

# 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

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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME CARVER MARCY LLC; ATTN: CLARE CARVER OR BRIAN MARCY		PHONE (HM) -	
PHONE (WK) 503-662-3129	CELL -	FAX -	
ADDRESS 26851 NW WILLIAMS CANYON ROAD			
CITY GASTON	STATE OR	ZIP 97119	E-MAIL * CLARE@BIGTABLEFARM.COM BRIAN@BIGTABLEFARM.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 TED RESSLER, RG, CWRE / SUMMIT WATER RESOURCES LLC		PHONE 503-967-7050 x204		FAX -
ADDRESS 4784 SE 17 <sup>TH</sup> AVE SUITE 111			CELL 503-701-4535	
CITY PORTLAND	STATE OR	ZIP 97202	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.)

**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

M CLARE CARVER  
Print Name and Title if applicable

Date

11/20/23

Applicant Signature

Freeman Brian Marcy  
Print Name and Title if applicable

Date

11/22/23



**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).*

NA

**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.

Provided in 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 Tributary > Williams Canyon Creek > Mercer Creek
TRSQQ of POD: 2S 4W 9 NWSW	
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-89285, Permit, R-15577



**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/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

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

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

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

Yes  No

If **yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.



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	3/1-10/31	6.6 <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: 25.71 Acres      Supplemental: \_\_\_\_\_ Acres      Nursery Use: \_\_\_\_\_ 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: 6.6 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

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### A. Diversion and Conveyance

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

- Pump (give horsepower and type): **Centrifugal pump, horsepower to be determined**
- 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.

**Stored water will be diverted at the proposed point of diversion by a skid mounted centrifugal pump. The diversion pump will deliver water to a buried PVC mainline that will deliver water via a closed pipe 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)  
**Water will be applied using drip irrigation (vineyard) and sprinklers (pasture)**



**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 amount of water requested is for irrigation of up to 25.71 acres. Water will only be appropriated in the amount needed for irrigation operations without waste. Water will be applied using drip where practicable, which will provide efficient irrigation and help to prevent runoff and adverse impacts to aquatic life, riparian habitat, or public uses of surface water.**

**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: **The source of water for this application is stored water from an off-channel reservoir constructed under Permit R-15577. This reservoir is part of the farm's water system and as such, no native or game fish will be present in the reservoir. Regardless, screening of the diversion intake is planned to prevent damage to the pumping equipment and minimize debris within the water conveyance system.**

- 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 to divert water for use as requested by this application. The irrigation pump station will be installed as part of the construction of the reservoir (authorized for construction under Permit R-15577)**

- 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 for this application is stored water from an off-channel reservoir constructed under Permit R-15577. This reservoir is part of the farm's water system and as such, aquatic life should not be present in 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 using drip irrigation where practicable. The 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.

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**SECTION 8: PROJECT SCHEDULE**

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

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district. **N/A**

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*).

Attachment List:

- |              |                                |
|--------------|--------------------------------|
| Attachment 1 | Minimum Requirements Checklist |
| Attachment 2 | Land Use information Form      |
| Attachment 3 | Legal Description of Property  |
| Attachment 4 | Map                            |

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**Attachment 1**  
**Minimum Requirements Checklist**

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- 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: \$1,507.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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 2**  
**Land Use Information Form**

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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](http://www.oregon.gov/OWRD)

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or 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

Applicant(s): Carver Marcy LLC; Attn Clare Carver or Brian Marcy

Mailing Address: 26851 NW Williams Canyon Road

City: Gaston State: OR Zip Code: 97119 Daytime Phone: 503-662-3129

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>2S</u>	<u>4W</u>	<u>9</u>	<u>NWSW</u>	<u>200</u>	<u>AF-80</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Diversion of water for irrigation; Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>9</u>	<u>SWNW</u>	<u>200</u>	<u>AF-80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>8</u>	<u>NESE</u>	<u>200</u>	<u>AF-80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>2S</u>	<u>4W</u>	<u>8</u>	<u>SENE</u>	<u>200</u>	<u>AF-80</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Yamhill County

## B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 6.6   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:  Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other \_\_\_\_\_

Briefly describe:

The applicant is proposing to use 6.6 acre-feet of stored water from an owned reservoir (Permit R-15577) for irrigation of existng farm land.

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

See bottom of Page 3. →



## 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): 402/403 of the YC Zoning Ord.
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

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Name: Kenneth P. Fridlay Title: P. D.

Signature: *Kenneth P. Fridlay* Phone: 503 434 7596 Date: 10/27/2023

Government Entity: Yamhill Co.

