

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 OPA'S ACRES LLC		PHONE (HM)	
PHONE (WK) 503-932-7572	CELL		FAX
ADDRESS PO Box 15010			
CITY SALEM	STATE OR	ZIP 97309	E-MAIL * oliver.r@jetindustries.net

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 THEODORE RESSLER, RG, CWRE – SUMMIT WATER RESOURCES, LLC		PHONE 503-967-7050	FAX
ADDRESS PO Box 11268			CELL 503-701-4535
CITY PORTLAND	STATE OR	ZIP 97211	E-MAIL * tressler@summitwr.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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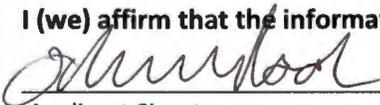
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By my signature below I confirm that I understand:

- 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.

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


Oliver W. Raab
8-15-2023
 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).*

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 3)**

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 1	Tributary to: Unnamed Stream that is tributary to Ash Swale
TRSQQ of POD: Township 6 South, Range 5 West, Section 27, NESW (WM)	
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).

Transfer T-13919 (involving storage authorized under former certificates 36547 and 39082)

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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_trsqq_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 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?

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
Reservoir 1	Irrigation	Irrigation Season	7.71 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input 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: **173.5*** Acres Supplemental: _____ Acres Nursery Use: _____ Acres

***See Section 10 Remarks**

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: **up to 7.71 AF**

- 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?

- Pump (give horsepower and type): **20 Hp centrifugal pump**
 Other means (describe):

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

Stored water will be diverted from Reservoir 1 and delivered by a closed pipe conveyance system to the lands to be irrigated.

B. Application Method

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

A combination of drip and low-pressure sprinklers will be used to apply water for irrigation. Irrigation of the bulk of the lands included in the proposed place of use (vineyard) will be completed by drip; low-pressure sprinklers will be used for a portion of the landscape irrigation.

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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 proposed use of water is for irrigation of a proposed vineyard and for limited landscape irrigation around the existing residence at the property. The use of drip irrigation for the vineyard will prevent waste, and prevent runoff and damage to nearby surface waters.

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: Screening of the diversion intake with and ODFW approved fish screen is planned to prevent uptake of fish and aquatic life.
- 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: No excavation or clearing of banks is required for this project; the source of water is an existing reservoir associated with Transfer T-13919.
- 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: The source of water is an existing reservoir associated with Transfer T-13919. In-water work is not anticipated as part of using stored water from the reservoir.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Water will be conveyed through a closed pipe system, and will be applied for irrigation using predominantly drip. The irrigation system will be designed to use water efficiently, and minimize erosion and runoff.
- 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: Estimated to be complete within 10 years of permit issuance
- c) Date beneficial water use will begin: Estimated to be complete within 10 years of permit issuance

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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).*

The exact layout of the planned vineyard and the number of acres of vineyard to be developed is not known with certainty at this time. To provide the applicant with flexibility for development of the project, the bounding area of the proposed project has been identified as the place of use for this application. Accordingly, although the place of use as identified on the application map encompasses 173.5 acres, the anticipated number of acres of vineyard to be developed (and the acres irrigated) is anticipated to be less. The number of acres of vineyard developed will be contingent on the suitability of the land for development and the supply limit of the stored water source.

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Attachment 1 Minimum Requirements Checklist

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: **\$1,548**
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)

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Attachment 1
Minimum Requirements Checklist

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 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 503-986-0900.

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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 OPA'S ACRES LLC		PHONE (HM)	
PHONE (WK) 503-932-7572	CELL		FAX
ADDRESS PO Box 15010			
CITY SALEM	STATE OR	ZIP 97309	E-MAIL * oliver.r@jetindustries.net

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:
6S	5W	27	All SW	403	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
6S	5W	28	SESE	701	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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 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: 7.71 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:

A application for a permit to use stored water from an existing reservoir located on tax lot 403 is being submitted to Oregon Water Resources Department (storage authorized under T-13919. The water will be used to irrigate landscaping and a vineyard on tax lots listed.



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):

§ 20136-030(A) - no development 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
RECEIVED		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
AUG 31 2023		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
OWRD		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

NAME <u>Hannah Brickner</u>	TITLE: <u>Associate Planner</u>
SIGNATURE <u>Hannah R. Brickner</u>	PHONE: <u>503-623-9237</u>
GOVERNMENT ENTITY <u>Polk County</u>	DATE: <u>7/24/2023</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: _____

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Attachment 3
Legal Description



THIS SPACE RESERVED FOR RECORDER'S USE

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After recording return to:
OPA's Acres LLC
PO Box 15010
Salem, OR 97309

Until a change is requested all tax statements shall be sent to the following address:
OPA's Acres LLC
PO Box 15010
Salem, OR 97309
File No. 452356AM

RECORDED IN POLK COUNTY	2021-007733
Valerie Unger, County Clerk	05/04/2021 12:26:59 PM
REC-WD Cnt=1 Str=5 K. WILLIAMS	\$116.00
\$10.00 \$11.00 \$10.00 \$60.00 \$20.00 \$5.00	

STATUTORY WARRANTY DEED

Oregon Ranch, LLC, a Washington limited liability company,

Grantor(s), hereby convey and warrant to

OPA's Acres LLC, an Oregon limited liability company,

Grantee(s), the following described real property in the County of Polk and State of Oregon free of encumbrances except as specifically set forth herein:

452356AM

Unsurveyed Parcel 1, Partition Plat No. 2020-0013, recorded June 3, 2020 in Document No. 2020-008861, Book of Records, Polk County, Oregon.

