

# Application for Groundwater Registration Modification



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

## Part 1 of 5 – Minimum Requirements Checklist

**This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.**  
For questions, please call (503) 986-0900, and ask for Transfer Section.

**Check all included with this application (N/A = Not Applicable)**

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- Part 1 – Completed Minimum Requirements Checklist.
- Part 2 – Completed Application Map Checklist.
- Part 3 – Completed Applicant Information and Signature.
- Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- Groundwater registration modification fees – Amount enclosed: \$ **1,250**. (\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).

**Attachments:**

- N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.  
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- N/A Oregon Water Resources Department’s Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
- N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation.

(For Staff Use Only)

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

___ Application fee not enclosed/insufficient	___ Map not included or incomplete
___ Land Use Form not enclosed or incomplete	___ Assignment Form and fee not enclosed/insufficient
___ Additional signature(s) required	___ Part ___ is incomplete

Other/Explanation \_\_\_\_\_

Staff: \_\_\_\_\_ 503- \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

## Part 2 of 4 – Groundwater Registration Modification Map Checklist

Your Groundwater Registration Modification application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- Permanent quality printed with dark ink on good quality paper.
- The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- A north arrow, a legend, and scale.
- The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.
- Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.
- Existing place of use that includes hachuring, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
- N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
- Existing point(s) of appropriation with distance and bearing or coordinates from a recognized survey corner.
- N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

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**Part 3 of 4 – Applicant Information and Signature**

**Applicant Information**

APPLICANT/BUSINESS NAME <b>David &amp; Kaitlyn Braun</b>		PHONE NO. <b>(541) 979-1200</b>	ADDITIONAL CONTACT NO.
ADDRESS <b>35642 Tennessee Rd. SE</b>			FAX NO.
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97322</b>	E-MAIL <b>david@orgutter.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

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

APPLICANT/BUSINESS NAME <b>Will McGill Surveying, LLC</b>		PHONE NO. <b>(503) 931-0210</b>	ADDITIONAL CONTACT NO. <b>(503) 510-3026</b>
ADDRESS <b>15333 Pletzer Rd. SE</b>			FAX NO.
CITY <b>Turner</b>	STATE <b>OR</b>	ZIP <b>97392</b>	E-MAIL <b>willmcgill.surveying@gmail.com</b>
<b>BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.</b>			

Explain in your own words what you propose to accomplish with this modification; and why:  
*It is proposed to move a portion of the POU from an adjusted taxlot that no longer has access to the POA to tax lot 400. It is also proposed to authorize Well A as an APOA.*

Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

- By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
- I (we) affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

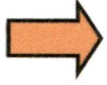
I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: The New Era, Sweet Home.

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

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*David Braun*  
Applicant Signature

David Braun  
Print Name (and Title if applicable)

5/15/23  
Date

*Kaitlyn Braun*  
Applicant Signature

Kaitlyn Braun  
Print Name (and Title if applicable)

5/15/23  
Date

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located?  Yes  No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the Groundwater registration has been conveyed.*

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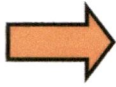
**Check the appropriate box, if applicable:**

- Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME	ADDRESS	
CITY	STATE	ZIP

- Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP



To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME <b>Linn County</b>	ADDRESS <b>300 SW 4<sup>th</sup> Ave.</b>	
CITY <b>Albany</b>	STATE <b>OR</b>	ZIP <b>97321</b>

ENTITY NAME	ADDRESS	
CITY	STATE	ZIP

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## Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

### Groundwater Registration # GR-2390 (Certificate # GR-2271)

**Table 1. Location of Authorized and Proposed Point(s) of Appropriation (POA)**

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	OWRD Well Log ID# (or Well ID Tag # L-___)	Twp		Rng		Sec	¼ ¼		Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well A	<input type="checkbox"/> Authorized <input checked="" type="checkbox"/> Proposed		11	S	2	W	35	NE	NE	57	N 17° 40' W 17.5 chains from SE corner DLC 57
Well B	<input checked="" type="checkbox"/> Authorized <input type="checkbox"/> Proposed	LINN 6994	11	S	2	W	35	NW	NE	57	N 45° 15' W 28.2 chains from SE corner DLC 57
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										
	<input type="checkbox"/> Authorized <input type="checkbox"/> Proposed										

