



MTC 584856-Am

Filed for Record at the Request of:

McEwen Gisvold LLP

1100 SW Sixth Avenue #1600

Portland, Oregon 97204

Attn: Jesse M. Calm, Esq.

When Recorded return to:

Jeld-Wen, Inc.

2645 Silver Crescent Drive

Charlotte, NC 28273

Attn: Real Estate Department

ReRecorded at the request of AmeriTitle
to replace page 1 with new page.
Previously recorded in
Instrument 2023-010773.

2023-010773

Klamath County, Oregon

12/15/2023 04:01:01 PM

Fee: \$137.00

2023-010863

Klamath County, Oregon

12/20/2023 11:00:01 AM

Fee: \$142.00

MEMORANDUM OF WATER RIGHTS LEASE

Date: December 15, 2023

Lessor: **JELD-WEN, INC., a Delaware corporation**

Lessee: **HARBOR ISLES, LLC, an Oregon limited liability company**

Legal: The following certificated water rights issued by the Oregon Water Resources Department
(the "Water Rights"):

Certificate – No. 65721

Certificate – No. 72401

Certificates attached as Exhibit A.

Lessor and Lessee have entered into that certain Water Rights Lease dated as of December 15, 2023 (the "Lease") under the terms of which Lessor has leased to Lessee the Water Rights for use on Lessee's real property, which is described in attached Exhibit B.

Unless earlier terminated, the term of the Lease is fifteen (15) years. Thereafter, the Lease shall be extended automatically for successive periods of one (1) year, until terminated.

Lessor and Lessee are executing and recording this Memorandum to provide record notice of the Lease. This Memorandum is not intended, and shall not be construed, to define, limit or modify the Lease. For information regarding the terms of the Lease, parties must reference the Lease. Lessor and Lessee each have a duplicate original of the Lease.

This Memorandum may be executed in counterparts, each of which shall be deemed an original, and all of which when executed and delivered shall together constitute one and the same instrument.

Filed for Record at the Request of:
McEwen Gisvold LLP
1100 SW Sixth Avenue #1600
Portland, Oregon 97204
Attn: Jesse M. Calm, Esq.

MEMORANDUM OF WATER RIGHTS LEASE

Date: December 15, 2023

Lessor: **JELD-WEN, INC., a Delaware corporation**

Lessee: **HARBOR ISLES, LLC, an Oregon limited liability company**

Legal: The following certificated water rights issued by the Oregon Water Resources Department (the "Water Rights"):

Certificate – No. 65721

Certificate – No. 72401

Certificates attached as Exhibit A.

Lessor and Lessee have entered into that certain Water Rights Lease dated as of December 15, 2023 (the "Lease") under the terms of which Lessor has leased to Lessee the Water Rights for use on Lessee's real property, which is described in attached Exhibit B.

Unless earlier terminated, the term of the Lease is fifteen (15) years. Thereafter, the Lease shall be extended automatically for successive periods of five (5) years, until terminated.

Lessor and Lessee are executing and recording this Memorandum to provide record notice of the Lease. This Memorandum is not intended, and shall not be construed, to define, limit or modify the Lease. For information regarding the terms of the Lease, parties must reference the Lease. Lessor and Lessee each have a duplicate original of the Lease.

This Memorandum may be executed in counterparts, each of which shall be deemed an original, and all of which when executed and delivered shall together constitute one and the same instrument.

IN WITNESS WHEREOF, this Memorandum has been executed by Lessor and Lessee as of the date and year first above-mentioned.

LESSOR:

JELD-WEN, INC.,
a Delaware corporation

By [Signature]
Name Kelly A. Beegle
Title VP, Ins. + Risk Management

LESSEE:

HARBOR ISLES, LLC,
an Oregon limited liability company

By [Signature]
Name Gena L. Dotson
Title Global Dir. of Insurance

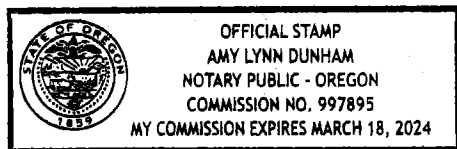
STATE OF OREGON

COUNTY OF KLAMATH

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Kelly A. Beegle

Date: 12/15/2023

{Official Seal}



[Signature]
Notary Public
Amy L. Dunham
Notary's Printed or Typed Name
My Commission Expires: 3-18-2024

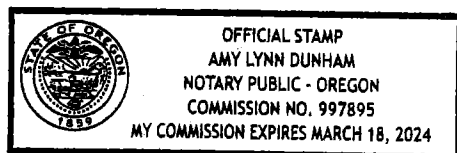
STATE OF OREGON

COUNTY OF KLAMATH

I certify that the following person(s) personally appeared before me this day, each acknowledging to me that he or she signed the foregoing document: Gena L. Dotson

