

Application for a Permit to Use Surface Water



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 SPIES TRUST		PHONE (HM)	
PHONE (WK)	CELL (541) 231-2828	FAX	
ADDRESS 4635 NE ELLIOTT CIRCLE			
CITY CORVALLIS	STATE OR	ZIP 97330	E-MAIL * SPIESPAUL@GMAIL.COM

Organization

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

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

AGENT / BUSINESS NAME WILL MCGILL SURVEYING LLC		PHONE (503) 510-3026	FAX
ADDRESS 15333 PLETZER RD. SE			CELL (503) 931-0210
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.COM

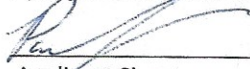
Note: Attach multiple copies as needed

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

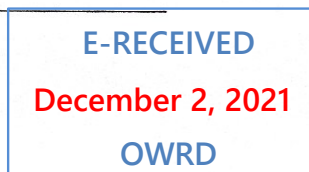
By my signature below I confirm that I understand:

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

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

	<u>Paul Spies Trustee</u>	<u>10/8/2021</u>
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

For Department Use: App. Number: _____



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).*

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: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Spies Reservoir	Tributary to: N/A
TRSQQ of POD: 11S, 4W, 18, SWNW	
Source 2:	Tributary to:
TRSQQ of POD:	

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

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B. Applications to Use Stored Water

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

Yes. No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

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

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

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

SECTION 4: 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.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) 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 T,R,S,QQ or the Lat/Long of a POD 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_trsqg_features/

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

Is the POD 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.

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If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon 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 POD located in an area where the Lower Columbia rules apply?

Yes No

If yes, you are notified that 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.

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, provide the following information (the information must be provided with the application to be considered complete).

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:

Statewide - OAR 690-033-0330 thru -0340

Is the POD located in an area where the Statewide rules apply?

Yes No

If yes, 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.

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SECTION 5: WATER USE

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

SOURCE	USE	PERIOD OF USE	AMOUNT
Spies Reservoir	Supplemental Irrigation	Mar. 1 – Oct. 31	40 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.
 Primary: 73.0 Acres Supplemental: _____ Acres Nursery Use: _____ Acres
 If supplemental acres are listed, provide 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: 40 AF

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 15 HP Centrifugal
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

15 HP centrifugal pump will deliver water from reservoir to crops via buried PVC mainline.

B. Application Method

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

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Water from reservoir will be used only as needed. A water use measuring device will be installed and the efficient irrigation system will be kept in good operating condition.

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SECTION 7: RESOURCE PROTECTION

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: *Diversion will be screened per ODFW specs if deemed necessary. Otherwise, an exemption will be requested from ODFW.*
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: *No excavation or clearing necessary in the development of the pump site.*
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe planned actions and additional permits required for project implementation: *Operating equipment in water will not be necessary.*
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: *Equipment will be kept in good operating condition to prevent waste and run-off.*
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: *Upon permit issuance*
- b) Date construction will be completed: *Request standard 5-year completion time.*
- c) Date beneficial water use will begin: *2022 irrigation season if issued*

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	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*).

We request that this permit has the potential to prove up as primary irrigation contingent on the result of a corresponding groundwater application (G-19215) for irrigation and pond maintenance on the property.

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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

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 groundwater registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



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

Applicant

NAME SPIES TRUST		PHONE (HM)	
PHONE (WK)	CELL (541) 231-2828	FAX	
ADDRESS 4635 NE ELLIOTT CIRCLE			
CITY CORVALLIS	STATE OR	ZIP 97330	E-MAIL* SPIESPAUL@GMAIL.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:
11S	4W	18	NWNE SENW SWNE	300	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
11S	4W	18	SWNW	300	EFU	<input checked="" 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	

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

Benton 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) _____

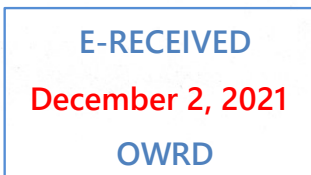
Estimated quantity of water needed: 40 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

It is proposed to use one or more of the proposed wells 1-4 for pond maintenance. Water may also be diverted from the pond for supplemental irrigation. The primary use of the reservoir is irrigation, but secondary recreational uses may include private swimming, fishing, or paddling.

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.



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): Chapter 55, EFU Zone Benton County Code
- 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.

Reservoir to be used for personal recreational uses

only - secondary to irrigation

NAME <u>Inga Williams</u>	PHONE: <u>541 766 6027</u>	TITLE: <u>Associate Planner</u>
SIGNATURE <u>Inga Williams</u>	DATE: <u>11/30/21</u>	
GOVERNMENT ENTITY <u>Benton County</u>		

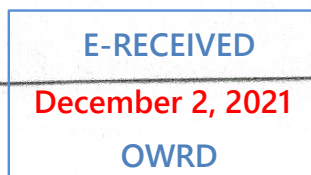
Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use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



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: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- 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: \$2,068.00
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)

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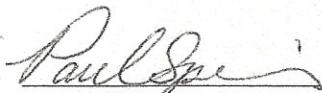
Certification and Memorandum of Trust

We, Paul Spies and Elizabeth Spies, trustees of the Spies Trust dated June 7, 2016, make this certification pursuant to ORS Chapter 128.

