

RETURN TO:

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EASEMENT FOR SPRING WATER PIPELINE

The information contained in this boxed section is for recording purposes only pursuant to RCW 36.18 and RCW 65.04, and is not to be relied upon for any other purpose and shall not affect the intent of any warranty contained in the document itself.

Reference number(s) of related document: _____

Grantors: (1) **WINE SPRINGS, LLC**
(2) **HIGHLAND ORCHARDS, LLC**

Grantee: (1) **ORGANIC PRODUCE, LLC**

Abbreviated Legal Description: (300) Secs. 18 and 19, T3N, R10 - Ptn SE1/4 NE1/4 NW1/4 Sec. 19; NE1/4 NE1/4 NW1/4 Sec. 19; Ptn of SW1/4 NE1/4 NW1/4 Sec. 19; Ptn of NW1/4 NE1/4 NW1/4 Sec. 19; Ptn of Parcel V W1/2 E1/2 W1/2 SW1/4 Sec. 18; (302) Lots 3 and 4 SEELEY SUBDIV; SW1/4 SE1/4 NW1/4; Ptn SE1/4 SE1/4 NW1/4 and S1/2 N1/2 SE 1/4 NW 1/4, Sec. 19, T3N, R10; (303) Ptn NE1/4 of Govt Lot 2 and Ptn SE1/4 of Govt Lot 1, Ptn N1/2 N1/2 SE1/4 NW1/4; Ptn SW1/4 NE1/4 NW1/4; W1/2 SW1/4 NW1/4 SE1/4 NW1/4 Sec. 19 T3N R10 EWM; (304) SE1/4 NE1/4 NW1/4; Ptn E1/2 SE1/4 NW1/4; Ptn W1/2 E1/4 NW1/4, Sec. 19, T3N, R10 EWM; (306) Ptn Govt Lot 1, Sec. 19, T3N, R10 EWM; Ptn NW1/4 NE1/4 NW1/4 of Sec. 19; and Ptn of land described as Parcel V in Book 85, Skamania County Deeds

Complete legal descriptions are on pages 2, 3 and 4 of this document.

Assessor's Tax Parcel ID No.: 03101900030000; 03101900030003; 03101900030089; 03101900030200; 03101900030300; 03101900030303; 03101900030400; 03101900030403; 03101900030600; 03101900030603; 03101900030606; and 03101900030680

DATE: April 26, 2007

GRANTORS: (1) **WINE SPRING, LLC**
a Washington limited liability company; and

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- (2) **HIGHLAND ORCHARDS, LLC**
a Washington limited liability company

GRANTEE: (1) **ORGANIC PRODUCE, LLC**
a Washington limited liability company

BENEFITTED PARCELS:

Skamania County Assessor's Tax Parcel No. 03101900030200:

Lots 3 and 4, SEELEY SUBDIVISION, recorded in Skamania County, Washington, Volume "A" of Plats, page 32;

The Southwest quarter of the Southeast quarter of the Northwest quarter;
All that portion of the Southeast quarter of the Southeast quarter of the Northwest quarter of Section 19 and the South half of the North half of the Southeast quarter of the Northwest quarter of Section 19, West of a line that starts at the intersection of Kollock-Knapp Road and Ausplund Road; thence North along the centerline of Ausplund Road, 500 feet; thence perpendicular and East of said centerline an offset of 80 feet for the length of 400 feet; thence returning perpendicular to said centerline and continuing North along said centerline to the North line of said South half of the North half of the Southeast quarter of the Northwest quarter of Section 19.

EXCEPTING the West half of the West half of the West half of the Southeast quarter of the Northwest quarter of Section 19.

