

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME THOMAS M. BUCHHOLZ		PHONE (HM) 503-873-3939	
PHONE (WK) 503-364-2242	CELL 503-551-8162	FAX 503-634-2244	
ADDRESS P. O. Box 710			
CITY MT ANGEL	STATE OR	ZIP 97362	E-MAIL * SALES.RESEQUIMENT@GMAIL.COM

Organization

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

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

AGENT / BUSINESS NAME LELAND HARDY, PE, CWRE H&R ENGINEERING LLC		PHONE 503-391-1560	FAX --
ADDRESS 1955 SALEM DALLAS HWY. NW APT. 922			CELL 503-559-0551
CITY SALEM	STATE OR	ZIP 97304	E-MAIL * HARDYENG@COMCAST.NET

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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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

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

	Thomas M. Buchholz	4/25/23
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

☒ YES, there are no encumbrances.

☐ YES, the land is encumbered by easements, rights of way, roads or other encumbrances.

☐ NO, I have a recorded easement or written authorization permitting access.

☐ NO, I do not currently have written authorization or easement permitting access.

☐ NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

☐ NO, because water is to be diverted, conveyed, and/or used only on federal lands.

Affected Landowners: List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Reservoir Appl. R-88873, Unnamed Stream	Tributary to: Rock Creek and Pudding River
TRSQQ of POD: Township 5 South, Range 1 East, Section 33 SE NW	
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).

Application R-88873, Permit R-15513

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B. Applications to Use Stored Water

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

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

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

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

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

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/

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

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

Is the POD located in an area where the Upper Columbia Rules apply?

☐ Yes X 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.

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?

X 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).

X 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: Irrigation schedule (time and amount) will be determined by crop` water use. Irrigation water applications will be scheduled by crop water need.

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Statewide - OAR 690-033-0330 thru -0340

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

X 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. The currently under-construction dam and reservoir will replace a smaller dam that has blocked

the unnamed stream channel since 1977.

SECTION 5: WATER USE

1.0 cfs
H

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
Reservoir and unnamed stream	Irrigation	April 30 to October 1	12 49 ☐ cfs gpm X af
Reservoir and unnamed stream	Nursery	Year around	1 ☐ cfs gpm X af
Reservoir and unnamed stream	supplemental irrigation	April 30 to October 1	37 ☐ cfs ☐ gpm ☒ af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 38 Acres

Supplemental: 103.6 Acres

Nursery Use: 10 Acres (w/in 141.6 ac.)

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): Primary Permit 42009 Certificate 56290, and Primary Permit 47876 Certificate 65042

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 50.0 ac ft

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

X Pump (give horsepower and type): 40 horse power centrifugal

☐ Other means (describe):

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

The 10" diameter PVC irrigation and reservoir drain conduit encased in concrete will supply reservoir water to the pump.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Hand move, high pressure sprinkler lines will apply water to the undulating fields.

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.

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Irrigation water applications will be determined by crop water need. Rotating irrigated fields and partial irrigation will probably be used.

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:

- X 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: A pump suction screen will be used. No fish present. Instream fish passage has been blocked by existing dam since 1977.
- X 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: ODEQ contacted: No 1200C Permit required. Permanent grass and cultivated fields are only riparian vegetation along edges of existing reservoir.
- X 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:
Work will be performed when intermittent unnamed stream is dry and reservoirs are drained.
- X Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Work will be performed when intermittent unnamed stream is dry and reservoir is drained.
- X List other federal and state permits or contracts to be obtained, if a water right permit is granted.
ODEQ contacted. No 1200C Permit required.

SECTION 8: PROJECT SCHEDULE

- a) Date construction began: Dam and reservoir September 2022
- b) Date construction will be completed: Dam and reservoir October 2023
- c) Date beneficial water use will begin: June 2024

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

This project consists of constructing a 20' high earth dam, at and downstream of an existing 10' high earth dam. The currently under-construction earth dam and reservoir will flood both existing reservoirs.

Locations used for 10.0 acres nursery will vary according to crops grown, and be within the 141.6 irrigated acres.

