

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, conditions, and limitations 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

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 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 None

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Salem, Oregon 97301-1266
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME DICKMAN FARMS INC. C/O MARK DICKMAN		PHONE (503) 845-6472	FAX
ADDRESS 15829 MT. ANGEL-SCOTTS MILL HWY NE		CELL	
CITY SILVERTON	STATE OR	ZIP 97381	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

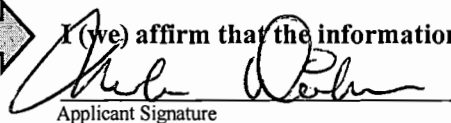
Note: Attach multiple copies as needed

* 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.


Applicant Signature

Mark Dickman, Secretary
Print Name and title if applicable

12-23-2016
Date

Applicant Signature

Print Name and title if applicable

Date

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For Department Use		
App. No. <u>G-18426</u>	Permit No. _____	Date <u>JAN 09 2017</u>

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 **TL 4 2E 32 2000**

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

No **TL 4 2E 31 100, TL 4 2E 32 2100**

- 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*).

TL 4 2E 31 100

John L. and Norma J. Etzel Trustee
11011 SE Hill Ct.
Portland OR 97216

TL 4 2E 32 2100

CMS Land, LLC c/o Corey Dickman
15829 Mount Angel-Scotts Mills Hwy NE
Silverton, OR 97381

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	Dove Creek	3,300 feet	10 feet
Well 2	Dove Creek	2,600 feet	10 feet

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*).

Well specifications provided in the table below are estimates and subject to change based on actual conditions encountered in the field. The objective will be to construct the wells to develop water from the alluvial aquifer.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 1.18 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 300 feet	TBD	0 to 100 feet	NA	Alluvium	300 feet		
Well 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	8 inch	0 to 300 feet	TBD	0 to 100 feet	NA	Alluvium	300 feet		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Total:		600 gpm	236.25 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"/>									

* 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)
Irrigation	March 1 through October 31	236.25 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: 94.5 Acres Supplemental: NA 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: 236.25

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

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): Submersible 75 Hp

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 through a mainline with hydrants where handlines with impact sprinklers or a hard hose traveler can be attached.

B. Application Method

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

Impact sprinklers or hard hose traveler.

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 row crops and grass will be done 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

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

Revised 3/4/2010

Ground Water/6

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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: Within three years after the permit is issued

Date construction will be completed: Within five year after the permit has been issued

Date beneficial water use will begin: Within five years after the permit has been 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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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: Dickman Land LLC c/o Mark Dickman

Mailing Address: 15829 Mt. Angel-Scotts Mills Hwy. NE

Silverton OR 97381 Daytime Phone: (503) 845-6472
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:
4S	2E	31		100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
4S	2E	32		2000	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
4S	2E	32		2100	EFU	<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	

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

Clackamas 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: 1.18 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:

New groundwater application to irrigate row crops and grass seed.

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. →

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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): SECTION 401
- 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

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.

DICKMAN LAND LLC c/o MARK DICKMAN, MOLALA

Name: GARY HEWITT Title: SR. PLANNER
 Signature: *[Signature]* Phone: 503-742-4519 Date: 12-22-16
 Government Entity: CLACKAMAS COUNTY PLANNING

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: _____

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LEASE AGREEMENT

Landlord: John and Norma Etzel
11011 SE Mill Court
Portland, OR 97216

Tenant: Dickman Farms, Inc.
15829 Mt. Angel-Scotts Mills Hwy. NE
Silverton, OR 97381
(503) 845-6472
dfarms@mtangel.net

This agreement concerns the lease of approximately 35 acres of farmland located northwest of Molalla, in Clackamas County, Oregon, south of Eby Road; more specifically 4S 2E Section 31 Tax Lot 100. The agreement is for a period of ten years, from September 1, 2013 through October 31, 2023.

