

Application No. G14965  
 Permit No. G-13817  
 Certificate No. \_\_\_\_\_  
 Stream Index, Page No. \_\_\_\_\_

FEES PAID		
Date	Amount	Receipt No.
<i>Ex. Rec</i> 4-7-99	575.00	28761
10/5/06	250.00	24595
9-12-12	75.00	106798
07/29/22	120.00	138776
Cert. Fee		

*Assigned*  
 FILE#: G 14965  
**KEVIN CROSBY**  
 PO BOX 70  
 WOODBURN, OR 97071

Date filed \_\_\_\_\_  
 Priority \_\_\_\_\_  
 Action suspended until 107  
 Return to applicant \_\_\_\_\_  
 Date of approval 5/31/00

**ASSIGNMENTS**

Date	To Whom	Address	Volume	Page
<u>9/12/2012</u>	KEVIN CROSBY 7798 CROSBY RD NE WOODBURN OR 97071	<u>8/2/22</u> <b>ASSIGNED</b> RABO AGRIFINANCE, INC 12443 OLIVE BLVD STE 50 ST LOUIS MO 63141		

FEES REFUNDED		
Date	Amount	Check No.

**CONSTRUCTION**  
 Date for beginning 5/31/01  
 Date for completion \_\_\_\_\_  
 Extended to \_\_\_\_\_  
 Date for application of water 10/1/03  
 Extended to 10-1-2007

**REMARKS**

T-8858 A POA v. 56 p. 407

**PROSECUTION OF WORK**

Form "A" filed \_\_\_\_\_  
 Form "B" filed \_\_\_\_\_  
 Form "C" filed \_\_\_\_\_

**FINAL PROOF**

Blank mailed \_\_\_\_\_  
 Proof received copy 2/6/09 posters mailed  
 Date certificate issued \_\_\_\_\_



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Ste A

Salem, OR 97301

Phone: 503-986-0900

Fax: 503-986-0904

[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

August 31, 2022

Crosby Hops  
8648 Crosby Road NE  
Woodburn, OR 97071

Reference: Application G-14965, Permit G-13817

The requested assignment from Kevin Crosby and Rabo AgriFinance, Inc. to Kevin Crosby cannot be performed at this time.

The permit is currently in the name being requested of Kevin Crosby per the enclosed August 2, 2022 assignment confirmation.

Should you have any questions, please contact me at 503-979-9895 or [mary.f.bjork@water.oregon.gov](mailto:mary.f.bjork@water.oregon.gov).

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosures: Original Request and Fee

cc: File



RECEIVED

AUG 26 2022

# Request for Assignment

OWRD

OREGON



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
(503) 986-0900  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Rabo Agrifinanc Inc. and Kevin Crosby (Name of Current Holder of Record)

14767 N Outer 40 Road, Suite 400,  
7798 Crosby Rd. NE  
(Mailing Address)

Chesterfield, MO 63017  
Woodburn, OR 97071  
(City) (State) (Zip)

(314) 317-8000  
(Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-14965 ; Permit # G-13817 ; Transfer Order # \_\_\_\_\_ ;  
Limited License # \_\_\_\_\_ ; Groundwater Statement # \_\_\_\_\_ ;

as filed in the office of the Water Resources Director, to:  
Kevin Crosby

(Name of New Owner)  
7798 Crosby Rd NE,

Woodburn, OR 97071

(Mailing Address)

(City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 15th day of July, 202022.  
(Day) (Month) (Year)

Signature of Current Holder of Record

Cowan Bokenkamp  
VICE PRESIDENT

Failure to provide any of the required information will result in the return of your application.

This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 138774  
For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MSB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

Assign - APPROVE  
MSB 8.2.2022

RECEIVED

JUL 29 2022  
WR

OWRD



# Oregon

Kate Brown, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer St NE, Ste A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

August 2, 2022

Rabo Agrifinance LLC  
14767 N. Outer 40 Rd  
Chesterfield, MO 63017

Reference: Application G-14965, Permit G-13817

The assignment from Kevin Crosby and Rabo Agrifinance, Inc. to Kevin Crosby has been recorded in the records of the Water Resources Department.