SURFACE WATER RIGHT SUMMARY
Schmitz Farm Dam and Reservoir plus Surface Water Irrigation
Tom Buchholz, Owner / Manager
April 25, 2023
T 5 S, R 1 E, Section 33

Cancel Surface Water Application S-88874, Permit S-55384

Existing Surface Water Place of Use and Source (11.3 ac ft)

Primary Permit S-42009, Certificate 56290	E ½ NW, NE SW	8.6 ac ft Existing Dam and Reservoir #1
Primary Permit S-47876, Certificate 65042	NE SW	2.7 ac ft Existing Dam and Reservoir #2
		103.6 ac irrigated

New Surface Water Right Application Place of Use and Source
(Replaces Application S-88874, Permit S-55384)

Supplemental Application	E ½ NW, NE SW	103.6 ac
Primary Application	NW NW	38.0 ac
		141.6 ac to be irrigated from
		38.7 ac ft <u>new</u> water stored

When dam (Application R-88873, Permit R-15513) is complete:
Total water stored will be 11.3 ac ft + 38.7 ac ft = 50.0 ac ft

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Land Use Information Form



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

Applicant

NAME <i>Thomas M. Buchholz</i>		PHONE (HM) <i>503-873-3939</i>	
PHONE (WK) <i>503-634-2242</i>	CELL <i>503-551-8162</i>	FAX <i>503-634-2244</i>	
ADDRESS <i>P.O. Box 710 (Project site: 8278 Monte Cristo Rd, Woodburn)</i>			
CITY <i>Mt. Angel</i>	STATE <i>OR</i>	ZIP <i>97362</i>	E-MAIL* <i>Sales.RES.equipment@gmail.com</i>

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:
<i>53</i>	<i>1E</i>	<i>33</i>	<i>E½NW¼</i>	<i>301</i>		☒ Diverted	☒ Conveyed	☒ Used	<i>Crop land nursery</i>
<i>55</i>	<i>1E</i>	<i>33</i>	<i>NESW</i>	<i>302</i>		☐ Diverted	☒ Conveyed	☒ Used	<i>Crop land nursery</i>
<i>55</i>	<i>1E</i>	<i>33</i>	<i>NW NW</i>	<i>400, 401</i>		☐ Diverted	☒ Conveyed	☒ Used	<i>Crop land nursery</i>
						☐ Diverted	☐ Conveyed	☐ Used	

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

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B. Description of Proposed Use

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

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

Source of water: ☒ Reservoir/Pond ☐ Groundwater ☐ Surface Water (name) _____

Estimated quantity of water needed: *50 ac-ft* ☐ 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 *Nursery*

Briefly describe:

The 10-acre nursery location will vary depending on crops grown, and be within the 141.6-acres irrigated

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

For Local Government Use Only

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

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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): ZDO Section 401

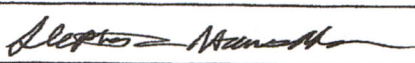
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☒ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. 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:	
Stream Conservation Area Permit	ZDO Section 704	☐ Obtained ☐ Denied	☒ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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.

Project is allowed outright in underlying Exclusive Farm Use (EFU) Zoning District per Ordinance Section 401, but requires permitting under Ordinance Section 704 because it is located in the County Stream Conservation Area (SCA). The permit for the SCA has been submitted, and is being reviewed under File No. Z0342-20-RSCA.

NAME Steve Hanschka		TITLE: Sr. Planner
SIGNATURE 	PHONE: 504-742-4500	DATE: 8/26/2020
GOVERNMENT ENTITY Clackamas 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: _____

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

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		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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NAME	Steve Hanschka <i>Lizbethy Danell</i>	TITLE:	Sr. Planner <i>Planner 2</i>
SIGNATURE	<i>Steve Hanschka</i>	PHONE:	504-742-4500
GOVERNMENT ENTITY	Clackamas County	DATE:	8/26/2020 <i>4/17/2023</i>

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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Clackamas County Official Records
Sherry Hall, County Clerk

