



Today's Date: Wednesday, January 9, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,560.00

OWRD Fee Schedule

Fee Calculator Version B20170117

Gr-10776

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.oregon.gov/OWRD

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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

Organization

NAME		PHONE	FAX
NORTH AMERICAN PLANTS, INC. C/O YONGJIAN CHANG		(503) 474-1852	(503) 474-0872
ADDRESS		CELL	
9375 SE WARMINGTON ROAD		(503) 560-3972	
CITY	STATE	ZIP	E-MAIL *
MCMINNVILLE	OR	97128	YCHANG@NAPLANTS.COM

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

AGENT / BUSINESS NAME		PHONE	FAX
DOANN HAMILTON / PACIFIC HYDRO-GEOLOGY, INC.		(503) 632-5016	(503) 632-5983
ADDRESS		CELL	
18487 S. VALLEY VISTA ROAD		(503) 349-6946	
CITY	STATE	ZIP	E-MAIL *
MULINO	OR	97042	PHGDMH@GMAIL.COM


Note: Attach multiple copies as needed

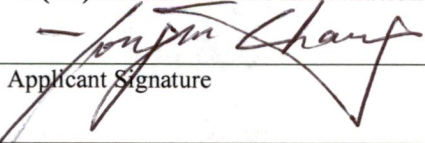
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

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By my signature below I confirm that I understand:

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

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

	Yongjian Chang, President,	12/20/2018
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

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.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

NA

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 6	HAWN CREEK	APPROX. 1,900 FEET	APPROX. 70 FEET
WELL 6	YAMHILL RIVER	APPROX. 1,800 FEET	APPROX. 80 FEET
WELL 7	HAWN CREEK	APPROX. 1,750 FEET	APPROX. 70 FEET
WELL 7	YAMHILL RIVER	APPROX. 2,350 FEET	APPROX. 80 FEET

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

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

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.688 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	6 INCH	0 TO 80	TBD	0 TO 50	NA	ALLUVIUM	200 FEET		
WELL 7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	6 INCH	0 TO 80	TBD	0 TO 50	NA	ALLUVIUM	200 FEET		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						TOTAL:		350 GPM	137.5 AF

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

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For Department Use: App. Number: _____

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of appropriation (POA) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

Upper Columbia - OAR 690-033-0115 thru -0130

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes No

If yes, you are notified that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

Lower Columbia - OAR 690-033-0220 thru -0230

Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, you will be required to provide the following information, if applicable.

Yes No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:
NA

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year round	137.5 AF

For irrigation use only: NA

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

Primary: NA Acres Supplemental: NA Acres

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

NA

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA (**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*): NA

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SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 2.5 Hp submersible pump
 Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from the wells and conveyed to a common storage tank.

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*)

From the store tank water will supply greenhouses with drip and overhead 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 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*).

Water will be applied the most efficient method using drip and low impact sprinklers to prevent waste.

SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: Within three years after the permit is issued
b) Date construction will be completed: Within five years after the permit has been issued
c) Date beneficial water use will begin: Within five years after the permit has been issued

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Water will be applied at rate and duration to avoid excess watering
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation:
No streams within the place of use so no banks will need clearing
- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: NA

SECTION 9: WITHIN A DISTRICT

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

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Irrigation District Name NA	Address	
City	State	Zip

SECTION 10: REMARKS

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

None

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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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

Include the following additional items:

- 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.
- Fees - Amount enclosed: \$ 2,040
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - 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 diversion, 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 identified clearly.
 - 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)

Note: In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 503-986-0900
 www.oregon.gov/OWRD

Applicant

NAME NORTH AMERICAN PLANTS, INC. C/O YONGJIAN CHANG		PHONE (HM)	
PHONE (WK) (503) 474-1852	CELL (503) 560-3972	FAX (503) 474-0872	
ADDRESS 9375 SE WARMINGTON ROAD			
CITY MCMINNVILLE	STATE OR	ZIP 97128	E-MAIL * YCHANG@NAPLANTS.COM

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
4S	4W	11		5400		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	NU
						<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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) _____

Estimated quantity of water needed: 0.688 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

New groundwater permit to allow nursery use in greenhouses.



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.

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): SECTION 402 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.