The parties agree the annual rent is due ^{February} ~~December~~ 1, of each year, prior to the crop year, and shall be [redacted] per acre, or a total amount of [redacted] for the first 5 years and [redacted] per acre, or a total amount of [redacted] for the second 5 years. It is agreed this is a "cash rent" arrangement: The annual rent is the full and total amount of compensation to be paid to the Landlord by the Tenant for use of the farmland.

The Tenant will use accepted agricultural practices and good husbandry. The Tenant warrants all activities in conjunction with farming this property shall be conducted in compliance with all applicable federal, state, and local laws, ordinances and regulations. The Tenant warrants appropriate liability insurance is and shall remain in force at all times to indemnify the Landlord from all peril resulting from Tenant's activity.

This lease shall be binding on any heirs or assignees of the Landlord; sale or transfer of this property before the end of the lease shall not void the Tenant's right to farm the ground. The Landlord shall inform the Tenant of any changes in ownership. This lease is not assignable by the Tenant: The Tenant may not transfer their rights or sub-lease to another operator without the express permission of the landlord.

This agreement may not be altered, except by the mutual, written agreement of BOTH parties.

If this contract is placed in the hands of an attorney for enforcement, the non-prevailing party promises and agrees to pay reasonable attorney's fees and costs of the prevailing party, even though no suit or action is filed hereon; however, if a suit or action is filed, the amount of such reasonable attorney's fees shall be fixed by the court or courts in which the suit or action, including any appeal therein, is tried, heard or decided.

DATED this 9th day of July, 2013.
August

John Etzel
John Etzel

544-0096) 54434-0096
Tax ID Number

Norma Etzel
Norma Etzel

541-46-0424
Tax ID Number

503-254-5940

[Signature]
for Dickman Farms, Inc.

Corey Dickman (503)932-5512
Mike Dickman (503)991-7007

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LEASE AGREEMENT

Landlord: CMS Land, LLC
15829 Mt. Angel-Scotts Mills Hwy. NE
Silverton, OR 97381

Tenant: Dickman Farms, Inc.
15829 Mt. Angel-Scotts Mills Hwy. NE
Silverton, OR 97381

This agreement concerns the lease of two parcels owned by the Landlord:

- The Moshberger Farm, on Toliver Road, northwest of Molalla, T5S R1E Sec. 1, tax lot 2000 & T5S R1E Sec. 12, tax lot 400 ; this parcel is 80 total acres, with approximately 73.5 acres of farmable land.
- The Etzel Farm, on S. Eby Road, northwest of Molalla, T4S, R2E, Sec. 32, Tax lot 2100; this parcel is 37.5 total acres, with approximately 35.4 acres of farmable land.

The parties agree the term of this lease is 20 years, beginning December 1, 2015 for Moshberger, and March 1, 2016 for Etzel, and ending November 30, 2036. The lease shall automatically extend each year on December 1, for an additional year, unless either party shall notify the other of its intent to not extend.

The parties agree the annual rent shall be per acre of farmable ground per year (currently 108.89 acres), or a total of , due on or before December 31, the first payment being due December 31, 2016. Annual rent for the first three years shall be reduced by , as there is an existing lease between the Landlord and Royelle, LLC on the Moshberger Farm through the 2018 crop year.

This is intended to be a "triple net" lease: The Tenant is responsible for all repairs, all insurance, and all property taxes on these parcels and the improvements thereon. In turn, the Tenant shall be entitled to farm the land, use any improvements, harvest timber, and otherwise use the property to its financial benefit, for any legal activity. The parties agree the Tenant may choose to develop irrigation on these parcels, at the Tenant's expense. The Landlord hereby grants the Tenant full access and right to drill wells, bury pipe, or make other capital improvements for irrigation development. Any improvements shall remain the property of the Tenant throughout the term of this lease agreement, including extensions, but shall become property of the Landlord if the lease is terminated.