TOGETHER WITH an easement for ingress and egress as disclosed by Quit Claim Deed recorded September 11, 2008 as Document No. 2008-011205, further described as follows: Beginning at a point 20 feet West of the Southwest corner of the C.P. Zumwalt Donation Land Claim No. 74, in Section 27, Township 6 South, Range 5 West of the Willamette Meridian, Polk County, Oreogn; thence North a distance of 29.10 chains, more or less, to the County Road; thence East a distance of 40.0 feet; thence South a distance of 29.10 chains, more or less to a point East of the point of beginning; thence West a distance of 40.0 feet to the place of beginning.

FURTHER DESCRIBED AS:

Beginning at the initial point of this partition plat, said point being the Southwest Corner of the Christopher P. Zumwalt DLC Number 74, said point being a 5/8 inch iron rod with a 2 inch aluminum cap as shown on Polk county corner restoration from RE11402; thence South 89°59'36" West 676.29 feet, to the Northwest corner of Lot 4, "Sunny Side Tracts" subdivision as recorded in Book 2, Page 29, Polk County Book of Town Plats and the Quarter Corner between Sections 27 and 28 of Township 6 South, Range 5 West; thence North 00°47'43" West along said section line, 201.88 feet; thence South 89°02'01" West 1428.64; thence South 26°10'26" West 1133.78 feet; thence South 89°01'58" West 671.35 feet to a point along the East line of Partition Plat No. 2004-0007 as recorded in Volume 2004, Page 7, Polk County Book of Partition Plats; thence along said East line South 01°09'18" East 491.06 feet to the Northwest corner of Lot 5 of said "Sunny Side Tracts"; thence South 01°07'57" East along the West line of said Lot 5, 975.17 feet to a point 330.00 feet Northerly of the Southwest corner of said Lot 5; thence North 89°15'50" East 2630.69 feet; thence South 89°56'05" East 2632.13 feet to a point along the West line of the East half of Section 27, Township 6 South, Range 5 West of the Willamette Meridian; thence North 00°10'52" West 2286.71 feet to a point on the South line of the Christopher P. Zumwalt DLC Number 74; thence South 89°59'19" West along said DLC line 2005.65 feet to the point of beginning.

SAVE AND EXCEPT:

Unsurveyed Parcel 2, Partition Plat No. 2020-0013, Recorded June 3, 2020, in Document No. 2020-008861, Book of Records Polk County, Oregon.

TOGETHER WITH access as delineated on the recorded plat.

Also described as:

A tract of land situated in the Southeast quarter of Section 28, Township 6 South, Range 5 West of the Willamette Meridian, in Polk County, Oregon, said tract being a portion of that tract of land described in Document 2020-010448, Polk County Deed Records and being more particularly described as follows: Beginning at the Northeast corner of Parcel 2 of Partition Plat Number 2020-0013 as recorded in Volume 2020, Page 8861, Book of Partition Plats for Polk County, Oregon, said corner being 676.29 feet South 89°59'36" West and 201.88 feet North 00°47'43" West and 686.62 feet South 89°02'01" West from the Southwest corner of the Christopher P. Zumwalt Donation Land Claim Number 74 as shown on said Partition Plat; thence South 01°20'04" East along the East line of said Parcel 2, 2483.02 feet to the Southeast corner of said Parcel 2; thence South 89°15'50" West along the South line of said Parcel 2, 1942.1) feet; to the Southwest corner of said Parcel 2; thence North 01°07'57" West along the West line of said Parcel 2,

975.17 feet; thence North 01°09'18" West along the West line of said Parcel 2, 491.06 feet to the Northwest corner of said Parcel 2; thence North 89°01'58" East along the North line of said Parcel 2, 671.35 feet; thence North 26°10'26" East along the North line of said Parcel 2, 1133.78 feet; thence North 89°02'01" East along the North line of said Parcel 2, 742.02 feet to the point of beginning.

TOGETHER WITH: A 40 foot wide access easement as recorded in Document Number 2020-8863, Polk County.

AW

The consideration paid for the transfer is PURSUANT TO AN IRC 1031 TAX DEFERRED EXCHANGE ON BEHALF OF GRANTOR/GRANTEE.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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.

Dated this 30 day of April, 2021.

