

# 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 LUCKY LAND, LLC, C/O PAUL KUEHNE		PHONE (HM) N/A	
PHONE (WK) 503.864.4422	CELL N/A	FAX N/A	
ADDRESS PO Box 99			
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL * SEE NOTE BELOW

### Organization

NAME SAME AS ABOVE		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 ASPEN RURAL LAND CONSULTING C/O ERIC URSTADT		PHONE 971.250.1520	FAX
ADDRESS 39290 NW MURTAUGH ROAD			CELL 971.250.1520
CITY NORTH PLAINS	STATE OR	ZIP 97133	E-MAIL * SEE NOTE BELOW

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.) Please correspond via USPS and email to [paul@creeksidevalleyfarms.com](mailto:paul@creeksidevalleyfarms.com) [ERICURSTADT@HOTMAIL.COM](mailto:ERICURSTADT@HOTMAIL.COM) due to unreliability of both.

By my signature below I confirm that I understand:

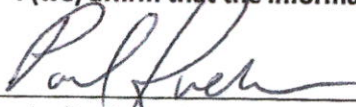
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for 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

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Applicant Signature

Paul Kuehne, Member  
Print Name and Title if applicable

Date

For Department Use: App. Number: \_\_\_\_\_

## SECTION 2: PROPERTY OWNERSHIP

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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

**James Shelburne, 17340 SE Wallace Road, Dayton, OR 97114; See easement in attachment D.**

**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. **See attachment C.**

## 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: Willamette Basin Project Reservoirs	Tributary to: Willamette River
TRSQQ of POD: T5S, R3W, S15, NE-SW	
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).

**Certificate 72756 (Bureau of Reclamation)**

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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\\_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.

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For Department Use: App. Number: \_\_\_\_\_

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:

The water user is an experienced farmer and always monitors his irrigation and soil to make sure that no more water is diverted than is needed on the crop, depending on weather, aspect, slope, soil, etc.

**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

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agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

# Superseded

## 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
Willamette Basin Project Reservoirs	Irrigation	Irrigation Season	1.6 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 95.2 Acres                      Supplemental: 8.4 Acres                      Nursery Use: 0 Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): 85048  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 259

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

## SECTION 6: WATER MANAGEMENT

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**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): Submersible, 75 HP  
 Other means (describe): N/A

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

The water will diverted from the river using a fish screen and a submersible pump that pumps water via buried and above ground pipelines to a variety of sprinkler systems, depending on the crop.

**B. Application Method**

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

**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 water user is an experienced farmer and always monitors his irrigation and soil

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
Willamette Basin Project Reservoirs	Irrigation	Irrigation Season	238 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Willamette Basin Project Reservoirs	Supplemental	Irrigation Season	21 <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: 95.2 Acres                      Supplemental: 8.4 Acres                      Nursery Use: 0 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): 85048

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 259

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

### SECTION 6: WATER MANAGEMENT

#### A. Diversion and Conveyance

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

- Pump (give horsepower and type): Submersible, 75 HP  
 Other means (describe): N/A

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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 water will be diverted from the river using a fish screen and a submersible pump that pumps water via buried and above ground pipelines to a variety of sprinkler systems, depending on the crop.

#### B. Application Method

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

#### 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 water user is an experienced farmer and always monitors his irrigation and soil



to make sure that no more water is diverted than is needed on the crop, depending on weather, slope, soil, etc.

### 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: Purchase and use a ODFW 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: No additional permits are known to be needed; very little clearing or excavation of banks will be needed.
- 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: N/A
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: The landowner carefully watches irrigation and does not allow run-off or erosion.
- 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: as soon as the permit is granted
- b) Date construction will be completed: 1 year after the permit is granted
- c) Date beneficial water use will begin: within 2 years of the permit being granted.

