



Via electronic mail

February 16, 2023

Katie Ratcliffe
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Dear Ms. Ratcliffe:

GSI Water Solutions, Inc. is submitting the enclosed permit application to use surface water on behalf of Horton Joint Revocable Living Trust (Applicant). The Applicant is requesting authorization to use up to 0.27 cfs of water for irrigation during the period from March through June. The Applicant is requesting the permit so they can produce a second cutting of hay. They understand that the requested permit would not allow irrigation throughout the entire irrigation season, but they will be able to make beneficial use of the water requested by irrigating from March through June.

The permit application fee will be mailed to OWRD after we receive the temporary number for this application. The fee was calculated as follows:

\$1,090 - surface water base application fee
\$410 - \$410 per cfs or fraction thereof x 1
\$610 - permit recording fee

Total = \$2,110

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive style.

Kimberly Grigsby
Principal Water Resources Consultant

CC: Chris and Joan Horton, Trustees

Enclosures: Permit Application and attachments

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Application for a Permit to Use
Surface Water

15175



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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

Organization

NAME HORTON JOINT REVOCABLE LIVING TRUST		PHONE 503-931-3293	FAX
ADDRESS 14850 AIRLIE ROAD			CELL
CITY MONMOUTH	STATE OR	ZIP 97361	E-MAIL *

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, INC. ATTN: KIMBERLY GRIGSBY		PHONE 541-257-9004	FAX
ADDRESS 1600 SW WESTERN BLVD., SUITE 240			CELL
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * KGRIGSBY@GSIWS.COM

Note: Attach multiple copies as needed

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

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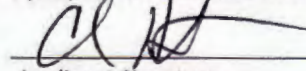
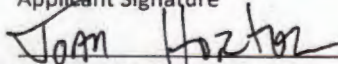
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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot 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.

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

	<u>Chris Horton, Trustee</u>	<u>2/13/23</u>
Applicant Signature	Print Name and Title if applicable	Date
	<u>Joan Horton, Trustee</u>	<u>2/13/23</u>
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).*

N/A

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. **(Attachment B)**

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: Luckiamute River	Tributary to: Willamette River
TRSQQ of POD: T 9S, R 5W, Sec. 19, SWNE	
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).

N/A

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B. Applications to Use Stored Water

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

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.) N/A

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: N/A

- 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:

N/A

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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.

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
Luckiamute River	Irrigation	March 1 – June 30	0.27 <input checked="" 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: 21.72 Acres Supplemental: 0 Acres Nursery Use: 0 Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): N/A
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 54.3 AF

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): A 20 HP centrifugal pump is installed at the point of diversion. (The pump is currently used to supply water to an adjacent property under Certificate 29447, which is held by the Applicant.)

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

Water will be diverted from an existing point of diversion using a 20 HP centrifugal pump and will be conveyed to the proposed place of use via a combination of 6", 5", and 4" aluminum mainline.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Water will be applied via hose reel.

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.

The Applicant will only irrigate when necessary to promote ideal hay production. A flow meter has been installed and water will be measured at the point of diversion if required by OWRD. No discharge to surface water is contemplated. No adverse effects to public uses of surface waters are anticipated.

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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: **If fish screening and/or bypass is required by ODFW, the applicant will install fish screening and/or provide bypass that complies with all applicable requirements.**
- 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: **An existing point of diversion will be used, so no excavation of riparian areas or clearing of banks will be required. During any construction of conveyance infrastructure, excavation will be kept to a minimum. Any necessary authorizations will be obtained.**
- 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: **No construction at the intake is expected, and the use of water under this permit will not require operating equipment in a water body.**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: **The Applicant will only irrigate when necessary to promote ideal crop production using the minimum quantity of water needed. This will prevent erosion, and no run-off of chemical products will occur.**
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
N/A

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: **Within 5 years of permit issuance**
b) Date construction will be completed: **Within 5 years of permit issuance**
c) Date beneficial water use will begin: **Within 5 years of permit issuance**

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 <u>N/A</u>	Address	
City	State	Zip

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For Department Use: App. Number: _____

SECTION 10: REMARKS

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

The Applicant understands that water is not available during the months of July through September and is requesting a permit to use water only from March through June. Irrigating during these months will enable the proposed place of use to produce a second cutting of hay, allowing the Applicant to make full beneficial use of the water requested during the requested season of use.