Check all type(s) of modifications(s) proposed below (modification "CODES" are provided in parentheses):

- |  |  |
|--|--|
| <input checked="" type="checkbox"/> Place of Use (POU) | <input type="checkbox"/> Point of Appropriation (well) (POA)                 |
| <input type="checkbox"/> Character of Use (USE)        | <input checked="" type="checkbox"/> Additional Point of Appropriation (APOA) |

Will all of the proposed changes affect the entire Groundwater registration?

- Yes Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.
- No Complete all of Table 2 to describe the portion of the registration to be changed.

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Please use and attach additional pages of Table 2 as needed.  
See page 5 for instructions.

Do you have questions about how to fill-out the tables?  
Contact the Department at 503-986-0900 and ask for Transfer

**Table 2. Description of Modifications to Registration GR-2390 (Certificate # GR-2271)**

List only the part of the registration that will be modified. For the acreage in each ¼ ¼, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

AUTHORIZED (the "from" or "off" lands) The listing that appears in the registration BEFORE PROPOSED CHANGES List only that part or portion of the groundwater registration that will be changed.											Proposed Changes (see "CODES" from previous page)	PROPOSED (the "to" or "on" lands) The listing as it would appear AFTER PROPOSED CHANGES are made.														
Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	Type of USE listed on Certificate	POA(s) (name or number from Table 1)	Priority Date		Twp	Rng	Sec	¼	¼	Tax Lot	Gvt Lot or DLC	Acres	New Type of USE	POA(s) to be used (from Table 1)	Priority Date				
11	S	2	W	26	SE	SE	500	57	1.4	Irrigation	Well B	1952	APOA	11	S	2	W	26	SE	SE	500	57	1.4	Irrigation	Well A, B	1952
11	S	2	W	26	SW	SE	500	57	30.6	Irrigation	Well B	1952	POU/APOA	11	S	2	W	26	SE	SE	500	57	4.7	Irrigation	Well A, B	1952
11	S	2	W	35	NE	NE	500	57	1.6	Irrigation	Well B	1952	APOA	11	S	2	W	26	SW	SE	500	57	30.6	Irrigation	Well A, B	1952
11	S	2	W	35	NW	NE	500, MCQUADE	57	25.7	Irrigation	Well B	1952	APOA	11	S	2	W	35	NE	NE	500	57	1.6	Irrigation	Well A, B	1952
11	S	2	W	35	SW	NE	500, MCQUADE	57, 69	6.0	Irrigation	Well B	1952	APOA	11	S	2	W	35	NW	NE	500	57	24.2	Irrigation	Well A, B	1952
11	S	2	W	35	SE	NE	500	57, 69	0.5	Irrigation	Well B	1952	APOA	11	S	2	W	35	SW	NE	500	57, 69	2.8	Irrigation	Well A, B	1952
													APOA	11	S	2	W	35	SE	NE	500	57, 69	0.5	Irrigation	Well A, B	1952
TOTAL ACRES							65.8	TOTAL ACRES										65.8								

Additional remarks: **MCQUADE refers to the lot retained by McQuade through the recent sale of taxlot 500 to Braun. The deed is included with a legal description, but Linn County has not yet assigned a new taxlot number.**

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**Groundwater Registration # GR-2390 (Certificate # GR-2271)**

**For a modification in place of use or character of use:**

**Are there other water right certificates, water use permits, or Groundwater registrations associated with the "from" or "to" lands?**  Yes  No

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:



Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

**For modifications in point(s) of appropriation (well(s) or additional point(s) of appropriation:**

- Well log(s) are attached for each well that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.  
(Tip: You may search for well logs on the Department's web page at: [http://apps.wrd.state.or.us/apps/gw/well\\_log/](http://apps.wrd.state.or.us/apps/gw/well_log/))