### 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 None known	Address	
City	State	Zip

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For Department Use: App. Number: \_\_\_\_\_

**SECTION 10: REMARKS**

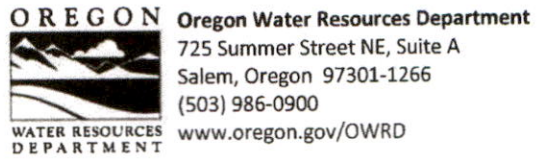
Use this space to clarify any information you have provided in the application. (*Attach additional sheets if necessary*).

The Bureau of Reclamation water contract is currently being pursued.

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# Land Use Information Form



Applicant(s): Willamette Valley Land, LLC

Mailing Address: PO Box 99

City: Lafayette State: OR Zip Code: 97127 Daytime Phone: 503.437.4833

### 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>5S</u>	<u>3W</u>	<u>16</u>	<u>NA</u>	<u>1500</u>	<u>EF-80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farming</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

Yamhill

### 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: 1.6  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 landowner needs water to irrigate farm crops.

**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. →

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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): 402 of the Yamhill Co. 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.

Name: Ken Friday Title: P.D.  
 Signature: *Kenneth R. Friday* Phone: 434-7516 Date: 11/8/2023  
 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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RECORDING REQUESTED BY:

GRANTOR:

Delford M. Smith and Delford M. Smith, LLC  
3850 NE Three Mile Lane  
McMinnville, OR 97128

GRANTEE:

SB King Orchards, LLC  
133 Argyle Court  
Newberg, OR 97132

SEND TAX STATEMENTS TO:

SB King Orchards, LLC  
R5306100, R53161500 & R5306200  
Dundee, Dayton, OR

AFTER RECORDING RETURN TO:

SB King Orchards, LLC  
133 Argyle Court  
Newberg, OR 97132

Escrow No: 471813029346-TTMIDWIL36

Yamhill County Official Records		<b>201317973</b>
<b>DMR-DDMR</b>		<b>11/27/2013 12:23:34 PM</b>
Stn=5 HOLLANDK		
\$15.00 \$11.00 \$5.00 \$15.00		<b>\$46.00</b>
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.		
Brian Van Bergen - County Clerk		

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Delford M. Smith and Delford M. Smith, LLC, Grantor, conveys and warrants to SB King Orchards, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

SEE ATTACHED EXHIBIT "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,600,000.00.  
(See ORS 93.030)

Subject to and excepting: all matters 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.

TICOR TITLE 471813029346

DATED: 11/26/13

Delford M. Smith  
Delford M. Smith, individually

Delford M. Smith, LLC, a Delaware limited liability company

BY: Delford M. Smith  
Delford M. Smith, Member

State of OREGON, COUNTY of YAMHILL

This instrument was acknowledged before me on November 26, 2013 by Delford M. Smith, individually and Delford M. Smith, Member of Delford M. Smith, LLC, a Delaware limited liability company.

[Signature] Notary Public - State of Oregon  
My commission expires: June 14, 2017

471813029346-TTMIDWIL36  
Deed (Warranty-Statutory)



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**EXHIBIT "A"**

Parcel 1:  
Intentionally Deleted

Parcel 2:

A tract of land in the Abram Covert Donation Land Claim in Section 31 in Township 4 South, Range 3 West and Sections 5 and 6 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a point 17.16 chains East of the Northwest corner of the said Abram Covert Donation Land Claim No. 57 in Township 4 South, Range 3 West; which POINT OF BEGINNING is the Northeast corner of that tract of land conveyed to W. H. Loibl, et ux, by Deed recorded December 6, 1946 in Book 139, Page 369, Deed Records; thence East, 14.30 chains, more or less, to the Northwest corner of that tract of land conveyed to Russell B. May, et ux, by Deed recorded in Book 74, Page 246, Deed Records; thence South along the West line of said May Tract, 15.845 chains, more or less, to the Southwest corner of said May Tract; thence South 86° East along the South line of said May Tract, 11.0 chains; thence South 8° West, 15.60 chains; thence North 87° West, 23.34 chains, more or less, to the Southeast corner of the aforesaid Loibl Tract; thence North along the East line of said Loibl Tract, 30.42 chains, more or less, to the PLACE OF BEGINNING.