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: 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. ([Attachment A](#))
- 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. ([Attachment B](#))
- Fees - Amount enclosed: **\$2,110.00**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items: ([Attachment C](#))
 - 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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For Department Use: App. Number: _____

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Attachment A

Land Use Information Form

Application for a Surface Water Permit – Horton Joint Revocable Living Trust

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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 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

Applicant(s): Horton Joint Revocable Living Trust

Mailing Address: 14850 Airlie Road

City: Monmouth

State: OR

Zip Code: 97361

Daytime Phone: 503-931-3293

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>9S</u>	<u>5W</u>	<u>19</u>	<u>SWNE</u>	<u>900</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>SENE</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>NESE</u>	<u>900</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>5W</u>	<u>19</u>	<u>NESE</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>5W</u>	<u>20</u>	<u>SWNW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>9S</u>	<u>5W</u>	<u>20</u>	<u>NWSW</u>	<u>400</u>	<u>EFU</u>	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Polk 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 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) Luckiamute River

Estimated quantity of water needed: 0.27 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:

The Applicants are applying for a water right to allow irrigation from March through June to enable them to obtain a second cutting of hay. The Applicants will use an existing point of diversion, so there will be no construction or impacts to riparian areas.

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


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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC 20 126.030(A) "Farm Use" - No Construction Proposed
- 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.

Properties are within regulated 100-year floodplain, instream fish bearing stream. Any future construction/uses could require a land use authorization pursuant to PC 20 chapters 182 and 178.

Name: Sidney Muller Title: Planning Manager
 Signature: [Signature] Phone: 503-623-9237 Date: 2-16-23
 Government Entity: Polk 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.

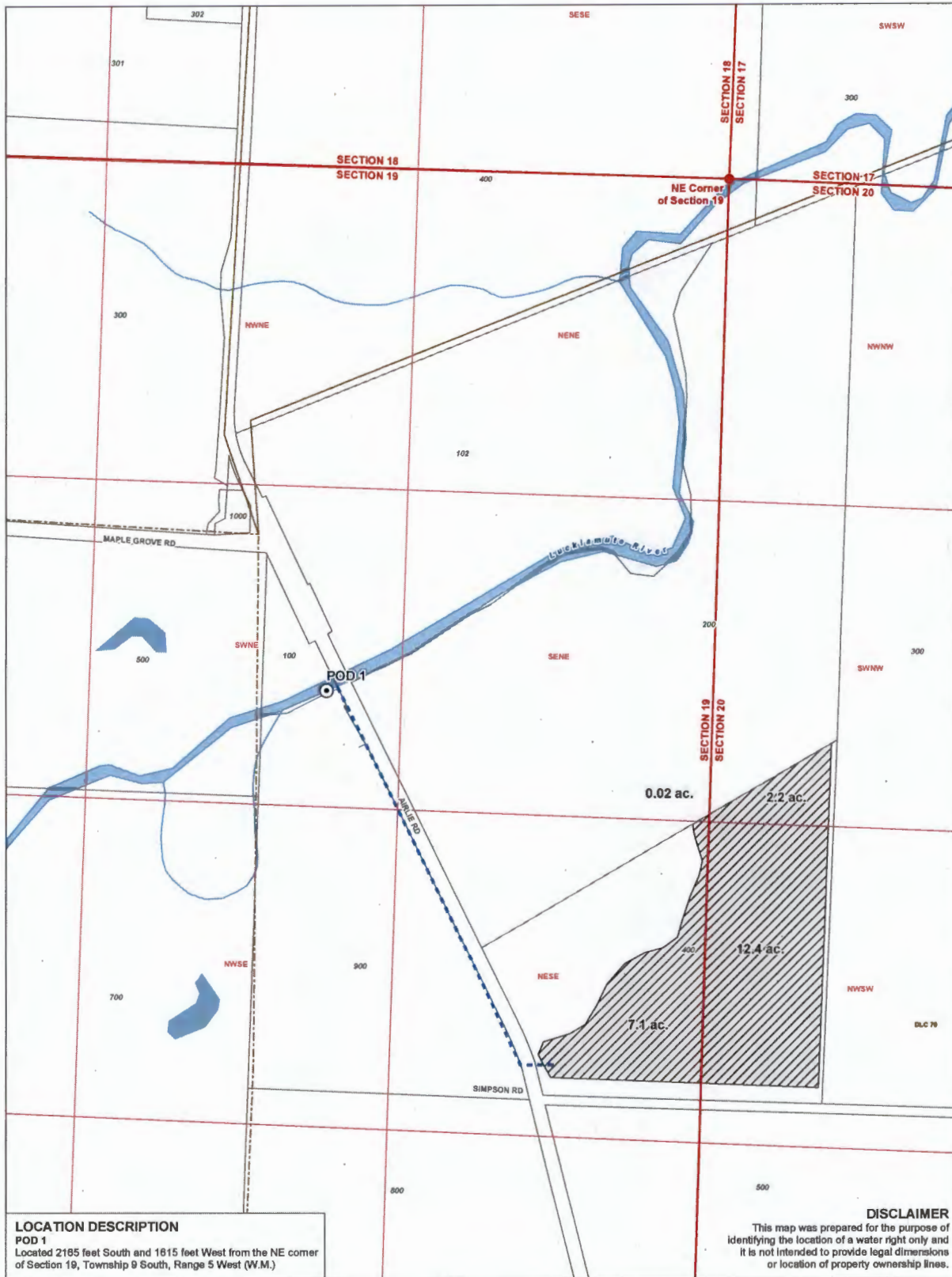
Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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LOCATION DESCRIPTION
POD 1
 Located 2185 feet South and 1815 feet West from the NE corner of Section 19, Township 9 South, Range 5 West (W.M.)

