

HGX Solutions, LLC.

HGX

LETTER OF TRANSMITTAL

Geology, Water, Geography
and Sustainability
"Creating solutions and value"

Phone: (858) 775-0811

Email: michael.higgins@hgxolutions.com

TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266

Job No.: 20-10
Project: Stoneberg - Water Rights Services
Date: 5/26/2020
From: Michael Higgins
Via: USPS

COPY	DATE	DESCRIPTION
1	5/26/2020	Application for a Permit to Use Surface Water (12 Pages)
		Including Completed Land Use Information (Planning) Form
1	5/26/2020	Deed - legal property description (2 Pages)
1	5/26/2020	Exhibit Maps 1 & 2 (2 Pages)
1	5/26/2020	Letter to U.S. Bureau of Reclamation (1 Page)
1	5/26/2020	U.S. Bureau of Reclamation Contract Data Sheet (2 Pages)
1	5/19/2020	Check and Fee Schedule (Check + 1 Page)

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REMARKS:

cc:

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 SHAWN AND JODIE STONEBERG		PHONE (HM) 541-760-1430	
PHONE (WK)	CELL 541-760-7240	FAX	
ADDRESS 31707 OAKVILLE RD.			
CITY SHEDD	STATE OR	ZIP 97377	E-MAIL * SAHWN@STABILITYENGINEERS.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 MICHAEL HIGGINS / HGX SOLUTIONS, LLC		PHONE 858-775-0811		FAX
ADDRESS 1672 SW COUNTRY CLUB PL.		CELL 858-775-0811		
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * MHIGGINSROCKS@GMAIL.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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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

Applicant Signature

Applicant Signature

Print Name and Title if applicable

Print Name and Title if applicable

Date

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.

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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*).

Shawn and Jodie Stoneberg 31707 Oakville Rd. Shedd, OR 97333

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: McKenzie River	Tributary to: Willamette	> U.S. Bureau of Reclamation Contract for Stored Water in Willamette Basin
TRSQQ of POD: 17S03W04NENE		
Source 2: Muddy Creek	Tributary to: Willamette	> Transported through Muddy Creek to project POD
TRSQQ of POD: 12S04W28NWNW		

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).

B. Applications to Use Stored Water

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

- ☐ 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.

☐ 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) 986-0801.

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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 ☒ No

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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?

☒ 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:

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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
McKenzie River	Irrigation	March 1 – October 31	0.21 ☒ cfs ☐ gpm ☐ af
			41.88 ☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 16.75 Acres Supplemental: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): _____

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

- 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

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A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): 50 HP electric drive centrifugal (TBD)
☐ Other means (describe): _____

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

The initial/existing point of diversion (POD) is through the Muddy Creek Irrigation Project (MCIP) POD, located in the NE ¼ of the NE ¼ of Section 9, Township 17 South, Range 3 West, Willamette Meridian. Under contract through MCIP, water will be conveyed via ditch system and diverted at Stoneberg project POD located in Tax Lot 300 on Tax Map 12S04W28. The project POD will include a pump intake with a fish screen or an infiltration gallery will be constructed and a pump installed. The water will be piped using a combination of buried PVC to a K-Line pipe irrigation distribution system.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
High-pressure sprinkler (K-Line) irrigation system.

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.

With good pasture management, this will help clean water and keep animals healthy. This includes managing an irrigation schedule accordingly to limit evaporation and overwatering and conserve soil moisture by use of rotational grazing and leave more than 3 inches of grass to cool the ground.

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: A pump intake fish screen will be installed in compliance with ODFW standards or an infiltration gallery will eliminate the need of a fish screen.
- ☒ 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: Construction will occur outside of the creek bank. If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
- ☒ 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 in water construction will occur.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Best Management Practices (BMP's) will be used in compliance with any additional permit requirements
- ☒ List other federal and state permits or contracts to be obtained, if a water right permit is granted.
The U.S. Bureau of Reclamation has submitted an application for Stored Water in the Willamette Basin of Willamette Basin Project Reservoirs, constructed under permits R-1625 and R-5363.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: June 2020
- b) Date construction will be completed: June 2021 or sooner
- c) Date beneficial water use will begin: June 2021 or sooner

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).*
The location of the project point of diversion may change slightly, due to field and/or stream conditions including but not limited to: access, infiltration characteristics of the soil, irrigation system design, and availability of power.