PARCEL 3:

Part of the Henry Hewitt Donation Land Claim No. 56, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning 32.88 chains North 89° East and 15.00 chains North 0° 15' West from the Southwest corner of the Claim; thence North 89° 45' East, 50 chains to the East line of said Claim; thence North 13° East along the Claim line to angle in said Claim; thence North 17° West along the claim line to the Southeast corner of land conveyed to Isaac Hewitt by deed recorded June 21, 1892 in Book 27, Page 455, Deed Records; thence South 89° 45' West along the South line of said Isaac Hewitt tract, 31.69 chains; thence South 0° 15' East, 13.37 chains; thence South 89° 45' West, 19.94 2/3 chains; thence South 0° 15' East, 5.85 chains to the place of beginning.

EXCEPTING THEREFROM that portion thereof lying Westerly of Wallace Road. (O.S.H. 221).

ALSO EXCEPTING THEREFROM that tract of land conveyed to David D. Litscher and Janice N. Litscher, recorded July 15, 2005, Instrument No. 200514762.

PARCEL 4:

Part of the Henry Hewitt Donation Land Claim No. 56, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning in the middle of the County Road at a point which is 36.60 chains North 0° 15' West and 44.45 chains North 89° 45' East from the Southwest corner of said Claim; running thence North 89° 5' East, 3.09 chains to an iron pipe; thence South 74° East, 6.98 chains to an iron pipe; thence South 0° 15' East, 13.36 chains to a stone; thence South 89° 45' West, 10.41 chains to the middle of the County Road; thence North 2° 08' East along the middle of the County Road, 15.32 chains to the place of beginning.

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**EXHIBIT "A"**

(Continued)

PARCEL 5:

A tract of land in Sections 16 and 21, Township 5 South, Range 3 West of the Willamette Meridian and being a part of the Henry Hewitt Donation Land Claim No. 56, Notification No. 1629, said Township and Range, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point on the South line of the Henry Hewitt Donation Land Claim, South 89° West 8.86 chains from the Northeast corner of the Samuel Angell Donation Land Claim; thence South 89° West along the South line of the said Hewitt Donation Land Claim, 20.523 chains to an iron rod set in the center of the Dayton-Salem County Road; thence North 2° 10' East along the center of said road 15.175 chains to the North line of Lot No. 9 of County Survey No. 1186; thence East along the North line of said Lot No. 9, 20.523 chains; thence South 2° 10' West to the place of beginning.

EXCEPTING THEREFROM a tract conveyed to Clarence S. Crawly et ux by deed recorded February 21, 1942, in Book 119, Page 295, Deed Records of Yamhill County, Oregon.

ALSO EXCEPTING a tract conveyed to Henry Schindler et ux. by deed recorded December 6, 1945, in Book 132, Page 12, Deed Records of Yamhill County, Oregon.

ALSO EXCEPTING THEREFROM a tract conveyed to Robert L. Shelburne and Sharon L. Shelburne, husband and wife, by deed dated June 14, 1974, and recorded June 17, 1974, in Film Volume 100 on Page 1346, Yamhill County Deed Records, Yamhill County, Oregon.

Parcel 6:

BEGINNING at an iron pipe set 588.06 feet East of the Northwest corner of the Abram Coover Donation Land Claim No. 57 and No. 42, Notification No. 1635 in Townships 4 and 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, as said corner was re-established in County Survey No. 2287; thence East with the North line of said Donation Land Claim, 544.50 feet to an iron pipe set at the Northeast corner of lands described in Deed recorded in Volume 44, Page 206, Deed Records of Yamhill County, Oregon; thence South 1°04' West with the East line of said land, 2017.90 feet to the South line of said Donation Land Claim of Abram Coover above named; thence North 86°04' West (at 414.23 feet intersect the Northwest corner of the Alvis Kimsey Donation Land Claim No. 43, Notification No. 1630) 545.80 feet to an iron pipe set for the Southwest corner; thence North 1°04' East parallel with the East line, 1980.76 feet to the PLACE OF BEGINNING.