DISCLAIMER
 This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

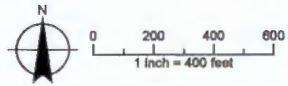
- LEGEND**
- ⊙ Point of Diversion (POD)
 - Conveyance
 - ▨ Proposed Place of Use (POU): March - June
 - Donation Land Claim (DLC)
 - ⊞ Tax Lot
 - ≡ Major Road
 - ~ Watercourse
 - Waterbody

**Application for a Permit to Use Surface Water
 in the Name of Horton Joint Revocable Living Trust**

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Polk County
 Township 9 South, Range 5 West (W.M.)

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Date: January 10, 2023
 Date Sources: SLM, EBRI, ODOT, OWRD, USGS, Polk Co.

Attachment B

Property Legal Description

Application for a Surface Water Permit – Horton Joint Revocable Living Trust

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Recording Requested by and
when recorded Return to:
RYAN W. COLLIER
COLLIER LAW
1020 LIBERTY ST. SE
SALEM, OR 97302
(503) 485-7224

Grantors:

Chris Horton and Joan Horton
14850 Airlie Road
Monmouth, OR 97361

Grantees:

Christopher E. Horton and Joan Horton
TRUSTEES OF THE HORTON JOINT REVOCABLE
LIVING TRUST DATED June 22, 2022
14850 Airlie Road
Monmouth, OR 97361

RECORDED IN POLK COUNTY **2022-011103**
Valerie Unger, County Clerk

10/10/2022 01:53:01 PM

REC-WD Cnt=1 Stn=5 K. WILLIAMS
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00

\$101.00

True and actual consideration
VALUE OTHER THAN MONEY

Send Tax Statements to:
NO CHANGE

STATUTORY WARRANTY DEED

Chris Horton and Joan Horton, as tenants by the entirety, Grantors, convey and warrant to CHRISTOPHER E. HORTON AND JOAN HORTON, TRUSTEES OF THE HORTON JOINT REVOCABLE LIVING TRUST DATED June 22, 2022, Grantees, the following described real property situated in the County of Polk, State of Oregon, free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A

Situs Address: 15175 Airlie Road, Monmouth, Oregon 97361

Subject to regulations and excepting covenants, conditions and restrictions of record. Less portions heretofore conveyed.

True consideration for this conveyance is value other than money.

The liability and obligations of the Grantors to Grantees and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right or indemnification available to Grantor under any title insurance policy, and Grantor shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any such title insurance policy.

Recorded at the Request of the Grantors. The draftsman assumes no responsibility for the legal description and stated title owner(s) herein which were supplied by the parties hereto or by a title company as a courtesy.

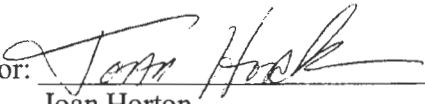
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings), AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 9, OREGON LAWS 2010.