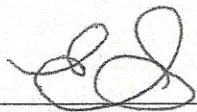
1. *Trust.* The Spies Trust is presently in existence. It was executed on June 7, 2016.
2. *Settlor and Trustee.* The settlors are Paul Spies and Elizabeth Spies. We are currently the sole trustees of the trust.
3. *Trust Powers.* Under the terms of the trust agreement, the trustee are given powers granted trustees under the Uniform Trustees' Powers Act set forth in the Oregon Revised Statutes, including the right to sell, exchange, assign, lease, encumber or otherwise alienate all or any part of the trust estate on such terms as the trustees shall determine.
4. *Trustee Mailing Address.* Our mailing address as current acting trustees is: 441 NW Hemlock Ave., Corvallis, Oregon 97330.
5. *Trust Revocable.* The trust is revocable.
6. *Modification of Trust.* The trust can be modified, amended, or revoked by the settlors only.
7. *One Trustee Only.* We are both acting as trustee and either of us has the authority to exercise trust powers alone.
8. *Taxpayer Identification Number.* No EIN is needed.
9. *Title to Trust Property.* Trust property is to be titled as follows:

"Paul Spies and Elizabeth Spies as trustees of the Spies Trust dated June 7, 2016."
10. *No Change in Trust.* The trust has not been revoked, modified, or amended in any manner that would cause the representations contained in this certification to be incorrect.

DATED: This 7th day of June, 2016.



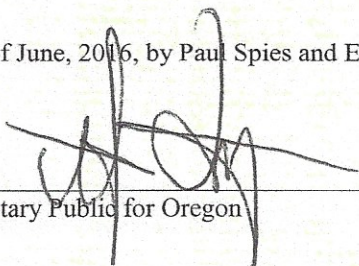
Paul Spies, Trustee



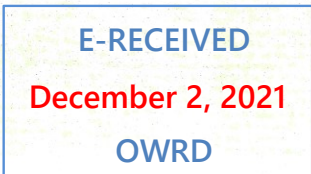
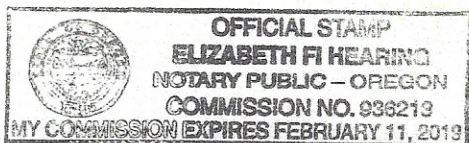
Elizabeth Spies, Trustee

STATE OF OREGON)
) ss.
County of Benton)

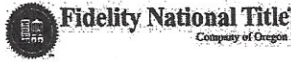
This instrument was acknowledged before me on this 7th day of June, 2016, by Paul Spies and Elizabeth Spies, acting as trustees.



Notary Public for Oregon



RECORDING REQUESTED BY:



317 1st Ave. W, Ste 100
Albany, OR 97321

GRANTOR'S NAME:
Eli L Ishikawa and Chung C Tung and David L Scribner

GRANTEE'S NAME:
Paul Spies

AFTER RECORDING RETURN TO:
Order No.: 60222108183-TR
The Spies Trust dated June 7, 2016
4635 NE Elliott Circle
Adair Village, OR 97330

SEND TAX STATEMENTS TO:
The Spies Trust dated June 7, 2016
4635 NE Elliott Circle
Adair Village, OR 97330

APN: 033286
Map: 114180000300
0 NE Pinot Gris Drive, (73 acres), Corvallis, OR 97330

BENTON COUNTY, OREGON	2021-617343
DE-WD	08/13/2021 11:11:18 AM
Stn=6 TJ	
\$25.00 \$11.00 \$10.00 \$62.00 \$20.00	\$128.00
I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
James V. Morales - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Eli L Ishikawa and Chung C Tung and David L Scribner, each as to an undivided 1/4 interest, Grantor, conveys and warrants to Paul Spies, Trustee of the Spies Trust dated June 7, 2016, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Benton, State of Oregon:

All that portion of the land described in the deed from Elmer Schwant, et ux, to Ezra G. Harris, et ux, dated December 1, 1958 and recorded December 4, 1958 in Book 166, page 359, Deed Records for Benton County, Oregon, described as follows:

Beginning at a point in the East line of the Donation Land Claim of Mary Sylvester, Claim No. 47, Notification No. 1887 in Township 11 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, 6.95 chains South of the Northeast corner of said claim, and running thence West 58.80 chains; thence South 7.81 chains; thence West 5.5 chains to the Westerly line of the Southern Pacific Railroad right-of-way, which point is the TRUE POINT OF BEGINNING of tract herein described; thence West 46.3 chains, more or less, to the West line of Section 18, Township 11 South, Range 4 West, Willamette Meridian; thence North to the Northeast corner of Donation Land Claim of William Knotts, Claim No. 45, same Township and Range; thence East 12.30 chains to West line of said Mary Sylvester Claim; thence North 4.15 chains to Northwest corner of said Mary Sylvester Donation Land Claim; thence East, along North line of said Mary Sylvester Donation Land Claim, 30.35 chains to the Southwest corner of Donation Land Claim of William Taylor and wife, Claim No. 46, Notification No. 1800, said Township and Range; thence North 1.46 chains; thence East 15.6 chains, more or less, to the Westerly right-of-way line of the Southern Pacific Railroad; thence Southerly along said right-of-way line 21 chains, more or less, to the TRUE POINT OF BEGINNING.

