

Application for a Permit to Use

Surface Water

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APR 25 2017



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.our). 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 can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

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: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: 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.
 - Fees - Amount enclosed: \$ 2450
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)
 - 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:

Application for a Permit to Use Surface Water



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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <i>ACMPC Oregon 3, LLC</i>		PHONE (HM)	
PHONE (WK) <i>(541) 327-7853</i>	CELL	FAX <i>(541) 327-7964</i>	
ADDRESS <i>P.O. Box 717</i>			
CITY <i>Jefferson</i>	STATE <i>OR</i>	ZIP <i>97352</i>	E-MAIL * <i>riverbend@agricare.com</i>

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 <i>Eric Pond for ACMPC Oregon 3, LLC</i>		PHONE <i>(541) 327-7853</i>	FAX <i>(541) 327-7964</i>
ADDRESS <i>P.O. Box 717</i>			CELL <i>(503) 550-1677</i>
CITY <i>Jefferson</i>	STATE <i>OR</i>	ZIP <i>97352</i>	E-MAIL * <i>eric.pond@agricare.com</i>

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 package.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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.

[Signature]
Applicant Signature

Eric Pond Principal *4/25/17*
Print Name and title if applicable Date

Applicant Signature

Print Name and title if applicable Date

Revised	App. No. <i>S-88378</i>	For Department Use	Permit No.	Date
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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*).

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: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: *Willamette River* Tributary to: *Columbia River*
(BOR stored water)

Source 2: Tributary to:

Source 3: Tributary to:

Source 4: Tributary to:

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If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
<i>Willamette River (BOR Stored Water)</i>	<i>Irrigation</i>	<i>March 1 - October 31</i>	<i>741</i> <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 296.27 Acres Supplemental: 0 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: 741

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

Pump (give horsepower and type): two 75 HP centrifugal pumps

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The two 75 HP pumps will deliver water to the crops through buried PVC mainlines starting with 15" down to 8".

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) The application method for the hazelnut areas will be a micro irrigation system, blueberries and grape areas a drip system and the annual crop areas a high-pressure sprinkler system.

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 public uses of affected surface waters. The water requested is needed for crop irrigation. A new high efficiency system is being installed which will be equipped with a water use measuring device.

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.
Describe planned actions: New fish screening is being purchased that will be sized to the pumping equipment.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The pump site is an existing authorized P.O.D, currently being used so no clearing should be required.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: The pumping equipment will only be operated as needed within the authorized irrigation season.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: A new high efficiency irrigation system is being installed which will deliver water from the existing POD to a central filtering system located away from the river. Any chemigation will be done at the field crop blocks.

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: *Construction began May 1, 2016*

Date construction will be completed: *May 1, 2021*

Date beneficial water use will begin: *As soon as OWRD permit is issued but request the full 5 years to develop full beneficial use.*

SECTION 8: 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

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

A new high efficiency interconnected irrigation system is currently being installed to deliver water to the existing farm water rights using existing PDD's. This same delivery system will be utilized to deliver water to the proposed new BDR contract/OWRD permit areas (296.27 acres scattered throughout the farm). The water for the proposed permit will be pumped from the existing POD on the Willamette River.

S-88778

Land Use Information Form



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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.

QWRD

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.

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Land Use Information Form OWRD



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

Applicant: ACMPC Oregon 3, LLC
First Last

Mailing Address: P.O. Box 717

Jefferson OR 97352 Daytime Phone: (541) 327-7853
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:
<i>(See attached list) All ¼ ¼ same as this. → EFU</i>						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<i>Farming</i>
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Yamhill 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: ^{BOR} Reservoir/Pond Ground Water Surface Water (name) _____
(Willamette River)

Estimated quantity of water needed: 741 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:

This is a joint application for a contract to use Bureau of Reclamation stored water and a permit with the Oregon Water Resources Department to pump the stored water from an existing PDD on the Willamette River. The contract and permit are needed to irrigate areas on the farm that currently have no water rights.

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. →
Surface Water/9

WR

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): 402.02 of the YCZO
- 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.

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Name: Stephanie Armstrong Title: Associate Planner
 Signature: [Signature] Phone: 503.434.7576 Date: 4/25/17
 Government Entity: Yamhill County

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



Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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Area needing water right

LOC_QQ	Taxlot_id	Acres_1
WM3.00S3.00W35SESW		
	R4302 00300	5.49
Sum Acres_1		5.49
WM3.00S3.00W35SWSE		
	R4302 00300	16.75
Sum Acres_1		16.75
WM4.00S3.00W10NENE		
	R4302 00600	0.28
Sum Acres_1		0.28
WM4.00S3.00W11NENW		
	R4302 00500	1.29
	R4311 00200	0.3
	R4311 00700	1.35
	R4311 00500	0.12
	R4311 00800	0.23
	R4311 00600	0.65
Sum Acres_1		3.94
WM4.00S3.00W11NESW		
	R4311 00500	16.38
	R4311 00800	2.83
Sum Acres_1		19.21
WM4.00S3.00W11NWNE		
	R4311 00100	14.56
	R4311 00200	0.67
Sum Acres_1		15.23
WM4.00S3.00W11NWNW		
	R4302 00500	1.17

S-88379

LOC_QQ	Taxlot_id	Acres_1
	R4302 00600	2.79
Sum Acres_1		3.96

WM4.00S3.00W11NWSE

	R4311 00500	3.12
Sum Acres_1		3.12

WM4.00S3.00W11NWSW

	R4311 00800	4.7
Sum Acres_1		4.7

WM4.00S3.00W11SENE

	R4312 00200	0.11
Sum Acres_1		0.11

WM4.00S3.00W11SENW

	R4311 00500	2.33
	R4311 00800	0.16
	R4311 00800	0.47
Sum Acres_1		2.96

WM4.00S3.00W12NENW

	R4301 00200	6.12
	R4312 00300	0.77
	R4301 00201	8.02
	R4312 00200	0.25
Sum Acres_1		15.16

WM4.00S3.00W12NWNE

	R4301 00201	5.05
Sum Acres_1		5.05

WM4.00S3.00W12NWNW

	R4312 00200	18.98
	R4301 00300	1.52
	R4301 00200	6.43
	R4312 00100	2.2

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LOC_QQ	Taxlot_id	Acres_1
Sum Acres_1		29.13
WM4.00S3.00W12SENW		
	R4312 00300	2.66
Sum Acres_1		2.66
WM4.00S3.00W12SWNW		
	R4312 00200	2.76
	R4312 00300	1.97
Sum Acres_1		4.73
WM4.00S3.00W1SENW		
	R4301 00100	1.58
Sum Acres_1		1.58
WM4.00S3.00W1SESW		
	R4301 00100	13.23
	R4301 00201	0.89
	R4301 00200	3.4
Sum Acres_1		17.52
WM4.00S3.00W1SWSE		
	R4301 00100	3.82
Sum Acres_1		3.82
WM4.00S3.00W1SWSW		
	R4301 00200	10.64
	R4301 00300	3.57
Sum Acres_1		14.21
WM4.00S3.00W2NENE		
	R4302 00200	5.9
	R4301 00100	0.63
Sum Acres_1		6.53
WM4.00S3.00W2NENW		
	R4302 00300	9.32
Sum Acres_1		9.32

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LOC_QQ	Taxlot_id	Acres_1
WM4.00S3.00W2NESE		
	R4301 00100	0.81
Sum Acres_1		0.81

WM4.00S3.00W2NESW		
	R4302 00500	2.8
	R4301 00100	1
Sum Acres_1		3.8

WM4.00S3.00W2NWNE		
	R4302 00300	29.45
	R4302 00300	1.1
	R4302 00300	1.75
Sum Acres_1		32.3

WM4.00S3.00W2NWSE		
	R4301 00100	0.18
Sum Acres_1		0.18

WM4.00S3.00W2NWSW		
	R4302 00600	19.71
Sum Acres_1		19.71

WM4.00S3.00W2SENE		
	R4302 00300	4.39
Sum Acres_1		4.39

WM4.00S3.00W2SESW		
	R4311 00100	4.03
	R4302 00500	0.39
	R4301 00100	0.06
Sum Acres_1		4.48

WM4.00S3.00W2SWNE		
	R4302 00300	12.24
	R4301 00100	0.95
	R4301 00100	1.35

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LOC_QQ Taxlot_id Acres_1

Sum Acres_1 14.53

WM4.00S3.00W2SWSE

R4311	00100	14.37
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Sum Acres_1 14.37

WM4.00S3.00W2SWSW

R4302	00600	4.75
R4302	00600	7.12

Sum Acres_1 11.86

WM4.00S3.00W3NESE

R4302	00600	2.46
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Sum Acres_1 2.46

WM4.00S3.00W3SESE

R4302	00600	1.72
R4302	00600	0.17

Sum Acres_1 1.89

Sum Acres_1 296.27

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S-08288

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.

