

# Application for a Permit to Use Groundwater



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

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

### 2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

### 3. Public Notice

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

### 4. Proposed Final Order Issued

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

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410 for the applicant and \$810 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed, the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

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

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# Minimum Requirements Checklist

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

## Include this checklist with the application

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

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

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### Attachments:

- ✓ Land Use Information Form with approval and signature of local Planning Department (*must be an original*) or signed receipt
- ✓ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: **A copy of the deed, land sales contract or title insurance policy.**
- ✓ Fees - Amount enclosed: \$4,310  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

---

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

- ✓ Permanent quality and drawn in ink
- ✓ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ✓ North Directional Symbol
- ✓ Township, Range, Section, Quarter/Quarter, Tax Lots
- ✓ Reference corner on map
- ✓ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- ✓ Indicate the area of use by Quarter/Quarter and taxlot 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)

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# Application for a Permit to Use Groundwater



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME ACMPC OREGON 2, LLC (DBA HALLS FERRY FARMS)		PHONE (HM)	
PHONE (WK) (541) 327-7853	CELL	FAX (541) 327-7964	
ADDRESS 35711 HELMS DR. (P.O. BOX 717)			
CITY JEFFERSON	STATE OR	ZIP 97352	E-MAIL*

### Organization Information

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

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

AGENT / BUSINESS NAME WILLIAM E. MCGILL (CWRE)		PHONE (541) 327-2798	FAX (541) 327-2798
ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL* WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

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

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

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

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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

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For Department Use		
App. No. <u>G-18552</u>	Permit No. _____	Date <u>8-25-17</u>

**SECTION 2: PROPERTY OWNERSHIP**

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

Yes

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: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
New Well 5	Hayden Lake	1150'	20'
Well 7	Hayden Lake	562'	23'
New Well 12	Willamette River	2425'	7'
<del>Well 27</del>	<del>Mitoma Lake</del>	<del>1908'</del>	<del>26'</del>
<del>Well 28</del>	<del>Hayden Slough</del>	<del>354'</del>	<del>21'</del>
New Well 27	Mitoma Lake	2028'	19'

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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SECTION 3: WELL DEVELOPMENT, CONTINUED

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**Total maximum rate requested: 0.93 cfs** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
New Well 5	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Polk 53567	<input type="checkbox"/>	12"	1' to 69'	28' to 68'	0' to 18'	24' 7-31-2014	Sand & Gravel	69'	405	186
Well 7	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Polk 2791	<input type="checkbox"/>	12"	1' to 52'	35' to 48'	0' to 18'	24' 7-31-1975	Sand & Gravel	53'	405	186
New Well 12	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Polk 53561	<input type="checkbox"/>	12"	2' to 58'	18' to 58'	0' to 18'	17' 7-22-2014	Sand & Gravel	58'	405	186
Well 27	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Polk 2883	<input type="checkbox"/>	12"	1' to 50'	35' to 50'	Not Known	25' 1951	Sand & Gravel	50'	405	186
<del>Well 28</del>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<del>None Found</del>	<input type="checkbox"/>	<del>12"</del>	<del>1' to 61.5'</del>	<del>Not Known</del>	<del>Not Known</del>	<del>26'</del> <del>unknown date</del>	<del>Sand &amp; Gravel</del>	<del>61.5'</del>	<del>405</del>	<del>186</del>
New Well 27	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"					Sand & Gravel	60'±	405	186
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\*Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

~~Note: No well log found for well 28. The information shown was written on the pump electrical panel.~~

**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 – October 31	186 AF
Commercial	September 1 – November 30	Rate= 250 gpm

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated(*must match map*).

Primary: 74.3 Acres                      Supplemental: 0 Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 186

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: \_\_\_\_\_  
**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.
- If the use is **mining**, describe what is being mined and the method(s) of extraction(*attach additional sheets if necessary*): \_\_\_\_\_

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

✓ Pump (give horsepower and type): New Well 5= 40 HP submersible, Well 7= 100 HP turbine, New Well 12= 40 HP submersible, Well 27= 50 HP submersible, ~~Well 28= 30 HP submersible~~  
New

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

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. All wells and crop blocks are connected by buried PVC mainline. (see attached map).

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)(*attach additional sheets if necessary*)  
Drip 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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters(*attach additional sheets if necessary*).

A new high efficiency irrigation system is being installed.

**SECTION 6: STORAGE OF GROUNDWATER IN A RESERVOIR**

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

Reservoir name: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

Use(s):

Volume of Reservoir (acre-feet): \_\_\_\_\_ Dam height (feet, if excavated, write "zero"): \_\_\_\_\_

*Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.*

**SECTION 7: USE OF STORED GROUNDWATER FROM THE RESERVOIR**

If you would like to use stored groundwater from the reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Annual volume (acre-feet): \_\_\_\_\_

USE OF STORED GROUNDWATER	PERIOD OF USE

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Wells and pumps are existing and most of the buried mainline is in place.

Date construction will be completed: 10-31-2026

Date beneficial water use will begin: Irrigation season of 2018

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**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

Gr-18C52

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application(*attach additional sheets if necessary*).

Some of the acreage is leased out until 2024, so will not have access to these areas to install new buried system until 2024; thus the long completion date shown in section 8.

It is proposed to convert the existing seed cleaning facility into a hazelnut processing facility. The seed cleaning facility is also leased out until 2024, so the long completion date is also needed for the commercial water right which will be used for washing the processed hazelnuts and the facility. It is proposed to pump the commercial water right from existing well 7 (see attached map).

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GHAJZ

Revised 6/4/2017

Ground Water/8

WR



# Land Use Information Form



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

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

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

## NOTE TO LOCAL GOVERNMENTS

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

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WR

WC 17-70

# Land Use Information Form



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

Applicant: ACMPC Oregon 2, LLC (dba Halls Ferry Farms)

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:
(see attached sheet)					EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
						<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:

Polk County	  
-------------	----------

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 186 AF Irrigation, 250 GPM Commercial  cubic feet per second  gallons per minute  acre-foot

Intended use of water:  Irrigation     Commercial     Industrial     Domestic for \_\_\_\_\_ household(s)  
 Municipal     Quasi-Municipal     Instream     Other \_\_\_\_\_

Briefly describe:

A water right application is being made on five existing irrigation wells to irrigate numerous small acreages, currently without coverage, scattered throughout the farm and a commercial water right for a hazelnut processing facility.
---

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See bottom of Page 3. →

# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): RCZO 135.030(f)

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

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

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

*THIS APPLICATION IS FOR ALLOCATING ADDITIONAL GROUND WATER FROM EXISTING WELLS. ANY NEW WATER WELLS WOULD BE SUBJECT TO NON-STRUCTURAL FLOODPLAIN DEVELOPMENT PERMITS ASSET TO RCZO CHAPTER 178.*

Name: MARK BERNARD Title: SENIOR PLANNER  
 Signature: *[Signature]* Phone: 503-823-9237 Date: 08-29-17  
 Government Entity: POLK 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**

RECEIVED

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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<b>Section 25</b>	<b>Taxlot</b>	<b>Acreage</b>
7S4W25SESW	1001	1.61
7S4W25SWSE	1001	2.14
<b>Section 36</b>		
7S4W36NENW	200	1.58
7S4W36SENW	200	8.08
7S4W36SWNE	200	2.43
7S4W36SWNW	200	7.89
7S4W36NWSE	200	2.17
7S4W36NWSW	200	0.91
7S4W36SWSW	200	0.35
<b>Section 35</b>		
7S4W35SESE	200	2.29
7S4W35SWSE	200	0.66
<b>Section 2</b>		
8S4W2NWNW	201	1.15
8S4W2NENW	201/104	13.95
8S4W2NWNE	101	5.69
8S4W2NENE	101	0.14
8S4W2SENW	300/104/101	5.43
8S4W2SWNE	101	5.42
8S4W2SENE	101	0.32
<b>Section 11</b>		
8S4W11NWNE	201	0.71
8S4W11SWNE	201	1.23
8S4W11SWNW	103	1.99
8S4W11SENW	103	0.71
8S4W11NWSW	104	5.90
8S4W11NESW	104	1.55
		74.30

