

# Application for a Permit to Use Groundwater



**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 LEGACY VALLEY FARMS INC.		PHONE (HM)	
PHONE (WK)	CELL (541) 501-2794		FAX
ADDRESS 29873 NIXON DR.			
CITY HALSEY	STATE OR	ZIP 97348	E-MAIL* KURT@WILLAMETTEAG.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 WILL MCGILL SURVEYING, LLC		PHONE (503) 931-0210	FAX
ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL* WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

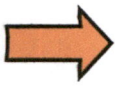
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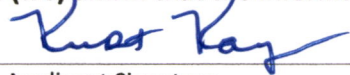
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**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get 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 get water to which they are entitled.



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

	<i>Kurt Kayner MWD MEMBER</i>	<i>9 AUG 2024</i>
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

**SECTION 2: PROPERTY OWNERSHIP**

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

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

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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).*

Ellen A. Kayner Revocable Living Trust, 29745 Nixon Dr., Halsey, OR 97348

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

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 1	WILLAMETTE RIVER		
WELL 2	WILLAMETTE RIVER		
WELL 3	MUDDY CREEK		
WELL 4	MUDDY CREEK		

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

*Camous Creek runs through property, but is seasonal without the BOR stored water delivered by Muddy Creeks Irrigation Project. Nearest perennial surface water to each well is outside 1 mile.*



**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested:** 0.27 CFS (WELL 1), 3.27 CFS (WELL 2 AND 3 COMBINED), (NOT TO EXCEED 3.54 CFS WITH WELLS 1, 2, 3 COMBINED), 1.74 CFS (WELL 4) (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log: *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	LINN 13774	<input type="checkbox"/>	8"	+1'-32'6"	22'6"-30'6"	0-18'	13' 7/20/1977	SAND AND GRAVEL	32'	120	708
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"			MIN. 18'		SAND AND GRAVEL	100' +/-		708
WELL 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"			MIN. 18'		SAND AND GRAVEL	100' +/-		708
WELL 4	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12"			MIN. 18'		SAND AND GRAVEL	100' +/-		347.5
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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

**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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POA is located, please call the customer service desk at (503) 986-0801.

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

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Is the well or proposed well located in an area where the Upper Columbia Rules apply?

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Yes  No

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

**If yes, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:**

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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 well or proposed well located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** 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, you will be required to provide the following information, if applicable.**

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:**

Water use measuring devices will be installed. Equipment will be kept in good operating condition to avoid waste.

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**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide rules apply?

Yes  No

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**If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified** that 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**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Supplemental Irrigation	Mar. 1 – Oct. 31	1055.5

**For irrigation use only:**

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated (*must match map*).

Primary: 0 Acres                      Supplemental: 422.2 Acres                      Nursery Use:              Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Cert. 62281, 76240, 85491, Application S-89456

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1055.5 AF



- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: **(Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*):

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## SECTION 6: WATER MANAGEMENT

### A. Diversion and Conveyance

What equipment will you use to pump water from your well(s)?

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- Pump (give horsepower and type): Well 1: 5 HP submersible, Wells 2/3/4: 30 HP submersible  
 Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Submersible pumps deliver water through buried PVC mainline.

### B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) (*attach additional sheets if necessary*)

Big Gun

### 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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (*attach additional sheets if necessary*).

The requested amount of water is standard for irrigation. Equipment will be kept in good operating condition to prevent waste.

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Upon permit issuance
- Date construction will be completed: Request standard 5-year completion time
- Date beneficial water use will begin: Upon permit issuance

## SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: Equipment will be kept in good operating condition and monitored closely during use.

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. **Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: No excavation or clearing necessary for this project.



Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:  
List:

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name Muddy Creeks Irrigation Project	Address 32255 Bowers Dr.	
City Harrisburg	State OR	Zip 97446

**SECTION 10: REMARKS**

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

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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



## 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.

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## NOTE TO LOCAL GOVERNMENTS

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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.