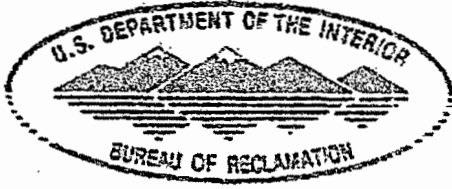
Fees _____

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)
- 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 _____

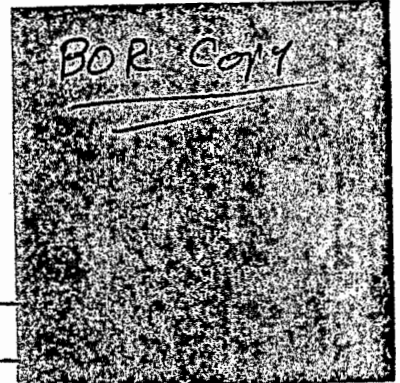
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CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION
Managing Water in the West



1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Eric Pond for ACMFC Oregon 3, LLC
- 2) Address: 4225 NE Crawford Ln., Dundee, OR 97115
- 3) Mailing Address (if different): P.O. Box 717, Jefferson, OR 97352
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

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2. Source of Water (name of stream, river): Willamette River

3. Proposed point of diversion: 530 feet East and 1470 feet South
of N 1/4 corner of Section 12, Township 4S, Range 3W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: _____

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

RECORD AND RETURN TO:
DAVIS WRIGHT TREMAINE LLP
1300 S.W. FIFTH AVE. SUITE 2400
PORTLAND, OR 97201
ATTN: MICHAEL ZAHN, ESQ.

Send Tax Statements to:
ACMPC Oregon 3, LLC
35711 Helms Drive
Jefferson, OR 97352

Yamhill County Official Records	201511883
DMR-DDMR	
Stn=4 MILLSA	07/31/2015 10:43:30 AM
24Pgs \$120.00 \$11.00 \$5.00 \$20.00	\$156.00
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

Yamhill County
Tax I.D. No(s) R4301 00100,⁺
R4311 00700,⁺ R4311 00800,⁺
R4311 01000,⁺ R4301 00200,⁺
R4301 00300,⁺ R4302 00200,⁺
R4302 00300,⁺ R4302 00500,⁺
R4302 00600,⁺ R4311 00500,⁺
R4311 00600,⁺ R4312 00100,⁺
R4312 00200,⁺ R4312 00300,⁺
a R4301 00201⁺

STATUTORY WARRANTY DEED

The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014, Grantor, conveys and warrants to ACMPC Oregon 3, LLC, Grantee, the real property located in Yamhill County, Oregon, described in the attached Exhibit A, free of encumbrances, except as specifically set forth on the attached Exhibit B or encumbrances of record at the time of conveyance.

The actual consideration consists of other value given which is the whole/part of the consideration.

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

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Statutory Warranty Deed (The Delford M. Smith Revocable Trust 1996)

OWRD

FATCO. NO. NCS-701751-021

S-88298

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 _____ day of _____, 2015.

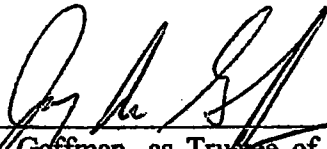
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Dated this _____ day of _____, 2015.

GRANTOR:



Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

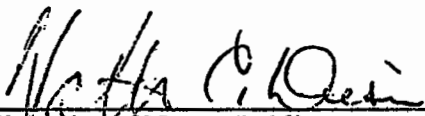
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STATE OF NEW YORK)
) SS.
COUNTY OF NEW YORK)

On the 21st day of July in the year 2015 before me, the undersigned, a Notary Public in and for said state, personally appeared Jay M. Goffman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Signature of Notary Public

[SEAL]

VOTRESS C. DESIRE
Notary Public, State of New York
No. 01DE4935232
Qualified in Nassau County
My Commission Expires June 27, 2018

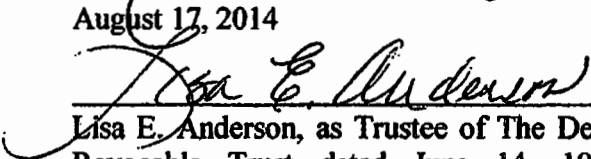
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GRANTOR:

Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014



Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014


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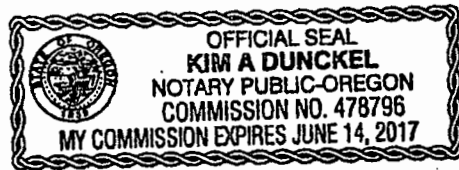
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STATE OF OREGON)
COUNTY OF Yamhill) ss.

This instrument was acknowledged before me on 21 day of July, 2015,
by Lisa E. Anderson and James E. Ray, Trustees of
the Delford M. Smith
Revocable Trust dated
June 14, 1986


NOTARY PUBLIC FOR Oregon
My Commission Expires: June 14, 2017

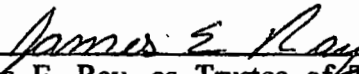


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GRANTOR:

Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014


James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

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STATE OF OREGON)
COUNTY OF Yamhill) ss.

This instrument was acknowledged before me on 21 day of July, 2015,
by James E. Key, Trustee of the Delford M.

Smith Revocable Trust
dated June 14, 1984

[Signature]
NOTARY PUBLIC FOR Oregon
My Commission Expires: June 14, 2017



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EXHIBIT A

Real Property in the County of Yamhill, State of Oregon, described as follows:

TRACT 1

PARCEL 1:

All of Parcel 2 of Instrument #200512852, Yamhill County Deed Records, being described as a tract of land located in Section 1 and 12 of Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

A part of that tract of land conveyed to Ben Asquith, et al, by deed recorded in Book 153, Page 656, Yamhill County Deed Records, being described as Beginning on the South line of said conveyance to Asquith, at a point South 00° 14' West, 423.4 feet and South 74° 30' East, 4882.0 feet from the Northwest corner of the Medorem Crawford Donation Land Claim in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence South 74° 30' East along the South line of said conveyance to Asquith, 1228.5 feet to the bank of the Willamette River; thence North 06° 26' West 815.76 feet to a point of the bank of the river and on the Northerly line of said conveyance to Asquith; thence North 75° 26' West, 936.15 feet to a point on the Northerly line; thence South 14° 34' West, 742.1 feet to the point of beginning.

TOGETHER WITH Parcel 1 of Instrument #199707716, Yamhill County Deed Records, being described as part of the Seward Fulquarts and Flores Fulquarts Donation Land Claim in Sections 1 and 2, and all of Government Lots 4 and 5 in Section 2, all in Township 4 South, Range 3 West of the Willamette Meridian in Yamhill County, and State of Oregon, more particularly described as follows:

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Beginning at an iron rod North 89° 05' West 136.62 feet from the Northwest corner of Section 1, Township 4 South, Range 3 West of the Willamette Meridian; thence South 89° 05' East 811.81 feet, more or less, to an iron pipe on the East line of the former Railroad right of way; thence South 01° 20' West 346.50 feet to an iron pipe set North 01° 20' East 20.5 feet from the center line of the County Road; thence South 89° 05' East 1834 feet, more or less, to the Willamette River; thence following the meanderings of said river upstream to an iron pipe at the Southeast corner of said Seward Fulquarts Donation Land Claim; thence North 74° 25' 45" West along the South line of said Fulquarts Donation Land Claim 4561.07 feet, more or less, to an iron pipe at the Southwest corner of said Seward F. Fulquarts Donation Land Claim; thence North 85° 08' 30" West 1110.51 feet, more or less, to a granite stone set at the most Easterly Southeast corner of the government resettlement survey of Unit 16; thence North 01° 48' 40" East 849.20 feet to an iron pipe on the South line of the Flores Fulquarts Donation Land Claim; thence South 89° 57' West 224.16 feet to an iron pipe in the County Road which iron pipe is 14 feet East of the center line thereof; thence North 02° 21' East 1320 feet to an iron pipe; thence North 89° 42' East 1320 feet to an iron pipe on the West line of the Seward Fulquarts Donation Land Claim; thence North 01° 48' 40" East 792 feet to an iron pipe at the Division corner between the North half and the South half of said Seward Fulquarts Donation Land Claim as per Survey No. 923; thence South 86° 13' 45" East along said division line, 1128.60 feet to an iron pipe; thence North 38° 48' 15" East 423.13 feet to an iron pipe; thence North 03° 01' 30" East 775.50 feet to the place of beginning.

EXCEPTING THEREFROM a tract of land being a portion of that tract of land described in Parcel 1 of Instrument #199707716, Yamhill County Deed Records, herein referred to as the Smith tract, and being a part of the Seward Fulquarts Donation Land Claim #72 in Section 1, Township 4 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at an iron rod on the north line of said Smith tract that bears South 81° 31' 16" East 2231.69 feet from the northwest corner of Section 1, Township 4 South, Range 3 West, Willamette Meridian; thence South 00° 34' 26" East 169.09 feet to an iron rod; thence South 28° 17' 07" West 306.87 feet to an iron rod; thence South 24° 04' 24" West 243.06 feet to an iron rod; thence South 15° 31' 34" West 615.94 feet to an iron rod; thence South 26° 59' 55" West 90.37 feet to an iron rod; thence South 03° 05' 22" West 292.19 feet to an iron rod; thence South 42° 48' 42" West 48.47 feet to an iron rod; thence South 34° 39' 17" East 202.95 feet to an iron rod; thence South 05° 30' 42" East 239.78 feet to an iron rod; thence South 20° 24' 04" East 282.50 feet to an iron rod; thence South 04° 10' 25" West 157.91 feet to an iron rod; thence 99.50 feet along a 100.00 foot radius curve, concave to the northwest, chord bearing South 32° 40' 46" West 95.45 feet to an iron rod; thence South 61° 11' 08" West 147.01 feet to an iron rod; thence 105.98 feet along a 100.00 foot radius curve, concave to the southeast, chord bearing South 30° 49' 28" West 101.09 feet to an iron rod; thence South 00° 27' 49" West 90.73 feet to an iron rod; thence 37.02 feet along a 40.00 foot radius curve, concave to the northwest, chord bearing South 26° 58' 38" West 35.71 feet to an iron rod at the point of reverse curvature; thence 38.08 feet along a 40.00 foot radius curve, concave to the southeast, chord bearing South 26° 13' 09" West 36.66 feet to an iron rod that bears South 27° 27' 51" East 3621.03 feet from the northwest corner of said Section 1; thence South 01° 03' 10" East 80.00 feet to an iron rod; thence 47.90 feet along a 60.00 foot radius curve, concave to the northeast, chord bearing South 23° 55' 16" East 46.63 feet to an iron rod at the point of reverse curvature; thence 48.14 feet along a 60.00 foot radius curve, concave to the southwest, chord bearing South 23° 48' 18" East 46.86 feet to an iron rod; thence South 00° 49' 14" East 279.25 feet to an iron rod; thence South 29° 04' 13" East 172.21 feet to an iron rod; thence 101.07 feet along a 100.00 foot radius curve, concave to the northeast, chord bearing South 58° 01' 27" East 96.82 feet to an iron rod; thence South 86° 58' 40" East 56.44 feet to an iron rod; thence 130.66 feet along a 85.00 foot radius curve, concave to the southwest, chord bearing South 42° 56' 29" East 118.17 feet to an iron rod; thence South 01° 05' 42" West 142.91 feet to an iron rod; thence South 07° 28' 57" East 196.89 feet to an iron rod; thence North 89° 28' 33" East 46.38 feet to an iron rod; thence North 30° 55' 05" East 303.79 feet to an iron rod; thence North 89° 28' 33" East