BURDENED PARCELS:

**Skamania County Assessor's Tax Parcel Nos. 03101900030000;
03101900030003 and 03101900030089:**

A parcel located in Sections 18 and 19, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington, more specifically described as: The East 8 rods of the Southeast quarter of the Northeast quarter of the Northwest quarter of said Section 19; The described tract of land recorded in Book 85 of Skamania County Deed Records, page 213 as found in the second paragraph of Parcel II;

The Northeast quarter of the Northeast quarter of the Northwest quarter of Section 19;

That portion of the Southwest quarter of the Northeast quarter of the Northwest quarter of Section 19, lying North of the centerline of an existing road located approximately 860 feet, more or less, South of the North line of said Section 19, said centerline is oriented East and West and said South line includes the East and West extension of said centerline to the East and West

lines of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 19;

That portion of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 19, lying East of the East line of the West half of the East half of the West half of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 19.

That portion of land described in Book 85 of Skamania County Deeds, page 213 as Parcel V lying East of the East line of the West half of the East half of the West half of the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 18, Skamania County, Washington.

**Skamania County Assessor's Tax Parcel No. 03101900030300;
03101900030303:**

A parcel located in Section 19 of Township 3 North, Range 10 East of the Willamette Meridian Skamania County, Washington, more specifically described as:

That portion of the Northeast quarter of Government Lot 2 and the portion of the Southeast quarter of the Government Lot 1, both of Section 19, South of the South line of a parcel described in Deed Record W, of Skamania County, page 290, and East of a tract of land consisting of 32.01 acres, more or less, conveyed to Broughton Lumber Company, by deed dated July 16, 1952, and recorded July 24, 1952, at page 342, of Book 35 of Deeds, under Auditor's File No. 44316, records of Skamania County.

That portion of the North half of the North half of the Southeast quarter of the Northwest quarter and that portion of the Southwest quarter of the Northeast quarter of the Northwest quarter, West of the centerline of Ausplund Road and South the centerline of an existing road located approximately 860 feet, more or less, South of the North line of said Section 19, said centerline is oriented East and West and said South line includes the East and West extension of said centerline to the East and West lines of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 19.

EXCEPT County roads.

The West half of the Southwest quarter of the Northwest quarter of the Southeast quarter of the Northwest quarter of Section 19, in Skamania County, Washington.

EXCEPT County roads.

Skamania County Assessor's Tax Parcel Nos. 03101900030400 and 03101900030403:

A parcel located in Section 19 of Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington, more specifically described as:

The Southeast quarter of the Northeast quarter of the Northwest quarter of Section 19;

THAT PORTION of the East half of the Southeast quarter of the Northwest quarter of Section 19 lying East of a line that starts at the intersection of Kollock-Knapp Road and Ausplund Road; thence North along the centerline of Ausplund Road 500 feet; thence perpendicular and East of said centerline an offset of 80 feet for the length of 400 feet; thence returning perpendicular to said centerline and continuing North along said centerline to the West line of the East half of the Southeast quarter of Section 19;

THAT PORTION of the West half of the East half of the Northwest quarter of Section 19 lying West of the centerline of Ausplund Road and South of the centerline of an existing road located approximately 860 feet, more or less, South of the North line of said Section 19, said centerline is oriented East and West and said South line includes the East and West extension of said centerline to the East and West lines of the Southwest quarter of the Northeast quarter of the Northwest quarter of said Section 19;

EXCEPTING the East 8 rods of the Southeast quarter of the Northwest quarter of said Section 19 and the East 8 rods of the Northeast quarter of the Northwest quarter of Section 19, Skamania County, Washington.

AND EXCEPT County roads.

**Skamania County Assessor's Tax Parcel Nos. 03101900030600;
03101900030603; 03101900030606; and 03101900030680:**

A parcel located in Sections 18 and 19, Township 3 North, Range 10 East of the Willamette Meridian, Skamania County, Washington, more specifically described as: That portion of Government Lot 1 of said Section 19, lying North of the South line of the parcel described in Deed Record W of Skamania County, Washington, page 290;

That portion of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 19, lying West of the East line of the West half of the East half of the West half of the Northwest quarter of the Northeast quarter of the Northwest quarter of Section 19;

That portion of land described in Book 85 of Skamania County Deeds, page 213, as Parcel V, West of the East line of the West half of the East half of the West half of the Southwest quarter of the Southeast quarter of the Southwest quarter of Section 18, Skamania County, Washington.