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C-4/6

RECORDING REQUESTED BY:



1215 NE Baker Street  
McMinnville, OR 97128

GRANTOR'S NAME:  
SB King Orchards, LLC

GRANTEE'S NAME:  
KCK Partners, LLC

AFTER RECORDING RETURN TO:  
KCK Partners, LLC, an Oregon limited liability company  
11483 SE Amity Dayton Hwy  
Dayton, OR 97114

SEND TAX STATEMENTS TO:  
KCK Partners, LLC  
11483 SE Amity Dayton Hwy  
Dayton, OR 97114

Portion of R5316-01500 to R5316-1590, Dayton, OR 97114

Yamhill County Official Records	<b>201900244</b>
DMR-DDMR	01/08/2019 10:27:00 AM
Str=2 MILLSA	
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	<b>\$91.00</b>
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

SB King Orchards, LLC, an Oregon limited liability company, Grantor, conveys to KCK Partners, LLC, an Oregon limited liability company, Grantee, the following described real property, situated in the County of Yamhill, State of Oregon,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance Fifteen Thousand And No/100 Dollars (\$15,000.00). (See ORS 93.030).

This Deed is being recorded as part of an approved lot line adjustment, Docket L-44-18.

This conveyance is made solely as an adjustment of common boundary between adjoining properties, and does not create a separate parcel that can be conveyed independently of adjacent land.

The VLDR-2.5 zoned portion of Tax Lot 5316-1590 cannot be divided along the VLDR-2.5/EF 80 zoning boundary unless the zoning designation is changed to allow a division.

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.

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 1/7/19

SB King Orchards, LLC

BY: Andrea Blythe Berselli  
Andrea Blythe Berselli  
Member

State of Oregon  
County of Yamhill

This instrument was acknowledged before me on 7 December 2018 by Andrea Blythe Berselli, Member of SB King Orchards, LLC

Notary Public - State of Oregon  
My Commission Expires: 3/01/21



TICOR TITLE 471818075890

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c-5/6

**EXHIBIT "A"**  
Legal Description

A tract of land being a portion of land described as Parcel 5 in deed No. 201317973, Yamhill County Deed Records and lying within the H. Hewitt Donation Land Claim No. 56 in Section 16, Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point on the South boundary of the H. Hewitt Donation Land Claim No. 56, said point also being the Southwest corner of that land conveyed to KCK Partners, LLC recorded in Instrument No. 201810017 and which bears South 89°16'16" West 650.89 feet from the Northeast corner S. Angell Donation Land Claim No. 57; thence North 02°26'16" East along the Westerly boundary of said KCK Partners, LLC tract, a distance of 200 feet to the Northwest corner thereof; thence North 89°16'16" East 65.00 feet to the Northeast corner of said KCK Partners, LLC tract, said point also being on the Easterly boundary of Parcel 5 of Instrument No. 201317973; thence North 02°26'16" East 102.50 feet to the Northeast corner of land being described; thence South 89°16'16" West 154.45 feet to a point; thence South 02°26'16" West 302.50 feet to a point on the South boundary of the H. Hewitt Donation Land Claim No. 56; thence North 89°16'16" East 89.45 feet, more or less, to the Point of Beginning.