NAME <u>LANCE WOODS</u>	TITLE: <u>ASSOCIATE PLANNER</u>
SIGNATURE 	PHONE: <u>(503) 434-7516</u>
GOVERNMENT ENTITY <u>YAMHILL COUNTY</u>	DATE: <u>12/21/2018</u>

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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AFTER RECORDING RETURN TO:

Peter C. McKittrick
Farleigh Witt
121 SW Morrison Street, Suite 600
Portland, OR 97204

Until a change is requested, all tax
statements shall be sent to:
North American Plants, LLC

REVIEWED AND APPROVED

MOK

DATE: 2 Aug 2005

TRUSTEE'S DEED

KNOW ALL MEN BY THESE PRESENTS that the Bankruptcy Estates of In re Meadow Lake Nursery Co., Case No. 03-41007-elp11, and In re Todd A. Erickson and Cheroyl A. Erickson, Case No. 04-34931-elp11 (collectively, the "Bankruptcy Estates"), now pending in the United States Bankruptcy Court for the District of Oregon, by and through its duly appointed and acting Limited Powers Chapter 11 Trustee, Michael B. Batlan ("Trustee"), herein called "Grantor," acting in his capacity as Trustee and not individually, by virtue of the power and authority given a bankruptcy trustee under the laws of the United States of America, for the consideration hereinafter stated, does hereby grant, bargain, sell, convey and release to North American Plants, LLC, herein called "Grantee," and unto Grantee's successors and assigns, all of the interest, if any, vested in Meadow Lake Nursery Co. and Todd A. Erickson and Cheroyl A. Erickson in the subject property described herein at the time of the filing of the above referenced bankruptcy cases, and which passed to the Bankruptcy Estates by operation of law and became subject to administration of the Trustee, together with all after acquired title of the Bankruptcy Estates, if any, all tenements, hereditaments, appurtenances thereunto belonging, or in any way appertaining, situated in the County of Yamhill, State of Oregon, described as follows: real property located at 9375 SE Warmington Road, McMinnville, Oregon, and legally described on the attached Exhibit A, together with any and all easements benefiting the real property.

The Trustee's power and authority to dispose of such property of the Bankruptcy Estates originates in 11 U.S.C. § 363, and this transfer is made following notice to "interested persons" and an opportunity for hearing pursuant to such law. Trustee warrants that the Trustee has the authority to sell the property and the authority to transfer title to Grantee.

The consideration for this transfer is \$1,134,685.00.

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Grantor makes this conveyance without any warranties express or implied. This conveyance and release is intended to transfer all of the Bankruptcy Estates' interest, if any, in the subject property described herein, to the Grantee, in its existing condition, "AS IS," without any warranties express or implied. Grantee's recording of this deed indicates Grantee's acceptance of this conveyance and release upon that basis.

Grantor covenants that this deed is to be absolute in effect as pertains to the Bankruptcy Estates and conveys whatever right, title and interest the Bankruptcy Estates may have in the described property. This conveyance and release is not intended to operate as a mortgage, trust deed or security of any kind.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THIS PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED BY ORS 30.930.

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND EXISTENCE OF FIRE PROTECTION FOR STRUCTURES.

IN WITNESS WHEREOF, Grantor has executed this deed this 29 day of July, 2005.

Michael B. Batlan, Trustee

Michael B. Batlan, Limited Powers Chapter 11 Trustee for the Bankruptcy Estates of Meadow Lake Nursery Co., United States Bankruptcy Court for the District of Oregon Case No. 03-41007-elp and Todd A. Erickson and Cheroyl A. Erickson, United States Bankruptcy Court for the District of Oregon Case No. 04-34931-elp11

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STATE OF OREGON)
) ss.
County of Marion)

This instrument was acknowledged before me on the 29 day of July, 2005 by Michael B. Batlan, Limited Powers Chapter 11 Trustee on behalf of the Bankruptcy Estates of Meadow Lake Nursery Co., United States Bankruptcy Court for

G-19776

the District of Oregon Case No. 03-41007-elp11, and Todd A. Erickson and Cheroyl A. Erickson, United States Bankruptcy Court for the District of Oregon Case No. 04-34931-elp11.