Oregon Ranch, LLC
By: [Signature]
Larry Claunch, Member

State of Oregon } ss
County of Marion }

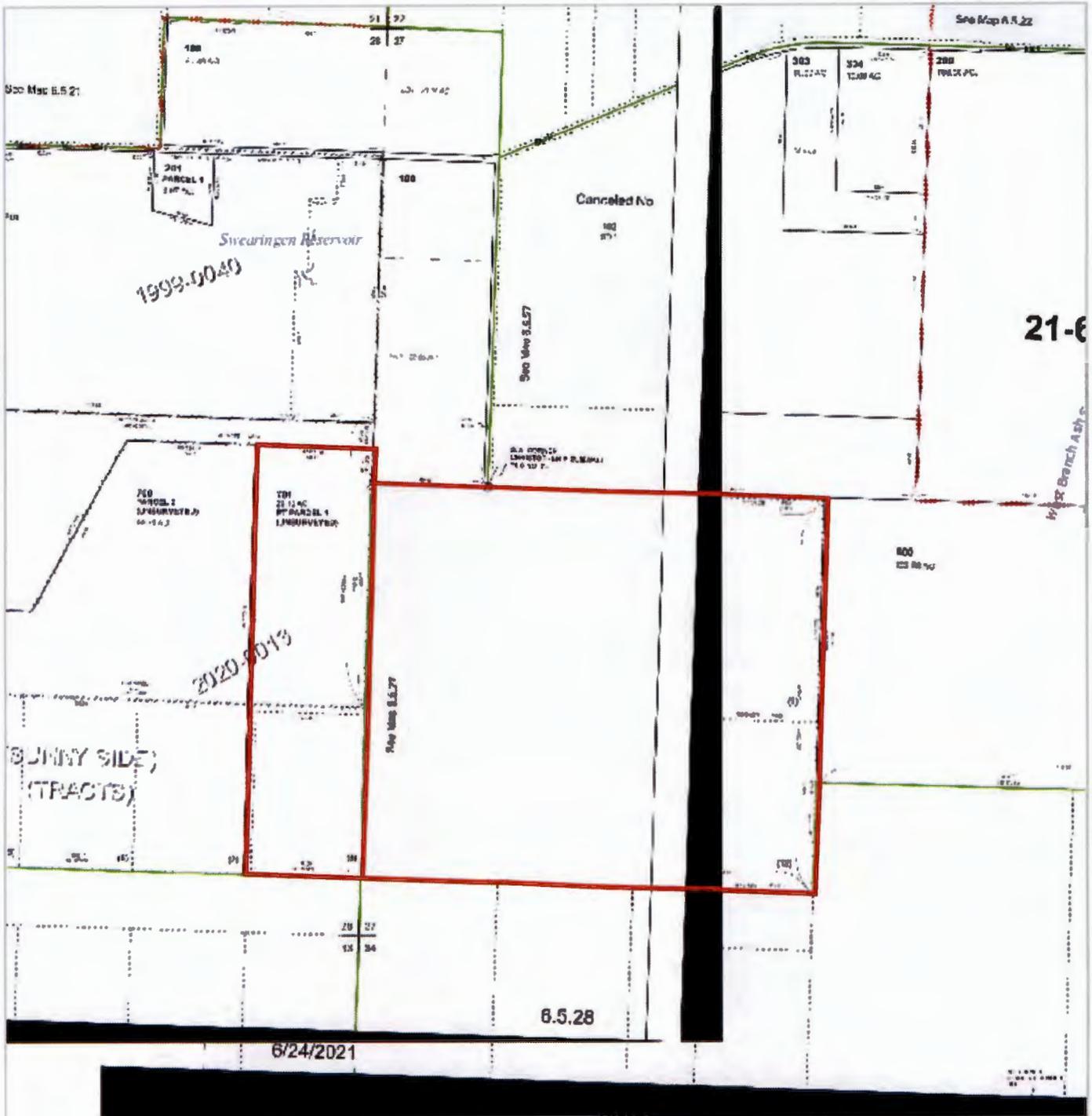
On this 30th day of April, 2021, before me, Tasha Walery a Notary Public in and for said state, personally appeared Larry Claunch known or identified to me to be the Managing Member in the Limited Liability Company known as Oregon Ranch, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Oregon
Residing at: Keizer, Oregon
Commission Expires: 9/9/2022



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This map/plat is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

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Attachment 4
Application Map



August 24, 2023

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

Subject: Application for a Permanent to Use Surface Water
Stored water use only (Transfer T-13919, involving Permits R-5059 and R-5663)
Opa's Acres LLC

Dear Application Caseworker,

On behalf of the applicant, Opa's Acres, LLC, please find enclosed an Application for a Permit to Use Surface Water (Stored Water Only) accompanied by the required fee of \$1,548 (a fee tally for the application is enclosed).

If you have any questions regarding the enclosed application, you can reach me at 503-967-7050 x204. Please copy me on any correspondence regarding this application.

Respectfully submitted,

Theodore Ressler, RG, CWRE
Summit Water Resources LLC

Cc: Oliver Raab – Opa's Acres, LLC

Enclosures:

Application for a Permanent to Use Surface Water
Check #1015 in the amount of \$1,548

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