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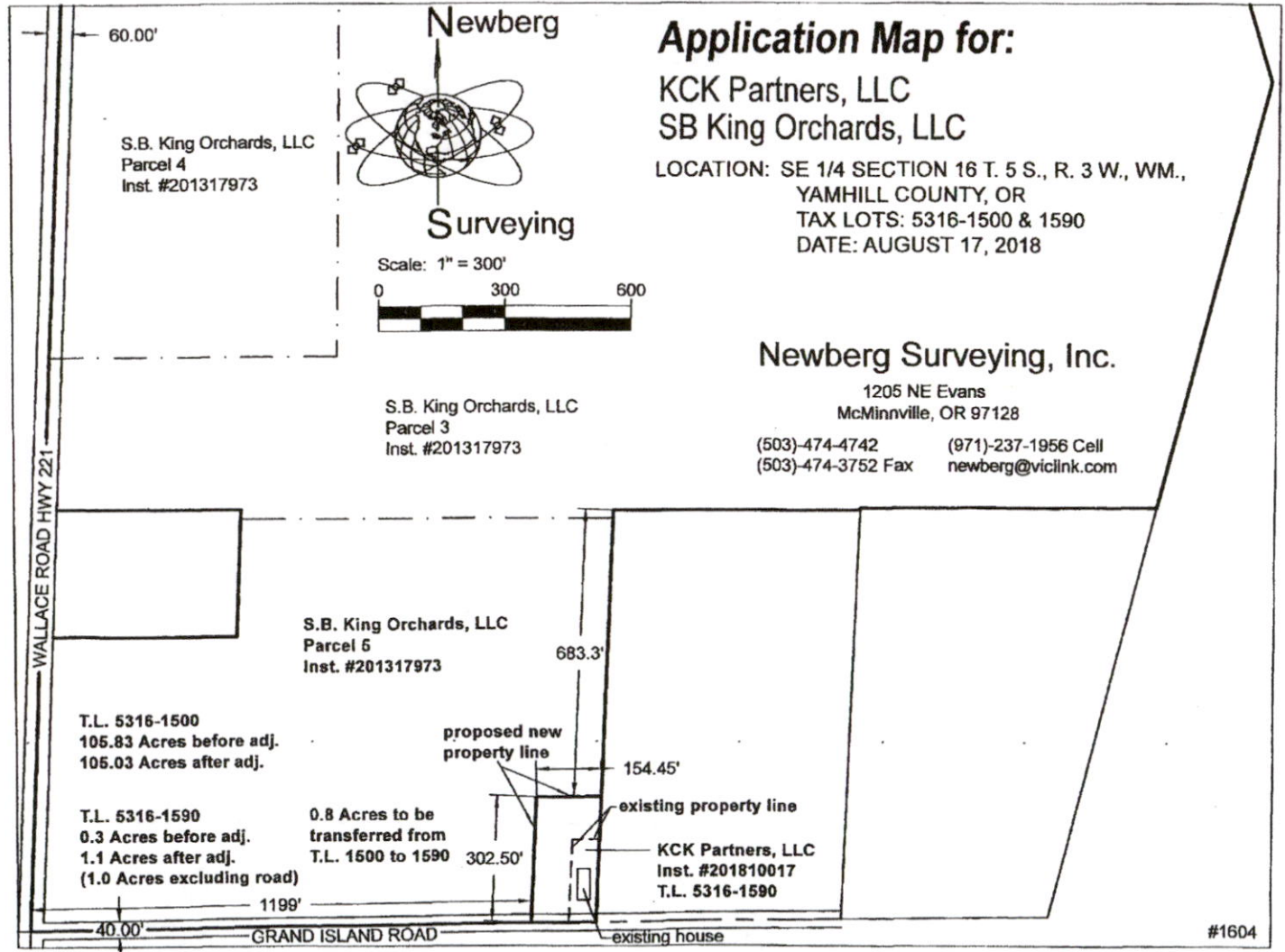
OWRD

C-6/6

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NW

EASEMENT

STATE OF OREGON, )  
County of \_\_\_\_\_ ) ss.