Patricia B. Elwood
NOTARY PUBLIC in and for Oregon
My Commission Expires: 6-11-2007



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PARCEL 1:

A part of the tract of land situate in Sections 11, 12, 13 and 14, Township 4 South, Range 4 West of the Willamette Meridian in the Jacob Hawn Donation Land Claim No. 51, Notification No. 1357, the Henry Bird Donation Land Claim No. 50, Notification No. 1239, and the Miles Carey Donation Land Claim No. 44, Notification No. 1229 in Yamhill County, Oregon, conveyed to the United States by W. T. Crook and wife by Deed recorded March 11, 1937 in Book 112, Page 288, Deed Records, said part being more particularly described as follows:

Beginning at a point marked by a 3/4 inch iron pipe at the common corner to United States Farm Administration Farm Units 61, 60, 64 and 65, said point being 2476.77 feet North of and 896.69 feet East of the Southwest corner of the Jacob Hawn Donation Land Claim; thence North 0°24'12" East 975.00 feet along the line common with United States Farm Security Administration Farm Unit No. 64, to a point marked by a 3/4 inch iron pipe; thence North 89°04'14" West 2180.17 feet along the line common with Farm Unit No. 63 to a point marked by a 3/4 inch iron pipe; thence South 0°33'17" West 975.00 feet along the line common with Farm Unit No. 59 to a point marked by a 3/4 inch iron pipe on the North right of way line of a roadway; thence South 89°35'48" East 660.23 feet along the North right of way line of the roadway to a point marked by a 3/4 inch iron pipe; thence South 1°13'06" West 20.00 feet along the line common to the C. O. Dennis property to a point marked by a 3/4 inch iron pipe on the centerline of the roadway; thence South 89°35'48" East 1522.71 feet along the line common with Farm Unit No. 61 to the point of beginning.

EXCEPT that portion of the premises lying in the road.

ALSO EXCEPTING a tract of land conveyed to Henry Yoder and wife, by Deed recorded September 10, 1964 in Film Volume 40, Page 103, Deed and Mortgage Records of Yamhill County, Oregon.

PARCEL 2:

A part of the tract of land situate in Sections 11, 12, 13 and 14, Township 4 South, Range 4 West of the Willamette Meridian in the Jacob Hawn Donation Land Claim No. 51, Notification No. 1357, the Henry Bird Donation Land Claim No. 50, Notification No. 1239, and Miles Carey Donation Land Claim No. 44, Notification No. 1229, in Yamhill County, Oregon, conveyed to United States by W. T. Crook and wife, by Deed recorded March 11, 1937 in Book 112, Page 288, Deed Records of Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at a point marked by a 3/4 inch iron pipe at the Southwest corner of Farm Unit No. 60, said point being 2512.14 feet North of and 1285.77 feet West of the Southwest corner of the Jacob Hawn Donation Land Claim; thence North 0°33'17" East 1513.36 feet along the line common with Farm Unit No. 60 and Farm Unit No. 63 to a point marked by a 2 inch iron pipe; thence South 76°07'10" West 860.60 feet along the line common with the property of the Heirs of G. F. Earhart to a point marked by a 2 inch iron pipe on the East right of way line of a roadway; thence South 13°35'08" East 699.22 feet along the East right of way line of the roadway to a point marked by a 2 inch iron pipe; thence South 0°17'58" West 622.54 feet along the East right of way of a roadway to a point marked by a 2 inch iron pipe; thence South 89°35'48" East 659.84 feet along the North right of way line of the roadway to the place of beginning.

PARCEL 3:

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Beginning at a point marked by a 2 inch iron pipe at the intersection of the North property line of the Edward and Mary O'Donnelly property and the West right of way line of the roadway, said point being 3134.63 feet North of and 1982.36 feet West of the Southwest corner of the Jacob Hawn Donation Land Claim; thence North 13°35'08" West 967.66 feet along the West right of way line of the roadway to a point marked by a 2 inch iron pipe on the South right of way line of the Southern Pacific Railroad, said point being 20.0 feet from the center line of the railroad tract; thence along the South right of way line of the Southern Pacific Railroad on a spiral curve to the left, the long chord of which measures 223.74 feet South 61°32'25" West to a point at the beginning of a simple curve; thence continuing along said right of way line on a curve to the left, having a radius of 925.31 feet, a distance of 822.88 feet to the point of tangency; thence South 02°26'25" West 141.15 feet continuing along said right of way line to a point marked by a 2 inch iron pipe; thence South 89°27'03" East 835.70 feet along the line common with Edward and Mary O'Donnelly property to the place of beginning.