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46.38 feet to an iron rod; thence North 30° 55' 05" East 303.79 feet to an iron rod; thence North 89° 25' 34" East 406.33 feet, more or less, to the Willamette River (passing an iron rod at 375.00 feet); thence following the meanderings of said river downstream to the north line of said Smith tract (approximate chord bearing North 02° 51' 58" West 3699.98 feet); thence South 89° 25' 34" West 255.34 feet along the north line of said Smith tract to the point of beginning.

EXCEPT THAT PORTION LYING WITHIN PUBLIC ROADS.

TAX LOT NO. R4301 00100 and TAX LOT NO. R4301 00201

PARCEL 2:

BEGINNING AT A 3/4 INCH IRON PIPE AT INTERSECTION OF CENTER LINE OF COUNTY ROAD AND WEST LINE OF MEDOREM CRAWFORD DONATION LAND CLAIM IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, SAID POINT BEING 2362.73 FEET SOUTH AND 230.49 FEET WEST OF THE NORTHEAST CORNER OF JOHN A. WREN DONATION LAND CLAIM, NOTIFICATION NO. 2488; THENCE SOUTH 88°58' WEST ALONG CENTER LINE OF COUNTY ROAD, 213.50 FEET TO A POINT; THENCE SOUTH 0°30'41" WEST, 380 FEET TO A POINT; THENCE NORTH 88°58" EAST, 213.50 FEET TO A POINT; THENCE NORTH 0°30'41" EAST, 380 FEET TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00700

PARCEL 3:

A PART OF A TRACT OF LAND SITUATED IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, IN THE JOHN A. WREN DONATION LAND CLAIM, CONVEYED TO THE UNITED STATES OF AMERICA BY FRANK AND MINNIE GIBBON, BY DEED RECORDED MARCH 3, 1937 IN BOOK 112, PAGE 267, DEED RECORDS, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY A 3/4 INCH IRON PIPE IN THE CENTER OF THE COUNTY ROAD, SAID POINT BEING 2343.83 FEET SOUTH OF AND 301.68 FEET WEST OF THE SOUTHWEST CORNER OF THE F. FULQUARTZ DONATION LAND CLAIM; THENCE SOUTH 0°26'23" WEST FOR A DISTANCE OF 2861.15 FEET TO A POINT IN THE CENTER OF THE YAMHILL RIVER, SAID POINT BEING REFERENCED BY A 3/4 INCH IRON PIPE SET NORTH 0°26'23" WEST 60.00 FEET AND 160.00 FEET; THENCE SOUTH 85°03'59" EAST ALONG THE CENTER LINE OF THE YAMHILL RIVER FOR A DISTANCE OF 376.15 FEET TO A POINT; THENCE SOUTH 54°36'19" EAST ALONG THE CENTER LINE OF THE YAMHILL RIVER FOR A DISTANCE OF 584.47 FEET TO A POINT, SAID POINT BEING REFERENCED BY A 3/4 INCH IRON PIPE SET NORTH 0°53'00" WEST 60.00 FEET AND A 3/4 INCH IRON PIPE SET NORTH 0°20'00" WEST 160.00 FEET; THENCE LEAVING THE YAMHILL RIVER, NORTH 0°03'55" EAST FOR A DISTANCE OF 560.79 FEET TO A POINT MARKED BY A 2 INCH IRON PIPE; THENCE SOUTH 70°52'21" EAST FOR A DISTANCE OF 821.67 FEET TO A POINT MARKED BY AN IRON PIPE; THENCE NORTH 0°30'41" EAST FOR A DISTANCE OF 2573.62 FEET TO A POINT; THENCE SOUTH 88°58'00" WEST FOR A DISTANCE OF 213.50 FEET TO A POINT; THENCE NORTH 0°30'41" EAST FOR A DISTANCE OF 380.00 FEET TO A POINT ON THE CENTER LINE

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THE COUNTY ROAD FOR A DISTANCE OF 435.13 FEET TO A POINT; THENCE NORTH 89°11'04" WEST ALONG THE CENTER LINE OF THE COUNTY ROAD FOR A DISTANCE OF 290.19 FEET TO A POINT; THENCE SOUTH 81°35'33" WEST ALONG THE CENTER LINE OF THE COUNTY ROAD FOR A DISTANCE OF 390.12 FEET TO A POINT; THENCE NORTH 80°30'22" WEST ALONG THE CENTER LINE OF THE COUNTY ROAD FOR A DISTANCE OF 312.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT TRACT CONVEYED TO DANIEL R. SCHIERHOLS, ET UX, BY DEED RECORDED SEPTEMBER 2, 1969, IN FILM VOLUME 76, PAGE 1911, DEED AND MORTGAGE RECORDS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT:

A TRACT OF LAND SITUATED IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY A 3/4 INCH IRON PIPE IN THE CENTER OF THE COUNTY ROAD, SAID POINT BEING 2343.83 FEET SOUTH OF AND 301.68 FEET WEST OF THE SOUTHWEST CORNER OF THE F. FULQUARTZ DONATION LAND CLAIM; SAID POINT BEING THE NORTHWEST CORNER OF UNIT 18, U.S. RESETTLEMENT; THENCE SOUTH 80°30' EAST ALONG THE CENTER LINE OF SAID ROAD, 312.22 FEET; THENCE CONTINUING ALONG SAID CENTER LINE, NORTH 81°35' EAST 24.4 FEET; THENCE SOUTH 0°26½' WEST 171.32 FEET; THENCE SOUTH 85°24' WEST 333.3 FEET TO THE WEST LINE OF SAID UNIT 18; THENCE NORTH 0°26 ½' EAST 245.0 FEET TO THE PLACE OF BEGINNING.

ALSO EXCEPTING THAT PORTION LYING WITHIN PUBLIC ROADS.

TAX LOT NO. R4311 00800

PARCEL 4:

BEGINNING AT THE NORTHEAST CORNER OF THE CLIFFORD R. AND GERTRUDE GIBBONS TRACT, AS DESCRIBED ON PAGE 321 OF VOLUME 106, DEED RECORDS, SAID CORNER BEING AN IRON PIPE IN THE COUNTY ROAD AND IS REFERENCED BY A 3/4 INCH WIP 25 FEET NORTH AND ANOTHER 3/4 INCH WIP 25 FEET SOUTH, SAID CORNER ALSO BEING THE NORTHWEST CORNER OF UNIT 18, U.S. RESETTLEMENT TRACT AND IS GIVEN IN DEED TIES AS BEING SOUTH 0°29' WEST 155.1 FEET, SOUTH 85°45' EAST 643.1 FEET AND SOUTH 79°08' EAST 158.0 FEET FROM THE CORNER TO SECTIONS 2, 3, 10 AND 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE FROM POINT OF BEGINNING ABOVE DESCRIBED RUNNING SOUTH ALONG THE EAST LINE OF THE GIBBONS TRACT AND THE WEST LINE OF UNIT 18 OF U.S. RESETTLEMENT TRACT 2877.7 FEET TO THE SOUTHEAST CORNER OF THE GIBBONS TRACT IN THE YAMHILL RIVER; THENCE SOUTH 62°30' WEST UP SAID RIVER WITH THE SOUTH LINE OF THE GIBBONS TRACT 697.7 FEET; THENCE NORTH 0°39' WEST, LEAVING THE RIVER, 141.0 FEET TO A 7/8 INCH SOFT IRON ROD, FROM WHICH COAST AND GEODETIC TOPOGRAPHIC STATION MARKED "DORE 1947", CONCRETE WITH BRONZE DISK BEARS NORTH 26°42' WEST 30.84 FEET; THENCE NORTH 30°20' EAST 245.2 FEET TO A 7/8 INCH SOFT IRON ROD; THENCE NORTH 69°40' EAST 224.25 FEET TO A 7/8 INCH IRON ROD ON THE RIGHT BANK OF A SMALL BRANCH; THENCE NORTH 38°40' EAST

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423.3 FEET TO A ONE INCH GALVANIZED PIPE SET FIRMLY IN THE GROUND; THENCE NORTH PARALLEL WITH AND 22.0 FEET WEST OF THE EAST LINE 1867.81 FEET TO A ONE INCH GALVANIZED PIPE; THENCE EAST 6.0 FEET; THENCE NORTH PARALLEL WITH AND 16.0 FEET WEST OF THE EAST LINE 575.19 FEET TO A POINT IN COUNTY ROAD; THENCE SOUTH 79°08' EAST 16.29 FEET ALONG ROAD TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN PUBLIC ROADS.