The boundaries for the maps prepared under exhibits 1 and 2 including section lines, quarter-quarters, tax lots and donation land claims were approximated using Linn County Tax Map 12S04W28 and GIS data, Lane County Tax Map 17030400/0900, respectively.

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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

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Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ 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.
- ☒ Fees - Amount enclosed: \$ \$1,766.40
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☒ Map that includes the following items:
 - ☒ 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)

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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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

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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 groundwater 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.

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

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Applicant

NAME SHAWN AND JODIE STONEBERG			PHONE (HM) 541-760-1430		
PHONE (WK)		CELL 541-760-7240		FAX	
ADDRESS 31707 OAKVILLE RD.					
CITY SHEDD		STATE OR	ZIP 97377	E-MAIL* SHAWN@STABILITYENGINEERS.COM	

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:
12S	4W	28	NWNW	300	EFU	☒ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	28	SWNW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	28	SEnw	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming
12S	4W	28	NENW	300	EFU	☐ Diverted	☒ Conveyed	☒ Used	Farming

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

Linn 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 Groundwater Registration Modification
☐ Limited Water Use License
 ☐ Allocation of Conserved Water
 ☐ Exchange of Water

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

Estimated quantity of water needed: 0.21 ☒ 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:

Irrigation for pasture grazing with best management and conservation practices.

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

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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
- ☐ 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:	
		☐ 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
		☐ 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.

--

NAME: <u>Alyssa Boles</u>		TITLE: <u>Senior Planner</u>
SIGNATURE: <u>Alyssa Boles</u>	PHONE: <u>511-967-3516</u>	DATE: <u>5/20/20</u>
GOVERNMENT ENTITY: <u>Linn County</u>		

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: _____

Fidelity National Title # 12039257

RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
UFF DA, LLC
1875 Longview Ave.
Eugene, OR 97403

GRANTEE:
Shawn Stoneberg and Jodie S. Stoneberg
31707 Oakville Rd.
Shedd, OR 97377

SEND TAX STATEMENTS TO:
Shawn Stoneberg and Jodie S. Stoneberg
31707 Oakville Rd.
Shedd, OR 97377

AFTER RECORDING RETURN TO:
Shawn Stoneberg and Jodie S. Stoneberg
31707 Oakville Rd.
Shedd, OR 97377

Escrow No: FT120039257-FTMWV09

31707 Oakville Rd.
Shedd, OR 97377

LINN COUNTY, OREGON 2013-00570
D-WD 01/11/2013 03:25:03 PM
Cn=1 Snt=1 COUNTER \$10.00 \$11.00 \$14.00 \$19.00 \$10.00 \$65.00



00194860201300005700020024

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk's records.

Steve Druckenmiller - County Clerk



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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

UFF DA, LLC, Grantor, conveys and warrants to

Shawn Stoneberg and Jodie S. Stoneberg, 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:

Part of the Donation Land Claim of John O. Wilson and wife, Not. No. 2027 and Claim #60 in Township 12 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon; and beginning in the center of Muddy Creek at a point South 81° 15' West 44.11 chains distant and North 9.25 chains distant from the Southeast corner of said Claim; running thence North 81° 15' East 3.50 chains; thence North 24.82 chains; thence North 70° West 13.60 chains to the center of the County Road; thence South 12° 15' West along said road 9.70 chains to the center of Muddy Creek; thence up said creek in the center of the main channel following the meanderings thereof to the place of beginning, all in Linn County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$420,000.00. (See ORS 93.030)

Subject to and excepting:

Current taxes, assessments, reservations in patents, and all agreements, easements, right-of-way, encumbrances, liens, setback lines, reservations, powers of special districts, covenants, conditions and restrictions as may appear of record.