EXCEPT County roads.

GRANT OF EASEMENTS

GRANTORS for and in consideration of the mutual covenants and agreements herein contained, and for other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, hereby grant and convey to GRANTEE, its successors and assigns, an access and spring water pipeline easement ("Easement") in, under, upon, about, over and through the BURDENED PARCELS as follows:

1. Nature and Location of Easement. The Easement granted herein by GRANTORS shall be a permanent easement for the benefit of GRANTEE for the purposes of installing, laying, constructing, maintaining, inspecting, repairing, replacing, renewing, using and operating a spring water pipeline, together with all facilities, connectors and appurtenances, in, under, upon, about, over and through the BURDENED PARCELS as legally described above, including the right of ingress and egress for said purposes. The Easement extends over an area twelve feet wide (six feet on each side of the center point of the spring water pipeline) for the entire length of the spring water pipeline as it is now installed and constructed on the BURDENED PARCELS. GRANTEE shall have the right to take spring water through said water pipeline from the spring and reservoir system located on Government Lots 3 and 4 in Section 18, Township 3 North, Range 10 East of the Willamette Meridian, in the County of Skamania, State of Washington (hereinafter the "Spring Property").

2. Access Easement. GRANTORS also hereby dedicate, convey and grant to GRANTEE a permanent non-exclusive right of access for ingress and egress over and through the Easement and over and through roads located on the BURDENED PARCELS for all purposes set forth above and for the purpose of accessing the Spring Property (hereinafter "Access Easement"). GRANTEE may use the Access Easement to operate machinery such as excavators, trenchers and other vehicles within the Easement and on roads located on the BURDENED PARCELS in order to access the Spring Property. GRANTEE shall further have the right to pass through any gate to the Spring Property which is located on the BURDENED PARCELS and shall be provided with access to any lock on any such gate.

3. Right of Entry. GRANTEE shall have the right, without notice and without prior institution of any suit or proceeding at law or equity, at all times as may be necessary to enter upon the BURDENED PARCELS to install, lay, construct,

maintain, inspect, repair, remove, replace, renew, use and operate the spring water pipeline, including operation of shutoff, diversion and drain valves, and to access the Spring Property. GRANTEE agrees to restore the BURDENED PARCELS as nearly as reasonably possible to their condition prior to any material disturbance from construction, operation, maintenance, repair, or replacement of the spring water pipeline.

4. Encroachment/Construction Activity. GRANTORS shall not undertake, authorize, permit or consent to any construction or excavation including, without limitation, digging, tunneling, or other forms of construction activity on or near the Easement which might in any fashion unearth, undermine, or damage the spring water pipeline or endanger the lateral or other support of the pipeline without GRANTEE'S prior written approval. In the event that GRANTORS are required by law to conduct construction activities that will displace the spring water pipeline, then GRANTEE shall not unreasonably withhold consent to such construction activities, and GRANTORS shall, without delay and at GRANTOR'S cost, relocate the spring water pipeline in a manner that does not diminish the flow or pressure of water carried by the spring water pipeline.

5. Binding Effect. The Easement and the covenants, terms, and conditions contained herein shall be binding upon the parties hereto, their heirs, successors and assigns and shall constitute a covenant running with the land. Nothing herein shall limit the right of the parties from entering into further agreements with respect to the easements, including the repair and maintenance thereof.

EXECUTED as of the date and year first above written.

WINE SPRINGS, LLC

a Washington limited liability company

By: _____

Alexander S. Mecl, Manager

HIGHLAND ORCHARDS, LLC

a Washington limited liability company

By: _____

Alexander S. Mecl, Manager

STATE OF CALIFORNIA)

) ss.

County of Los Angeles)

On this day personally appeared before me ALEXANDER S. MECL, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or entities upon behalf of which the person acted, executed the instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 10 day of April, 2007.

[SEAL]

Michele Madeline Suapala
(print name)

NOTARY PUBLIC in and for the state
of California, residing at Los Angeles

My appointment expires July 26, 2008

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