The foregoing language is included for the purpose of compliance with Oregon statutory requirements only, and is not intended to affect, limit or impair the rights and obligations of the parties under any other terms and conditions of this instrument.

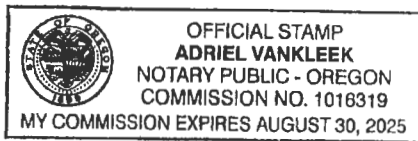
Dated this 20th day of September, 2022.


Grantor: 
Chris Horton

Grantor: 
Joan Horton

STATE OF OREGON)
County of Marion) ss.

The foregoing instrument was acknowledged before me this 20th day of September, 2022, by Chris Horton and Joan Horton.




Notary Public – State of Oregon
My commission expires:

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EXHIBIT A

Tract 1:

Beginning at a point 22.70 chains West from the Southeast corner of the North half of the Donation Land Claim of Rice W. Simpson and wife, Notification #2692, Claim No. 70, Township 9 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon; thence North 15.25 chains; thence South 72° 50' West 23.74 chains to the West side of the County road leading from Lewisville to Arlie; thence South 29° East 9.67 chains along the West side of said County Road; thence East 18.55 chains to the place of beginning.

Tract 2:

Beginning at a point 22.76 chains West and 15.25 chains North of the rock at the Southeast corner of the North Half of the Rice W. Simpson Donation Land Claim in Section 20, Township 9 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon; thence South 72° 50' West 23.74 chains to the fence on the West side of the County Road from Lewisville to Arlie; thence North 29° West along the West side of said road 70 links; thence North 57° 57' East 27.16 chains to an oak stake; thence South 8.00 chains to the place of beginning.

1. The Land has been classified as farm zoned, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
2. Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads, and highways.
3. Easement(s) for the purpose(s) shown below and rights incidental thereto as reserved in a document;
Reserved by: United States of America
Purpose: Fissionable materials
Recording Date: February 19, 1948
Recording No: Book 133, Page 81
Affects: Reference is made to said document for full particulars.
4. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: Luckiamute Domestic Water Cooperative
Purpose: Underground water main
Recording Date: March 26, 1970
Recording No: Book 3, Page 396
Affects: Reference is made to said document for full particulars.

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Recording Requested by and
when recorded Return to:
RYAN W. COLLIER
COLLIER LAW
1020 LIBERTY ST. SE
SALEM, OR 97302
(503) 485-7224

Grantors:
Christopher E. Horton and Joan T. Horton
14850 Airlie Road
Monmouth, OR 97361

Grantees:
Christopher E. Horton and Joan Horton
TRUSTEES OF THE HORTON JOINT REVOCABLE
LIVING TRUST DATED June 22, 2022
14850 Airlie Road
Monmouth, OR 97361

RECORDED IN POLK COUNTY	2022-011106
Valerie Unger, County Clerk	10/10/2022 01:53:01 PM
REC-WD Cnt=1 Stn=5 K. WILLIAMS	\$111.00
\$25.00 \$11.00 \$10.00 \$60.00 \$5.00	

True and actual consideration
VALUE OTHER THAN MONEY

Send Tax Statements to:
NO CHANGE

APN: 219088

WARRANTY DEED

Christopher E. Horton and Joan T. Horton, as husband and wife, Grantors, convey and warrant to CHRISTOPHER E. HORTON AND JOAN HORTON, TRUSTEES OF THE HORTON JOINT REVOCABLE LIVING TRUST DATED June 22, 2022, Grantees, the following described real property situated in the County of Polk, State of Oregon, free of encumbrances except as specifically set forth herein:

Situs Address: 15150 Airlie Rd., Monmouth, OR 97361

SEE EXHIBIT A

Subject to regulations and excepting covenants, conditions and restrictions of record. Less portions heretofore conveyed.

True consideration for this conveyance is value other than money.

The liability and obligations of the Grantors to Grantees and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the amount, nature and terms of any right or indemnification available to Grantor under any title insurance policy, and Grantor shall have no liability or obligation except to the extent that reimbursement for such liability or obligation is available to Grantor under any such title insurance policy.