The Tenant will use accepted agricultural practice and good husbandry. The Tenant warrants that appropriate liability insurance shall remain in force at all times to indemnify the Landlord from all peril resulting from the Tenant's activity.

This agreement may be amended, changed or voided upon the mutual agreement of both parties at any time.

DATED this first day of March, 2016.


for CMS Land, LLC


for Dickman Farms, Inc.

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61-18926

Clackamas County Official Records 2016-017341
Sherry Hall, County Clerk 03/15/2016 03:03:59 PM
D-D Cnt=1 Str=5 KANNA \$68.00
\$20.00 \$16.00 \$10.00 \$22.00

RECORDING REQUESTED BY:

GRANTOR:
Eric Brian Etzel and Scott Nathan Etzel
1917 W. Gail Jean Lane
Spokane, WA 99218

GRANTEE:
CMS Land LLC, Michael Dickman and Susan
Dickman, and Corey Dickman
15829 Mt Angel Scotts Mills Rd
Silverton, OR 97381

SEND TAX STATEMENTS TO:
CMS Land LLC
15829 Mt. Angel Scotts Mills RD
Silverton, OR 97381

AFTER RECORDING RETURN TO:
CMS Land LLC
15829 Mt. Angel Scotts Mills RD
Silverton, OR 97381

Escrow No: 471816046595-TTMIDWIL20

Tax Acct #01039566
Molalla, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Eric Brian Etzel and Scott Nathan Etzel, Grantor, conveys and warrants to

CMS Land LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas/Marion, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$300,000.00. (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 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: _____
471816046595-TTMIDWIL20
Deed (Warranty-Statutory)

T45 R2E
Section 32
2100

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TICOR TITLE 471816046595

DATED: 3-14-16

Eric Brian Etzel

Scott Nathan Etzel

Scott Nathan Etzel

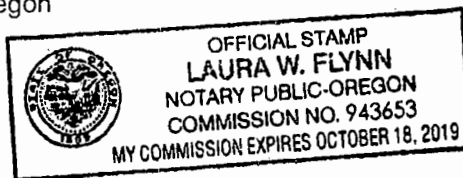
State of OREGON

COUNTY of Clackamas

This instrument was acknowledged before me on March 14, 20 16

by Scott Nathan Etzel

Laura W. Flynn, Notary Public - State of Oregon
My commission expires: 10-18-2019



State of Washington

COUNTY of _____

This instrument was acknowledged before me on _____, 20_____

By Eric Brian Etzel

_____, Notary Public - State of Washington
My commission expires: _____

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G1-18426

DATED: 3/10/16

Eric Brian Etzel
Eric Brian Etzel

Scott Nathan Etzel

State of OREGON ~~WASHINGTON~~

COUNTY of SPOKANE

This instrument was acknowledged before me on 3/10/16, 2016

by Scott Nathan Etzel

_____, Notary Public - State of Oregon
My commission expires: _____

State of Washington

COUNTY of SPOKANE

This instrument was acknowledged before me on MARCH 10, 2016

By Eric Brian Etzel

Kristi Burke, Notary Public - State of Washington
My commission expires: 4/19/19

Kristi Burke



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EXHIBIT "A"

Legal Description:

PARCEL I:

Being a part of the D.L.C. of Frances Jackson and wife in Township 4 South, Range 2 East, of the Willamette Meridian in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Beginning at an iron pipe driven at the Southeast corner of that certain tract of land conveyed to Rudolph H. and Olga Etzel, by deed recorded March 18th, 1939 in Book 256 at Page 339, records of Clackamas County, Oregon; which point is 2780.60 feet East of the Southwest corner of the Francis Jackson D.L.C. No. 41 in Township 4 South, Range 2 East of the Willamette Meridian; running thence North tracing the East Boundary of the Rudolph H. and Olga Etzel tract aforesaid 1410.40 feet to an iron pipe driven in the division line of the Francis Jackson D.L.C. aforesaid; thence East tracing the division line of said Claim 773.10 feet to an iron pipe; thence South parallel to the East boundary of the Rudolph H. and Olga Etzel tract aforesaid 1410.40 feet to an iron pipe driven in the South boundary of the Francis Jackson D.L.C. aforesaid; thence West tracing the South boundary of the said Claim 773.10 feet to the place of beginning.