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G-18552

Date \_\_\_\_\_

(For staff use only)



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
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(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). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and taxlot 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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POLK 53567

"New Well 5"

amended

STATE OF OREGON WATER SUPPLY WELL REPORT (as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 113610 START CARD # 1023790

(1) LAND OWNER Owner Well I.D. 5430 First Name Last Name Company ACMPC Oregon 2 LLC/Halls Ferry Address 37511 Helms Dr. City Jefferson State OR Zip 97352

(2) TYPE OF WORK [X] New Well [ ] Deepening [ ] Conversion [ ] Alteration (repair/recondition) [ ] Abandonment

(3) DRILL METHOD [X] Rotary Air [ ] Rotary Mud [ ] Cable [ ] Auger [ ] Cable Mud [ ] Reverse Rotary [ ] Other

(4) PROPOSED USE [ ] Domestic [X] Irrigation [ ] Community [ ] Industrial/ Commercial [ ] Livestock [ ] Dewatering [ ] Thermal [ ] Injection [ ] Other

(5) BORE HOLE CONSTRUCTION Special Standard [ ] Attach copy Depth of Completed Well 69 ft. BORE HOLE SEAL sacks/lbs

How was seal placed: Method [ ] A [ ] B [ ] C [ ] D [ ] E [X] Other Poured dry Backfill placed from ft. to ft. Material Filter pack from ft. to ft. Material Size Explosives used: [ ] Yes Type Amount

(6) CASING/LINER Casing Liner Dia + From To Gauge Stl Plstc Wid Thrd Shoe [ ] Inside [ ] Outside [ ] Other Location of shoe(s) Temp casing [X] Yes Dia 16 From 0 To 59

(7) PERFORATIONS/SCREENS Perforations Method Torch cut Screens Type Material Perf/S Casing/ Screen Dia From To width length # of slots Tel/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour Pump [X] Bailer [ ] Air [ ] Flowing Artesian Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

Temperature 53 F Lab analysis [ ] Yes. By Water quality concerns? [ ] Yes (describe below) From To Description Amount Units

(9) LOCATION OF WELL (legal description) County POLK Twp 8 S N/S Range 4 W E/W WM Sec 31 NE 1/4 of the SW 1/4 1/4 Tax Lot 103 Tax Map Number Lot Lat Long Street address of well Nearest address 5605 Halls Ferry Rd., Independence, OR 97351

(10) STATIC WATER LEVEL Date SWL(psi) + SWL(ft) Existing Well / Predeepening Completed Well 07-31-2014 24 Flowing Artesian? [ ] Dry Hole? [ ]

WATER BEARING ZONES Depth water was first found 25 Table with columns: SWL Date, From, To, Est Flow, SWL(psi), + SWL(ft)

(11) WELL LOG Ground Elevation Table with columns: Material, From, To. Includes Jones Drilling Co., Inc. info and date stamp SEP 23 2014 SALEM, OR

(unbonded) Water Well Constructor Certification I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. License Number 1888 Date 08-06-2014

(bonded) Water Well Constructor Certification I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. License Number 1684 Date 08-06-2014

G-18552

648552

3-24-15 WEM  
New Well No. 5



OVRPD

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3-2A-15 KBM  
Well Tag L-113610  
New Well No. 5

G105572

OREGON  
WATER RESOURCES DEPT  
WELL#  
L113610  
DO NOT REMOVE LABEL

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NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER WELL REPORT

Cert 68265

STATE ENGINEER, SALEM, OREGON 97310 within 30 days from the date of well completion.

RECEIVED STATE OF OREGON

SEPT 1 1975

State Well No. 85/44-2

State Permit No. "well 7"

Well # 271

(1) OWNER:

Name Green Villa Farm SALEM, OREGON
Address #1 Box 259 Independence

WATER RESOURCES DEPT.

(10) LOCATION OF WELL:

County York Driller's well number
1/4 1/4 Section 2 T. 85 R. 4W W.M.

(2) TYPE OF WORK (check):

New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ]

If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rotary [ ] Driven [ ]
Cable [X] Jetted [ ]
Dug [ ] Bored [ ]

(4) PROPOSED USE (check):

Domestic [ ] Industrial [ ] Municipal [ ]
Irrigation [X] Test Well [ ] Other [ ]

CASING INSTALLED:

2" Diam. from +1 ft. to 52 ft. Gage 1250
Threaded [ ] Welded [X]

PERFORATIONS:

Size of perforations 3/8 in. by 2 1/2 in.
220 perforations from 35 ft. to 48 ft.

(7) SCREENS:

Well screen installed? [ ] Yes [X] No
Manufacturer's Name
Type Model No.
Diam. Slot size Set from ft. to ft.

(8) WELL TESTS:

Was a pump test made? [X] Yes [ ] No If yes, by whom? Sutton Supply
Yield: 1700 gal./min. with 10 ft. drawdown after 6 hrs.

(9) CONSTRUCTION:

Well seal—Material used Bentonite
Well sealed from land surface to 18 ft.
Diameter of well bore to bottom of seal 12 in.
Diameter of well bore below seal 12 in.
Number of sacks of cement used in well seal 2 sacks
Number of sacks of bentonite used in well seal 2 sacks
Brand name of bentonite National
Number of pounds of bentonite per 100 gallons of water 20 lbs./100 gals.
Was a drive shoe used? [X] Yes [ ] No
Did any strata contain unusable water? [ ] Yes [X] No
Type of water? depth of strata
Method of sealing strata off
Was well gravel packed? [ ] Yes [X] No Size of gravel:
Gravel placed from ft. to ft.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 35 ft.
Static level 24 ft. below land surface. Date 7-31-75
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing 12
Depth drilled 53 ft. Depth of completed well 53 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with columns: MATERIAL, From, To, SWL. Entries include Clay + Gravel (0-20), Small to Med Gravel (20-29), Sand (29-31), Small to Med Gravel (31-48), Sand (48-49), Gray shale (49-53).

Work started 7-29 1975 Completed 7-31 1979
Date well drilling machine moved off of well 7-31 1979

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.

[Signed] Herman Hermalin Date 8-1-75
(Drilling Machine Operator)

Drilling Machine Operator's License No. 456

Water Well Contractor's Certification: AUG 29 2017

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.