TAX LOT NO. R4311 01000

PARCEL 6:

BEGINNING AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND PARTICULARLY DESCRIBED IN THAT CERTAIN DEED FROM FRANK R. GIBBON TO BEN H. ASQUITH ET AL., RECORDED IN VOLUME 153, PAGE 656, DEED RECORDS, YAMHILL COUNTY, OREGON; THENCE NORTH 15° EAST 711 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 75° EAST 1877.75 FEET; THENCE SOUTH 14° WEST 742.1 FEET; THENCE NORTH 74°30' WEST 1411.64 FEET; THENCE NORTH 15° EAST 466.62 FEET; THENCE NORTH 74°04' WEST 466.62 FEET; THENCE NORTH 15° EAST 244.38 FEET TO THE POINT OF BEGINNING.

TAX LOT NO. R4301 00200

PARCEL 7: (Intentionally deleted; now a part of PARCEL 1).

PARCEL 8:

BEGINNING AT THE SOUTHWEST CORNER OF THAT CERTAIN TRACT OF LAND PARTICULARLY DESCRIBED IN THAT CERTAIN DEED FROM FRANK R. GIBBON TO BEN H. ASQUITH ET UX. AND BEN H. ASQUITH, JR. ET UX., RECORDED IN VOLUME 153, PAGE 656, DEED RECORDS, YAMHILL COUNTY, OREGON; THENCE NORTH 15° EAST 7.07 CHAINS; THENCE SOUTH 74°04' EAST 7.07 CHAINS; THENCE SOUTH 15° WEST 7.07 CHAINS; THENCE NORTH 74°04' WEST 7.07 CHAINS TO THE POINT OF BEGINNING.

TAX LOT NO. R4301 00300

PARCEL 9:

THAT PART OF THE FOLLOWING DESCRIBED PROPERTY LYING SOUTH OF THE YAMHILL COUNTY ROAD NO. 79:

A PART OF THE DONATION LAND CLAIM OF SEAWOOD FULQUARTZ AND ADELINE FULQUARTZ, HIS WIFE, NOTIFICATION NO. 1044, CLAIM NOS. 72 AND 70, TOWNSHIP 3 SOUTH, RANGE 3 WEST AND TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT 14.06 CHAINS EAST OF THE NORTHWEST CORNER OF SAID DONATION LAND CLAIM; THENCE EAST 6.73 CHAINS; THENCE SOUTH 44.30 CHAINS TO

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THE DIVISION LINE BETWEEN THE NORTH AND SOUTH HALVES OF SAID DONATION LAND CLAIM; THENCE WEST 20.88 CHAINS TO THE WEST BOUNDARY LINE OF SAID DONATION LAND CLAIM; THENCE NORTH ON SAID WEST BOUNDARY LINE, 15.85 CHAINS TO THE SOUTHWEST CORNER OF THE TRACT OF LAND CONVEYED TO D.C. NEAL BY DEED RECORDED AT PAGE 164 OF VOLUME "N", DEED RECORDS OF YAMHILL COUNTY, OREGON; THENCE EAST 14.15 CHAINS TO THE SOUTHEAST CORNER OF THE SAID NEAL TRACT OF LAND; THENCE NORTH ON THE EAST LINE OF SAID NEAL TRACT OF LAND 28.45 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THAT TRACT OF LAND CONSISTING OF .98 OF AN ACRE, MORE OR LESS, CONVEYED TO J.D. AND N.E. GORDON, BY DEED FROM B.C. LELAND, AND WIFE, ON DECEMBER 18, 1905, WHICH SAID DEED IS RECORDED IN BOOK 48, PAGE 355, DEED RECORDS OF YAMHILL COUNTY, OREGON.

TAX LOT NO. R4302 00200

PARCEL 10:

LOTS 7, 8, 9, 10, 11 AND 12 OF ROSSNER'S SUBDIVISION OF A PART OF THE DONATION LAND CLAIM OF FLORES FULQUARTZ IN TOWNSHIPS 3 AND 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON.

EXCEPT THAT PORTION OF THE PREMISES LYING IN THE COUNTY ROAD.

ALSO: BEGINNING AT THE SOUTHEAST CORNER OF LOT 14 OF ROSSNER'S SUBDIVISION OF A PART OF THE DONATION LAND CLAIM OF FLORES FULQUARTZ IN TOWNSHIPS 3 AND 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE NORTH 0°27' EAST ALONG THE EAST LINE OF SAID LOT, 10.11 CHAINS TO THE SOUTH LINE OF SAID LOT 11 OF SAID SUBDIVISION; THENCE SOUTH 88°14' WEST ALONG THE SOUTH LINE OF LOTS 11 AND 12, 19.83 CHAINS TO A STAKE ON THE EAST LINE OF THE COUNTY ROAD; THENCE SOUTH ALONG THE EAST LINE OF THE COUNTY ROAD, 10.11 CHAINS TO AN ANCHOR POST ON THE SOUTH LINE OF LOT 13; THENCE NORTH 88°14' EAST ALONG THE SOUTH LINE OF LOTS 13 AND 14, 19.75 CHAINS TO THE POINT OF BEGINNING.

TAX LOT NO. R4302 00300

PARCEL 11:

A PART OF THE TRACT OF LAND SITUATE IN SECTIONS 2 AND 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, IN THE JOHN A. WREN DONATION LAND CLAIM, NOTIFICATION NO. 2488, CONVEYED TO THE UNITED STATES OF AMERICA, BY FRANK AND MINNIE GIBBON, BY DEED RECORDED MARCH 3, 1937, IN BOOK 112, PAGE 267, DEED RECORDS OF YAMHILL COUNTY, OREGON, SAID PART BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE JOHN A. WREN DONATION LAND CLAIM, SAID CORNER BEING MARKED BY A STONE; THENCE SOUTH 88°49'43" WEST ALONG THE NORTH LINE OF THE JOHN A. WREN DONATION LAND CLAIM FOR A

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DISTANCE OF 1565.70 FEET TO THE SOUTHWEST CORNER OF THE FLORES FULQUARTZ DONATION LAND CLAIM, SAID CORNER BEING MARKED BY A STONE; THENCE NORTH 2°26'17" EAST ALONG THE WEST LINE OF THE FLORES FULQUARTZ DONATION LAND CLAIM, FOR A DISTANCE OF 537.29 FEET TO THE SOUTHEAST CORNER OF THE E. R. GEARY DONATION LAND CLAIM, SAID CORNER BEING MARKED BY A STONE; THENCE NORTH 89°02'29" WEST ALONG THE SOUTH LINE OF THE E.R. GEARY DONATION LAND CLAIM, FOR A DISTANCE OF 302.45 FEET TO A POINT MARKED BY 1½ INCH IRON PIPE; THENCE SOUTH 0°26'23" WEST FOR A DISTANCE OF 2885.77 FEET TO A POINT ON THE CENTER LINE OF THE COUNTY ROAD MARKED BY A 3/4 INCH IRON PIPE; THENCE SOUTH 80°30'22" EAST ALONG THE CENTER LINE OF THE COUNTY ROAD, FOR A DISTANCE OF 312.22 FEET TO A POINT; THENCE NORTH 81°35'33" EAST ALONG THE CENTER LINE OF THE COUNTY ROAD, FOR A DISTANCE OF 390.12 FEET TO A POINT; THENCE SOUTH 89°11'04" EAST ALONG THE CENTER LINE OF THE COUNTY ROAD, FOR A DISTANCE OF 290.19 FEET TO A POINT; THENCE NORTH 88°58'00" EAST ALONG THE CENTER LINE OF THE COUNTY ROAD, FOR A DISTANCE OF 648.63 FEET TO A POINT ON THE WEST LINE OF THE MEDORUM CRAWFORD DONATION LAND CLAIM, SAID POINT BEING MARKED BY A 3/4 INCH IRON PIPE; THENCE NORTH 0°30'41" EAST ALONG THE SAID WEST LINE, A DISTANCE OF 1515.24 FEET TO THE NORTHWEST CORNER OF THE MEDORUM CRAWFORD DONATION LAND CLAIM, SAID CORNER BEING MARKED BY A 3/4 INCH IRON PIPE; THENCE SOUTH 89°33'48" EAST ALONG THE NORTH LINE OF THE MEDORUM CRAWFORD DONATION LAND CLAIM FOR A DISTANCE OF 214.50 FEET TO A POINT MARKED BY A STONE ON THE EAST LINE OF THE JOHN A. WREN DONATION LAND CLAIM; THENCE NORTH 0°26'12" EAST ALONG THE EAST LINE OF THE JOHN A. WREN DONATION LAND CLAIM FOR A DISTANCE OF 849.20 FEET, MORE OR LESS, TO THE PLACE OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN PUBLIC ROADS.

