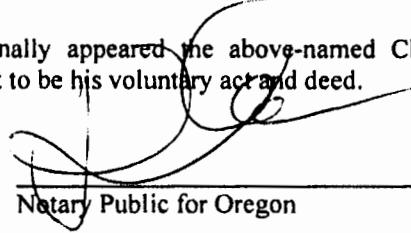
(1)

6-18382

STATE OF OREGON)
) ss.
County of Jackson)

On this 11th day of February, 2016, personally appeared the above-named CHARLES F. MERRON, and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Notary Public for Oregon



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SALEM, OR

(2)

EXHIBIT A

EXCEPTIONS:

1. These premises are situated in the Eagle Point Irrigation District, and subject to the levies and assessments thereof, water and irrigation rights, easements for ditches and canals and regulations concerning the same.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Easement, including terms and provisions contained therein:
Recording Information: Volume 63, Page 363 and Volume 253, Page 544
For: Road purposes (Affects the South 20 feet)
4. The terms and provisions set forth in an easement for a surface pipe line and pumping stations recorded August 24, 1966 as Document No. 66-09385, Official Records of Jackson County, Oregon.

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(3)

Exhibit A to Warranty Deed

G-18382

EXHIBIT B
LIFE ESTATE AGREEMENT

SALEM, OR

This agreement is made on January 25, 2016, between CHARLES F. MERRON residing at 10535 Agate Road, Eagle Point, OR 97524 ("Life Tenant") and ROGUE'S LAIR FARMS, LLC, an Oregon limited liability company, c/o James A. Belushi, its Member, 360 Hamilton Ave., Suite 100, White Plains, NY 10601 ("Remainderman").

LIFE TENANT has this day conveyed to REMAINDERMAN, in a WARRANTY DEED recorded in Jackson County, Oregon, his property located at and known as 10535 Agate Road, Eagle Point, OR 97524 (and further described by the legal description on such Warranty Deed) ("the Property"), reserving to himself a life estate therein, and the parties hereto have entered into an agreement establishing certain responsibilities and rights of each with respect to the Property. Accordingly, in consideration of these mutual promises, it is hereby agreed by and between the parties as follows:

1. REMAINDERMAN agrees that during the term of Life Tenant's life estate he will maintain the Property in good order and condition and will undertake and pay the cost of normal maintenance, taxes, and required utilities.

2. Repairs and replacements to the Property and improvements thereon, including the structural and non-structural parts thereof, roofs, fixtures, and the mechanical, electrical and plumbing systems, whether such repairs and replacements are foreseen or unforeseen, shall be made by REMAINDERMAN at his cost. REMAINDERMAN will make such repairs and replacements as would be made by a fee simple owner using the Property as his principal residence.

3. Remainderman shall be responsible for and pay all the costs of materials, labor, equipment, utilities and other expenses necessary to farm the Property and raise crops from the Property, if Remainderman chooses to farm the Property.

Remainderman agrees to pay for the cost of maintaining the main farm road on the Property in a condition similar to how the road has been maintained in the past.

4. Some or all of the acres of Property are under irrigation. Remainderman shall be responsible for all water costs, including Irrigation District fees if applicable.

5. Remainderman shall pay all the real property taxes levied on the Property and Remainderman shall pay all taxes on any of Remainderman's personal property used on the Property.

6. Remainderman shall indemnify and defend Life Tenant from any claim, loss, or liability arising out of or relating to any activity of Remainderman, its agents or business invitees, on the Property.

7. The Life Tenant agrees to allow the Remainderman's current Ranch Manager, Dennis and Jennifer Bodafer, the right to occupy the 756 square-foot house built in approximately 1930 which is on the Property. In exchange for this right, Remainderman agrees to cause his Ranch Manager to provide Life Tenant with assistance with housekeeping, weekly laundry service, evening meals, and occasional transportation and shopping. The Ranch Manager shall be the employee of Remainderman solely and not the employee of Life Tenant, and the Remainderman hereby agrees to indemnify, hold harmless, and defend Life Tenant for any claims as a result of any dispute between the Ranch Manager and Remainderman. Remainderman may replace the Ranch Manager, subject to the reasonable approval of Life Tenant. Remainderman is obligated to provide a Ranch Manager who performs the duties required herein for the life of Life Tenant.