Name Robinson Eola (Person, firm or corporation) (Type or print)

Address 4510 Dallas - Salem Hwy

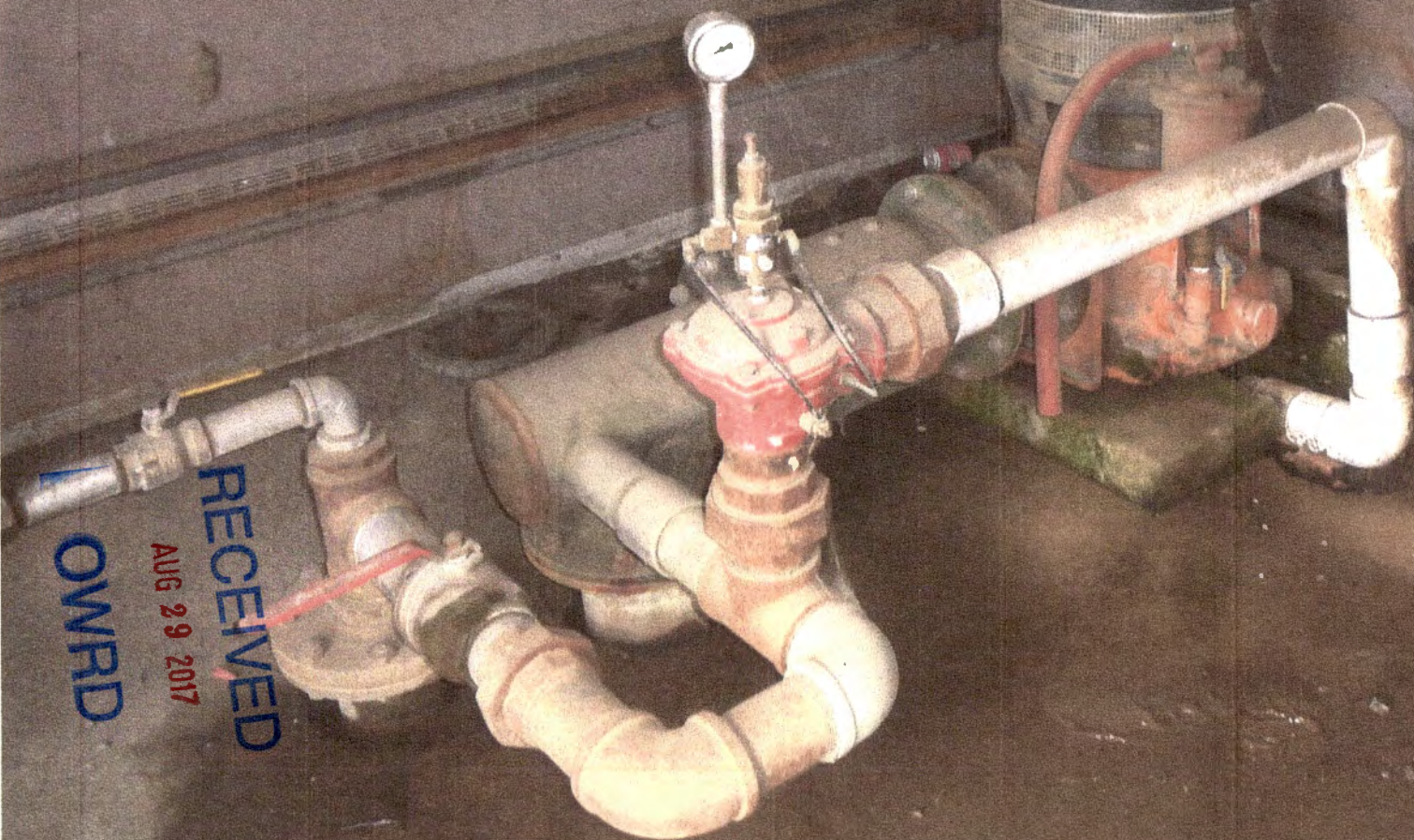
[Signed] George H. Robinson (Water Well Contractor)

Contractor's License No. 13 Date 8-4 1975

G-18552

G-10552

Extg. Well 7  
1/2" (H.E.F.) 100 HP  
~~feet 4 of 6~~



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3-24-15 WBM  
Extg. Well No. 7

6-18552

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"New Well 12"

STATE OF OREGON  
 WATER SUPPLY WELL REPORT  
 (as required by ORS 537.765 & OAR 690-205-0210)

SEP 2 2 2014

REVISED

WELL LABEL # L 113608

SALEM, OR

START CARD # 1023705

**(1) LAND OWNER** Owner Well I.D. 5427  
 First Name \_\_\_\_\_ Last Name \_\_\_\_\_  
 Company ACMPC Oregon 2 LLC/Halls Ferry  
 Address 35711 Helms Dr.  
 City Jefferson State OR Zip 97352

**(2) TYPE OF WORK**  New Well  Deepening  Conversion  
 Alteration (repair/recondition)  Abandonment

**(3) DRILL METHOD**  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other \_\_\_\_\_

**(4) PROPOSED USE**  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other \_\_\_\_\_

**(5) BORE HOLE CONSTRUCTION** Special Standard  (Attach copy)  
 Depth of Completed Well 58 ft.

BORE HOLE			SEAL				sacks/
Dia	From	To	Material	From	To	Amt	lbs
16	0	58	Bentonite	0	18	100	S

How was seal placed: Method  A  B  C  D  E

Other Poured dry

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_

Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_

Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

**(6) CASING/LINER**

Casing	Liner	Dia	+	From	To	Gauge	Stl	Plstc	Wid	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	12		<input checked="" type="checkbox"/> 2	58	250	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>			<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Shoe  Inside  Outside  Other Location of shoe(s) \_\_\_\_\_

Temp casing  Yes Dia 16 From 0 To 58

**(7) PERFORATIONS/SCREENS**

Perf/S	Casing/ Screen	Dia	From	To	Scm/slot width	Slot length	# of slots	Tele/ pipe size
Perf	Casing	12	18	58	.5	12	408	

**(8) WELL TESTS: Minimum testing time is 1 hour**

Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
600	23	45	2

Temperature 53 °F Lab analysis  Yes By \_\_\_\_\_  
 Water quality concerns?  Yes (describe below)  

From	To	Description	Amount	Units

**(9) LOCATION OF WELL (legal description)**  
 County POLK Twp 47 S N/S Range 4 W E/W WM  
 Sec 11 NE SE 1/4 of the 11 NW 1/4 Tax Lot 100 200  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
5605 Halls Ferry Rd., Independence, OR 97351

**(10) STATIC WATER LEVEL**

Existing Well / Predeepening	Date	SWL(psi)	+ SWL(ft)
Completed Well	07-22-2014		17

Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 20

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
07-17-2014	20	38	650		17

**(11) WELL LOG** Ground Elevation \_\_\_\_\_

Material	From	To
Topsoil	0	2
Silty brown clay	2	16
Cemented small sand and gravel	16	20
Small to medium gravel with sand	20	26
Medium sand and gravel	26	38
Blue clay	38	40
Gray clay	40	50
Gray sandstone with small sand and gravel	50	58
Allowed to cave from 18-58 between 16" + 12"		

**JONES DRILLING CO., INC.**  
 29400 SANTIAM HWY.  
 LEBANON, OR 97355  
 541-367-2560 541-451-2686  
 1-800-915-8388

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 AUG 20 2014  
 SALEM, OR

Date Started 07-17-2014 Completed 07-22-2014

**(unbonded) Water Well Constructor Certification**  
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1888 Date 08-19-2014  
 Password: (if filing electronically) \_\_\_\_\_  
 Signed \_\_\_\_\_

**(bonded) Water Well Constructor Certification**  
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1684 Date 08-19-2014  
 Password: (if filing electronically) \_\_\_\_\_  
 Signed \_\_\_\_\_  
 Contact Info (optional) jonesdrilling@hotmail.com

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3-24-15 WBR  
New well No. 12



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6-18552

3-2A-15 WRM  
New well No. 12 Well Tag

OREGON  
WATER RESOURCES DEPT  
WELL#  
L113608  
DO NOT REMOVE LABEL

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STATE ENGINEER  
Salem, Oregon

GR-1511 Canceled  
POLK 2883 Well Record  
GR- 1459

STATE WELL NO. B/1459-11M  
COUNTY Polk  
APPLICATION NO. GR- 1511

OWNER: E. Clemens Horst Co.