**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 of Property**

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File No. 16004858

<b>Grantor</b>
F. Brian Marcy and Clare Carver 26851 NW Williams Canyon Rd. Gaston, OR 97119
<b>Grantee</b>
CARVER MARCY, LLC 26851 NW Williams Canyon Rd. Gaston, OR 97119
<b>After recording return to</b>
CARVER MARCY, LLC 26851 NW Williams Canyon Rd. Gaston, OR 97119
<b>Until requested, all tax statements shall be sent to</b>
CARVER MARCY, LLC 26851 NW Williams Canyon Rd. Gaston, OR 97119
Tax Acct No(s): 10801

OFFICIAL YAMHILL COUNTY RECORDS  
BRIAN VAN BERGEN, COUNTY CLERK

201606193



\$51.00

05/02/2016 12:51:08 PM

DMR-DDMR Cnt=1 Stn=2 MILLSA  
\$15.00 \$5.00 \$11.00 \$20.00

### STATUTORY BARGAIN AND SALE DEED

F. Brian Marcy and Clare Carver, as tenants by the entirety, Grantor, conveys to CARVER MARCY, LLC, an Oregon limited liability company, Grantee, the following described real property:

See Exhibit "A" attached hereto and incorporated herein by this reference

The true consideration for this conveyance is \$0.00 – to change vesting only. (Here comply with requirements of ORS 93.030.)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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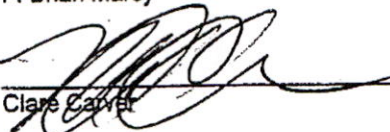
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Recorded by Western Title as an accommodation only. No liability accepted for condition of title or validity, sufficiency or affect of document.

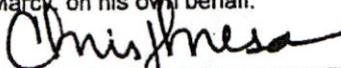
WESTERN TITLE & ESCROW  
Acco W 2016-009

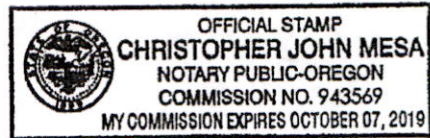
Executed this 25 day of April, 2016

  
F. Brian Marcy

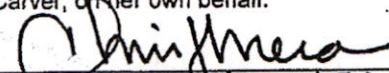
  
Clare Carver

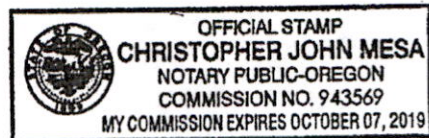
State of OREGON, County of Yamhill ) ss.  
This instrument was acknowledged before me on this 25<sup>th</sup> day of April 2016 by F. Brian Marcy, on his own behalf.

  
Print Name: CHRISTOPHER JOHN MESA  
Notary Public for OR  
My commission expires: October 7, 2019



State of OREGON, County of Yamhill ) ss.  
This instrument was acknowledged before me on this 25<sup>th</sup> day of April 2016 by Clare Carver, on her own behalf.

  
Print Name: CHRISTOPHER JOHN MESA  
Notary Public for OR  
My commission expires: October 7, 2019



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EXHIBIT "A"  
LEGAL DESCRIPTION

The Southeast quarter of the Northeast quarter of Section 8, Township 2 South, Range 4 West of the Willamette Meridian, Yamhill County, Oregon, and also the Northeast quarter of the Southeast quarter of Section 8, Township 2 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

EXCEPTING THEREFROM that portion Southeast of County Road No. 255.

ALSO the South one-half of the Southwest quarter of the Northwest quarter of Section 9, Township 2 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon.

EXCEPT that portion East of County Road No. 255.

ALSO the Northwest quarter of the Southwest quarter of Section 9, Township 2 South, Range 4 West of the Willamette Meridian.

EXCEPT that portion Southeast of County Road No. 255, in Yamhill County, State of Oregon.

EXCEPTING THEREFROM that tract conveyed to Donald Wendlick and Barbara Wendlick, husband and wife, by Deed recorded January 22, 1974 in Film Volume 98, Page 591, Deed and Mortgage Records.

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**Attachment 4**  
Map

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November 30, 2023

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

**Subject:** Application for a Permanent to Use Surface Water from an existing Reservoir (Permit R-15577)  
Carver Marcy LLC

Dear Katie,

On behalf of the applicant, Carver Marcy LLC, please find enclosed an Application for a Permit to use Surface Water from an existing Reservoir (Permit R-15577) accompanied by the required fee of \$1,507 (a fee tally for the application is enclosed).

If there are any questions regarding the enclosed application or if additional information is needed, please contact me at 503-701-4535. Please copy me on any correspondence regarding this application.

Respectfully submitted,

Theodore Ressler, RG, CWRE  
Summit Water Resources LLC

Cc: Clare Carver and Brian Marcy – Carver Marcy LLC

**Enclosures:**

Application for a Permanent to use Surface Water  
Check #1100 in the amount of \$1,507

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Oregon Water Resources Department  
Stored Water Only Applications - Expedited Secondary

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Today's Date: Tuesday, August 29, 2023

Base Application Fee.		\$610.00
Acre feet of Stored Water to be diverted.	6.6	\$287.00
	Subtotal:	\$897.00
Permit Recording Fee. ***		\$610.00
*** 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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$1,507.00

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