Between  
JAMES C SHELBURNE

I certify that the within instrument was received for recording on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception

And  
ROBERT L SHELBURNE

SPACE RESERVED  
Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK

After recording, return to (Name, Address, Zip):  
Robert Shelburne  
12635 SE Wallace Rd  
Dayton Ore 97114

ed.  
- 31.00  
200012845 9:51:54 AM 09/06/2000  
DMR EDMR 1 - 3 KAREN  
10.00 10.00 11.00  
uty.

THIS AGREEMENT made and entered into on September 1, 2000, by and between James C Shelburne hereinafter called the first party, and Robert L Shelburne hereinafter called the second party, WITNESSETH:

WHEREAS: The first party is the record owner of the following described real property in Yamhill County, State of Oregon, to-wit:  
Yamhill County record Vol. 88 Page 1515

and has the unrestricted right to grant the easement hereinafter described relative to the real estate.  
NOW, THEREFORE, in view of the premises and in consideration of \$ None by the second party to the first party paid, the receipt of which is acknowledged by the first party, it is agreed:  
The first party hereby grants, assigns and sets over to the second party an easement, to-wit:

850 feet by 14 feet easement for buried irrigation pipeline and pump site on the Lambert Slough

(Insert a full description of the nature and type of easement granted by the first party to the second party.)  
(OVER)

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The second party shall have all rights of ingress and egress to and from the real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate. The second party agrees to save and hold the first party harmless from any and all claims of third parties arising from the second party's use of the rights herein granted.

The period of this easement shall be 100 years always subject, however, to the following specific conditions, restrictions and considerations:

Any destruction of first party's crops done by second party due to maintenance and operation of pipeline and pump shall be paid for at a reasonable rate by second party. First party may plant crops over easement if crop is not extensive or expensive to replace. First party shall furnish access to pump site under reasonable conditions.

If this easement is for a right of way over or across the real estate, the center line of the easement is described as follows: Beginning at a point in the Grand Island Slough that bears North 47°16'52" East 2531.40 from the Northeast corner of the Samuel Angell Donation Land Claim No. 57 (basis of bearings per CSP 9607); thence South 89°23'09" West 923' more or less to the East line of that tract of land described by deed to ROBERT & SHARON SHELBURNE and recorded in Film Volume 24, Page 822 (also known as Tax Lot No. 5316 1200), and the end of said easement.

and the second party's right of way shall be parallel with the center line and not more than seven feet distant from either side thereof.

During the existence of this easement, maintenance of the easement and costs of repair of the easement, if damaged by natural disasters or other events for which all holders of an interest in the easement are blameless, shall be the responsibility of (check one):  the first party;  the second party;  both parties, share and share alike;  both parties, with the first party responsible for \_\_\_\_\_% and the second party responsible for \_\_\_\_\_%. (If the last alternative is selected, the percentages allocated to each party should total 100.)

During the existence of this easement, holders of an interest in the easement who are responsible for damage to the easement because of negligence or abnormal use shall repair the damage at their sole expense.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the parties hereto but also their respective heirs, executors, administrators, assigns, and successors in interest.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties have hereunto set their hands in duplicate on the day and year first written above.

James Shelburne James C Shelburne

FIRST PARTY

STATE OF OREGON, County of Washco ) ss.  
This instrument was acknowledged before me on 9/6/00  
by JAMES C. SHELBURNE  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_

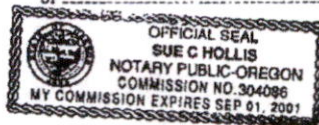


Sue C Hollis  
Notary Public for Oregon  
My commission expires 09-01-01

Robert Shelburne  
Robert Shelburne

SECOND PARTY

STATE OF OREGON, County of Washco ) ss.  
This instrument was acknowledged before me on 9-6-00  
by ROBERT S. SHELBURNE  
This instrument was acknowledged before me on \_\_\_\_\_  
by \_\_\_\_\_  
as \_\_\_\_\_  
of \_\_\_\_\_