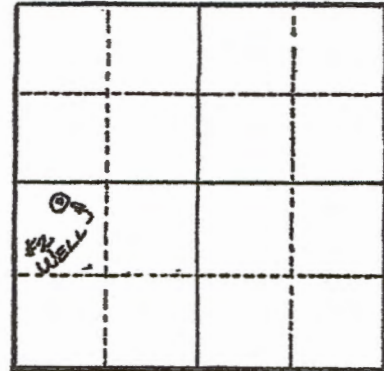
MAILING ADDRESS: Rt. 1 "Well 27"

LOCATION OF WELL: Owner's No. #2

CITY AND STATE: Independence, Oregon

NW 1/4 SW 1/4 Sec. 11 T. 8 S. R. 4 W., W.M.

Bearing and distance from section or subdivision corner S. 13° E. 3000' from NW cor. Sec. 11



Section 11

Altitude at well \_\_\_\_\_

TYPE OF WELL: Drilled Date Constructed 1951

Depth drilled 50' Depth cased 50'

CASING RECORD:

12"

FINISH:

Torch cut perforations from 35 to 50 ft.

AQUIFERS:

WATER LEVEL:

25'

PUMPING EQUIPMENT: Type Deep well turbine 6" H.P. 7 1/2  
Capacity 175 G.P.M.

WELL TESTS:

Drawdown 10 ft after \_\_\_\_\_ hours 300 G.P.M.

Drawdown \_\_\_\_\_ ft after \_\_\_\_\_ hours \_\_\_\_\_ G.P.M.

USE OF WATER Irrigation Temp. \_\_\_\_\_ °F. \_\_\_\_\_, 19\_\_\_\_

SOURCE OF INFORMATION G. R. Record

DRILLER or DIGGER \_\_\_\_\_

ADDITIONAL DATA:

Log \_\_\_\_\_ Water Level Measurements \_\_\_\_\_ Chemical Analysis \_\_\_\_\_ Aquifer Test \_\_\_\_\_

REMARKS:

Log: Clay loam 0 to 20 ft.  
Sandy loam 20 to 30 ft.  
Gravel 30 to 50 ft.

Irrigation of 23.8 acres.

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Extg. Well 27  
X (H.F.F.) 50 HP



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12" well casing



2B (Extg. well)  
\* (H.F.F.) 30HP  
61' 6" depth

Extg. Well 28  
(No well log found)

12" well casing

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G-18552



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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

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.

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. Avinellis</u> Thomas E. Avinellis	<u>William C. 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 Harbut</u> Rob Harbut

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

ACM Permanent Crops, LLC Operating Agreement

45193825 v18

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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.

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WARRANTY DEED

McKay Land Co., LLC, an Oregon limited liability company, Grantor, conveys and warrants to ACMPC Oregon 2, LLC, an Oregon limited liability company, Grantee, the following described real property, free of all liens and encumbrances except those exceptions to title listed in Exhibit A, attached hereto and incorporated by this reference, as specifically set forth herein:

See legal description of the real property attached hereto as Exhibit B and incorporated by this reference.

The true and actual consideration for this conveyance is other property or value given or promised, the receipt and sufficiency of which is hereby acknowledged by Grantor.

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.

FIRST AMERICAN TITLE 219627

Dated this 23 day of May, 2014.

GRANTOR:

McKay Land Co., LLC,  
an Oregon limited liability company

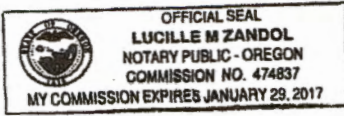
McKay Land Co., LLC,  
an Oregon limited liability company

By: [Signature]  
Mark A. McKay, Member

By: [Signature]  
Dean A. McKay, Member

STATE OF OREGON )  
 ) ss.  
County of Marion )

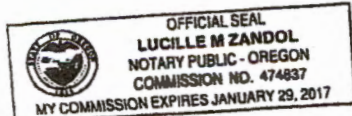
The forgoing instrument was acknowledged before me this 23 day of May, 2014, by Mark A. McKay, Member of McKay Land Co., LLC, an Oregon limited liability company, to be its voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires:

STATE OF OREGON )  
 ) ss.  
County of Marion )

The forgoing instrument was acknowledged before me this 23 day of May, 2014, by Dean A. McKay, Member of McKay Land Co., LLC, an Oregon limited liability company, to be its voluntary act and deed.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 1/29/17

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AFTER RECORDING,  
RETURN TO:  
ACMPC Oregon 2, LLC  
1331 NW Lovejoy Street, Ste. 900  
Portland, OR 97209

UNTIL A CHANGE IS REQUESTED, ALL  
TAX STATEMENTS SHALL BE SENT TO:

Same  
RECORDED IN POLK COUNTY 2014-004282  
Valerie Unger, County Clerk

Page 18 WARRANTY DEED

Churchill  
PO Box 804  
(50:

Barcode: 00285256201400042820080080 \$86.00  
05/29/2014 10:43:35 AM

REC-WD Cnt=1 Str=1 K.WILLIAMS  
\$40.00 \$10.00 \$11.00 \$20.00 \$5.00

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**EXHIBIT A:**

**Permitted Exceptions to Title**

1. The right of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
2. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Willamette River and the ownership of the State of Oregon in that portion lying below the high water mark of Willamette River.
3. 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 as so created.
4. 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 Rickreall Creek, Hayden Lake and Hayden Slough.
5. Easement, including terms and provisions contained therein:  
Recording Information: September 16, 1904 in Book 41, Page 5 and January 20, 1931 in Book 91, Page 600, in Deed Records  
In Favor of: adjoining property owners to the west  
For: Roadway over the Westerly 20 feet of TL102 8-4-11
6. Easement, including terms and provisions contained therein:  
Recording Information: December 28, 1937 in Book 101, Page 521, in Deed Records  
In Favor of: Eola Bend District Improvement Company  
For: water control  
(Affects portion of 7-4-36-200 north of road)
7. Easement, including terms and provisions contained therein:  
Recording Information: August 29, 1950 in Book 142, Page 397, in Deed Records  
In Favor of: United States of America  
For: general water control along Willamette River  
(Affects portion of 7-4-36-200 north of road)
8. Easement, including terms and provisions contained therein:  
Recording Information: November 01, 1957 in Book 165, Page 313, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
(Affects all of 8-4-2, not plottable)
9. Easement, including terms and provisions contained therein:  
Recording Information: June 12, 1969 in Book 217, Page 660, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
(Affects all of 8-4-2, not plottable)
10. Easement, including terms and provisions contained therein:  
Recording Information: June 11, 1969 in Book 218, Page 221, in Deed Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution
11. Easement, including terms and provisions contained therein:  
Recording Information: June 01, 1971 in Book 17, Page 95, Book of Records  
In Favor of: Pacific Northwest Bell Telephone Company  
For: communication lines & related facilities
12. Easement, including terms and provisions contained therein:  
Recording Information: October 26, 1971 in Book 23, Page 253, Book of Records  
In Favor of: Pacific Power & Light Company  
For: electrical transmission & distribution  
(Affects 8-4-2, not plottable)
13. Easement, including terms and provisions contained therein:  
Recording Information: July 06, 1998 in Book 358, Page 913, Book of Records  
In Favor of: David Setmiker  
For: Irrigation Line and Maintenance Agreement  
(Affects 8-4-2-101, from river to Hayden Lake, not plottable)

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14. Easement, including terms and provisions contained therein:  
 Recording Information: August 23, 2000, Document No. 2000-09203 Book of Records  
 In Favor of: David Setniker  
 For: irrigation line and maintenance agreement  
 (Affects 8-4-2-101)
15. Unrecorded Lease, including the terms and provisions thereof and such other exceptions as may appear necessary upon the recording thereof,  
 Lessor: Hermann Strube and Eva Maria Strube, as to an undivided 90% interest and Henning Hansen-Hogrefe, as to an undivided 10% interest  
 Lessee: Western PCS 1 Corporation  
 Dated: May 30, 1996, and further extended/renewed  
 For: cell phone tower  
 Disclosed by: Agreement recorded August 8, 2013 in 2013-008636  
  