**AND/OR**

- Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

**Table 3. Construction of Point(s) of Appropriation**

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your modification application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-____	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well-specific rate (cfs or gpm). If less than full rate of water right
Well A	Yes		89'	8"	0-89'		70-89'	20'		

# Application for Water Right Transfer



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

## Consent by Deeded Landowner

State of Oregon )  
 )ss  
County of Linn )

I James A. McQuade, Jr. and Kimberly McQuade in our capacity as owners (tenants in common),

mailing address PO Box 4132, Salem, OR 97302,

telephone number (503) 580-2742, duly sworn depose and say that We consent to the proposed change(s) to Water Right ~~Certificate Number~~ GR 2390 described in a Water Right Transfer Application (T-\_\_\_\_),

*(transfer number, if known)*

submitted by David & Kaitlyn Braun on the property in tax lot ~~number(s)~~ described in recorded deed 2023-03683 (attached), Section 35 Township 11 South Range 2 West, W.M., located at 37679 Kgal Dr., Lebanon, OR 97355

*(site address)*

Signature of Affiant

5-18-2023

Date

Signature of Affiant

5/18/2023

Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Affiant

\_\_\_\_\_  
Date

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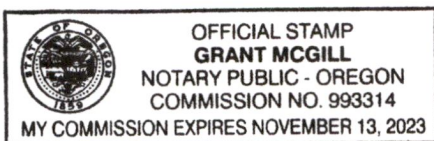
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Subscribed and Sworn to before me this 18 day of May, 2023.

\_\_\_\_\_  
Notary Public for Oregon

My commission expires 11/13/23.







500

AFTER RECORDING RETURN TO  
TICOR TITLE: 471823123412

RECORDING REQUESTED BY:



1433 SW 6th Avenue  
Portland, OR 97201

AFTER RECORDING RETURN TO:

Order No.: 471823123412-DH  
David M. Braun and Kaitlyn S. Braun, as tenants by the entirety  
35642 Tennessee Road SE  
Lebanon, OR 97355

SEND TAX STATEMENTS TO:

David M. Braun and Kaitlyn S. Braun  
35642 Tennessee Road SE  
Lebanon, OR 97355

LINN COUNTY, OREGON	<b>2023-03682</b>
D-WD	
Stn=10120 K. PETERSON	04/06/2023 12:58:01 PM
\$15.00 \$11.00 \$10.00 \$60.00 \$19.00	<b>\$115.00</b>
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

### STATUTORY WARRANTY DEED

James A. McQuade, Jr. and Kimberly McQuade and Victoria A. Hubbard and James Michael Hubbard, Grantor, conveys and warrants to David M. Braun and Kaitlyn S. Braun, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED SEVENTY-THREE THOUSAND EIGHT HUNDRED FIFTY AND NO/100 DOLLARS (\$573,850.00). (See ORS 93.030).

**Subject to:**

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.

Account No.: 67781 and 696084  
Affects: Parcel I and Parcel II

Rights of the public to any portion of the Land lying within the limits of streets, roads and highways.  
Affects: Parcel I and Parcel II

Covenant, including the terms and provisions thereof;

Recording Date: March 30, 2010  
Recording No.: 2010-05417  
Affects: Parcel II

Covenant, including the terms and provisions thereof;

Recording Date: December 1, 2020  
Recording No: 2020-24  
Affects: Parcel II

Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.  
Affects: Parcel I and Parcel II

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.

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STATUTORY WARRANTY DEED  
(continued)

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

Dated: 4/5/2023

[Signature]  
James A. McQuade, Jr.