Sue C Hollis  
Notary Public for Oregon  
My commission expires 09-01-01

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D-3/4

AGREEMENT FOR EASEMENT

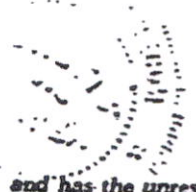
242/2159

THIS AGREEMENT, Made and entered into this 11 day of April, 1900, by and between James C. Shelburne hereinafter called the first party, and Robert L. Shelburne hereinafter called the second party;

WITNESSETH:

WHEREAS: The first party is the record owner of the following described real estate in Yamhill County, State of Oregon, to-wit:

see CONTRACT - Yamhill County record Vol. 88 Page 1515



and has the unrestricted right to grant the easement hereinafter described relative to said real estate; NOW, THEREFORE, in view of the premises and in consideration of One Dollar (\$1) by the second party to the first party paid and other valuable considerations, the receipt of all of which hereby is acknowledged by the first party, they agree as follows:

The first party does hereby grant, assign and set over to the second party

850 feet x 18 feet easement for buried irrigation pipeling and pump site on the Lambert Slough

(Insert here a full description of the nature and type of the easement granted to the second party.)

The second party shall have all rights of ingress and egress to and from said real estate (including the right from time to time, except as hereinafter provided, to cut, trim and remove trees, brush, overhanging branches and other obstructions) necessary for the second party's use, enjoyment, operation and maintenance of the easement hereby granted and all rights and privileges incident thereto.

Except as to the rights herein granted, the first party shall have the full use and control of the above described real estate.

The second party hereby agrees to hold and save the first party harmless from any and all claims of third parties arising from second party's use of the rights herein granted.

The easement described above shall continue for a period of 100 years, always subject, however, to the following specific conditions, restrictions and considerations:

- Any destruction of first party's crops done by second party due to maintenance and operation of pipeline and pump shall be paid for at a reasonable rate by second party.
- First party may plant crops over easement if crop is not extensive or expensive to replace.
- First party shall furnish access to pump site under reasonable conditions

1950 APR 30 AM 9:43

F-242 P 2159

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If this easement is for a right of way over or across first party's said real estate, the center line of said easement is described as follows:

Easement for pipeline starts at Grand Island Slough N 45° S 8' E 1464 from NE corner S Angell D.L.C. and runs due west 850' across first party's real estate to second party's real estate.

and second party's right of way shall be parallel with said center line and not more than seven feet distant from either side thereof.

During the existence of this easement, its maintenance and the cost of said maintenance shall be the responsibility of (check one): [ ] the first party; [x] the second party; [ ] both parties, share and share alike; [ ] both parties, with the first party being responsible for % and the second party being responsible for %.

This agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators and successors in interest as well.

In construing this agreement, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this agreement shall apply equally to individuals and to corporations. If the undersigned is a corporation, it has caused its name to be signed and its seal affixed by an officer or other person duly authorized to do so by its board of directors.

IN WITNESS WHEREOF, the parties hereto have executed this easement in duplicate.

Dated 4-27 1990

James C. Shelburne

Robert S. Shelburne

FIRST PARTY

SECOND PARTY

(If executed by a corporation, affix corporate seal and use the form of acknowledgment opposite.)

STATE OF OREGON,

County of Yamhill

This instrument was acknowledged before me on April 27, 1990, by James C. Shelburne and Robert S. Shelburne

Mary L. Baker Notary Public for Oregon

My commission expires: 1-19-92

STATE OF OREGON,

County of

This instrument was acknowledged before me on 19 by

as of

Notary Public for Oregon

My commission expires: 03-764

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 19 at o'clock M., and recorded in book/reel/volume No. on page or as fee/title/instrument/microfilm/reception No. Record of of said County.

Witness my hand and seal of County affixed.