 The assignment of lessee's interest under the lease.  
 Assigned By: T-Mobile West Tower LLC, a Delaware limited liability company  
 Assigned To: CCTMO LLC, a Delaware limited liability company  
 Dated: August 2, 2013  
 Recorded: August 8, 2013  
 Recording No.: 2013-008636  
 (Affects Parcel 1)
16. Easement, including terms and provisions contained therein:  
 Recording Information: February 25, 2005, Document No. 2005-002843 Book of Records  
 In Favor of: Pacificorp  
 For: electrical transmission & distribution  
  
 Said document was re-recorded March 04, 2005, Document No. 2005-003257 Book of Records  
 Affects 11-8-4-200
17. Easement, including terms and provisions contained therein:  
 Recording Information: August 19, 2005, Document No. 2005-013911 Book of Records  
 In Favor of: PacificCorp  
 For: electrical transmission & distribution  
 Affects 11-8-4-200
18. An easement reserved in a deed, including the terms and provisions thereof;  
 Recorded: September 29, 2004  
 Recording Information: Document No. 2004-015704  
 From: Hermann Strube and Eva Maria Strube and Henning Hansen-Hogrefe  
 To: Eola Bend RV Park, Inc.  
 For: Access  
 Affects: 7-4-25-1001 and 7-4-36-200
19. 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 Rickreall Creek, Hayden Lake and Hayden Slough or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion as so created.
20. Reservation of an undivided 1/2 interest in the water rights in and to Hayden Lake and 1/2 of all water therein available for irrigation purposes, together with a 10.00 foot wide water line as set forth in a deed, including the terms and provisions thereof;  
 Recorded: October 4, 1990  
 Recorded Information: Book 235, Page 2263, Book of Records  
 From: Interscaldis Investments, B.V.  
 To: Hermann Strube and Eva Maria Strube, et al  
 For: water  
 Affects: Parcel 1
21. Easement as shown on the recorded plat/partition  
 For: ingress, egress and utilities  
 Affects: 30 feet as show on partition plat
22. Restrictive Covenant, including terms and provisions thereof.  
 Recorded: April 9, 2002 in Document No. 2002-005353
21. Restrictive Covenant, including terms and provisions thereof.  
 Recorded: February 11, 2004 in Document No. 2004-003008

23. Easement, including terms and provisions contained therein.  
Recorded Information: July 25, 2008 in Document No. 2008-009359  
In Favor of: Northwest Natural Gas Company  
For: gas pipelines
24. Restrictive Covenant, including terms and provisions thereof.  
Recorded: August 31, 2011 in Document No. 2011-007878
25. Subject to any easement rights as disclosed by Development Agreement dated June 21, 2001 between Adrian Vanderhave and Ary Gerhard Dirkwager (AATC) and J.C. Compton Company (Compton).
26. Grant of Easement and Assignment of Lease including terms and provisions thereof.  
Recorded: 5/29/14 Date of Recording: 2014-004274
27. Ingress/Egress Easement Agreement for Hayden Island, including terms and provisions thereof.  
Recorded: 5/29/14 Date of Recording: 2014-004281

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EXHIBIT B:

Legal Description of Real Property

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

PARCEL 1:

BEGINNING AT THE SOUTHEAST CORNER OF THE HENRY HAWKINS DONATION LAND CLAIM NO. 56 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON, AND RUNNING THENCE NORTH 89° 45' 25" WEST, ALONG THE SOUTH LINE OF SAID HAWKINS DONATION LAND CLAIM, 461.76 FEET TO THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO JOHN HAAS, INC BY DEED RECORDED IN VOLUME 106, PAGE 150 OF THE POLK COUNTY DEED RECORDS, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF PARCEL 1 OF PARTITION PLAT 1997-0021 AS THE SAME IS PLATTED AND RECORDED IN VOLUME 1997, PAGE 0021 OF THE POLK COUNTY BOOK OF PARTITION PLATS AND THE TRUE POINT OF BEGINNING; THENCE NORTH 89° 45' 35" WEST, ALONG THE SOUTH LINE OF SAID HAWKINS CLAIM, 2681.82 FEET TO A POINT WHICH BEARS SOUTH 89° 45' 35" EAST 140.04 FEET FROM THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO MCKAY LAND CO., LLC BY DEED RECORDED IN BOR 2011, PAGE 010468 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 01° 05' 38" WEST, PARALLEL WITH AND 140 EASTERLY OF THE WEST LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND, WHEN MEASURED AT RIGHT ANGLES THERETO, 1309.50 FEET TO A POINT ON THE NORTH LINE OF SAID MCKAY TRACT OF LAND, SAID POINT ALSO BEING ON THE NORTH LINE OF PARCEL 1 OF PARTITION PLAT 1997-0021 AS THE SAME IS PLATTED AND RECORDED IN VOLUME 1997, PAGE 0021 OF THE POLK COUNTY BOOK OF PARTITION PLATS; THENCE SOUTH 89° 40' 16" EAST, ALONG SAID NORTH LINE, 480.39 FEET; THENCE NORTH 35° 00' EAST 400.81 FEET; THENCE NORTH 44° 00' EAST 231.00 FEET; THENCE NORTH 01° 00' WEST 296.00 FEET; THENCE NORTH 66° 30' EAST 214.00 FEET; THENCE NORTH 42° 30' EAST 198.44 FEET TO A POINT; THENCE ALONG THE ARC OF A 515.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 02° 10' 09" WEST 29.46 FEET) A DISTANCE OF 29.47 FEET TO A POINT OF TANGENCY; THENCE NORTH 00° 31' 48" WEST 2334.16 FEET TO A POINT; THENCE ALONG THE ARC OF A 4711.00 FOOT RADIUS CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 14° 57' 23" WEST 335.92 FEET) A DISTANCE OF 335.99 FEET TO A POINT; THENCE SOUTH 89° 51' WEST 2060.54 FEET TO THE EASTERLY (RIGHT) BANK OF HAYDEN SLOUGH, THAT ALSO BEING THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO E.C. HORST ON JUNE 22, 1899 BY DEED RECORDED IN VOLUME 34, PAGE 406 OF THE POLK COUNTY DEED RECORDS, THENCE ALONG THE WESTERLY LINE OF SAID HORST TRACT OF LAND AS FOLLOWS: NORTH 49° WEST 267.85 FEET AND NORTH 42° EAST 198.00 FEET AND NORTH 35° EAST 841.5 FEET TO AN ANGLE POINT IN THE WEST LINE OF SAID HORST TRACT OF LAND, SAID POINT ALSO BEING THE NORTHEAST CORNER OF THAT TRACT OF LAND CONVEYED AS TRACT 2 TO WALTER H. HUSTON AND FREDDENA J. HUSTON BY DEED RECORDED IN VOLUME 212, PAGE 618 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 56° 37' 31" WEST ALONG THE NORTHERLY LINE OF SAID HUSTON TRACT OF LAND, 802.19 FEET, MORE OR LESS, TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF STATE HIGHWAY NO. 51; THENCE NORTHEASTERLY, ALONG SAID RIGHT-OF-WAY LINE, ON THE ARC OF A SPIRAL CURVE TO THE LEFT (THE CHORD OF WHICH BEARS NORTH 23° 49' 32" EAST 360.61 FEET) A DISTANCE OF 360.7 FEET, MORE OR LESS, TO A POINT OPPOSITE ENGINEER'S STATION P.S. 113+76.00; THENCE NORTH 22° 45' 02" EAST, ALONG SAID RIGHT-OF-WAY LINE, 1171.93 FEET TO A POINT OPPOSITE ENGINEER'S STATION P.T. 102+03.90; THENCE NORTHEASTERLY ALONG THE ARC OF A SPIRAL CURVE TO THE RIGHT (THE CHORD OF WHICH BEARS NORTH 22° 45' 02" EAST 3.35 FEET) A DISTANCE OF 3.35 FEET TO A POINT ON THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO THEODORE MULLER AND VIRGINIA MULLER BY DEED RECORDED IN VOLUME 105, PAGE 294 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 89° 47' 18" EAST, ALONG THE SOUTH LINE OF SAID MULLER TRACT OF LAND, 568.68 FEET TO THE MOST SOUTHERLY-SOUTHEAST CORNER THEREOF; THENCE NORTH 22° 45' 02" EAST 159.72 FEET TO AN ANGLE POINT IN THE SOUTHERLY BOUNDARY LINE OF SAID MULLER TRACT OF LAND; THENCE NORTH 89° 47' 18" EAST, ALONG THE SOUTH LINE OF SAID MULLER TRACT OF LAND, 2735.04 FEET TO THE MOST EASTERLY SOUTHEAST CORNER THEREOF; SAID POINT ALSO BEING ON THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO ADRIAN VANDERHAVE AND ARY GERHARD DIRKZWAGER BY DEED RECORDED IN BOR 368, PAGE 964 OF THE POLK COUNTY DEED RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID VANDERHAVE AND DIRKZWAGER TRACT OF LAND NORTH 44° 45' 29" EAST 407.40 FEET; THENCE NORTH 57° 47' 57" EAST 783.43 FEET; THENCE NORTH 88° 59' 15" WEST 959.30 FEET; THENCE NORTH 70° 41' 18" EAST 302.47 FEET; THENCE NORTH 80° 34' 55" EAST 450.00 FEET; THENCE NORTH 87° 44' 55" EAST 470.00 FEET; THENCE NORTH 54° 14' 55" EAST 29.80 FEET TO THE NORTHEAST CORNER OF SAID VANDERHAVE AND DIRKZWAGER TRACT OF LAND, SAID POINT ALSO BEING ON THE CENTERLINE OF HAYDEN SLOUGH; THENCE ALONG SAID SLOUGH CENTERLINE NORTH 54° 15' EAST 420.20 FEET AND NORTH 19° 15' EAST 480.00 FEET AND NORTH 26° 40' EAST 710.00 FEET AND NORTH 34° 00' EAST 305.00 FEET AND NORTH 64° 10' EAST 815.48 FEET AND NORTH 51° 25' EAST 135.00 FEET TO A POINT ON THE SOUTH LINE OF THE NORMAN SCOTT DONATION LAND CLAIM NO. 65 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 88° 48' 02" EAST, ALONG SAID CLAIM LINE, 68.35 FEET, TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 02' 16" WEST, ALONG THE EAST LINE OF SAID