# Land Use Information Form



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

**Applicant**

NAME LEGACY VALLEY FARMS INC.			PHONE (HM)		
PHONE (WK)		CELL (541) 501-2794		FAX	
ADDRESS 29873 NIXON DR.					
CITY HALSEY		STATE OR	ZIP 97348	E-MAIL* KURT@WILLAMETTEAG.COM	

**A. Land and Location**

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
14S	4W	16	SWNE SWNW SENW NESW SWSW SESW NWSE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	16	NWSW SWSE	500	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	16	NWSW SWSW SESW	503	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	17	SENE NESE	500	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	17	NESE SESE	503	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	27	NWSW	300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	27	SWSW	700	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	28	NESE	300	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
14S	4W	28	NWSE	900	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming

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

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**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 1,055.5  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 Supplemental Irrigation

Briefly describe:

*It is proposed to irrigate TL 500 and 503 from one existing well and two proposed wells. It is also proposed to irrigate TL 300, 700, and 900 from one proposed well. All groundwater irrigation will be supplemental to the surface water rights applied for or existing on the same property.*



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

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## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928-310(B)(1).

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 <u>Kate Bentz</u>	TITLE: <u>Associate Planner</u>
SIGNATURE <u>[Signature]</u>	PHONE: <u>541-967-3817</u>
GOVERNMENT ENTITY <u>Linn County</u>	DATE: <u>8/9/2024</u>

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Received by OWRD Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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LINN COUNTY, OREGON **2018-20631**  
 D-WD  
 Str=38 K. PETERSON 11/27/2018 02:46:00 PM  
 \$10.00 \$11.00 \$10.00 \$60.00 \$19.00 **\$110.00**  
 I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
 Steve Druckenmiller - County Clerk

**RECORDING REQUESTED BY:**  
 **Fidelity National Title**  
Company of Oregon

317 1st Ave. W, Ste 100  
 Albany, OR 97321

**GRANTOR'S NAME:**  
 Willamette AG, Inc., an Oregon corporation

**GRANTEE'S NAME:**  
 Legacy Valley Farms, LLC, a Nevada limited liability company

**AFTER RECORDING RETURN TO:**  
 Order No.: 60221806611-TR  
 Kurt Kayner  
 Legacy Valley Farms, LLC, a Nevada limited liability company  
 29873 Nixon Dr  
 Halsey, OR 97348

**SEND TAX STATEMENTS TO:**  
 Legacy Valley Farms, LLC, a Nevada limited liability company  
 29873 Nixon Dr  
 Halsey, OR 97348

APN: 316956  
 317095  
 754131  
 14S04W27-00-00300 76.03 acres, Harrisburg, OR 97446  
 14S04W28-00-00900 33.45 acres, Harrisburg, OR 97446  
 14S04W27-00-00700 30.68 acres, Harrisburg, OR 97446

Fidelity National Title # 60221806611

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Willamette AG, Inc., an Oregon corporation, Grantor, conveys and warrants to Legacy Valley Farms, LLC, a Nevada limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

**PARCEL 1:**

The Northwest quarter of the Southwest quarter (NW1/4 SW1/4) of Section 27 and the Northeast quarter of the Southeast quarter (NE1/4 SE1/4) of Section 28 in Township 14 South, Range 4 West of the Willamette Meridian, Linn County, Oregon. EXCEPT that portion conveyed to the Oregon Electric Railway Co. by deed recorded in Book 98, Page 398, Deed Records of Linn, County, Oregon.

**PARCEL 2:**

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter (SW1/4 SW1/4) of Section 27 in Township 14 South, Range 4 West of the Willamette Meridian, Linn County, Oregon; and running thence West, along the South line of said Section 27, a distance of 1073.77 feet to the East right of way line of the Oregon Electric Railroad; thence Northerly, along said right of way line, 1320.06 feet to the North line of the Southwest quarter of the Southwest quarter of said Section 27; thence East 1060.0 feet to the Northeast corner of the Southwest quarter of the Southwest quarter of said Section 27; thence South 1320.0 feet to the place of beginning, in Linn County, Oregon.

**PARCEL 3:**

The Northwest quarter of the Southeast quarter of Section 28, Township 14 South, Range 4 West, Willamette Meridian, Linn County, Oregon.

**EXCEPT THE FOLLOWING:** Beginning at a point which is 552.3 feet North and 1314.0 feet West from the Southeast corner of the Northwest quarter of the Southeast quarter of Section 28, Township 14 South, Range 6 West of the Willamette Meridian, Linn County, Oregon, said point being in the center line of the County Road 532.33 feet Northerly from the intersection of said center line with the South line of said Northwest quarter; thence South 89° 59' East 509.50 feet; thence North 0° 02' East 512.97 feet; thence North 89° 58' West 509.50 feet to the center line of said Road; thence South 0° 02' West 512.97 feet to the point of beginning, less 30 feet on the West side for the County Road, all in Section 28, Township 14 South, Range 6 West of the Willamette Meridian, Linn County, Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS NINE HUNDRED EIGHTY THOUSAND AND NO/100 DOLLARS (\$980,000.00). (See ORS 93.030).