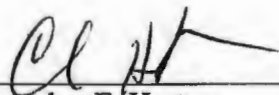
Recorded at the Request of the Grantors. The draftsman assumes no responsibility for the legal description and stated title owner(s) herein which were supplied by the parties hereto or by a title company as a courtesy.

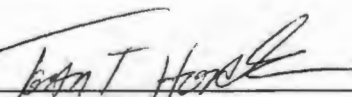
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings) AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) 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 (Definitions for ORS 92.010 to 92.192) OR 215.010 (Definitions), 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 (Definitions for ORS 30.930 to 30.947), AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300 (Definitions for ORS 195.300 to 195.336), 195.301 (Legislative findings), AND 195.305 (Compensation for restriction of use of real property due to land use regulation) TO 195.336 (Compensation and Conservation Fund) AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 9, OREGON LAWS 2010.

The foregoing language is included for the purpose of compliance with Oregon statutory requirements only, and is not intended to affect, limit or impair the rights and obligations of the parties under any other terms and conditions of this instrument.

Dated this 20th day of September, 2022.

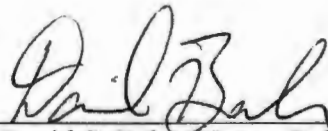
Grantor: 
Christopher E. Horton

Grantor: 
Joan T. Horton

STATE OF OREGON)
County of Marion) ss.

The foregoing instrument was acknowledged before me this 20th day of September, 2022, by Christopher E. Horton and Joan T. Horton.




David S. Bales, Notary Public
My commission expires: December 22, 2025

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EXHIBIT A

The tract of land being a part of the Donation Land Claim of Rice W. Simpson and wife, Claim No. 70, in Township 9 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and bounded and described as follows:

Beginning at a point on the West side of the County Road from Lewisville to Airlie, which point is 18.55 chains West from the Southwest corner of a certain tract on said Claim sold by W. McDonald Turner, to G. A. Conn and duly of record, and running thence North along the West side of said Road 32.67 chains to the center of the River Luckiamute; thence up the center of said River to the West boundary of said Donation Land Claim; thence South along the said West boundary 21.74 chains to the Southwest corner of said conveyed land; thence East 17.95 chains to the point of beginning.

EXCEPT FOR THE FOLLOWING PARCELS AS DESCRIBED IN EXHIBIT B ATTACHED UNDER POLK COUNTY INSTRUMENT 2005-007590

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EXHIBIT B

PARCEL I

A parcel of land lying in the northeast one-quarter of Section 19, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon and being a portion of that tract of land conveyed to Christopher E. Horton and Joan T. Horton by warranty deed recorded June 4, 1984 in Book 178, Page 1073, Polk County Book of Records, said parcel also being that portion within a strip of land lying northeasterly of a line delineated by following the below denoted stations and offsets southwesterly of the centerline described below.

Centerline Description

The following described centerline is located in the northeast and the southeast one-quarters of Section 19, Township 9 South, Range 5 West of the Willamette Meridian in the County of Polk and the State of Oregon, said centerline being specifically described as follows:

Beginning at a point of curvature in the centerline Airlie Road at Station 0+00.00 as shown in the Oregon Department of Transportation map drawing no. 10C-22-16, said point of curvature bearing North 03°22'12" East, a distance of 115.17 feet from the southwest corner of the David R. Lewis Donation Land Claim No. 55; thence, from said point of beginning, along the centerline of Airlie Road as shown in said drawing no. 10C-22-16, along the arc of a 572.96 foot radius curve, concave easterly, the central angle of which is 30°00'00", the long chord of which bears South 11°37'48" East, a distance of 296.59 feet, an arc distance of 300.00 feet to a point of tangency at Station 3+00.00; thence, South 26°37'48" East, along the centerline of Airlie Road, a portion of which is shown in said drawing no. 10C-22-16, a distance of 2532.20 feet to a point of curvature at Station 28+32.20, which is also the point of termination.

Bearings are based upon a local datum plane coordinate system converted from the 1983/91 Oregon Coordinate System, North Zone by multiplying the northing and easting by a scale factor of 1.00010608.

Station to Station	Offset Distances Southwesterly of Centerline
13+45.00 to 14+68.00	34.00 feet parallel with said centerline

Excepting therefrom, all that portion of said parcel lying within the right-of-way of Airlie Road.

The parcel of land to which this description applies contains 492 square feet more or less.