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SCOTT CLAIM, 53.06 FEET TO THE MOST SOUTHERLY CORNER OF THAT TRACT OF LAND CONVEYED AS PARCEL 3 TO MCKAY LAND CO., LLC BY DEED RECORDED IN BOR 2006, PAGE 12026 OF THE POLK COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND AS FOLLOWS: NORTH 51° 25' EAST 130.0 FEET AND NORTH 32° 30' EAST 283.0 FEET AND NORTH 27° 00' EAST 485.86 FEET TO THE NORTHEAST CORNER THEREOF; THENCE SOUTH 89° 55' 48" WEST, ALONG THE NORTH LINE OF SAID MCKAY LAND CO., LLC TRACT OF LAND, 474.75 FEET TO THE NORTHWEST CORNER THEREOF AND THE MOST EASTERLY NORTHEAST CORNER OF THE BEFORESAID NORMAN SCOTT DONATION LAND CLAIM; THENCE NORTH 00° 31' 33" EAST 9.90 FEET TO THE ¼ CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 00° 03' 35" WEST, ALONG THE SECTION LINE COMMON TO SECTIONS 35 AND 36, AND CONTINUING ALONG THE SECTION LINE COMMON TO SECTIONS 25 AND 26, 3017.22 FEET, MORE OR LESS, TO THE INTERSECTION OF SAID SECTION LINE WITH THE SOUTH LINE OF THAT TRACT OF LAND CONVEYED TO GLENN MONNIER AND DOROTHY MONNIER BY DEED RECORDED IN VOLUME 38, PAGE 200 OF THE POLK COUNTY DEED RECORDS; THENCE SOUTH 89° 57' 57" EAST, ALONG THE SOUTH LINE OF SAID MONNIER TRACT OF LAND, 880.90 FEET TO THE SOUTHEAST CORNER THEREOF; THENCE NORTH 00° 04' 12" EAST, ALONG THE EAST LINE OF SAID MONNIER TRACT OF LAND, 1108.06 FEET TO A POINT IN THE CENTER OF LACREOLE RIVER (ALSO KNOWN AS RICKREALL CREEK); THENCE DOWNSTREAM ALONG THE CENTERLINE OF SAID LACREOLE RIVER AS FOLLOWS: NORTH 79° 30' EAST 105.43 FEET AND NORTH 88° 00' EAST 230.00 FEET AND SOUTH 74° 20' EAST 315.00 FEET AND SOUTH 61° EAST 185.00 FEET AND NORTH 88° 00' EAST 80.00 FEET AND NORTH 75° 45' EAST 93.00 FEET AND NORTH 88° 00' EAST 207.00 FEET AND NORTH 81° 00' EAST 123.00 FEET AND SOUTH 44° 00' EAST 265.00 FEET AND SOUTH 27° 35' EAST 271.00 FEET AND SOUTH 45° 15' EAST 338.00 FEET AND SOUTH 85° 45' EAST 160.00 FEET AND SOUTH 75° 45' EAST 384.00 FEET AND NORTH 72° 30' EAST 123.61 FEET; THENCE, LEAVING SAID LACREOLE RIVER CENTERLINE, SOUTH 53° 38' 48" EAST 616.38 FEET; THENCE SOUTH 25° 38' 48" EAST 687.31 FEET TO A POINT ON THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL; THENCE SOUTHERLY, ALONG THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL (WEST), FOLLOWING THE ORDINARY HIGH WATER LINE, AS FOLLOWS: SOUTH 21° 15' WEST 208.87 FEET AND SOUTH 10° 30' WEST 175.00 FEET AND SOUTH 21° 00' EAST 180.00 FEET AND SOUTH 03° 00' WEST 105.00 FEET AND SOUTH 21° 45' WEST 95.00 FEET AND SOUTH 01° 00' WEST 90.00 FEET AND SOUTH 08° 30' WEST 190.00 FEET AND SOUTH 24° 30' WEST 260.00 FEET AND SOUTH 32° 00' WEST 250.00 FEET AND SOUTH 28° 00' WEST 144.82 FEET TO A POINT, SAID POINT BEING THE INTERSECTION OF THE EASTERLY EXTENSION OF THE NORTHERLY BOUNDARY LINE OF THAT TRACT OF LAND CONVEYED TO GORDON DAGUE AND LEOTA DAGUE BY DEED RECORDED IN VOLUME 194, PAGE 301 OF THE POLK COUNTY DEED RECORDS WITH SAID ORDINARY HIGH WATER LINE; THENCE SOUTH 89° 43' 22" WEST, ALONG THE NORTHERLY LINE OF SAID DAGUE TRACT OF LAND, 66.60 FEET TO THE NORTHEAST CORNER THEREOF; THENCE, SOUTH 31° 33' 45" WEST, ALONG THE EASTERLY LINE OF SAID DAGUE TRACT OF LAND, 763.62 FEET; THENCE SOUTH 14° 41' 15" EAST 33.00 FEET; THENCE SOUTH 38° 52' 44" WEST 76.74 FEET TO A POINT WHICH BEARS SOUTH 87° 58' 53" EAST 330.49 FEET FROM THE SOUTHEAST CORNER OF THE JOSHUA SHAW DONATION LAND CLAIM NO. 60 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE SOUTH 31° 15' WEST, ALONG THE WESTERLY LINE OF THAT TRACT OF LAND CONVEYED TO HILROY ENTERPRISES BY DEED RECORDED IN BOR 205, PAGE 62 OF THE POLK COUNTY DEED RECORDS, 552.16 FEET TO A POINT MARKING THE ORDINARY HIGH WATER LINE ON THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL; THENCE ALONG SAID WESTERLY BANK FOLLOWING SAID ORDINARY HIGH WATER LINE AS FOLLOWS: SOUTH 60° 00' WEST 218.96 FEET AND SOUTH 50° 35' WEST 320.00 FEET AND SOUTH 46° 00' WEST 250.00 FEET AND SOUTH 25° 45' WEST 470.00 FEET AND SOUTH 39° 30' WEST 205.00 FEET AND SOUTH 05° 00' EAST 100.00 FEET AND SOUTH 09° 40' EAST 160.00 FEET AND SOUTH 06° 45' WEST 100.00 FEET AND SOUTH 15° 45' WEST 385.00 FEET AND SOUTH 12° 50' WEST 315.00 FEET AND SOUTH 16° 00' WEST 270.00 FEET AND SOUTH 14° 00' WEST 395.00 FEET AND SOUTH 20° 30' WEST 475.00 FEET AND SOUTH 11° 45' WEST 215.00 FEET TO THE INTERSECTION OF THE WESTERLY BANK OF THE OLD WILLAMETTE RIVER CHANNEL WITH THE WESTERLY BANK OF THE WILLAMETTE RIVER; THENCE SOUTH 63° 00' EAST 107.00 FEET TO A POINT MARKING THE ORDINARY LOW WATER LINE OF SAID WILLAMETTE RIVER; THENCE SOUTHWESTERLY ALONG THE WESTERLY BANK OF THE PRESENT WILLAMETTE RIVER FOLLOWING SAID ORDINARY LOW WATER LINE AS FOLLOWS: SOUTH 33° 00' WEST 237.00 FEET AND SOUTH 24° 20' WEST 900.00 FEET AND SOUTH 22° 40' WEST 425.00 FEET AND SOUTH 19° 14' 38" WEST 505.00 FEET AND SOUTH 16° 29' 38" WEST 192.93 FEET AND SOUTH 16° 30' WEST 457.07 FEET AND SOUTH 20° 15' WEST 400.00 FEET AND SOUTH 11° 55' WEST 440.00 FEET AND SOUTH 12° 50' WEST 595.00 FEET AND SOUTH 16° 45' WEST 297.00 FEET AND SOUTH 12° 00' WEST 195.00 FEET AND SOUTH 10° 00' WEST 265.00 FEET TO A POINT ON THE NORTH LINE OF THAT TRACT OF LAND CONVEYED TO JOHN HASS, INC BY DEED RECORDED IN VOLUME 106, PAGE 150 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 89° 36' 51" WEST, ALONG THE NORTH LINE OF SAID HASS TRACT OF LAND, 175.00 FEET TO A POINT WHICH BEARS SOUTH 12° 20' 11" WEST 675.49 FEET FROM THE NORTHEAST CORNER OF SECTION 11 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE NORTH 89° 36' 51" WEST CONTINUING ALONG THE NORTH LINE OF SAID HASS TRACT OF LAND, 1600.00 FEET; THENCE SOUTH 15° 00' WEST 1090.00 FEET; THENCE SOUTH 26° 00' WEST 760.00 FEET; THENCE SOUTH 30° 00' WEST 545.00 FEET; THENCE SOUTH 45° 00' WEST 190.00 FEET; THENCE SOUTH 81° 56' 02" WEST 61.16 FEET TO A POINT ON THE EAST LINE OF THE BEFORESAID PARCEL 1 OF PARTITION PLAT 1997-0021 AT A POINT WHICH BEARS SOUTH 18° 12' 06"