TAX LOT NO. R4302 00500

PARCEL 12:

BEGINNING AT AN IRON PIPE WHICH IS SET IN THE CENTER OF COUNTY ROAD AND IS SOUTH 29' WEST, 155.1 FEET FROM THE CORNER TO SECTIONS 3, 2, 10 AND 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE NORTH 20° EAST, 2806.3 FEET TO AN IRON PIPE SET AT THE NORTHWEST CORNER OF THE JOHN A. WRENN DONATION LAND CLAIM, NOTIFICATION NO. 2488; THENCE SOUTH 89°32' EAST, 781.4 FEET ALONG THE SOUTH LINE OF THE EDWARD GEARY DONATION LAND CLAIM TO AN IRON PIPE; THENCE SOUTH 2878.8 FEET TO AN IRON PIPE IN THE CENTER OF COUNTY ROAD; THENCE ALONG THE CENTER OF SAID COUNTY ROAD, NORTH 79°8' WEST, 158.00 FEET; THENCE CONTINUING ALONG CENTER OF SAID COUNTY ROAD, NORTH 85°45' WEST, 643.1 FEET TO THE POINT OF BEGINNING.

EXCEPTING THAT PORTION LYING WITHIN THE SOUTHERN PACIFIC RAILROAD RIGHT OF WAY LINE.

TAX LOT NO. R4302 00600

PARCEL 13:

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TRACT A:

BEGINNING AT THE SOUTHWEST CORNER OF THE MEDOREM CRAWFORD DONATION LAND CLAIM IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON; THENCE NORTH 0°30' EAST ALONG THE WEST LINE OF SAID CLAIM, 10.173 CHAINS TO AN IRON PIPE AT THE MOST EASTERLY SOUTHEAST CORNER OF A TRACT OF LAND CONVEYED TO GUS WILSON, ET UX, BY DEED RECORDED IN VOLUME 124, PAGE 539, DEED RECORDS OF YAMHILL COUNTY, OREGON; THENCE NORTH 70°52'21" WEST ALONG A SOUTH LINE OF SAID WILSON TRACT 821.67 FEET TO AN IRON PIPE AT AN ANGLE IN THE SOUTH LINE OF SAID WILSON TRACT; THENCE SOUTH 0°03' WEST ALONG A WEST LINE OF SAID WILSON TRACT 560.79 FEET TO THE NORTH BANK OF THE YAMHILL RIVER; THENCE DOWN THE NORTH BANK OF SAID RIVER THE FOLLOWING COURSES AND DISTANCES: SOUTH 58°29' EAST 2.81 CHAINS; SOUTH 60°14' EAST 4.92 CHAINS; SOUTH 68°58' EAST 5.63 CHAINS TO A POINT SOUTH OF THE PLACE OF BEGINNING; THENCE NORTH .15 CHAINS TO THE PLACE OF BEGINNING.

TRACT B:

PART OF THE MEDOREM CRAWFORD DONATION LAND CLAIM NO. 71 IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, SAID PART BEING SITUATED IN SECTION 11 OF SAID TOWNSHIP AND RANGE, AND BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST SOUTHERLY SOUTHEAST CORNER OF A CERTAIN TRACT OF LAND CONVEYED TO JOHN D. JONES AND WIFE, BY DEED RECORDED DECEMBER 18, 1952 IN BOOK 168, PAGE 176, DEED RECORDS; THENCE SOUTH 13° WEST ALONG THE WEST LINE AND NORTHERLY EXTENSION THEREOF OF FREDERICK A. CRAWFORD'S 100 ACRE TRACT OF LAND AS DESCRIBED IN COUNTY SURVEY NO. 80, RECORDED IN BOOK D, PAGE 113, COUNTY SURVEYS FOR YAMHILL COUNTY, OREGON, TO A POINT ON THE LEFT BANK OF THE YAMHILL RIVER; THENCE FOLLOWING THE LEFT BANK OF SAID RIVER TO THE SOUTHWEST CORNER OF SAID CRAWFORD DONATION LAND CLAIM; THENCE NORTHERLY ALONG THE WEST LINE OF SAID CRAWFORD DONATION LAND CLAIM TO THE SOUTHWEST CORNER OF SAID JONES TRACT; THENCE ALONG THE SOUTH LINE OF SAID JONES TRACT, SOUTH 87°40' EAST 962.4 FEET; THENCE SOUTH 57° EAST 339.3 FEET TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00500

PARCEL 14:

PART OF THE MEDOREM CRAWFORD DONATION LAND CLAIM NO. 71 IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A LARGE ANCHOR POST ON THE WEST LINE OF SAID CLAIM SOUTH 0°14' WEST 2371.1 FEET FROM THE NORTHWEST CORNER THEREOF; THENCE SOUTH 87°40' EAST 962.4 FEET; THENCE SOUTH 57° EAST 339.3 FEET TO THE WEST LINE OF ROAD; THENCE NORTH 13° EAST 281.2 FEET TO THE CENTER OF THE COUNTY ROAD; THENCE

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NORTH 57°04' WEST ALONG THE CENTER OF THE COUNTY ROAD TO THE WEST LINE OF SAID CLAIM; THENCE SOUTH 0°14' WEST TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00600

PARCEL 15:

BEING A PART OF THE MEDOREM CRAWFORD DONATION LAND CLAIM, NOTIFICATION NO. 1034, CLAIM NO. 71 IN SECTION 12, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, AND BEGINNING AT A STAKE SET SOUTH 0°14' WEST 423.4 FEET AND SOUTH 74°30' EAST 3279.0 FEET FROM THE NORTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 74°30' EAST 199.4 FEET TO THE NORTHWEST CORNER OF 5.00 ACRE TRACT; THENCE SOUTH 17°44' WEST WITH WEST LINE OF 5.00 ACRE TRACT 1602.4 FEET TO CENTER OF COUNTY ROAD AND SOUTHWEST CORNER OF 5.00 ACRE TRACT; THENCE NORTH 77°16' WEST ALONG CENTER OF COUNTY ROAD 20.1 FEET; THENCE NORTH 17°44' EAST PARALLEL TO AND 20 FEET FROM EAST LINE 605.3 FEET; THENCE NORTH 17°44' WEST ALONG FENCE NOW THERE 308.8 FEET; THENCE NORTH 17°44' EAST, PARALLEL TO EAST LINE 739.8 FEET TO BEGINNING.

TAX LOT NO. R4312 00100

PARCEL 16:

BEGINNING AT A STONE 8"X8"X18" AT THE NORTHEAST CORNER OF THE SOUTH ONE-HALF OF THE MEDOREM CRAWFORD DONATION LAND CLAIM, SAID BEGINNING CORNER BEING THE NORTHWEST CORNER OF LOT 11 OF SECTION 12, TOWNSHIP 4 SOUTH, RANGE 3 WEST, WILLAMETTE MERIDIAN, IN YAMHILL COUNTY, OREGON, AND RUNNING THENCE NORTH 78°73' WEST, 1989.00 FEET; THENCE NORTH 13° EAST, 30 FEET; THENCE NORTH 77°16' WEST, 136.5 FEET; THENCE NORTH 17°44' EAST, 1595.8 FEET; THENCE SOUTH 74°30' EAST, 2671.5 FEET TO THE LOW WATER MARK ON THE WEST BANK OF THE WILLAMETTE RIVER; THENCE MEANDERING THE LOW WATER MARK OF SAID WILLAMETTE RIVER ON THE LEFT BANK THEREOF SOUTH 5° EAST, 120.0 FEET; SOUTH 8° EAST, 500.0 FEET; THENCE SOUTH 15° EAST, 600.0 FEET; THENCE SOUTH 78°33' EAST, 152.00 FEET TO AN IRON BAR 1-1/4"X6"; THENCE SOUTH 80°34' WEST, 905.80 FEET; THENCE NORTH 77°16' WEST, 489.50 FEET TO THE PLACE OF BEGINNING.

TAX LOT NO. R4312 00200 & 00300

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EXHIBIT B

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

Tract 1 (Greenpatch), Parcel 1:

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
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. 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 Willamette River.
4. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Willamette River.
5. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
6. Easement, including terms and provisions contained therein:
Recording April 21, 1952 in Volume 165, Page 363
Information:
In Favor of : Portland General Electric Company
For: Utilities
7. Easement, including terms and provision contained therein:
Recording information: March 19, 1973 in Film Volume 93, Page 1182. Purpose: Irrigation pipe line.
8. Mineral Reservation in contract, including terms and provision thereof.
Recorded: September 30, 1985 in Film Volume 197, Page 2254.

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Quitclaim Deed recorded to Transfer Mineral Rights to Northwest Farm Credit Services, FLCA, recorded April 16, 2014 as Instrument No. 201404229.

9. Covenants, conditions, restrictions and/or easements: Recording information: July 7, 2015 as Instrument number 201509892.
10. Easement, including terms and provisions contained therein:
Recording June 13, 2002 as Instrument No. 200211644
Information:
In Favor of: Northwest Natural Gas Company
For: Gas pipeline

Tract 1 (Greenpatch), Parcel 2:

11. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
12. Reservations in deed, including terms and provisions thereof.
Recorded: June 19, 1944 in Book 124, Page 593

Tract 1 (Greenpatch), Parcel 3:

13. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
14. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
15. 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 Yamhill River.
16. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River.
17. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

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18. Mineral Reservation in deed, including terms and provisions thereof.
Recorded: June 30, 1944 in Book 124, Page 539
19. Mineral Reservation in deed, including terms and provisions thereof.
Recorded: June 19, 1944 in Book 124, Page 593
20. Easement, including terms and provisions contained therein:
Recording February 26, 1953 in Volume 168, Page 762
Information:
In Favor of: Portland General Electric Company
For: Utilities
21. Mineral Reservation in contract, including terms and provisions thereof.
Recorded: September 30, 1985 in Film Volume 197, Page 2254

Quitclaim Deed recorded to Transfer Mineral Rights to Northwest Farm Credit Services, FLCA, recorded April 16, 2014 as Instrument No. 201404229.