[Signature]  
Kimberly McQuade

[Signature]  
Victoria A. Hubbard

[Signature]  
James Michael Hubbard

State of Oregon  
County of Linn

This instrument was acknowledged before me on 4/5/2023 by James A. McQuade Jr. and  
Kimberly McQuade

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10/16/25



State of Oregon  
County of Linn

This instrument was acknowledged before me on 4/5/2023 by Victoria A. Hubbard and James  
Michael Hubbard

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10/16/25



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EXHIBIT 'A'

TRANSFER AREA DESCRIPTION

AN AREA LOCATED IN THE NORTHEAST QUARTER OF SECTION 35 AND SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 5/8" IRON ROD WITH ORANGE PLASTIC CAP WHICH BEARS SOUTH 89°55'51" EAST 1381.22 FEET AND NORTH 0°03'54" EAST 609.00 FEET FROM THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT NO. 2010-23; THENCE NORTH 0°03'54" EAST 860.10 FEET TO A 3/4" IRON PIPE; THENCE NORTH 89°54'17" WEST 380.07 FEET TO A 3/4" IRON PIPE; THENCE NORTH 1417 FEET TO A 5/8" IRON ROD ON THE NORTH LINE OF THE SOUTH HALF OF DLC NO. 57; THENCE EAST 1206.084 FEET TO A POINT 40 RODS WEST OF THE EAST LINE OF DLC NO. 57; THENCE SOUTH 2893.9 FEET TO THE NORTH RIGHT OF WAY OF KGAL DR. (CR. 663); THENCE ALONG SAID RIGHT OF WAY NORTH 89°47'11" WEST 396.01 FEET TO A 5/8" IRON ROD; THENCE LEAVING SAID RIGHT OF WAY NORTH 0°11'56" EAST 208.75 FEET TO A 5/8" IRON ROD; THENCE NORTH 0°05'55" WEST 400.26 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°47'11" WEST 429.00 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA OF LAND CONTAINS 60.95 ACRES OF LAND, MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally signed by  
Kyle W Latimer

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

RENEWS: 12/31/24

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Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

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RECORDING REQUESTED BY:



1433 SW 6th Avenue  
Portland, OR 97201

AFTER RECORDING RETURN TO:

James A. McQuade, Jr. and Kimberly McQuade  
PO BOX 4132  
Salem, OR 97302

SEND TAX STATEMENTS TO:

James A. McQuade, Jr. and Kimberly McQuade  
PO BOX 4132  
Salem, OR 97302

34106 Tennessee Road (Parcel I), Lebanon, OR 97355

LINN COUNTY, OREGON	<b>2023-03683</b>
D-BS	
Str=10120 K. PETERSON	<b>04/06/2023 12:58:01 PM</b>
\$15.00 \$11.00 \$10.00 \$60.00 \$19.00	<b>\$115.00</b>
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

AFTER RECORDING RETURN TO  
TICOR TITLE: 41823123412

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

James A. McQuade, Jr. and Kimberly McQuade and Victoria A. Hubbard and James Michael Hubbard, Grantor, conveys to James A. McQuade Jr and Kimberly McQuade, as tenants by the entirety, as to an undivided one-half interest, and Victoria A. Hubbard and James Michael Hubbard, as tentants by the entirety, as to an undivided one-half interest, as tenants in common, Grantee, the following described real property, situated in the County of Linn, State of Oregon,

See Attached Exhibit "A"

The true consideration for this conveyance is Lot Line Adjustment. (See ORS 93.030).

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.

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**BARGAIN AND SALE DEED - STATUTORY FORM**  
(continued)

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

Dated: 4/5/2023

[Signature]  
James A. McQuade, Jr.