The Departments records will now show Kevin Crosby as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 138776 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that the Department has not received a Pump Test as required by the permit. Until such time that a Pump Test is submitted and approved, the Department is unable to complete the review of your Claim.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt #138776

cc: Kevin Crosby – 7798 Crosby Rd NE, Woodburn, OR 97071  
Data Center, OWRD (cover letter & request)  
File



**BJORK Mary F \* WRD**

---

**From:** ZIELINSKI Vicki J \* WRD  
**Sent:** Tuesday, August 30, 2022 9:14 AM  
**To:** BJORK Mary F \* WRD  
**Cc:** WRD\_DL\_ASD Support  
**Subject:** Address request

Good Morning Mary,

Here you go:

Crosby Hops  
8648 Crosby Road NE  
Woodburn, OR 97071

Thank you!

Vicki J. Zielinski

Receptionist, Administrative Services Division  
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0928



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

**NOTE:** OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

Vicki J. Zielinski

Receptionist, Administrative Services Division  
725 Summer St NE Suite A | Salem OR 97301 | Phone 503-986-0928



Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

**NOTE:** OWRD offices re-open to the public on Monday, May 2, 2022. Given that many staff continue to work remotely or have job duties that take them into the field on a regular basis, availability of staff in the office is not guaranteed 8 a.m. - 5 p.m. every day. **Customers and visitors are encouraged to schedule an appointment in advance if they wish to meet in person with specific staff members.** Alternative methods for meeting, such as by phone or virtually via Teams, are also available.

# MONEY SLIP

*mc*

DATE: 08/26/2022 RECEIPT #: 139002

RECEIVED FROM: Crooby Hops

APPLICATION	
PERMIT	
TRANSFER	

CASH  CHECK # 8642 OTHER (IDENTIFY)  TOTAL REC'D \$ 120.00

**1083 TREASURY 4170 MISC CASH ACCT.**

0407 COPIES		\$
OTHER: (IDENTIFY)		\$

0243 Instream Lease \_\_\_\_\_ 0244 Muni. Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**1083 TREASURY 4270 WRD OPERATING ACCT.**

**MISCELLANEOUS**

0407 COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$
0240 EXTENSION OF TIME	\$

<b>WATER RIGHTS</b>	<b>EXAM FEE</b>	
0201 SURFACE WATER	\$	0202
0203 GROUND WATER	\$	0204
0205 TRANSFER	\$	

<b>WELL CONSTRUCTION</b>	<b>EXAM FEE</b>	
0218 WELL DRILL CONSTRUCTOR	\$	0219
LANDOWNER'S PERMIT		0220
OTHER (IDENTIFY)		

**0607 TREASURY 0467 HYDROELECTRIC**

0233 POWER LICENSE FEE (FW/WRD)	<b>LIC NUMBER</b>	
0231 HYDRO LICENSE FEE (FW/WRD)		\$

HYDRO APPLICATION \$

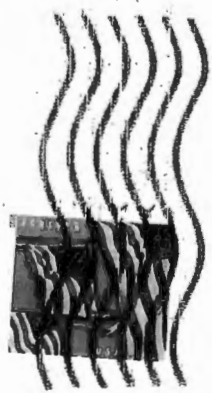
**SPECIAL INSTRUCTIONS:**

RETURN TO APPLICANT - LETTER ATTACHED

NECESSARY AND SEAL

PORTLAND OR 972  
24 AUG 2022 PM 6 L

RECEIVED  
AUG 26 2022



PORTLAND OR 972

24 AUG 2022 PM 6 L



NECESSARY  
AND SEAL

RECEIVED

AUG 26 2022

OWRD



97301-126673



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **138776**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Rabo Agri Finance LLC  
BY: \_\_\_\_\_

APPLICATION	G-14965
PERMIT	
TRANSFER	

CASH:  CHECK.#  218394 OTHER: (IDENTIFY)

TOTAL REC'D \$ 120.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$  
OTHER: (IDENTIFY) \$  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS** 46111

0407 COPY & TAPE FEES \$  
0410 RESEARCH FEES \$  
0408 MISC REVENUE: (IDENTIFY) \$  
TC162 DEPOSIT LIAB. (IDENTIFY) \$  
0240 EXTENSION OF TIME \$