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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DATED: January 8, 2013

UFF DA, LLC

BY:

Paul Bjornstad
Paul Bjornstad, Member

BY:

Randi Bjornstad
Randi Bjornstad, Member

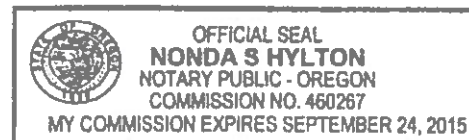
State of OREGON, County of LANE

This instrument was acknowledged before me on January 8, 2013
by Paul Bjornstad and Randi Bjornstad as Members of Uff Da, LLC.

Notary Public - State of Oregon

My commission expires:

9-24-2015



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HGX Solutions, LLC.

1672 SW Country Club Pl
Corvallis, OR 97333
(858) 775-0811

May 26, 2020

HGX Project No. 20-10

Joy M. Kelley CPN-6323
U.S. Bureau of Reclamation
Columbia-Pacific Northwest Region
1150 Curtis Road
Boise, Idaho 83706

Phone: 208-378-5346

Re: Shawn and Jodie Stoneberg, Willamette Basin Contract

Dear Ms. Kelley:

Thank you for your time and please accept the application for Willamette Basin stored water. We are applying to the Oregon Water Resources Department concurrently for the water right to use the proposed contracted water. When the permit application number is available, we will send the number when it is assigned. Additionally, we will be contracting with the Muddy Creek Irrigation Project (P.O. Box 225, Harrisburg, Oregon 97446) to divert and convey allocated water through the E-Channel ditch into Muddy Creek for us to use for irrigation.

Please find the following attached:

- Contract Data Sheet
- Tax Identification Number Form
- Water Right Exhibits Maps 1 and 2 showing the proposed point of diversion (POD) and are to be irrigated, and the existing POD into Muddy Creek with the contracted water.
- Check for \$100.00

We appreciate the opportunity to obtain a contract with the U.S. Bureau of Reclamation to use Willamette Basin stored water. Please call HGX Solutions if you need any additional materials.

Sincerely,



Michael Higgins

JUN 01 2020

CONTRACT DATA SHEET

OWRD



Bureau of Reclamation
Attn: PN-6323
1150 N. Curtis Road
Boise, ID 83706-1234
208-378-5346

RECLAMATION

Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): Shawn and Jodie Stoneberg
- 2) Address: 31707 Oakville Rd. Shedd, OR 97377
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____

(Social Security Number or Employer Identification Number¹)

- 5) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (e.g., Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____

(Social Security Number or Employer Identification Number)

5) Please provide the following information:

- (a) A description of the area served by the organization (location, total acreage, number of water users, prominent crops, etc.)
- (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of water (name of stream, river): McKenzie River

3. Proposed point of diversion: 100 feet South and 120 feet West of NE corner of Section 9, Township 17S, Range 3W, Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: The permit is currently in process. Will send permit when approval when applicable

5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

6. Do you currently hold a right to natural flows for irrigating the property described herein? No **RECEIVED**
If yes, what is/are the priority date(s)? _____
7. Total quantity of water from storage requested: 41.88 acre-feet. **JUN 01 2020**
8. Location of land to be irrigated in each 40-acre tract: **OWRD**

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
12 S	4W	28	NWNW	14.04	Pasture
12 S	4W	28	SWNW	1.42	Pasture
12 S	4W	28	NENW	0.93	Pasture
12 S	4W	28	SEnw	0.36	Pasture

9. What is the present use of the land identified above? (farming; idle [fallow cultivated land]; native [appears never to have been tilled]; planted pasture or other [please specify]).
Farming: planted pasture
10. Is the land identified above currently being irrigated? No If yes, what is the source? (natural flows, wells, etc.) _____
11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: A fish screen will be installed or an infiltration gallery to be constructed in compliance with federal and state laws.
12. Telephone number where you can be reached during the day: 541-760-7240

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE². MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. If the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.



Oregon Water Resources Department
Stored Water Only Applications – Expedited Secondary

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Today's Date: Tuesday, May 19, 2020

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	41.88	\$726.40
	Subtotal:	\$1,246.40
Permit Recording Fee. ***		\$520.00
*** 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.	Recalculate	
Estimated cost of Permit Application		\$1,766.40

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