Date: 12/15/2023

{Official Seal}



[Signature]
Notary Public
Amy L. Dunham
Notary's Printed or Typed Name
My Commission Expires: 3-18-2024

EXHIBIT A
WATER RIGHTS CERTIFICATES

The following certificated water rights issued by the Oregon Water Resources Department:

See attached:
Front 9 Certificate – No. 65721
Back 9 Certificate – No. 72401

EXHIBIT B
LESSEE PROPERTY LEGAL DESCRIPTION

Tract 1 (Front 9):

Parcel 2 of Land Partition 06-13, being an amended plat and a re-plat of Parcel 2 of Land Partition 12-08, together with other unplatted lands, situated in the S1/2 of Section 18, and a portion of Government Lots 4, 5, 6, 7, 8, 10 and 11 and the NE1/4 SW1/4 of Section 19, Township 38 south, Range 9 East of the Willamette Meridian, Klamath County, Oregon.

Tract 2 (Back 9):

A tract of land situated in Section 19, Township 38 South, Range 9 East of the Willamette Meridian, Klamath County, Oregon, more particularly described as follows:

Beginning at a point on the Southerly right of way line of Harbor Isles Boulevard from which the center 1/4 corner of said Section 19 bears South 86° 03' 36" West 451.90 feet; thence South 00° 10' 45" West 57.21 feet to a point on the Northerly right of way line of Hanks Street; thence along said right of way line of Hanks Street, South 89° 17' 45" West 50.00 feet and South 34° 29' 32" West 105.00 feet; thence North 55° 30' 28" West 100.00 feet; thence South 34° 29' 32" West 686.07 feet; thence South 47° 41' 16" West 1343.95 feet; thence North 76° 32' 40" West 402.40 feet to the Northwesterly corner of Lot 8, Block 1, SHIPPINGTON FIRST ADDITION; thence continuing North 76° 32' 40" West, along the Northerly line of said subdivision, 458.70 feet; thence North 13° 13' 00" East 157.16 feet; thence North 76° 47' 00" West 100.00 feet; thence North 13° 27' 40" West 318.00 feet to a point on the Easterly line of TRACT 1209-HARBOR ISLES; thence along said Easterly line North 36° 18' 32" East 12.39 feet, along the arc of a curve to the right (central angle equals 40° 13' 48", radius equals 40.00 feet and the long chord bears north 33° 34' 34" West) 28.09 feet, North 13° 27' 40" West 158.14 feet and along the arc of a curve to the right (radius equals 40.00 feet and central angle equals 82° 30' 22") 57.60 feet to the Southeasterly corner of Lot 5, Block 2 of said TRACT 1209; thence continuing along the arc of said curve (Radius equals 40.00 feet and central angle equals 08° 42' 54") 6.08 feet; thence North 77° 45' 36" East 1363.94 feet; thence North 02° 46' 40" West 121.66 feet to a point on the Southerly right of way line of Harbor Isles Boulevard; thence along said Southerly right of way line North 77° 45' 36" East 296.54 feet, along the arc of a curve to the right (Radius equals 195.00 feet and central angle equals 23° 28' 50") 79.91 feet to the point of reverse curve, along the arc of a curve to left (Radius equals 285.00 feet and central angle equals 23° 26' 26") 116.60 feet and North 77° 48' 00" East 715.18 feet; thence South 12° 12' 00" East 30.00 feet; thence North 77° 48' 00" East 40.00 feet; thence North 12° 12' 00" West 30.00 feet; thence North 77° 48' 00" East 11.78 feet to the point of beginning, with bearings based on said TRACT 1209-HARBOR ISLES.

Together with the following: Beginning at a 5/8" iron pin with Tru-line Surveying, Inc on the plastic cap marking the initial point, being the most Northerly corner of Tract 1399 - The Harbor Isles Golf Course Condominium - Stage 15, Thence South 55°30'28" East 100.00 feet to a point on the Northerly Right of way line of Hanks Street; thence along said right of way line North 34°29'32" East to the most southerly corner of Tract 1418 - The Harbor Isles Golf Course Condominium - Stage 16, thence North 55°30'28" West 100.00 feet; thence South 34°29'32" West 66.62, feet more or less to the point of beginning.