[Signature]  
Kimberly McQuade

[Signature]  
Victoria A. Hubbard

[Signature]  
James Michael Hubbard

State of Oregon  
County of Linn

This instrument was acknowledged before me on 4/5/2023 by James A. McQuade Jr. and Kimberly McQuade

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10/6/25

State of Oregon  
County of Linn

This instrument was acknowledged before me on 4/5/2023 by Victoria A. Hubbard and James Michael Hubbard

[Signature]  
Notary Public - State of Oregon

My Commission Expires: 10/6/25



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EXHIBIT 'A'

MCQUADE RESULTANT LAND DESCRIPTION

AN AREA OF LAND LOCATED IN THE NORTHEAST QUARTER OF SECTION 35, TOWNSHIP 11 SOUTH, RANGE 2 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 3/4" IRON PIPE ON THE NORTH RIGHT OF WAY OF KGAL DR. (CR. 633) WHICH BEARS SOUTH 89°55'51" EAST 1381.22 FEET FROM THE SOUTHWEST CORNER OF PARCEL 3, PARTITION PLAT NO. 2010-23; THENCE LEAVING SAID RIGHT OF WAY NORTH 0°03'54" EAST 609.00 FEET TO A 5/8" IRON ROD; THENCE ALONG A LINE PARALLEL WITH SAID RIGHT OF WAY, SOUTH 89°47'11" EAST 429.00 FEET TO A 5/8" IRON ROD; THENCE SOUTH 0°05'55" EAST 400.26 FEET TO A 5/8" IRON ROD; THENCE NORTH 89°47'09" WEST 208.61 FEET TO A 5/8" IRON ROD; THENCE SOUTH 0°12'31" WEST 208.75 FEET TO A 5/8" IRON ROD ON SAID NORTH RIGHT OF WAY; THENCE ALONG SAID RIGHT OF WAY NORTH 89°47'11" WEST 221.01 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED AREA CONTAINS 5.00 ACRES OF LAND MORE OR LESS.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

Digitally signed by  
Kyle W Latimer

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

RENEWS: 12/31/24

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Udell Engineering & Land Surveying, LLC  
63 East Ash Street, Lebanon, OR 97355  
Ph: 541-451-5125 • Fax: 541-451-1366

14248 -

400

RECORDING REQUESTED BY:



1433 SW 6th Avenue  
Portland, OR 97201

AFTER RECORDING RETURN TO:

Order No.: 471822119087-DH  
David M. Braun and Kaitlyn S. Braun, husband and wife  
35642 Tennessee Road SE  
Albany, OR 97322

SEND TAX STATEMENTS TO:

David M. Braun and Kaitlyn S. Braun  
35642 Tennessee Road SE  
Albany, OR 97322

APN: 67781

Map: 11S02W35A000400

34106 Tennessee Road, Lebanon, OR 97355

LINN COUNTY, OREGON	<b>2022-15531</b>
D-WD	09/08/2022 08:49:00 AM
Stn=10122 S. WILSON	\$10.00 \$11.00 \$10.00 \$60.00 \$19.00
	<b>\$110.00</b>
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

David M. Howe and Katherine S. Howe, as tenants by the entirety, Grantor, conveys and warrants to David M. Braun and Kaitlyn S. Braun, husband and wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

Part of Section 35 and Claim No. 57 in Township 11 South, Range 2 West of the Willamette Meridian, Linn County, Oregon, more particularly described as follows:

Beginning at the Northeast corner of the Southeast quarter of the Stewart M. Pennington Donation Land Claim No. 57; thence West 40 rods to the Northeast corner of a tract of land deeded to W. B. Douglas as described in the deed recorded in Book 94, Page 459 Deed Records; thence South parallel to the East line of said claim 173 rods to the center of a country road; thence East along the center of said county road 40 rods to a point 13 rods South of the Southeast corner of said Claim No. 57; thence North to the Southeast corner of said claim; thence continuing North along the East line of said Claim No. 57 to the place of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION AND NO/100 DOLLARS (\$1,000,000.00). (See ORS 93.030).

**Subject to:**

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within streets, roads and highways.

A manufactured home situated on the subject land is classified as real property, as disclosed by document:

Recording Date: August 13, 2008

Recording No: 2008-16017

Existing leases and tenancies, if any, and any interests that may appear upon examination of such leases.

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.