WEST 409.91 FEET FROM THE NORTHEAST CORNER THEREOF; THENCE SOUTH 18° 12' 06" WEST, ALONG THE WESTERLY LINE OF SAID PARCEL 1, 961.12 FEET TO THE POINT OF BEGINNING, ALL BEING SITUATED WITHIN SECTIONS 25, 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST AND SECTIONS 2, 3, 10 AND 11 IN TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

SAVE AND EXCEPT: THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF HALLS FERRY ROAD.

SAVE AND EXCEPT: THAT PORTION LYING WITHIN THE RIGHT-OF-WAY OF STATE FARM ROAD (CO RD NO. 7410) AND A 60-FOOT WIDE PUBLIC ROAD DESCRIBED IN VOLUME 196, PAGE 583 OF THE POLK COUNTY DEED RECORDS.

PARCEL II:

BEGINNING AT THE ¼ CORNER COMMON TO SECTION 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE NORTH 89° 47' 57" WEST, ALONG THE NORTHERLY BOUNDARY LINE OF THAT TRACT OF LAND CONVEYED TO WALTER H. BROWN BY DEED RECORDED IN VOLUME 137, PAGE 516 OF THE POLK COUNTY DEED RECORDS, 2132.22 FEET TO AN IRON BAR MARKING THE SOUTHEAST CORNER OF THAT TRACT OF LAND CONVEYED TO THOMAS MUELLER AND K. CHRISTINE MUELLER BY DEED RECORDED IN BOR 103, PAGE 1380 OF THE POLK COUNTY DEED RECORDS; THENCE NORTH 10° 03' 41" WEST, ALONG THE EASTERLY BOUNDARY LINE OF SAID MUELLER TRACT OF LAND, 663.11 FEET TO AN IRON ROD MARKING AN ANGLE POINT THEREIN; THENCE NORTH 15° 43' 43" WEST, ALONG SAID EASTERLY LINE, 418.16 FEET TO A POINT IN THE CENTER OF CHINAMAN'S DITCH; THENCE NORTHERLY, ALONG THE CENTERLINE OF CHINAMAN'S DITCH AS FOLLOWS: NORTH 55° 27' 11" EAST 24.71 FEET AND NORTH 29° 07' 40" EAST 50.66 FEET AND NORTH 03° 13' 28" EAST 127.06 FEET AND NORTH 41° 25' 49" EAST 36.95 FEET AND NORTH 86° 41' 43" EAST 116.69 FEET AND NORTH 50° 47' 59" EAST 109.18 FEET AND NORTH 15° 09' 44" EAST 76.76 FEET AND NORTH 08° 39' 37" EAST 128.80 FEET AND NORTH 50° 06' 55" EAST 101.46 FEET AND NORTH 26° 50' 45" EAST 42.91 FEET AND NORTH 06° 23' 53" EAST 110.18 FEET AND NORTH 27° 43' 40" EAST 120.87 FEET AND NORTH 36° 30' 13" EAST 57.88 FEET AND NORTH 49° 42' 12" EAST 68.05 FEET AND NORTH 17° 55' 53" EAST 52.66 FEET AND NORTH 00° 26' 39" WEST 83.83 FEET AND NORTH 12° 28' 21" WEST 53.19 FEET AND NORTH 34° 41' 34" EAST 42.70 FEET AND NORTH 68° 09' 02" EAST 89.06 FEET AND NORTH 25° 07' 39" EAST 37.77 FEET AND NORTH 47° 25' 02" WEST 81.05 FEET AND NORTH 37° 03' 45" EAST 72.08 FEET AND NORTH 12° 53' 10" EAST 76.20 FEET TO THE INTERSECTION OF SAID CENTERLINE WITH THE CENTERLINE OF LACREOLE RIVER (ALSO KNOWN AS RICKREALL CREEK); THENCE DOWNSTREAM ALONG THE CENTERLINE OF SAID LACREOLE RIVER AS FOLLOWS: SOUTH 89° 14' 45" EAST 196.86 FEET AND NORTH 34° 25' EAST 148.00 FEET AND NORTH 35° 00' WEST 208.00 FEET AND NORTH 24° 00' WEST 296.00 FEET AND SOUTH 84° 40' EAST 236.50 FEET AND SOUTH 66° 00' EAST 248.50 FEET AND NORTH 82° 55' EAST 438.00 FEET AND NORTH 00° 30' WEST 88.21 FEET; THENCE SOUTH 89° 57' 57" EAST, LEAVING SAID LACREOLE RIVER CENTERLINE, 327.83 FEET TO AN IRON PIPE AT THE SOUTHWEST CORNER OF THAT TRACT OF LAND CONVEYED TO GLENN MONNIER AND DOROTHY MONNIER BY DEED RECORDED IN BOR 38, PAGE 200 OF THE POLK COUNTY DEED RECORDS; THENCE SOUTH 89° 57' 57" EAST, ALONG THE SOUTH LINE OF SAID TRACT OF LAND, 396.86 FEET TO A ½-INCH IRON PIPE SET AT THE INTERSECTION OF SAID SOUTH LINE WITH THE EAST LINE OF SECTION 26 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 00° 03' 35" EAST, ALONG SAID SECTION LINE AND THE EAST LINE OF SECTION 35, IN SAID TOWNSHIP AND RANGE, 3017.22 FEET, MORE OR LESS, TO THE POINT OF BEGINNING. ALL BEING SITUATED WITHIN THE SOUTHEAST QUARTER OF SECTION 26 AND THE NORTHEAST QUARTER OF SECTION 35 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