EXCEPTING THEREFROM that portion conveyed to Harbor Isles Tennis Club in Volume M04, page 48014, Microfilm Records of Klamath County, Oregon, described as follows:

Beginning at the Northeast corner of Tract 1297 - Harbor Isles Golf Course Condominium - Stage 1; thence North $76^{\circ}30'10''$ West, 263.34 feet; thence North $13^{\circ}12'36''$ East 157.16 feet; thence South $56^{\circ}18'18''$ East 281.68 feet; thence South $13^{\circ}42'49''$ West 59.91 feet to the point of beginning

ALSO EXCEPTING THEREFROM that portion lying within TRACT 1418 - HARBOR ISLES GOLF COURSE CONDOMINIUM - STAGE 16, according to the official plat thereof on file in the office of the Clerk of Klamath County, Oregon.

STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRENDWEST, INC.
P.O. BOX 1089
803 MAIN STREET, SUITE 404
KLAMATH FALLS, OREGON 97601

confirms the right to use the waters of ONE WELL in the KLAMATH LAKE BASIN for the purpose of IRRIGATING 75.8 ACRES.

The right has been perfected under Permit G-10654. The date of priority is JULY 2, 1986. The right is limited to not more than 300 GALLONS PER MINUTE or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 NE 1/4, SECTION 19, T 38 S, R 9 E, W.M.; NORTH 88 DEGREES 2 MINUTES 30 SECONDS EAST 422 FEET FROM THE CENTER 1/4 CORNER OF SECTION 19.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The right shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right, and to which such right is appurtenant, is as follows:

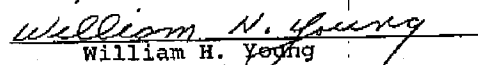
| | | |
|--------|-----------------|------------|
| LOT 3 | (NE 1/4 SW 1/4) | 0.1 ACRE |
| LOT 4 | (SE 1/4 NW 1/4) | 1.7 ACRES |
| LOT 5 | (NE 1/4 NW 1/4) | 1.5 ACRES |
| LOT 6 | (NE 1/4 NW 1/4) | 15.2 ACRES |
| LOT 7 | (NW 1/4 NW 1/4) | 7.2 ACRES |
| LOT 8 | (SW 1/4 NE 1/4) | 10.6 ACRES |
| LOT 9 | (NW 1/4 SW 1/4) | 8.4 ACRES |
| LOT 10 | (NE 1/4 SW 1/4) | 2.9 ACRES |
| LOT 11 | (SE 1/4 NW 1/4) | 28.2 ACRES |

SECTION 19

TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed MAY 20, 1991.


William H. Young

Recorded in State Record of Water Right Certificates numbered 65791.

G-11550.LLC



Water Resources Department

3850 PORTLAND ROAD NE, SALEM, OREGON 97310

PHONE 378-3866

January 6, 1987

TRENDWEST, Inc.
PO Box 1089
803 Main Street, Suite 404
Klamath Falls, Oregon 97601

REFERENCE: File G-11550

ENCLOSED: Permit G-10654

PLEASE READ THE FOLLOWING INSTRUCTIONS CAREFULLY

Your permit has been recorded in this office, but you should hold the original permit as evidence of your water right. If the land is sold, an assignment to the new owner must be recorded in this office. Assignment blanks will be furnished upon request.

The permit fixes time limits for beginning of construction, completion of construction and complete application of water to beneficial use. The law requires that you begin actual construction within one year from the date of issuance of the permit or your right will be lost. The Water Resources Director is authorized to extend the time for completion of construction and for complete application of water upon proper showing, but has no authority to extend the time limit for beginning of construction.

Forms A, B and C may be attached for submitting (A) Notice of Beginning of Construction, (B) Notice of Completion of Construction and (C) Notice of Complete Application of Water. If your application has stated that construction has already been started, or that construction work is completed, or that complete application of water has been made, only the required forms will be attached.

The start of the drilling operation or other means of constructing the well will be considered as beginning of construction. If no canal system or other permanent type of distribution works is employed, the acquisition and installation of all the machinery or equipment necessary for the project will be considered as completion of construction.

When complete application of water has been made, Form C should be submitted as the first step in proof of appropriation. When proof satisfactory to the Water Resources Director has been made, the right will be confirmed by issuance of a certificate. The certificate will limit the right to the extent that water has been applied to beneficial use in accordance with the terms of the permit.

The permit requires that an access port or other installation be provided to allow the measurement of the water level within the well at any time. Sketches of suggested methods of installation are attached.

Sincerely,

William H. Young
WILLIAM H. YOUNG
Director

P.S. A refund check in the amount of \$100 will be forwarded to you as soon as our bookkeeper can prepare it.