**STATUTORY WARRANTY DEED**  
(continued)

**Subject to:**

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Account No.: 316956, 317095 and 754131

Rights of the public and governmental agencies in and to any portion of said land lying within the boundaries of streets, roads, and highways.

The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the Land herein described, lying below the high water line of the unnamed creek.

The right, title and interest of the State of Oregon in and to any portion lying below the high water line of unnamed creek.

Notice of Supplemental Final Order and Judgment, including the terms, provisions and easements contained therein, recorded November 14, 2008, as instrument no. 2008-21446, Linn County Records.

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: U.S. Department of Energy - Bonneville Power Administration  
Purpose: access  
Recording Date: April 2, 2013  
Recording No: 2013-05548  
Affects: Parcel 1

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Salem, OR

We find no permit of record allowing access across the Oregon Electric Railroad bisecting Parcel 1.

**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 21 NOV 18; if a corporate grantor, it has caused its name to be signed by order of its board of directors.

Willamette AG, Inc., an Oregon corporation

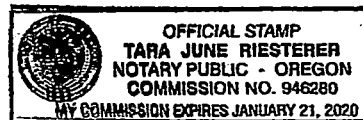
BY: Kurt J. Kayner  
Kurt J. Kayner  
Secretary

State of Oregon

County of Linn  
NOV 21

This instrument was acknowledged before me on \_\_\_\_\_, 2018  
by Kurt J. Kayner as Secretary of, Willamette AG, Inc., an Oregon corporation.

[Signature]  
Notary Public - State of Oregon  
My Commission Expires: 01/21/2020



Return to LHC 889-0097653

<p align="center"><b>After recording return to:</b></p> <p>Kurt Albert Kayner Ellen Kayner 29745 Nixon Drive Halsey, OR 97348</p>
<p align="center"><b>Until a change is requested, all tax statements shall be sent to the following address:</b></p>
<p>Same as Above</p>

LINN COUNTY, OREGON **2009-15840**  
 D-BS  
 Cnt=1 Str=7 M. FISHER 09/04/2009 11:36:56 AM  
 \$5.00 \$11.00 \$10.00 **\$26.00**



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

Steve Druckenmiller - County Clerk



Order Number: 26220

Reserved for Recorder's Use

**STATUTORY BARGAIN AND SALE DEED**

Kurt Albert Kayner, also known as Kurt A. Kayner and Ellen Kayner, also known as Ellen A. Kayner, Grantor, conveys to

Kurt Albert Kayner and Ellen Kayner, as tenants by the entirety, Grantee, the following described real property:

**Parcel 2, PARTITION PLAT NO. 1998-07, Linn County, Oregon**

Account No(s): **0850933**  
 Map/Tax Lot No(s):

The true consideration for this conveyance is **\$0.00, to correct vesting.** (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 SECTIONS ORS 195.300, 195.301 and 195.305 TO 195.336 AND SECTIONS 5 TO 11 OF CHAPTER 424, OREGON LAWS 2007. 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.**

Executed this 2 day of September, 2009

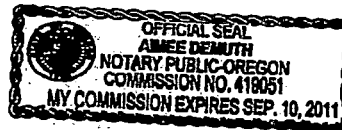
Kurt Albert Kayner  
 Kurt Albert Kayner, also known as Kurt A. Kayner

Ellen Kayner  
 Ellen Kayner, also known as Ellen A. Kayner

State of Oregon, County of Linn ) ss.

This instrument was acknowledged before me on this 2 day of September, 2009 by Kurt Albert Kayner, also known as Kurt A. Kayner and Ellen Kayner, also known as Ellen A. Kayner

Notary Public for Oregon  
 My commission expires: 9-10-11



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AUG 09 2024

Salem, OR



LINN COUNTY, OREGON

2015-12394

D-WD

Stn=10 S. WILSON

07/30/2015 08:37:23 AM

\$10.00 \$11.00 \$10.00 \$19.00 \$20.00

\$70.00

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

Steve Druckenmiller - County Clerk

**AFTER RECORDING, RETURN TO**

Ellen A. McMillin  
Trustee of the Ellen A. Kayner Trust  
26135 Peoria Road  
Halsey, OR 97348-9729