AND

The East one-half (1/2) of the following described property:

Being a part of the D.L.C. of Francis Jackson and wife in Township 4 South, Range 2 East of the Willamette Meridian in the County of Clackamas and State of Oregon, described as follows, to-wit:

Beginning at an iron pipe driven at the Southeast corner of that certain tract of land conveyed to Jess and Blanche Hepler by deed recorded in Book 149, page 480, Record of Deeds of Clackamas County, Oregon, which point is 1234.20 feet East of the SW corner of the Francis Jackson D.L.C. #41, in Township 4 South, Range 2 East of the Willamette Meridian running thence North tracing the East boundary of the Jess and Blanche Hepler tract aforesaid 1410.3 feet to an iron pipe driven in the division line of the Francis Jackson D.L.C. aforesaid; thence East tracing the division line of said Claim 1546.40 feet to an iron rod; thence South parallel to the East boundary of the Jess and Blanche Hepler tract aforesaid 1410.4 feet to an iron rod driven in the South boundary of the Francis Jackson D.L.C. aforesaid; thence West tracing the South Boundary of said claim 1546.4 feet to the place of beginning.

SAVE AND EXCEPT approximately 12-1/2 acres previously conveyed to HERMAN B. ETZEL and MARIE ETZEL, husband and wife, as described in Deed recorded in Clackamas County Deed Records 276 Page 448.

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THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
Dickman Farms, Inc.
15829 Mt. Angel-Scotts Mills Hwy.
Silverton, OR 97381

Until a change is requested all tax
statements shall be sent to the
following address:
Dickman Farms, Inc.
15829 Mt. Angel-Scotts Mills Hwy.
Silverton, OR 97381

File No.: 7084-2121322 (mh)
Date: September 09, 2013

FIRST AMERICAN 2121322 TO

STATUTORY WARRANTY DEED

Yule Tree Farms, LLC, an Oregon limited liability company, previously Yule Tree Farms, A Partnership, consisting of Richard L. Gingerich and Joseph E. Sharp, Grantor, conveys and warrants to Dickman Farms, Inc. , Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$178,000.00**. (Here comply with requirements of ORS 93.030)

T4S R2E
Section 32
2000

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

Dated this 16 day of September, 2013.

Yule Tree Farms LLC

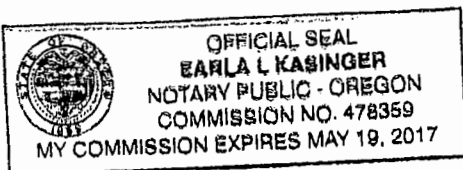
Joseph E. Sharp Managing Member
By: Joseph E. Sharp, Managing
Member

STATE OF Oregon)
)ss.
County of Marion)

This instrument was acknowledged before me on this 16 day of September, 2013 by Joseph E. Sharp as Managing Member of Yule Tree Farms LLC, on behalf of the limited liability company.