Tract 1 (Greenpatch), Parcel 4:

22. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
23. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
24. 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 Yamhill River.
25. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River.
26. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

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27. Mineral Reservation in deed, including terms and provisions thereof.
Recorded: September 30, 1985 in Film Volume 197, Page 2254

Quitclaim Deed recorded to Transfer Mineral Rights to Northwest Farm Credit Services, FLCA, recorded April 16, 2014 as Instrument No. 201404229.

Tract 1 (Greenpatch), Parcel 6:

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

Tract 1 (Greenpatch), Parcel 8:

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

Tract 1 (Greenpatch), Parcel 9:

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

31. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

32. Easement, including terms and provisions contained therein:
Recording April 21, 1952 in Volume 165, Page 363
Information:
In Favor of: Portland General Electric Company
For: Utilities

33. Mineral Reservation in deed, including terms and provisions thereof.
Recorded: September 30, 1985 in Film Volume 197, Page 2254

Quitclaim Deed recorded to Transfer Mineral Rights to Northwest Farm Credit Services, FLCA, recorded April 16, 2014 as Instrument No. 201404229.

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Tract 1 (Greenpatch), Parcel 10:

- 34. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 35. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Tract 1 (Greenpatch), Parcel 11:

- 36. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 37. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
- 38. Easement, including terms and provisions contained therein:
Recording February 26, 1953 in Volume 168, Page 764
Information:
In Favor of: Portland General Electric Company
For: Utilities
- 39. Mineral Reservation in contract, including terms and provisions thereof.
Recorded: September 30, 1985 in Film Volume 197, Page 2254

Quitclaim Deed recorded to Transfer Mineral Rights to Northwest Farm Credit Services, FLCA, recorded April 16, 2014 as Instrument No. 201404229.

Tract 1 (Greenpatch), Parcel 12:

- 40. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
- 41. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

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Tract 1 (Greenpatch), Parcel 13:

42. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
43. 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 Yamhill River.
44. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Yamhill River.
45. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Yamhill River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

Tract 1 (Greenpatch), Parcel 14:

46. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Tract 1 (Greenpatch), Parcel 15:

47. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

Tract 1 (Greenpatch), Parcel 16:

48. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
49. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
50. 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 Willamette River.

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51. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Willamette River.
52. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
53. Easement, including terms and provisions contained therein:
Recording September 17, 1946 in Volume 137, Page 662
Information:
For: Road purposes
(Affects Tax Lot No. R4312 00300)

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**OPERATING AGREEMENT
OF
ACM PERMANENT CROPS, LLC
a Delaware limited liability company**

THE INTERESTS (AS DEFINED BELOW) HAVE BEEN ACQUIRED FOR INVESTMENT AND HAVE NOT BEEN REGISTERED UNDER THE SECURITIES ACT OF 1933, AS AMENDED, NOR HAVE THEY BEEN REGISTERED OR QUALIFIED UNDER ANY STATE SECURITIES LAWS. THE INTERESTS HAVE BEEN ISSUED AND SOLD PURSUANT TO AN EXEMPTION FROM THE SECURITIES ACT OF 1933, AS AMENDED AND THE SECURITIES LAWS OF THE VARIOUS STATES. THE INTERESTS MAY NOT BE OFFERED FOR SALE, SOLD, PLEDGED, HYPOTHECATED OR OTHERWISE TRANSFERRED UNLESS QUALIFIED AND REGISTERED UNDER APPLICABLE STATE AND FEDERAL SECURITIES LAWS OR UNLESS, IN THE OPINION OF COUNSEL SATISFACTORY TO THE MANAGER (AS DEFINED BELOW), SUCH QUALIFICATION AND REGISTRATION ARE NOT REQUIRED. ANY TRANSFER OF THE INTERESTS IS FURTHER SUBJECT TO OTHER RESTRICTIONS, TERMS AND CONDITIONS WHICH ARE SET FORTH IN THIS OPERATING AGREEMENT.

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"Investment Committee" is defined in Section 3.02.

"Investment Period" means, in conjunction with the provisions of Section 3.04, the period ending on the date which is four (4) years after the Initial Closing, which period may be extended for one (1) additional one (1) year period upon the determination of the Manager (with the consent of the Advisory Committee), or if earlier, the first date on which all Remaining Capital Commitments (net of amounts reserved by the Manager for remaining Company expenses during the Term, Follow-On Investments and investments with respect to which commitments have been made) are zero.

"Investment Subsidiary" or "Investment Subsidiaries" means entities or tenancies-in-common owned in whole or in part by the Company for purposes of acquiring, owning or operating Portfolio Investments.

"Investor Member" means any Member, excluding the Founding Member.

"Investor Units" means all of the Investor Units issued by the Company to its Members (including the Founding Member) in exchange for Capital Contributions, which represents the Members' respective Interests (excluding the Founder Interests) in the Company.

"IRS" means the Internal Revenue Service.

"JAMS" is defined in Section 12.02(c).

"Key Person" means (i) Thomas E. Avinelis and (ii) those other individuals set forth in Section 4.05(b), as replaced in accordance with the procedure set forth therein.

"Liquidation Date" is defined in Section 10.01(b).

"Losses" is defined in "Profits" or "Losses" below.

"Major Capital Event" means (a) the sale, exchange, or other transfer by the Company of all or any material portion of a Portfolio Investment, (b) the recovery of damage awards, condemnation awards, and insurance proceeds (other than business or rental interruption insurance proceeds), or (c) the placement of financing upon one or more Portfolio Investments.

"Majority in Interest" or "___% in Interest" means, at any time, the Members (excluding Defaulting Members) holding collectively more than fifty percent (50%) (or such other stated percentage) of the total Interests of the Company then entitled to vote, as determined based on Investor Units.

"Management Fee" is defined in Section 6.07(a).

"Manager" means the initial manager, Agriculture Capital Management, LLC, or any successor Manager appointed pursuant to this Agreement.

"Maximum Offering" is defined in Section 4.03(a).

"Member" means the Founding Member of the Company admitted as such pursuant to the terms of this Agreement, and any other Person admitted as an Investor Member or Substitute Member pursuant to the terms of this Agreement. References to the Members in the plural, or other like references shall also, where the context so

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requires, be deemed to include the singular or the masculine or feminine reference, as the case may be, and vice versa.

"Minimum Offering" is defined in Section 4.03(a).

"Nonrecourse Debt" means any Company liability to the extent such liability is nonrecourse and a Member or a Person related to such Member does not bear the economic risk of loss and as otherwise defined in Treasury Regulations 1.704-2(b)(4).

"Offering" means the process or raising capital on behalf of the Company and accepting Members into the Company pursuant to the Private Placement Memorandum and this Agreement.

"Officer" means one or more Persons designated as such by the Manager pursuant to this Agreement, if any.

"Organization and Offering Expense" is defined in Section 6.06(a).

"Parallel Entities" is defined in Section 4.07(c).

"Parties" means, collectively, the Manager and the Members and Officers and the members of the Advisory Committee. Reference to a **"Party"** means any one of the Parties.

"Patriot Act Compliance Provisions" means the undertakings under the Patriot Act, as defined in the Subscription Agreement, and/or any similar or superseding legislation that may be enacted from time to time.

"Percentage Interest" means the percentage equal to the ratio of a Member's Investor Units to all of the Investor Units issued and outstanding from time to time, as reflected on **Schedule "1"** attached to this Agreement, as the same may be amended from time to time pursuant to this Agreement, and as may be modified pursuant to Section 3.03.

"Person" means an individual, partnership, limited liability company, trust, estate, association, corporation, pension, profit sharing, or other employee benefit plan, or other Entity, as well as guardian, trustee, executor, administrator, committee, trustee in bankruptcy, receiver, assignee for the benefit of creditors, conservator, or other Person acting in a fiduciary capacity.

"Pooled Partner Vehicle" is defined in Section 11.01(e).

"Portfolio Confidential Information" is defined in Section 11.01(e).

"Portfolio Investment" means debt or equity investments made by the Company (whether directly or indirectly through one or more entities), including investments in real estate and Securities.

"Preferred Return" means, with respect to each Capital Commitment of a Member, a sum equivalent to eight percent (8%) per-annum, compounded annually (and prorated for any partial year), of the Unrecovered Capital Contributions of such Member in respect of such Capital Commitment, from time to time during the period to which the respective Preferred Return relates as applicable. Each Member's respective Preferred Return will begin to accrue on (i) the date the capital is contributed (or other such date as agreed to by the Member and the Manager) but (A) not earlier than the date the Member's subscription is accepted and such Investor Units are issued, as determined

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“**Treasury Regulations**” means the Income Tax Regulations, including temporary regulations, promulgated under the Code, as amended from time to time.

“**Unpaid Preferred Return**” means, with respect to each Investor Member, the sum of such Investor Member’s Preferred Return with respect to each Capital Contribution of such Investor Member, less prior distributions under Section 5.01(a)(ii) and Section 10.03(a)(iv).