TOGETHER WITH an easement for road way purposes over the North 30 feet of the following described property:

Beginning at a point in the East line of the Donation Land Claim of Mary Sylvester, Claim No. 47, Notification No. 1877 in Township 11 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, 6.95 chains South of the Northeast corner of said claim, and run thence West 57.8 chains, more or less, to the Easterly right-of-way line of the Southern Pacific Railroad right-of-way which point is the TRUE POINT OF BEGINNING of tract herein described; thence East 1040 feet, more or less to the Westerly right-of-way of U.S. Highway 20; thence Northerly, on said right-of-way line, 630 feet, more or less, to a point that is 1.46 chains North of the North line of said Sylvester Donation Land Claim; thence West 840 feet, more or less, to the Easterly line of said Railroad; thence Southerly, along said line, 730 feet, more or less, to the TRUE POINT OF BEGINNING.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS 3/4 OF FIVE HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS; \$412,500.00. (See ORS 93.030).

Subject to:

- I. Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2021-2022.
- II. The Land has been classified as farm land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Fidelity National Title # 60222108183

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December 2, 2021

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STATUTORY WARRANTY DEED

(continued)

- III. Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of unnamed creek.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of unnamed creek.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of unnamed creek.

- IV. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Utilities
Recording Date: January 27, 1926
Recording No: Book 77, page 247
Affects: Exact location not disclosed

- V. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Utilities
Recording Date: August 12, 1940
Recording No: Book 96, page 614
Affects: Exact location not disclosed

- VI. Matters contained in that certain document

Entitled: Easement
Dated: June 17, 1966
Executed by: Kelly S. McKeehan and David B. Taylor, et al
Recording Date: June 21, 1966
Recording No: Book 201, page 307
Reference is hereby made to said document for full particulars.

- VII. Matters contained in that certain document

Entitled: Order D2007-170
Recording Date: November 1, 2007
Recording No: 2007-429631
Which provides for, among other things: Measure 37 Claim.
Reference is hereby made to said document for full particulars.

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.

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: August 4, 2021

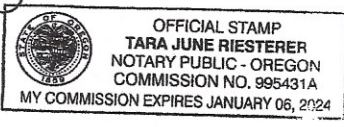
Eli L. Ishikawa
Eli L. Ishikawa

Chung C. Tung
David L. Scribner
David L. Scribner

State of Oregon, County of Winn Douglas

This instrument was acknowledged before me on _____, 2021 by
Eli L. Ishikawa and David L. Scribner.

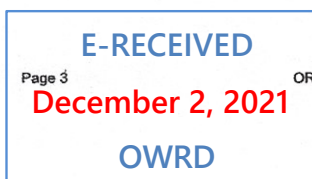
Tara June Riesterer
Notary Public - State of Oregon
My Commission Expires: 01/06/2024



State of Oregon, County of _____

This instrument was acknowledged before me on _____, 2021 by
Chung C. Tung.

Notary Public - State of Oregon
My Commission Expires: _____



STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 8/5/2021

Eli L. Ishikawa
Chung C. Tung

Chung C. Tung

David L. Scribner

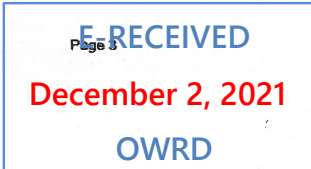
State of Oregon, County of _____

This instrument was acknowledged before me on _____, 2021 by
Eli L. Ishikawa and David L. Scribner.

Notary Public - State of Oregon
My Commission Expires: _____

State of Oregon, County of _____ ~~SEE ATTACHED Acknowledgment~~
This instrument was acknowledged before me on _____, 2021 by
Chung C. Tung.

Notary Public - State of Oregon
My Commission Expires: _____



CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Santa Clara }

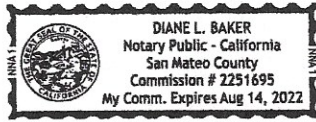
On 08-05-2021 before me, Diane L. Baker, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared CHUNG C. TUNG
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Diane L Baker
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: STATUTORY WARRANTY DEED

Document Date: 08-05-2021 Number of Pages: THREE

Signer(s) Other Than Named Above: No Other Signer(s)

Capacity(ies) Claimed by Signer(s)

Signer's Name: CHUNG C. TUNG Signer's Name:

Corporate Officer - Title(s):

Partner - Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other:

Signer is Representing:

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December 2, 2021
OWRD