**WATER RIGHTS:**

EXAM FEE
\$ _____
\$ _____
\$ _____

0201 SURFACE WATER 0202 \$  
0203 GROUND WATER 0204 \$  
0205 TRANSFER \$

**WELL CONSTRUCTION**

EXAM FEE
\$ _____

0218 WELL DRILL CONSTRUCTOR 0219 \$  
LANDOWNER'S PERMIT 0220 \$

0250 OTHER (IDENTIFY) Assignment \$ 120.00

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ CARD# \_\_\_\_\_  
0210 MONITORING WELLS \$ CARD# \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$  
0231 HYDRO LICENSE FEE (FW/WRD) \$  
HYDRO APPLICATION \$

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **138776**

DATED: 07/29/02 BY: \_\_\_\_\_



Rabo AgriFinance LLC

State of Oregon Water Resources  
Department

Check: 218394

07-28-2022

Invoice Date	Reference	Invoice Amount	Discount	Payment Amount
07-19-2022	G-14965	120.00	0.00	120.00
			TOTAL	120.00

RECEIVED

JUL 29 2022

OWRD



# Oregon

Kate Brown, Governor

**Water Resources Department**  
North Mall Office Building  
725 Summer St NE, Ste A  
Salem, OR 97301  
Phone: 503-986-0900  
Fax: 503-986-0904  
[www.Oregon.gov/OWRD](http://www.Oregon.gov/OWRD)

August 2, 2022

Rabo Agrifinance LLC  
14767 N. Outer 40 Rd  
Chesterfield, MO 63017

Reference: Application G-14965, Permit G-13817

The assignment from Kevin Crosby and Rabo Agrifinance, Inc. to Kevin Crosby has been recorded in the records of the Water Resources Department.

The Departments records will now show Kevin Crosby as the permit holder of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 138776 covering the recording fee is also enclosed.

A permit is not a perfected water right, and has conditions and timelines that must be satisfied prior to a Certificate of Water Right being issued. Please review the permit to be familiar with the conditions and timelines contained in the permit.

Please note that the Department has not received a Pump Test as required by the permit. Until such time that a Pump Test is submitted and approved, the Department is unable to complete the review of your Claim.

Sincerely,

Mary F. Bjork  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Original Request and Receipt #138776

cc: Kevin Crosby – 7798 Crosby Rd NE, Woodburn, OR 97071  
Data Center, OWRD (cover letter & request)  
File



# Request for Assignment



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 (503) 986-0900  
[www.oregon.gov/owrd](http://www.oregon.gov/owrd)

If the Department determines that the application is incomplete, fees have not been paid, or the required documents are not acceptable, the application and all fees submitted will be returned to the applicant.

If for multiple rights, a separate form and fee for each right will be required.

I, Rabo Agrifinanc Inc. and Kevin Crosby (Name of Current Holder of Record)

14767 N Outer 40 Road, Suite 400, Chesterfield, MO 63017 (314) 317-8000  
7798 Crosby Rd. NE Woodburn, OR 97071  
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, sold all the land authorized under the right)
- hereby assign all my interest in and to a portion of application/permit/transfer order/limited license/groundwater statement; (You must include a map showing the portion of the application/permit/transfer order/limited license/groundwater statement to be assigned. Example, sold a portion of the land authorized under the right)
- hereby assign a portion of my interest in and to the entire application/permit/transfer order/limited license/groundwater statement; (example, adding an additional person)

Application # G-14965; Permit # G-13817; Transfer Order # \_\_\_\_\_;  
 Limited License # \_\_\_\_\_; Groundwater Statement # \_\_\_\_\_;

as filed in the office of the Water Resources Director, to:

Kevin Crosby

(Name of New Owner)  
7798 Crosby Rd NE, Woodburn, OR 97071  
 (Mailing Address) (City) (State) (Zip) (Phone #)

**Note:** If there are other owners of the property described in the application, permit, transfer order, limited license, or groundwater statement, you must provide a list of all other owners' names and mailing addresses and attach it to this form. Write the initials (first letters) of your first and last names at the spot indicated below.

X I hereby certify that I have notified all other owners of the property described in this application, permit, transfer order, limited license, or groundwater statement of this Request of Assignment.

Witness my hand this 15th day of July, 202022.  
 (Day) (Month) (Year)

Signature of Current Holder of Record:

Kevin Borkenhamer  
 VICE PRESIDENT

Failure to provide any of the required information will result in the return of your application.