Earla Kasinger

Notary Public for Oregon
My commission expires: 5-19-17



Earla Kasinger
Comm. no. 478359
my comm. exp. 5/19/17

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Clackamas, State of Oregon, described as follows:

PART OF THE FRANCIS JACKSON DONATION LAND CLAIM IN SECTION 32, TOWNSHIP 4 SOUTH, RANGE 2 EAST, OF THE WILLAMETTE MERIDIAN, IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE SOUTH LINE OF SAID DONATION LAND CLAIM 1578.75 FEET WEST OF THE NORTHEAST CORNER OF THE JAMES BARNARD DONATION LAND CLAIM, SAID POINT BEING THE SOUTHEAST CORNER OF A TRACT CONVEYED TO RUDOLF H. ETZEL AND OLGA ETZEL BY DEED RECORDED IN BOOK 276, PAGE 446, CLACKAMAS COUNTY DEED RECORDS; THENCE NORTH ALONG THE EAST LINE OF SAID TRACT 1410.4 FEET TO THE DIVISION LINE OF SAID JACKSON DONATION LAND CLAIM; THENCE EAST ON SAID DIVISION LINE 648.3 FEET; THENCE SOUTH PARALLEL WITH THE EAST LINE OF SAID ETZEL TRACT, 1410.4 FEET, MORE OR LESS TO THE SOUTH LINE OF SAID JACKSON DONATION LAND CLAIM; THENCE WEST ALONG THE SAID SOUTH LINE 648.3 FEET TO THE PLACE OF BEGINNING.

THE LEGAL DESCRIPTION WAS CREATED PRIOR TO JANUARY 1, 2008.

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BARDAH AND SALE DEED

Marie F. Etzel),

KNOW ALL MEN BY THESE PRESENTS, That I, John LeRoy Etzel, as Successor Trustee of 4/7/77 Declaration of Trust executed by Herman B. Etzel & Marie F. Etzel, hereinafter called grantor, for the consideration hereinafter stated, do hereby grant, bargain, sell and convey unto John LeRoy Etzel and Norma Jean Etzel as husband and wife, hereinafter called grantees, and unto grantees' heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Tax Lot 100 (formerly No. 10) which is described in the Deed conveying it from Rudolph Etzel & Olga Etzel, his wife, to Herman B. Etzel and Marie F. Etzel as follows: Being a part of the D. L. C. of Francis Jackson and wife in T. 4 S. Range 2 East of the W.M. Clackamas County, Oregon, bounded and described as follows, to-wit:-

Beginning at an iron pipe driven in the South line of the Francis Jackson D. L. C., which point is 2007.40 feet East of the S. W. corner of the Francis Jackson D. L. C. No. 41 in Township 4 South Range 2 East of the W.M. thence North 1410.40 feet, parallel to the East line of a certain tract of land conveyed to Jesse and Blanche Hepler by deed recorded in Book 149 at page 480 record of deeds of Clackamas County, Oregon, to a point in the division line of the Francis Jackson D. L. C. aforesaid; thence East tracing the division line of said claim 386.60 feet; thence South parallel to the East line of the Jesse and Blanche Hepler tract aforesaid 1410.40 feet to a point in the South boundary of the said D. L. C.; thence West tracing the South boundary line of said claim a distance of 386.60 feet to the place of beginning and containing twelve and one half (12 1/2) acres, more or less.

Also Tax Lot 100 (formerly No. 7) which is described in the Deed conveying it from Edith Settlemier, (Unmarried), Letha Newton and Herbert W. Newton, her husband, Olds Teter and Roscoe H. Teter, her husband and Jessie Davidson and Orville E. Davidson, her husband to Herman B. Etzel and Marie Etzel and the Deed conveying one-half of this 50 acre tract from Herman B. Etzel and Marie Etzel, husband and wife, to Rudolph H. and Olga Etzel, husband and wife as follows:

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ Nil.