“**Unrecovered Capital Contributions**” means, with respect to each Member, the amount of Capital Contribution(s) made by such Member, adjusted as follows:

(a) Reduced by the amount of cash and the Gross Asset Value of any property distributed to such Member pursuant to Section 5.01(a)(i) and Section 10.03(a)(iii).

(b) Reduced by the amount of any liabilities of such Member assumed by the Company or which are secured by any property contributed by such Member to the Company.

(c) Increased by the amount of any Company liabilities which, in connection with any distributions by the Company to such Member, are assumed by such Member or are secured by any Company property distributed to such Member.

If any Member (or Economic Interest Holder) Transfers all or any portion of its Interest (or Economic Interest) in accordance with the terms of this Agreement, its Transferee shall succeed to the Unrecovered Capital Contributions of the Transferor to the extent it relates to the transferred Interest (or Economic Interest).

“**Withholding Tax Deficiency**” is defined in Section 13.09(c).

ARTICLE 3 PURPOSES AND INVESTMENTS

3.01 Permitted Businesses and Activities. The purposes of the Company shall be to engage in the following activities:

(a) To invest in permanent cropland and synergistic midstream assets and related undertakings, as set forth in the Company’s Private Placement memorandum;

(b) To acquire, own, hold for investment, develop, entitle, operate, improve, maintain, refinance, manage, lease, exchange, sell and dispose of Portfolio Investments (directly or indirectly through Investment Subsidiaries);

(c) To acquire and dispose of equity shares or real estate mortgages (directly or indirectly through Investment Subsidiaries), including with the intent to restructure or foreclose upon such instruments to gain control of the underlying real estate;

(d) To incur Indebtedness, subject to Sections 3.02 and 3.05, on a recourse or non-recourse basis, issue guarantees, and to enter into any instrument in connection therewith, including any pledge, security, assignments or indemnity agreements; and

(e) To engage in such other activities related or incidental thereto, and to exercise all other powers which may be legally exercised by limited liability companies under the Act and necessary to, reasonably

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connected with, or convenient to the conduct, promotion or attainment of the business or purposes of the Company or the protection or benefit of the Company and its assets.

3.02 Investment Restrictions, Investment Committee and Advisory Committee Matters.

(a) Except as otherwise approved by the Advisory Committee, the Manager will not cause the Company to:

(i) invest equity in any individual Portfolio Investment (directly or indirectly) in an aggregate amount that would exceed 25% of the Aggregate Capital Commitments; or

(ii) incur, or cause one or more Affiliates to incur, Indebtedness after the Final Closing Date that would cause the aggregate Indebtedness of the Company (including at the portfolio company level) and any Parallel Entity (but excluding capital call lines of credit), to exceed the greater of (x) 40% of the aggregate acquisition cost of all the Company's Portfolio Investments as of the date of determination, or (y) 25% of the fair market value of all Portfolio Investments held by the Company as of the date of determination; *provided, however,* that any Indebtedness secured by the Remaining Capital Commitments of the Partners shall not be included in the calculation of such Indebtedness. Any Indebtedness secured by Remaining Capital Commitments of the Members shall be limited to the lesser of ten percent (10%) of Aggregate Commitments or one hundred percent (100%) of Remaining Capital Commitments, and shall be limited in duration to no longer than one hundred twenty (120) days; or

(iii) make any investment outside of the United States, or in any property not currently used primarily for or intended primarily for permanent crop agricultural use, or

(iv) invest in (x) publicly traded securities or (y) derivative securities or instruments (unless for hedging and not for speculative purposes); or

(v) re-invest the proceeds of a sale of a Portfolio Investment pursuant to a tax-deferred 1031 exchange; or (vii) acquire or otherwise invest in any Portfolio Investment that is wholly or partially owned by the Manager or any Affiliate thereof (except that the preceding clause shall not apply to assignments to the Company from the Manager or an Affiliate thereof (at no profit to the Manager or such Affiliate) of contracts to purchase potential properties; or

(vi) sell any Portfolio Investment to a Manager or any Affiliate thereof unless such sale is approved by the Advisory Committee.

In connection with any Portfolio Investment or other Company property that collateralizes Indebtedness of the Company or its Portfolio Investments and which is secured by a mortgage, deed of trust, security interest, lien or other similar encumbrance, the Company shall not (and shall not permit its Portfolio Investments to) grant or enter into any other mortgage, deed of trust, security interest, lien or other similar encumbrance that would cross-collateralize or otherwise encumber Portfolio Investments or other Company property.

These restrictions apply to the Company and Parallel Entities in the aggregate (but exclude capital call lines of credit). Notwithstanding anything to the contrary in this Agreement, the matters set forth in this Section 3.02 are matters solely among the Members and Manager and shall not affect or limit in any manner the authority of the Manager with respect to third parties as set forth in Section 6.14.

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IN WITNESS WHEREOF, the undersigned Manager and Founding Member have executed and delivered this Agreement as of the day and year first above written, and agree to and acknowledge all of its terms and those of the attached Schedules.

Manager

Agriculture Capital Management, LLC,
an Oregon limited liability company

By: Brooke M. Randall
Name: Brooke Randall
Title: Principal

Founding Member

Agriculture Capital Management, LLC,
an Oregon limited liability company

By: Brooke M. Randall
Name: Brooke Randall
Title: Principal

The undersigned each acknowledge and agree to the obligation set forth in paragraph 10.04 of this Agreement.

<u>Thomas E. Avinells</u> Thomas E. Avinells	<u>Will Campbell</u> Equilibrium Capital Group, LLC, by Equilibrium Capital Management, Inc. its Managing Member
<u>Michael Skaff</u> Michael Skaff	<u>Brooke M. Randall</u> Brooke M. Randall
<u>Eric Pond</u> Eric Pond	<u>Rob Hurbut</u> Rob Hurbut

[SIGNATURES OF OTHER MEMBERS MADE PURSUANT TO COUNTERPART SIGNATURE PAGES AND SUBSCRIPTION AGREEMENTS]

ACM Permanent Crops, LLC Operating Agreement

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SCHEDULE "2"

SCHEDULE OF KEY PERSONS' OUTSIDE ACTIVITIES

- **Thomas Avinelis:** CEO of AgriCare, Chairman of AgriVision;
- **Eric Pond:** COO, Northwest Operations of AgriCare;
- **Robert Hurlbut:** Board member, Just Desserts and Board member SK Foods; and
- **Michael Skaff:** Professor at College of the Sequoias (maximum four classes) and Board member of Brokaw Nursery.

3.

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RECORD AND RETURN TO:
DAVIS WRIGHT TREMAINE LLP
1300 S.W. FIFTH AVE, SUITE 2400
PORTLAND, OR 97201
ATTN: MICHAEL ZAHN, ESQ.

Send Tax Statements to:
ACMPC Oregon 3, LLC
35711 Helms Drive
Jefferson, OR 97352

Yamhill County Official Records **201511882**
DMR-DDMR
Stn=4 MILLSA 07/31/2015 10:43:30 AM
9Pgs \$45.00 \$11.00 \$5.00 \$20.00 **\$81.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

Yamhill County
Tax I.D. No(s)
R4311 00100, R4311 00200

FATCO. NO. NC3-701751-021

STATUTORY WARRANTY DEED

The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014, Grantor, conveys and warrants to ACMPC Oregon 3, LLC, Grantee, the real property located in Yamhill County, Oregon, described in the attached Exhibit A, free of encumbrances, except as specifically set forth on the attached Exhibit B or encumbrances of record at the time of conveyance.

The actual consideration consists of other value given which is the whole/part of the consideration.

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

Dated this 31st day of July, 2015.

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Statutory Warranty Deed (The Delford M. Smith Revocable Trust 1986)

APR 25 2017

S-88398

OWRD

GRANTOR:


Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

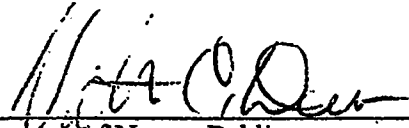
RECEIVED

APR 25 2017

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STATE OF NEW YORK)
) SS.
COUNTY OF NEW YORK)

On the 21st day of July in the year 2015 before me, the undersigned, a Notary Public in and for said state, personally appeared Jay M. Goffman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Signature of Notary Public

[SEAL]

VOTTRESS C. DESIRE
Notary Public, State of New York
No. 01DE4935232
Qualified in Nassau County
My Commission Expires June 27, 2018

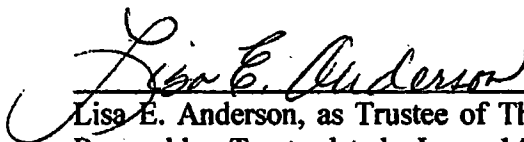
RECEIVED

APR 25 2017

OWRD

GRANTOR:

Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014



Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

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APR 25 2017

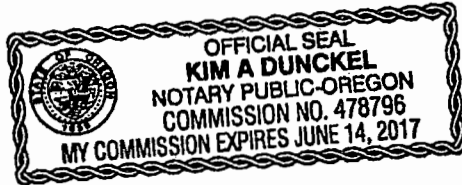
OWRD

STATE OF OREGON)
COUNTY OF Washburn) ss.

This instrument was acknowledged before me on 21 day of July, 2015,
by Lisa E. Anderson and June E. Ray, Trustees.