By Deputy

AGREEMENT FOR EASEMENT

BETWEEN

James C. Shelburne

AND

Robert L. Shelburne

AFTER RECORDING RETURN TO

STATE OF OREGON ) COUNTY OF YAMHILL )

I hereby certify that this instrument was received and duly recorded by me in Yamhill County records

CHARLES STERN, COUNTY CLERK

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ATTACH F-1/3



CONTRACT DATA SHEET

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Lucky Land, LLC c/o Paul Kuehne, member
- 2) Address: PO Box 99, Lafayette, OR 97132
- 3) Mailing Address (if different): 4750 SE Lafayette Hwy, Dayton, OR 97114
- 4) Do you own all of the land where you propose to divert and make use of water? No, have easement

B. Water User Organizations (Such as 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: N/A = not applicable
- 2) Name & Title of Applicant: Lucky Land, LLC, c/o Paule Kuehne, member
- 3) Mailing Address of Organization: N/A
- 4) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, # 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): Willamette Basin Project Reservoirs
- 3. Proposed point of diversion: 1715 feet North and 1860 feet E of NE of corner of Section DLC 57 Township 5S, Range 3W, Willamette Meridian.
- 4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: The OWRD application is underway, but we have no file number.
- 5. Include a map of lands and diversion points. **[Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].**
- 6. Do you currently hold a right to natural flows for irrigating the property described herein? If yes, what is/are the priority date(s)? No
- 7. Total quantity of water from storage requested: 259 acre-feet.
- 8. Location of land to be irrigated in each 40-acre tract:

Township	Range	Section	40-Acre Tract (1/4) (1/4)	No. of Acres	Type of Irrigated Crop <small>Please note that Cannabis is not an authorized crop Under Reclamation's Contracting Program. See PEC P16</small>
5S	3W	15	NW-SW	8.3	non-cannabis farm crops
5S	3W	15	SW-SW	6.4	non-cannabis farm crops
5S	3W	16	NE-SE	21.2	non-cannabis farm crops
5S	3W	16	NW-SE	14.0	non-cannabis farm crops
5S	3W	16	SW-SE	24.2	non-cannabis farm crops
5S	3W	16	SE-SE	24.1	non-cannabis farm crops
5S	3W	21	NW-NE, NE-NE	4.2, 1.2	non-cannabis farm crops

Total number of Acres: 103.6



9. What is the present use of the land identified above? [farming; idle (fallow cultivated land); native (appears never to have been tilled, walked on, driven on); planted pasture or other (please specify)].

farming

10. Is the land identified above currently being irrigated?  
If yes, what is the source? (natural flows, wells, etc.)

A small portion can be watered from a well.

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish standards:

Obtain and use a Oregon Department of Fish and Wildlife fish screen on the waterintake.

12. Telephone number where you can be reached during the day: 503.437.4833

Sign and Date:

*Paul Kuehn* 11-5-2023

E-mail completed form and associated information to: [jkelly@usbr.gov](mailto:jkelly@usbr.gov) Any questions, please contact Joy Kelley at (986) 999-8984

Please send contract administration fee directly to: CPN Regional Office, Attn: CPN-6323, 1150 N. Curtis Road, Boise, ID 83706

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Before returning the completed Contract Data Sheet to the address provided above, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE 1., MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup>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. In the event that 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.





# Aspen

Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

Water Resources Department  
Attn: New Water Right Applications  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

23 OCT 2023

**Subject: New Application to Store Water and Use Stored Water**

To Whom It May Concern,

Enclosed is an application to use stored water together with the following attachments:

- A. Application Map
- B. Land Use Compatibility Statement
- C. Legal Description
- D. Easement to River
- E. Fee Calculation
- F. Copy of application to Bureau of Reclamation
- G. A check made out to "Oregon Water Resources Department" for \$2374.60.

Please let me know if there are any concerns or you need any more information.

Respectfully,  
***Aspen Rural Land Consulting***

Eric Urstadt, PE, PLS

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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: \$2374.60  
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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For Department Use: App. Number: \_\_\_\_\_