2016-044447



01962880201600444470030032

\$63.00

07/06/2016 11:01:21 AM

D-D Cnt=1 Stn=5 LESLIE
\$15.00 \$16.00 \$22.00 \$10.00

STATUTORY WARRANTY DEED

**UNTIL A CHANGE IS REQUESTED, ALL
TAX STATEMENTS SHALL BE SENT TO:**

Barbara R. Buchholz
19564 Haines Road NE
Scotts Mills, OR 97375

**AFTER RECORDING,
RETURN TO:**

Con P. Lynch, Attorneys at Law, PC
P.O. Box 741
Salem, OR 97308

BARBARA R. SCHMITZ (n.k.a. BARBARA R. BUCHHOLZ), Grantor, conveys and warrants to THOMAS M. BUCHHOLZ and BARBARA R. BUCHHOLZ, Trustees, or their successors in interest, of the THOMAS M. & BARBARA R. BUCHHOLZ LIVING TRUST dated June 1, 2016, and any amendments thereto, Grantee, all of Grantor's right, title and interest in the real property located in Clackamas County, Oregon, and described in the attached Exhibit "A".

SUBJECT TO: All liens and encumbrances of record or apparent on the property by inspection.

The true and actual consideration for this conveyance consists of or includes other property or value given as provided which is the whole consideration.

The liability and obligations of Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under any policy of title insurance issued to Grantee at the time Grantor acquired such property. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

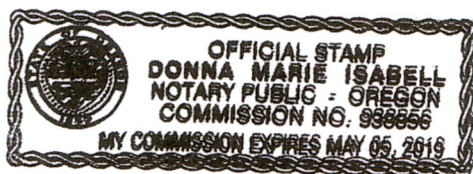
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 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.

Barbara R. Schmitz
Barbara R. Buchholz
BARBARA R. SCHMITZ (n.k.a.)
BARBARA R. BUCHHOLZ)

STATE OF OREGON)
) ss.
COUNTY OF MARION)

On June 1, 2016 personally appeared the above-named BARBARA R. SCHMITZ (n.k.a. BARBARA R. BUCHHOLZ) acknowledged the foregoing instrument to be her voluntary act. Before me:



Donna Marie Isabell
Notary Public for Oregon
My Commission Expires: 5-5-2019

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EXHIBIT "A"

RECEIVED

Situs Address: 8278 S. Monte Cristo Road, Woodburn, OR 97071
Tax Acct. Nos. 01078559, 01078531, 01078540, 01078577, 01078568

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Real property in the County of Clackamas, State of Oregon, described as follows:

PARCEL I:

The South half of the Southeast quarter of the Northwest quarter and the Northeast quarter of the Southwest quarter of Section 33, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

ALSO the Easterly 60 feet of the Northeast quarter of the Northwest quarter of Section 33, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon.

PARCEL II:

The North one-half of the Southeast one-quarter of the Northwest one-quarter of Section 33, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon

PARCEL III:

A tract of land in Section 33, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the North quarter corner of said Section; thence Westerly along the North line of said Section 60.00 feet to the true point of beginning of the tract herein to be described; thence Southerly parallel to the section North-South center line, 1320.00 feet, more or less, to the South line of the Northeast quarter of the Northwest quarter of said section; thence Westerly along the South line of said division, 1260.00 feet, more or less, to the Southwest corner thereof; said point being on the Westerly line of that tract conveyed to John J. Schmitz, recorded January 17, 1972 as Recorder's Fee No. 72-1255, Film Records; thence Northerly along the division line and the Westerly line of said Schmitz tract 1320.00 feet, more or less, to the North line of said Section; thence Easterly along the North line of said Section, 1260.00 feet, more or less, to the true point of beginning.

PARCEL IV:

A tract of land located in Section 33, Township 5 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northwest corner of said Section 33; thence South along the West section line, 1336.5 feet; thence East parallel with the North line of said section 1303.5 feet; thence North parallel with the West section line 1336.5 feet to the North line of said section; thence West along said North line 1303.5 feet to the place of beginning.

EXCEPTING THEREFROM the East 20 feet conveyed to John Joerg and Emma Joerg by deed recorded March 14, 1928 in Book 278, page 192, Deed Records.

Tax Parcel Number: 01078531 and 01078559 and 01078540 and 01078568 and 01078577



RECEIVED

APR 24 2023

OWRD

Date Received (Date Stamp Here)

OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Thomas M. Buchholz

P.O. Box 710 Mt. Angel OR 97132

Transaction Type: Application

Fees Received: \$

☐ Cash

☒ Check

Check No.

4010

Name(s) on Check: Buchholz - Schmitz, inc

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:

Nick Reece

(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.