The Delford M. Smith
Revocable Trust dated
June 14, ~~1988~~ 1986

[Signature]
NOTARY PUBLIC FOR Oregon
My Commission Expires: June 14, 2017



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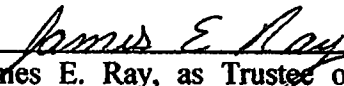
APR 25 2017

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GRANTOR:

Jay M. Goffman, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

Lisa E. Anderson, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014


James E. Ray, as Trustee of The Delford M. Smith Revocable Trust dated June 14, 1986, previously amended and restated on February 29, 1996, and amended on other dates, including the last amendment on August 17, 2014

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STATE OF OREGON,)

COUNTY OF Yamhill) ss.

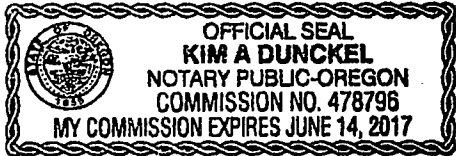
This instrument was acknowledged before me on 21 day of July, 2015,

by James E. Ray, Trustee of the Delford M. Smith

Revocable Trust dated
June 14, 1986

NOTARY PUBLIC FOR Oregon

My Commission Expires: June 14, 2017



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EXHIBIT A

Real property in the County of Yamhill, State of Oregon, described as follows:

PARCEL 17:

A PART OF THE MEDOREM CRAWFORD DONATION LAND CLAIM #71 IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT AT THE SOUTHWEST CORNER OF TRACT CONVEYED BY DOLORES FRANCES CRAWFORD TO FRANK R. GIBBON AND WIFE BY DEED RECORDED JULY 13, 1937 IN BOOK 112, PAGE 639, DEED RECORDS, SAID POINT BEING SOUTH 00°14' WEST, 423.4 FEET FROM THE NORTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 74°30' EAST, ALONG THE SOUTH LINE OF SAID GIBBON TRACT 1699.5 FEET; THENCE SOUTH 15°30' WEST, 1461.75 FEET TO THE CENTER OF COUNTY ROAD; THENCE NORTH 57°04' WEST ALONG THE CENTER OF SAID COUNTY ROAD, 1115.3 FEET TO THE SOUTHEAST CORNER OF TRACT CONVEYED TO HUBERT E. GOSSETT AND WIFE BY DEED RECORDED APRIL 15, 1958, IN BOOK 187, PAGE 257, DEED RECORDS; THENCE NORTH 46°39' EAST, 439.7 FEET; THENCE NORTH 28°33' EAST, 114.8 FEET; THENCE NORTH 73°44' WEST, 717 FEET TO THE WEST LINE OF SAID CLAIM; THENCE NORTH 00°14' EAST ALONG THE WEST LINE OF SAID CLAIM 652.21 FEET TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00100

PARCEL 18:

PART OF THE MEDOREM CRAWFORD DONATION LAND CLAIM #71 IN TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, STATE OF OREGON, DESCRIBED AS FOLLOWS:

BEGINNING ON THE WEST LINE OF SAID CLAIM SOUTH 0°14' WEST, 1075.6 FEET FROM THE NORTHWEST CORNER OF SAID CLAIM; THENCE SOUTH 73°44' EAST 717 FEET; THENCE SOUTH 28°33' WEST, 114.8 FEET; THENCE SOUTH 46°39' WEST 439.7 FEET TO THE CENTER OF THE COUNTY ROAD; THENCE NORTH 57°4' WEST ALONG CENTER LINE OF SAID COUNTY ROAD TO THE WEST LINE OF SAID DONATION LAND CLAIM; THENCE NORTH 0°14' EAST ALONG THE WEST LINE OF SAID DONATION LAND CLAIM TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00200

RECEIVED

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EXHIBIT B

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

Tract 1 (Greenpatch), Parcels 17 & 18:

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

Recorded: April 16, 2008 as Instrument No. 200806621

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FATCO. NO. NCS - 701751-021

RECORD AND RETURN TO:
DAVIS WRIGHT TREMAINE LLP
1300 S.W. FIFTH AVE. SUITE 2400
PORTLAND, OR 97201
ATTN: MICHAEL ZAHN, ESQ.

Send Tax Statements to:
ACMPC Oregon 3, LLC
35711 Helms Drive
Jefferson, OR 97352

Yamhill County Official Records **201511884**
DMR-DDMR
Stn=4 MILLSA **07/31/2015 10:43:30 AM**
9Pgs \$45.00 \$11.00 \$5.00 \$20.00 **\$81.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Brian Van Bergen - County Clerk

Yamhill County
Tax I.D. No(s) R4311 00900^K

STATUTORY WARRANTY DEED

Estate of Delford M. Smith, Grantor, conveys and warrants to ACMPC OREGON 3, LLC, Grantee, the real property located in Yamhill County, Oregon, described in the attached Exhibit A, free of encumbrances, except as specifically set forth on the attached Exhibit B or encumbrances of record at the time of conveyance.

The actual consideration consists of other value given which is the whole/part of the consideration.

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

Dated this 31st day of July, 2015

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GRANTOR:

Estate of Delford M. Smith

By: 

Jay M. Goffman, Co-Personal
Representative for the Estate of
Delford M. Smith

By: _____

Lisa E. Anderson, Co-Personal
Representative for the Estate of
Delford M. Smith

By: _____

James E. Ray, Co-Personal
Representative for the Estate of
Delford M. Smith

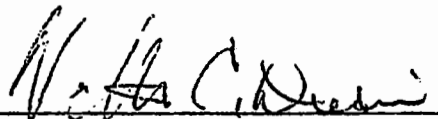
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APR 25 2017

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STATE OF NEW YORK)
) SS.
COUNTY OF NEW YORK)

On the 21st day of July in the year 2015 before me, the undersigned, a Notary Public in and for said state, personally appeared Jay M. Goffman, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.



Signature of Notary Public

[SEAL]

VOTTRESS C. DESIRE
Notary Public, State of New York
No. 01DE4935232
Qualified in Nassau County
My Commission Expires June 27, 2018

*Signature Page to Acquisition of Delford Smith Properties
Statutory Warranty Deed (Estate of Delford M. Smith)*

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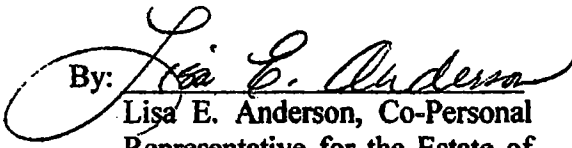
APR 25 2017

OWRD

GRANTOR:

Estate of Delford M. Smith

By: _____
Jay M. Goffman, Co-Personal
Representative for the Estate of
Delford M. Smith

By: 
Lisa E. Anderson, Co-Personal
Representative for the Estate of
Delford M. Smith

By: _____
James E. Ray, Co-Personal
Representative for the Estate of
Delford M. Smith

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APR 25 2017

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STATE OF OREGON)

COUNTY OF Yamhill) ss.

This instrument was acknowledged before me on 21 day of July, 2015,
by Lisa E. Anderson and James E. Ray, Co-

Personal Representative for
the Estate of
Delford M. Smith

[Signature]
NOTARY PUBLIC FOR Oregon
My Commission Expires: June 14, 2017



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GRANTOR:

Estate of Delford M. Smith

By: _____
Jay M. Goffman, Co-Personal
Representative for the Estate of
Delford M. Smith

By: _____
Lisa E. Anderson, Co-Personal
Representative for the Estate of
Delford M. Smith

By: James E. Ray
James E. Ray, Co-Personal
Representative for the Estate of
Delford M. Smith

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STATE OF OREGON,)

COUNTY OF Yamhill) ss.

This instrument was acknowledged before me on 11 day of July, 2015,
by James E. Perry Co - Personal Representative.

for the Estate of
Delford M. Smith

[Signature]
NOTARY PUBLIC FOR Oregon
My Commission Expires: June 14, 2017



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EXHIBIT A

Real property in the County of Yamhill, State of Oregon, described as follows:

PARCEL 5:

A TRACT OF LAND SITUATED IN SECTION 11, TOWNSHIP 4 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN IN YAMHILL COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT MARKED BY A 3/4 INCH IRON PIPE IN THE CENTER OF THE COUNTY ROAD, SAID POINT BEING 2343.83 FEET SOUTH AND 301.68 FEET WEST OF THE SOUTHWEST CORNER OF THE F. FULQUARTZ DONATION LAND CLAIM; SAID POINT BEING THE NORTHWEST CORNER OF UNIT 18, RESETTLEMENT PLAT (GOVERNMENT); THENCE SOUTH 80°30' EAST ALONG THE CENTERLINE OF SAID ROAD, 312.22 FEET; THENCE CONTINUING ALONG SAID CENTERLINE NORTH 81°35' EAST, 24.4 FEET; THENCE SOUTH 0°26½' WEST, 171.32 FEET; THENCE SOUTH 85°24' WEST 333.3 FEET TO THE WEST LINE OF SAID UNIT 18; THENCE NORTH 0°26½' EAST, 246.0 FEET TO THE PLACE OF BEGINNING.

TAX LOT NO. R4311 00900

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APR 25 2017

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EXHIBIT B

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

1. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Mineral Reservation in deed, including terms and provisions thereof.
Recorded: June 30, 1944 in Book 124, Page 539
3. Easement, including terms and provisions contained therein:
Recording Information: February 26, 1953 in Volume 168, Page 762
In Favor of: Portland General Electric Company
For: Utilities

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Oregon Water Resources Department
 Permit to Appropriate Only Stored Water – Expedited Secondary

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

Today's Date: Tuesday, April 25, 2017

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	741	\$1,321.00
Permit Recording Fee. ***		\$450.00
*** 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		\$2,221.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

Greg C.

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 APR 25 2017
OWRD

S-8898