However, the actual consideration consists of or includes other property or value given or promised which is described in the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 11th day of May, 1975; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

John LeRoy Etzel
Successor Trustee

STATE OF OREGON,
County of Multnomah } ss.
The foregoing instrument was acknowledged before me this 11th day of May, 1975, by John LeRoy Etzel, Successor Trustee.
Notary Public for Oregon
(SEAL) My commission expires: 7/12/98

STATE OF OREGON, County of } ss.
The foregoing instrument was acknowledged before me this 11th day of May, 1975, by John LeRoy Etzel, Successor Trustee.
OFFICIAL SEAL BY SHARON K. PLEMMING, NOTARY PUBLIC, OREGON. COMMISSION NO. 035755. MY COMMISSION EXPIRES JULY 12, 1998.
Notary Public for Oregon
(SEAL) My commission expires: (If executed by a corporation, affix corporate seal)

John LeRoy Etzel
11011 S.E. Mill Court
Portland, Oregon 97216
John LeRoy & Norma Jean Etzel
11011 S.E. Mill Court
Portland, Oregon 97216
After recording return to:
John L. & Norma J. Etzel
11011 S. E. Mill Court
Portland, Oregon 97216
Name, Address, ZIP
Mail if change is requested and fee statements shall be sent to the following address:
John L. & Norma J. Etzel
11011 S.E. Mill Court
Portland, Oregon 97216
Name, Address, ZIP

STATE OF OREGON, County of } ss.
I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as fee/file/instrument/microfilm/reception No. _____ Record of Deeds of said county.
Witness my hand and seal of County affixed.
By: 95-027458 Deputy

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(continued)

Being the West one-half ($\frac{1}{2}$) of the following described property:

Being a part of the D. L. G. of Francis Jackson and wife in T. 4 S. R. 2 E. of the W.M. Clackamas County, Oregon, bounded and described as follows to wit: Beginning at an iron pipe driven at the southeast corner of that certain tract of land conveyed to Jess and Blanche Hepler by deed recorded in Book 149, of page 480; Record of Deeds of Clackamas County, Oregon, which point is 1234.20 feet East of the S.W. corner of the Francis Jackson D. L. G. #41, in T. 4 S. R. 2 E. of the W.M.--Running thence North tracing the East boundary of the Jess and Blanche Hepler tract aforesaid 1410.3 feet to an iron pipe driven in the division line of the Francis Jackson D. L. G. aforesaid; thence East tracing the division line of said claim 1546.40 feet to an iron rod; thence South parallel to the East boundary of the Jess and Blanche Hepler tract aforesaid 1410.4 feet to an iron rod driven in the South boundary of the Francis Jackson D. L. G. aforesaid; thence West tracing the South boundary of said claim 1546.4 feet to the place of beginning containing 50.0 acres more or less.

STATE OF OREGON 95-027458
CLACKAMAS COUNTY
Received and placed in the public
records of Clackamas County
RECEIPT# AND FEE: 10413 \$30.00
DATE AND TIME: 05/11/95 03:37 PM
JOHN KAUFFMAN, COUNTY CLERK

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RECORDING REQUESTED BY:

GRANTOR:
Eric Brian Etzel and Scott Nathan Etzel
1917 W. Gail Jean Lane
Spokane, WA 99218

GRANTEE:
CMS Land LLC, Michael Dickman and Susan
Dickman, and Corey Dickman
15829 Mt Angel Scotts Mills Rd
Silverton, OR 97381

SEND TAX STATEMENTS TO:
CMS Land LLC
15829 Mt. Angel Scotts Mills RD
Silverton, OR 97381

AFTER RECORDING RETURN TO:
CMS Land LLC
15829 Mt. Angel Scotts Mills RD
Silverton, OR 97381

Escrow No: 471816046595-TTMIDWIL20

Tax Acct #01039566
Molalla, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

TICOR TITLE 471816046595

STATUTORY WARRANTY DEED

Eric Brian Etzel and Scott Nathan Etzel, Grantor, conveys and warrants to

CMS Land LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas/Marion, State of Oregon:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$300,000.00. (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 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: _____
471816046595-TTMIDWIL20
Deed (Warranty-Statutory)

T45 R2E
Section 32
2100

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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: Monday, January 09, 2017

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)	1.18	\$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.	Recalculate	
Estimated cost of Permit Application		\$2,500.00

OWRD Fee Schedule

Fee Calculator Version B20130709

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