PARCEL III:

BEGINNING AT THE MOST EASTERLY NORTHEAST CORNER OF THAT PARCEL OF LAND DESCRIBED IN BOOK 137, PAGE 516, DEED RECORDS FOR POLK COUNTY, OREGON, SAID CORNER BEING THE ONE-QUARTER CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON; THENCE SOUTH 01°51'08" WEST 815.14 FEET TO AN 1-1/2 INCH IRON PIPE; THENCE NORTH 89°18'57" WEST 1745.15 FEET TO A 1-1/2 INCH IRON PIPE MARKING THE NORTHEAST CORNER OF THE BETHUEL DOVE DONATION LAND CLAIM NO. 45 IN SAID TOWNSHIP AND RANGE; THENCE NORTH 88° 04' 09" WEST 2781.48 FEET TO A 5/8 INCH IRON ROD; THENCE NORTH 01°55'51" EAST 843.65 FEET TO A 5/8 INCH IRON ROD PLACED ON THE MOST EASTERLY, NORTH BOUNDARY LINE OF THE PARCEL OF LAND DESCRIBED IN AFOREMENTIONED BOOK 137, PAGE 516; THENCE SOUTH 88° 11' 20" EAST COINCIDENT WITH SAID NORTH BOUNDARY, 4525.11 FEET TO THE POINT OF BEGINNING.

TOGETHER WITH AN EASEMENT 30.00 FEET IN WIDTH, FOR INGRESS AND EGRESS, LYING SOUTHERLY IN DIRECTION AND CONTIGUOUS WITH THE FOLLOWING DESCRIBED LINE: BEGINNING AT A 5/8" INCH IRON ROD MARKING THE POINT OF INTERSECTION OF THE MOST EASTERLY NORTH BOUNDARY LINE OF THAT PARCEL OF LAND DESCRIBED IN BOOK 137, PAGE 516, DEED RECORDS FOR POLK COUNTY, OREGON, SAID POINT BEARS NORTH 88° 11' 20" WEST 4760.62 FEET FROM THE QUARTER

Page 7 of 18 WARRANTY DEED

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CORNER COMMON TO SECTIONS 35 AND 36 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN; THENCE SOUTH 88° 110' 20" EAST 235.51 FEET TO THE POINT OF TERMINUS.

PARCEL IV:

BEGINNING AT A POINT AT THE CENTERLINE OF THE HAYDEN SLOUGH WHICH IS 53.06 FEET NORTH 0° 02' 16" WEST FROM THE S.E. CORNER OF THE NORMAN SCOTT DLC NO. 65 AS DELINEATED ON SHEET 3 OF A SURVEY BY C.E. BAKER, CS 5496 FOR GREEN VILLA FARMS DATED APRIL 1979 AND AS DESCRIBED IN A SPECIAL WARRANTY DEED TO HERMANN STRUBE AND EVA-MARIA STRUBE, HUSBAND AND WIFE ET AL. AS RECORDED IN BOR 235, PAGE 2263, DEED RECORDS FOR POLK COUNTY, OREGON; SAID POINT OF BEGINNING IS BY SAID SURVEY 9.90 FEET SOUTH 0°31'33" WEST AND 752.08 FEET SOUTH 0°02'16" EAST FROM THE ONE-QUARTER CORNER COMMON TO SECTIONS 35 AND 36, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE, ALONG THE CENTERLINE OF HAYDEN SLOUGH IN AGREEMENT WITH SAID CS 5496 AND SAID DEED, NORTH 51° 25' EAST 130.00 FEET; THENCE NORTH 32° 30' EAST 283.00 FEET; THENCE NORTH 27°00' EAST 485.86 FEET TO A POINT ON THE SOUTH LINE OF THE JOSHUA SHAW DLC NO. 60; THENCE LEAVING SAID SLOUGH AND ALONG SAID SOUTH DLC LINE, SOUTH 89° 55' 48" WEST 474.75 FEET TO THE EASTERLY NORTHEAST CORNER OF THE NORMAN SCOTT DLC NO. 115; THENCE, IN AGREEMENT WITH SAID CS 5496, SOUTH 0° 02' 16" EAST 752.08 FEET TO THE POINT OF BEGINNING.

PARCEL V:

A TRACT OF LAND SITUATED IN THE NORTHEAST QUARTER OF SECTION 2, TOWNSHIP 8 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN, POLK COUNTY, OREGON, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THAT TRACT OF LAND AS DESCRIBED IN BOOK 368, PAGE 205, POLK COUNTY DEED RECORDS; THENCE ALONG THE EAST LINE OF SAID TRACT, SOUTH 57°40'28" WEST, 782.77 FEET; THENCE SOUTH 44°48'18" WEST, 407.94 FEET TO THE SOUTHEAST CORNER OF SAID TRACT; THENCE ALONG THE SOUTH LINE OF SAID TRACT, SOUTH 89°42'38" WEST, 1428.66 FEET TO THE CENTERLINE OF HAYDEN SLOUGH; THENCE ALONG THE CENTERLINE OF SAID SLOUGH, NORTH 56°13'38" EAST, 423.37 FEET; THENCE NORTH 72°08'07" EAST, 635.65 FEET; THENCE NORTH 56°55'32" EAST, 550.69 FEET TO INTERSECT THE NORTH LINE OF THE SAID TRACT OF LAND DESCRIBED IN SAID BOOK 368, PAGE 205; THENCE ALONG THE SAID NORTH LINE, SOUTH 89°03'54" EAST, 959.32 FEET TO THE POINT OF BEGINNING.

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

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Today's Date: Tuesday, August 29, 2017

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1.49	\$700.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	5	\$1,400.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	<a href="#">Recalculate</a>	
Estimated cost of Permit Application		\$4,310.00

OWRD Fee Schedule

Fee Calculator Version B20170117

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