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PARCEL II

A parcel of land lying in the northeast one-quarter of Section 19, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon and being a portion of that tract of land conveyed to Christopher E. Horton and Joan T. Horton by warranty deed recorded June 4, 1984 in Book 178, Page 1073, Polk County Book of Records, said parcel also being that portion within a strip of land, 10.00 feet in width, lying 5.00 feet each side of the following described centerline.

Beginning at Station 13+33.88 at a 43.25 foot offset southwesterly from the centerline described above under Parcel I; thence, South 30°33'45" East, a distance of 211.85 feet to Station 15+45.23 at a 28.72 foot offset southwesterly from said centerline described above under Parcel I, which is also the point of termination.

Excepting therefrom, all that portion of said parcel lying within the right-of-way of Airlie Road.

The parcel of land to which this description applies contains 1,832 square feet more or less.

PARCEL III

A parcel of land lying in the northeast one-quarter of Section 19, Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon and being a portion of that tract of land conveyed to Christopher E. Horton and Joan T. Horton by warranty deed recorded June 4, 1984 in Book 178, Page 1073, Polk County Book of Records, said parcel also being that portion within a strip of land, 10.00 feet in width, lying 5.00 feet each side of the following described centerline.

Beginning at Station 15+15.30 at a 30.78 foot offset southwesterly from the centerline described above under Parcel I; thence, South 65°56'14" West, a distance of 30.00 feet to Station 15+13.95 at a 60.75 foot offset southwesterly from said centerline described above under Parcel I, which is also the point of termination.

Excepting therefrom, all that portion of said parcel lying within Parcel II and lying within the right-of-way of Airlie Road.

The parcel of land to which this description applies contains 250 square feet more or less.

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Attachment C

Permit Application Map

Application for a Surface Water Permit – Horton Joint Revocable Living Trust

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FEB 21 2023

OWRD
SALEM, OREGON

From: Molly Monroe
To: Molly Monroe
Subject: FW: Submitting Water Right Application on Behalf of Horton Joint Revocable Living Trust (2 of 2)
Date: Friday, February 17, 2023 1:04:49 PM

From: REECE Nick A * WRD <Nick.A.REECE@water.oregon.gov>
Sent: Thursday, February 16, 2023 4:28 PM
To: Mikaela Clarke <mclarke@gsiws.com>
Subject: RE: Submitting Water Right Application on Behalf of Horton Joint Revocable Living Trust (2 of 2)

Hello,

OWRD has received and accepted the Surface Water e-application for **Horton Joint Revocable Trust**. The temporary application number is: **NR-1**

Please print this email and include a copy of it when mailing in the payment. The fees due for this application are: **\$ 1500.00** (If opting to include recording fee: **\$2110.00**)

A copy of the fee calculator is included for your reference:



Today's Date: Thursday, February 16, 2023

Base Application Fee		\$1,090.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	0.27	\$410.00
Number of proposed Use's for the appropriated water (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water (if the application is appropriating water from a pond/reservoir)	0	
Subtotal		\$1,500.00
Permit Recording Fee ***		\$610.00
<small>* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.</small>		Recalculate
Estimated cost of Permit Application		\$2,110.00

Thank you,

Nick Reece
Public Service Representative 4
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-986-0810



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

From: Mikaela Clarke <mclarke@gsiws.com>
Sent: Thursday, February 16, 2023 2:26 PM
To: WRD_DL_customerservice <WRD_DL_customerservice@water.oregon.gov>
Cc: Kim Grigsby <kgrigsby@gsiws.com>; Leah Cogan <lcogan@gsiws.com>
Subject: Submitting Water Right Application on Behalf of Horton Joint Revocable Living Trust (2 of 2)

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FEB 21 2023

OWRD
SALEM, OREGON

Hello,

GSI Water Solutions, Inc. is electronically submitting the attached application for a permit to use surface water from March through June on behalf of the Horton Joint Revocable Living Trust (Chris and Joan Horton Trustees). The permit application fee of \$2,110 will be mailed to OWRD after we receive the temporary number for this application. Please let me know if you have any questions.

Thank you,

Mikaela Clarke

Water Resources Analyst

mobile: 971.212.0276

650 NE Holladay Street, Suite 900, Portland, OR 97232

GSI Water Solutions, Inc. | www.gsiws.com

pronouns: she/her