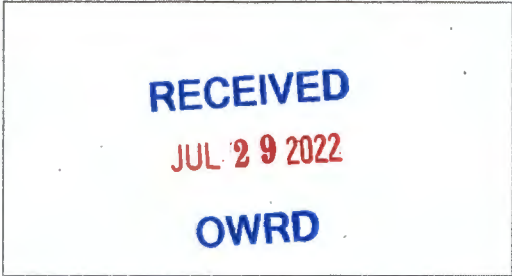
This certifies assignment and record change at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 138176  
 For Director by Mary F. Bjork, Program Analyst in Water Rights Division. MFB

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$120.

**RECEIVED**  
 JUL 29 2022  
 WR  
**OWRD**

Assign - Approve  
 MFB 8.2.2022



Date Received (Date Stamp Here)

# OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Rabo Agrifinanc Inc. #Kevin Crosby

14767 N Outer 90 RD, Suite 400, Chesterfield, MO 63017

\$ 7798 Crosby RD NE Woodburn, OR 97671

Transaction Type: assignment

Fees Received: \$ 120.00

Cash

Check:

Check No. 218394

Name(s) on Check: Same as above

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: Corie L.  
(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.



Susan Bohnenkamper



AMRE 1004



## Susan Bohnenkamper

Senior Team Lead Documentation Risk Control at Rabo AgriFinance  
High Ridge, Missouri, United States · 36 connections

Join to connect

Rabo AgriFinance

## Activity

Great day! Amazing event!! The BEST people!!! #growingabetterworldtogether #rabobank

Liked by Susan Bohnenkamper



Susan Bohnenkamper



The full knowledge of what another human has endured prior to your encounter is always unknown; show mercy, grant grace, extend humility and offer...

Liked by Susan Bohnenkamper

## Experience

### **Rabo AgriFinance**

13 years 10 months

#### **Senior Documentation Risk Control Team Lead**

Sep 2021 - Present · 11 months

St Louis, Missouri, United States

#### **Team Lead Documentation Risk Control**

Feb 2017 - Present · 5 years 6 months

St. Louis County, Missouri, United States

Manage the post closing review of documentation and follow-up for any outstanding or revised documentation.

Manage the Full Release process of preparing, reviewing and submitting all required Mortgage Releases.

#### **Post Closing Loan Analyst**

Oct 2008 - Feb 2017 · 8 years 5 months

[View Susan's full profile](#)

[See who you know in common](#)

UPS CampusShip: View/Print Label

1. **Ensure there are no other shipping or tracking labels attached to your package.** Select the Print button on the print dialog box that appears. Note: If your browser does not support this function select Print from the File menu to print the label.
2. **Fold the printed label at the solid line below.** Place the label in a UPS Shipping Pouch. If you do not have a pouch, affix the folded label using clear plastic shipping tape over the entire label.

3. **GETTING YOUR SHIPMENT TO UPS**

**Customers with a Daily Pickup**

Your driver will pickup your shipment(s) as usual.

**Customers without a Daily Pickup**

Take your package to any location of The UPS Store®, UPS Access Point(TM) location, UPS Drop Box, UPS Customer Center, Staples® or Authorized Shipping Outlet near you. Items sent via UPS Return Services(SM) (including via Ground) are also accepted at Drop Boxes. To find the location nearest you, please visit the Resources area of CampusShip and select UPS Locations.

Schedule a same day or future day Pickup to have a UPS driver pickup all your CampusShip packages.

Hand the package to any UPS driver in your area.

UPS Access Point™  
THE UPS STORE  
1734 CLARKSON RD  
CHESTERFIELD ,MO 63017

UPS Access Point™  
THE UPS STORE  
167 LAMP AND LANTERN VLG  
CHESTERFIELD ,MO 63017

UPS Access Point™  
MICHAELS STORE # 2036  
142 THF BLVD  
CHESTERFIELD ,MO 63005

FOLD HERE

<p>KARENSPARKS 3143178127 RABO AGRIFINANCE 14767 N. OUTER 40 RD CHESTERFIELD MO 63017</p> <p><b>SHIP TO:</b> MARY F. BJORK 5039860900 WATER RESOURCES DEPARTMENT STE A 725 SUMMER ST NE <b>SALEM OR 97301-1266</b></p>	<p>LTR</p> <p>1 OF 1</p> <p><b>OR 973 0-02</b></p>  	<p><b>UPS NEXT DAY AIR SAVER 1P</b></p> <p>TRACKING #: 1Z AE5 162 13 9003 2685</p> 	<p>BILLING: P/P</p> <p>Cost Code: 000-53150-50800</p> <p>CS 23.6.00. WINTNV50 30.0A 07/2022*</p> 
--	--	--	--