PARCEL 4:

Beginning at a point marked by a 2 inch iron pipe at the intersection of the West right of way line of the roadway and the South line of the Edward and Mary O'Donnelly property, said point being 2477.0 feet North of and 1985.80 feet West of the Southwest corner of the Jacob Hawn Donation Land Claim; thence North 89°30'29" West 771.49 feet along the line common with the Edward and Mary O'Donnelly property to a point marked by a 2 inch iron pipe; thence South 0°44'33" West 660.39 feet along the line common to the Edward and Mary O'Donnelly property to a point marked by a 2 inch iron pipe; thence South 89°27'28" East 776.59 feet along the line common with the Elsie S. Warmington property to a point marked by a 2 inch iron pipe on the West right of way line of the roadway; thence North 0°17'58" East 661.07 feet along the West right of way line of the roadway to the place of beginning.

EXCEPTING THEREFROM that portion conveyed to Arnold L. Johnson et ux., by Deed recorded August 22, 1974 in Film Volume 101, Page 1416, Deed and Mortgage Records.

PARCEL 5:

A tract of land in Sections 11 and 12 in Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, and being a part of the Jacob Hawn Donation Land Claim No. 51, more particularly described as follows:

Beginning at an angle corner in the North line of the Jacob Hawn Donation Land Claim, said corner being marked by a 2 inch iron pipe which is North 89°18'17" West 2349.77 feet from the Northeast corner of the Claim; thence South 20°54'34" East 43.13 feet along the right of way line of the Southern Pacific Railroad to a point marked by a 2 inch iron pipe; thence South 66°00'33" West 590.55 feet along the South right of way line of the Southern Pacific Railroad to a point marked by a 2 inch iron pipe; thence North 23°59'27" West 70.00 feet along the right of way line of the Southern Pacific Railroad to a point marked by a 2 inch iron pipe; thence South 66°00'33" West 1377.58 feet along the South right of way line of the Southern Pacific Railroad to a point marked by a 2 inch iron pipe; and being on the Easterly line of Tract No. 1 conveyed to Mary Simich by Deed recorded November 13, 1942 in Book 120, Page 503, Deed Records; thence South 14°05'56" East 101.83 feet to the TRUE point of beginning of the tract herein described; thence South 14°05'56" East 312.53 feet to a point marked by a 2 inch iron pipe; thence South 0°33'17" West 538.36 feet along the East line of Farm Unit No. 59 to a point marked by a ¾ inch iron pipe; thence South 89°04'16" East along the North line of Farm Unit No. 60, a distance of 2180.17 feet to a point marked by a ¾ inch iron pipe, and being on the West line of that tract conveyed to George H. Warmington and wife by Deed recorded November 22, 1960 in Film Volume 13, Page 860, Deed and Mortgage Records; thence North 0°24'12" East along the West line of Farm Unit No. 64, a distance of 750 feet to a

fence; thence along said fence line, North 77°44'54" West 1311.50 feet; thence continuing along said fence, South 81°09'55" West 986.15 feet to the TRUE point of beginning.

PARCEL 6:

A part of the Henry Bird Donation Land Claim No. 50, Notification No. 1239, and a part of the Jacob Hawn Donation Land Claim No. 51, Notification No. 1357 in Section 11, Township 4 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows:

Beginning at a point marked by a 2 inch iron pipe said point being 1284.25 feet South and 55.85 feet East from the most Northerly corner of the said Henry Bird Donation Land Claim No. 50; thence South 76°07'10" West 860.60 feet to a point on the Easterly line of the right of way of a County Road, said point being marked by a 2 inch iron pipe; thence North 13°35'08" West along the Easterly line of the right of way of a County Road, 261.50 feet to a point on the Southerly line of the right of way of the Southern Pacific Railroad Company; thence North 66°00'33" East along the Southerly line of the right of way of the Southern Pacific Railroad Company, 871.30 feet to a point marked by a 2 inch iron pipe; thence South 14°05'56" East 414.36 feet, more or less, to the point of beginning.

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