(4)

Manager to provide Life Tenant with assistance with housekeeping, weekly laundry service, evening meals, and occasional transportation and shopping. The Ranch Manager shall be the employee of Remainderman solely and not the employee of Life Tenant, and the Remainderman hereby agrees to indemnify, hold harmless, and defend Life Tenant for any claims as a result of any dispute between the Ranch Manager and Remainderman. Remainderman may replace the Ranch Manager, subject to the reasonable approval of Life Tenant. Remainderman is obligated to provide a Ranch Manager who performs the duties required herein for the life of Life Tenant.

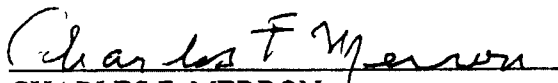
8. This agreement may only be amended by an instrument in writing executed by both parties, and it shall be binding upon and inure to the benefit of the parties hereto and their respective successors, distributees, heirs, legal representatives and assigns.

9. Attorney Fees. If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Agreement, to rescind this Agreement, or otherwise with respect to the subject matter of this Agreement, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and, if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

10. Remedies. If either party breaches this Agreement, the other party shall have all rights and remedies available under Oregon law, which remedies shall be cumulative.

11. Guests. Life Tenant shall ensure that any guests of Life Tenant behave in a respectful manner and do not create a nuisance or any unreasonable noise or interference with Remainderman.

IN WITNESS WHEREOF, the parties have duly executed the instrument at Medford, State of Oregon, on the _____ day of January, 2016.


CHARLES F. MERRON
Dated: January 25, 2016
"Life Tenant"

ROGUE'S LAIR FARMS, LLC

By: James A. Belushi, Its Member
Dated: _____
"Remainderman"

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JAN 29 2016

SALEM, OR

(5)

52 Pineridge Lane
Eagle Point, OR 97524
541-621-2868
emalepsy@roquecivil.com



Transmittal

To: Oregon Water Resources Dept. **From:** Evan Malepsy

Re: Water Right Application **Date:** 09/07/2016

For Review Please Comment Please Reply For Signature

Comments:

On behalf of my client, James Belushi, I am submitting the enclosed application for a new water right (groundwater).

Please contact me with any questions or needs for additional information.

Thanks,

A handwritten signature in cursive script that reads "Evan".

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Manager to provide Life Tenant with assistance with housekeeping, weekly laundry service, evening meals, and occasional transportation and shopping. The Ranch Manager shall be the employee of Remainderman solely and not the employee of Life Tenant, and the Remainderman hereby agrees to indemnify, hold harmless, and defend Life Tenant for any claims as a result of any dispute between the Ranch Manager and Remainderman. Remainderman may replace the Ranch Manager, subject to the reasonable approval of Life Tenant. Remainderman is obligated to provide a Ranch Manager who performs the duties required herein for the life of Life Tenant.

8. This agreement may only be amended by an instrument in writing executed by both parties, and it shall be binding upon and inure to the benefit of the parties hereto and their respective successors, distributees, heirs, legal representatives and assigns.

9. Attorney Fees. If any arbitration, suit, or action is instituted to interpret or enforce the provisions of this Agreement, to rescind this Agreement, or otherwise with respect to the subject matter of this Agreement, the party prevailing on an issue will be entitled to recover with respect to such issue, in addition to costs, reasonable attorney fees incurred in the preparation, prosecution, or defense of such arbitration, suit, or action as determined by the arbitrator or trial court, and, if any appeal is taken from such decision, reasonable attorney fees as determined on appeal.

10. Remedies. If either party breaches this Agreement, the other party shall have all rights and remedies available under Oregon law, which remedies shall be cumulative.

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IN WITNESS WHEREOF, the parties have duly executed the instrument at Medford, State of Oregon, on the _____ day of January, 2016.

Charles F. Merron
CHARLES F. MERRON
Dated: January 25, 2016
"Life Tenant"

ROGUE'S LAIR FARMS, LLC

James A. Belushi
By: James A. Belushi, Its Member
Dated: _____
"Remainderman"

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