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

Ellen A. McMillin  
Trustee of the Ellen A. Kayner Trust  
26135 Peoria Road  
Halsey, OR 97348-9729

**Grantor:**

Ellen A. McMillin, fka Ellen A. Kayner  
26135 Peoria Road  
Halsey, OR 97348-9729

**Grantee:**

Ellen A. McMillin, Trustee of the  
Ellen A. Kayner Revocable Living Trust  
Dated November 22, 2011  
26135 Peoria Road  
Halsey, OR 97348-9729

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**STATUTORY WARRANTY DEED**

ELLEN A. McMILLIN, formerly known as ELLEN A. KAYNER, Grantor, conveys all of her right title and interest in Parcel 1 of Partition Plat 1998-07 to ELLEN A. McMILLIN, Trustee of the Ellen A. Kayner Revocable Living Trust dated November 22, 2011, Grantee, the real property located in Linn County:

Subject to easements, conditions and restrictions of record together with all singular tenements, hereditaments and appurtenances and all other rights thereunto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with the property.

**The true consideration for this conveyance is \$0.00, and other good and valuable consideration.**

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, IN ALL ZONES. 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. 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 VERIFY THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

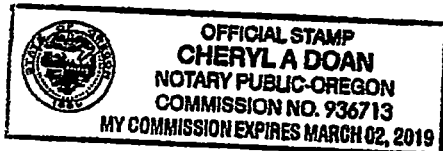
DATED this 29 day of July, 2015.

  
Ellen A. McMillin, fka Ellen A. Kayner

STATE OF OREGON )

County of Linn     ) ss.  
                          )

Acknowledged before me this 29 day of July, 2015, by Ellen A. McMillin, formerly known as Ellen A. Kayner.



*Cheryl A. Doan*  
Notary Public for Oregon

N:\ATTY\EFSEFS Clients\KAYNER, ELLEN\Deed.1.doc

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AUG 09 2024  
Salem, OR



## Business Registry Business Name Search

[New Search](#)

## Business Entity Data

08-06-2024  
13:50

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
1226939-97	FLLC	ACT	NEVADA	06-21-2016	06-21-2025	
<b>Entity Name</b>	LEGACY VALLEY FARMS, LLC					
<b>Foreign Name</b>						

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[New Search](#)

## Associated Names

AUG 09 2024

Type	PPB	PRINCIPAL PLACE OF BUSINESS				Salem, OR
<b>Addr 1</b>	29873 NIXON DR					
<b>Addr 2</b>						
<b>CSZ</b>	HALSEY	OR	97348	<b>Country</b>	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	06-21-2016	Resign Date	
<b>Name</b>	KURT	KAYNER				
<b>Addr 1</b>	29873 NIXON DR					
<b>Addr 2</b>						
<b>CSZ</b>	HALSEY	OR	97348	<b>Country</b>	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS				
<b>Addr 1</b>	29873 NIXON DR					
<b>Addr 2</b>						
<b>CSZ</b>	HALSEY	OR	97348	<b>Country</b>	UNITED STATES OF AMERICA	

Type	MEM	MEMBER			Resign Date	
<b>Name</b>	KURT	KAYNER				
<b>Addr 1</b>	29873 NIXON DR					
<b>Addr 2</b>						
<b>CSZ</b>	HALSEY	OR	97348	<b>Country</b>	UNITED STATES OF AMERICA	

[New Search](#)

## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
LEGACY VALLEY FARMS, LLC	EN	CUR	06-21-2016	

Please [read](#) before ordering [Copies](#).

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER RESOURCES DEPARTMENT, SALEM, OREGON 97310

within 30 days from the date of well completion. AUG 11 1977

WATER RESOURCES DEPT.

RECEIVED

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

(Do not write above this line)

Well 1

LINN 13774

State Well No. 145/4W-16

State Permit No.

(1) OWNER: SALEM, OREGON Name Kurt Kaynor Address Rt. 1, Box 105, Halsey, Ore. 97348

(2) TYPE OF WORK (check): New Well [X] Deepening [ ] Reconditioning [ ] Abandon [ ] If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL: Rotary [ ] Driven [ ] Cable [X] Jetted [ ] Dug [ ] Bored [ ] (4) PROPOSED USE (check): Domestic [ ] Industrial [ ] Municipal [ ] Irrigation [X] Test Well [ ] Other [ ]

CASING INSTALLED: 8" Diam. from +1' ft. to 32'6" Gage 250W-11

PERFORATIONS: Perforated? [X] Yes [ ] No. Type of perforator used Acetylene Torch Size of perforations 1/2 in. by 12 in. 56 perforations from 22'06" ft. to 30'06" ft.