JAN 6 1987
WHY:wpc
enclosures JAN 8 1987
0032B/1



STATE OF OREGON

County of KLAMATH

PERMIT TO APPROPRIATE THE PUBLIC WATERS

This is to certify that I have examined APPLICATION G-11550 and do hereby grant the same SUBJECT TO EXISTING RIGHTS and the following limitations and conditions:

This permit is issued to TRENDWEST, Inc., PO Box 1089, (803 Main Street, Suite 404), Klamath Falls, Oregon, 97601, phone 882-2224, for use of the waters from one well,

for the PURPOSE of irrigation of 75.8 acres,

that the PRIORITY OF THE RIGHT dates from July 2, 1986,

and is limited to the amount of water which can be applied to beneficial use and shall not exceed 300.0 gallons per minute,

measured at the point of diversion from the well, or its equivalent in case of rotation with other water users.

The well is to be LOCATED: North 88 degrees 2 minutes 30 seconds East 422 feet from center quarter corner, being within the SW 1/4 NE 1/4 Section 19, Township 38 South, Range 9 East, WM, in the County of Klamath.

A description of the PLACE OF USE under the permit, and to which such right is appurtenant, is as follows:

| | | |
|--|-----------------------|------------|
| Township 38 South, Range 9 East, WM Section 19 | Lot 3(NE 1/4 SW 1/4) | 0.1 acre |
| | Lot 4(SE 1/4 NW 1/4) | 1.7 acres |
| | Lot 5(NE 1/4 NW 1/4) | 1.5 acres |
| | Lot 6(NE 1/4 NW 1/4) | 15.2 acres |
| | Lot 7(NW 1/4 NW 1/4) | 7.2 acres |
| | Lot 8(SW 1/4 NE 1/4) | 10.6 acres |
| | Lot 9(NW 1/4 SW 1/4) | 8.4 acres |
| | Lot 10(NE 1/4 SW 1/4) | 2.9 acres |
| | Lot 11(SE 1/4 NW 1/4) | 28.2 acres |

The AMOUNT OF WATER used for irrigation, together with the amount secured under any other right existing for the same lands shall be limited to 1/80 of one cubic foot per second per acre, and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year, and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works constructed shall include an air line and pressure gauge or an access port for measuring line, adequate to determine water level elevation in the well at all times. The permittee shall install and maintain a weir, meter, or other suitable measuring device, and shall keep a complete record of the amount of ground water withdrawn.

Actual construction work shall begin on or before December 22, 1987, and shall thereafter be prosecuted with reasonable diligence and be completed on or before October 1, 19 88 .

Complete application of the water to the proposed use shall be made on or before October 1, 19 89 .

Witness my hand this 22nd day of December, 19 86 .

William H. Young
WATER RESOURCES DIRECTOR

This permit is for the beneficial use of water. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible that the land use you propose may not be allowed if it is not in keeping with the goals and the acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