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AFTER RECORDING RETURN TO  
TICOR TITLE: 471822119087



STATUTORY WARRANTY DEED

(continued)

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

Dated: 9/6/22

David M. Howe  
David M. Howe

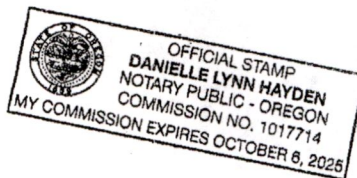
Katherine S. Howe  
Katherine S. Howe

State of Oregon  
County of Linn

This instrument was acknowledged before me on 9/6/22 by David M. Howe and Katherine S. Howe.

Danielle Lynn Hayden  
Notary Public - State of Oregon

My Commission Expires: 10/6/2025



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OWRD

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

## NOTE TO LOCAL GOVERNMENTS

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

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# Land Use Information Form

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MAY 19 2023



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

OWRD

Applicant(s): David & Kaitlyn Braun

Mailing Address: 35642 Tennessee Rd.

City: Albany

State: OR

Zip Code: 97322

Daytime Phone: (541) 979-1200

## 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:
<u>11S</u>	<u>2W</u>	<u>26</u>	<u>SESE</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>11S</u>	<u>2W</u>	<u>35</u>	<u>NENE</u>	<u>400</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	<u>farming</u>
<u>11S</u>	<u>2W</u>	<u>26</u>	<u>SESE</u> <u>SWSE</u>	<u>500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>
<u>11S</u>	<u>2W</u>	<u>35</u>	<u>NENE</u> <u>NWNE</u> <u>SWNE</u> <u>SENE</u>	<u>500</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>farming</u>

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

Linn

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 197.4     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 \_\_\_\_\_

Briefly describe:

It is proposed to move 4.7 acres of GR 2390 to tax lot 400 for irrigation of crops and authorize existing Well A as an additional point of appropriation.



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

See bottom of Page 3. →

MAY 19 2023

# For Local Government Use Only

OWRD

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): LCC 928.310(B)(1)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

Name: Kate Bentz Title: Assistant Planner

Signature: [Handwritten Signature] Phone: 541-907-3816 Date: 5/15/23

Government Entity: Linn County

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



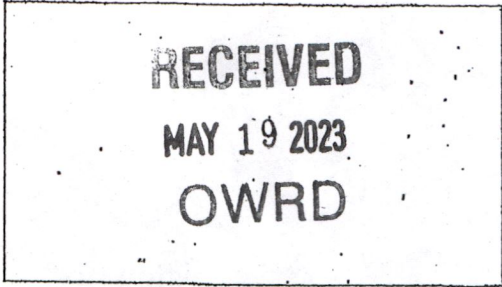
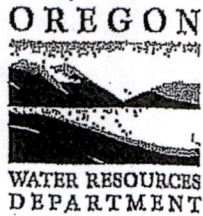
**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

14248 -



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: David & Raiflynn Braun  
35642 Tennessee Rd. SE, Albany OR 97322

Transaction Type: GR Mod

Fees Received: \$ 1250.00

Cash

Check;

Check No. 2148

Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,

OWRD Customer Service Staff

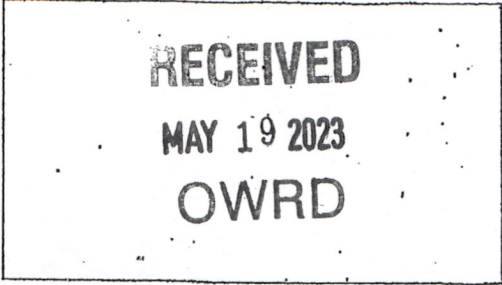
Submission received by: Corie Lorrain

(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.

14248 -



Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: David & Raiflynn Braun  
35642 Tennessee Rd. SE, Albany OR 97322

Transaction Type: GR Mod

Fees Received: \$ 1250.00

Cash  Check; Check No. 2148  
Name(s) on Check: Will McGill Surveying

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

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If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Corie Lorrain  
(Name of OWRD staff)

### Instructions for OWRD staff:

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
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