(7) SCREENS: Well screen installed? [ ] Yes [X] No Manufacturer's Name Type Model No. Diam. Slot size Set from ft. to ft.

(8) WELL TESTS: Drawdown is amount water level is lowered below static level Was a pump test made? [ ] Yes [X] No If yes, by whom? d: gal./min. with ft. drawdown after hrs. Baller test 120 gal./min. with 2 ft. drawdown after 1 hrs. Artesian flow g.p.m. Temperature of water Depth artesian flow encountered ft.

(9) CONSTRUCTION: Well seal—Material used Bentonite Well sealed from land surface to 18 ft. Diameter of well bore to bottom of seal 12 in. Diameter of well bore below seal 8 in. Number of sacks XXXX Bentonite used in well seal 2 2/3 sks. sacks How was cement grout placed?

Was a drive shoe used? [X] Yes [ ] No Plugs Size: location ft. Did any strata contain unusable water? [ ] Yes [X] No Type of water? depth of strata Method of sealing strata off Was well gravel packed? [ ] Yes [X] No Size of gravel: Gravel placed from ft. to ft.

(10) LOCATION OF WELL: County Linn Driller's well number 1/4 Section 16 T. 14S R. 4W W.M. Bearing and distance from section or subdivision corner

(11) WATER LEVEL: Completed well. Depth at which water was first found 25 ft. Static level 13 ft. below land surface. Date 7-20-77 Artesian pressure lbs. per square inch. Date

(12) WELL LOG: Diameter of well below casing Depth drilled 32 ft. Depth of completed well 32 ft. Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

Table with columns: MATERIAL, From, To, SWL. Rows: Brown Clay (0-19), Loose Coarse Gravel (19-29), Packed Sand & Gravel (29-32)

Work started 7-19 19 77 Completed 7-20 19 77 Date well drilling machine moved off of well 7-20 19 77

Drilling Machine Operator's Certification: This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Merle Warren Date 7-20, 1977 Drilling Machine Operator's License No. 1152

Water Well Contractor's Certification: This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Name Merle Warren Well Drilling (Person, firm or corporation) (Type or print) Address Rt. 1, Box 84, Tangent, Ore. 97389 [Signed] Merle Warren (Water Well Contractor) Contractor's License No. 182 Date 7-20, 1977



Received by OWRD  
AUG 09 2024  
Salem, OR

Date Received (Date Stamp Here)

**OWRD Over-the-Counter Submission Receipt**

Applicant Name(s) & Address: Legacy Valley Farms Inc.  
29873 Nixon Dr. Halsey OR 97348

Transaction Type: Groundwater App

Fees Received: \$ 5870.00

Cash  Check: Check No. 2287

Name(s) on Check: Will McGill Surveying LLC

Thank you for your submission. Oregon Water Resources Department (Department) staff will review your submittal as soon as possible.

If your submission is determined to be complete, you will receive a receipt for the fees paid and an acknowledgement letter stating your submittal is complete.

If determined to be incomplete, your submission and the accompanying fees will be returned with an explanation of deficiencies that must be addressed in order for the submittal to be accepted.

If you have any questions, please feel free to contact the Department's Customer Service staff at 503-986-0801 or 503-986-0810.

Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick Peerce  
(Name of OWRD staff)

**Instructions for OWRD staff:**

- Complete this Submission Receipt and make two (2) copies. Place one copy with the check/cash; and place the other copy with the submission (i.e., the application or other document).
- Date-stamp all pages. (NOTE: Do not stamp check.)
- Give this original Submission Receipt to the applicant.
- Record Submission Receipt information on the "RECEIVED OVER THE COUNTER" log sheet.
- Fold and put one copy of the Submission Receipt with check/cash into the Safe slot. Place the other copy of the Submission Receipt with submission (application/other document) in the top drawer of filing cabinet.





Received by OWRD  
AUG 09 2024  
Salem, OR

Date Received (Date Stamp Here)

# OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Legacy Valley Farms Inc.  
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Sincerely,  
OWRD Customer Service Staff

Submission received by: Nick Reece  
(Name of OWRD staff)

**Instructions for OWRD staff:**

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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: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

Received by OWRD

AUG 09 2024

Salem, OR

### 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: \$ 5,870.00  
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)