APPLICATION G-11550

PERMIT

G10654

MAP TO ADJACENT
SITUATED IN GOV. LOTS 3, THRU SEC. 19, T38S, R9EWM, KLAMATH COUNTY, OREGON

JUL - 2 1986

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Erwin R. Pitts

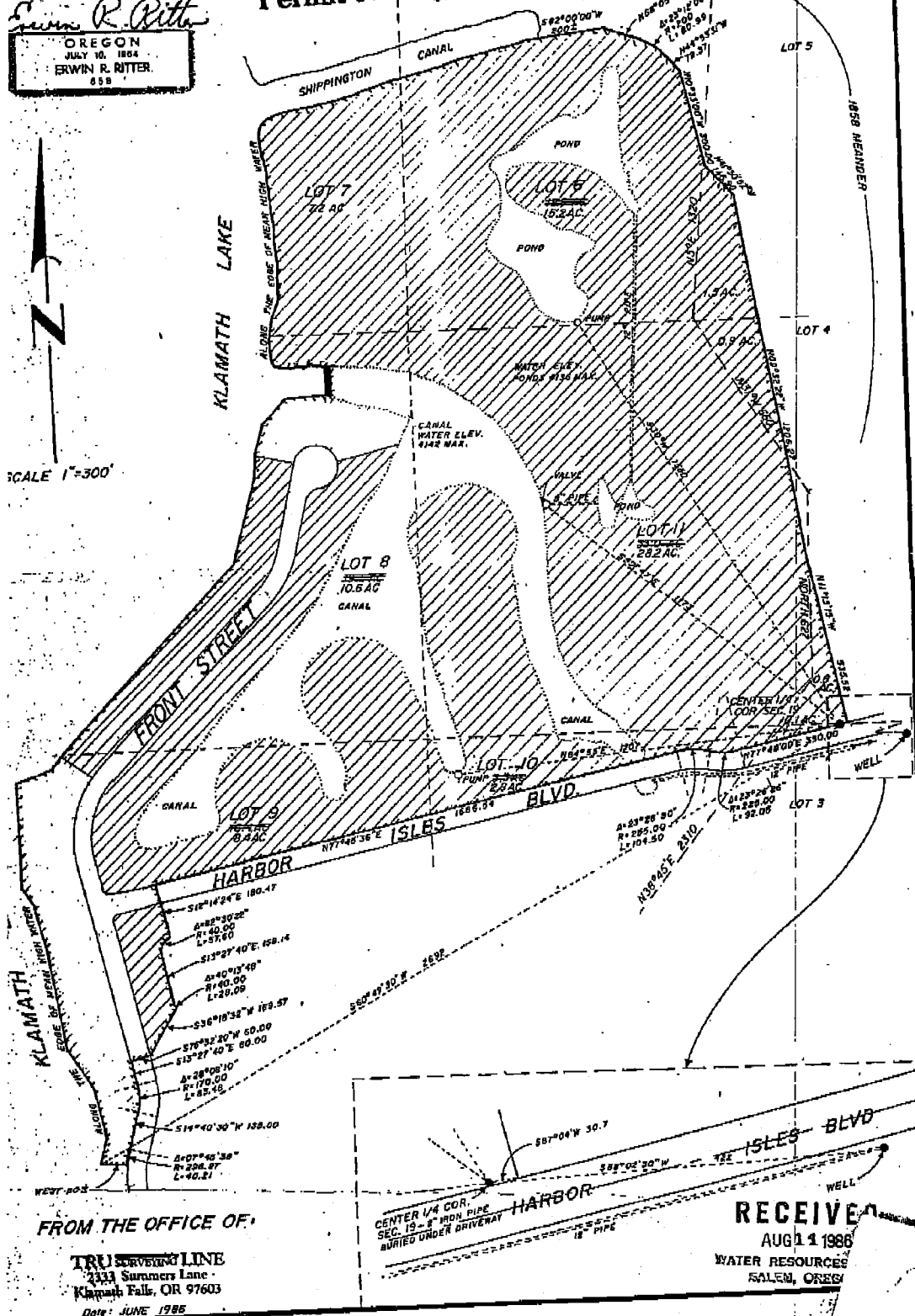
OREGON
JULY 10. 1864.
ERWIN R. RITTER.
858

Application No. 9-11550
Permit No. G10654

WATER RESOURCES DEPT

WATER RESOURCES
— 34 E. 9th St.

EAST 2337-70
NE COR SEC 19
18X18586 L.O. PLAT



STATE OF OREGON
COUNTY OF KLAMATH
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TRENDWEST, INC.
803 MAIN, SUITE 404
KLAMATH FALLS, OREGON 97601

confirms the right to use the waters of ONE WELL in the KLAMATH RIVER BASIN for IRRIGATING 41.7 ACRES.

This right was perfected under Permit G-11073. The date of priority is SEPTEMBER 25, 1989. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.52 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The well is located as follows:

NW 1/4 SE 1/4, SECTION 19, T 38 S, R 9 E, W.M.; NORTH 88° 02' 30" EAST, 422 FEET FROM THE C 1/4 CORNER OF SECTION 19.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 3.0 acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

| | |
|---------------------------------------|------------|
| LOT 1 (SW 1/4) | 0.6 ACRE |
| LOT 2 (SW 1/4) | 1.3 ACRES |
| LOT 3 (SW 1/4) | 12.6 ACRES |
| LOT 9 (SW 1/4) | 15.4 ACRES |
| LOT 10 (SW 1/4) | 10.2 ACRES |
| NW 1/4 SE 1/4 | 1.6 ACRES |
| SECTION 19 | |
| TOWNSHIP 38 SOUTH, RANGE 9 EAST, W.M. | |

The well shall be maintained in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon.

When required by the department, the user shall install and maintain a weir, meter or other suitable measuring device and shall keep a complete record of the amount of ground water withdrawn.

The use granted herein may be made only at times when sufficient water is available to satisfy all prior rights.

Failure to comply with any of the provisions of this right may result in action including, but not limited to restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

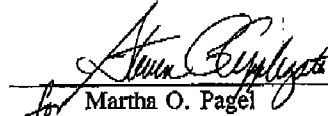
SEE NEXT PAGE

G-11966.BWB

PAGE TWO

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

WITNESS the signature of the Water Resources Director, affixed JULY 8, 1996.


for Martha O. Page

Recorded in State Record of Water Right Certificates numbered 72401.

BASIN 14

VOLUME 1 KLAMATH RIVER WELLS

DISTRICT 17

G-11966.BWB