6-14965

**CLARK Gerald E \* WRD**

---

**From:** Sarah Liljefelt <s.liljefelt@water-law.com>  
**Sent:** Wednesday, March 04, 2020 2:07 PM  
**To:** CLARK Gerald E \* WRD  
**Subject:** RE: Question about Static Water Level Compliance

Thanks so much, Gerry!

And no, I didn't know that SWL data was added online. That's super helpful! I will look online instead of bugging you about it in the future.

Cheers,  
Sarah

**Sarah R. Liljefelt**  
Shareholder & Portland Managing Attorney  
Schroeder Law Offices, P.C.  
1915 NE Cesar E. Chavez Blvd.  
Portland, Oregon 97212  
P: (503) 281-4100 | F: (877) 600-4971

**From:** CLARK Gerald E \* WRD <Gerald.E.Clark@oregon.gov>  
**Sent:** Wednesday, March 4, 2020 2:03 PM  
**To:** Sarah Liljefelt <s.liljefelt@water-law.com>  
**Subject:** RE: Question about Static Water Level Compliance

Sarah,

For the purposes of deciding if the permit holder has complied with the SWL measurement condition for making beneficial use, I would say, yes they have. This permit was issued on 5/31/2000. The extended completion date was 10/1/2007. During that time period, the permit holder submitted several March SWL measurements. With these measurements, it appears that they have minimally complied with the condition requiring SWL measurements.

I do see that we series of seven consecutive March measurements. At the time that the Claim of Beneficial Use is evaluated, we will evaluate those measurements to decide whether the condition will get carried into the certificate or not. If at that time we determine that there is an issue with the number of measurements, we could carry the condition forward into the certificate. Failure to complete the series of seven consecutive measurements does not require the permit holder to file for an extension of time. Again, because they have submitted several qualifying March SWL measurements, they have minimally complied with the condition to submit measurements.

SWL measurement data can now be accessed through the Departments web page. I have attached a pdf showing how to find the information.

Here is a link to the data for this permit:

[http://apps.wrd.state.or.us/apps/gw/gw\\_info/gw\\_info\\_report/gw\\_details.aspx?gw\\_site\\_id=8723](http://apps.wrd.state.or.us/apps/gw/gw_info/gw_info_report/gw_details.aspx?gw_site_id=8723) (you will need to click on the tab labeled "Measured Water Level" to view measurement information)

Please let me know if you have any additional questions.



Gerry

[Gerry Clark](#)

**Oregon Water Resources Department**

Program Analyst, Certificate Section, Water Right Services Division  
725 Summer Street NE, Suite A Salem, OR 97301 | Phone 503-986-0811

**From:** Sarah Liljefelt <[s.liljefelt@water-law.com](mailto:s.liljefelt@water-law.com)>

**Sent:** Wednesday, March 04, 2020 1:17 PM

**To:** CLARK Gerald E \* WRD <[Gerald.E.Clark@oregon.gov](mailto:Gerald.E.Clark@oregon.gov)>

**Subject:** Question about Static Water Level Compliance

Hi Gerry,

I hope you are doing well.

I have a question about static water level compliance for Permit G-13817/T-8858. We represent the permittee, and they should be done with SWL reporting, but it was so long ago that they just asked that I check in and verify they completed the initial/annual measurement(s) and 7 consecutive measurements.

Hopefully there's nothing else needed, but I guess it's better to know than to get caught surprised later!

Thanks so much for your help.

Best,  
Sarah

**Sarah R. Liljefelt**

Shareholder & Portland Managing Attorney

Schroeder Law Offices, P.C.

1915 NE Cesar E. Chavez Blvd.

Portland, Oregon 97212

P: (503) 281-4100 | F: (877) 600-4971



[Join our mailing list!](#)

**Confidentiality Notice:** This electronic message may contain information that is attorney-client privileged and confidential, intended only for the use of the individual or entity named above. If you receive this communication in error, please notify me immediately and delete all copies of this message.



Oregon Water Resources Department  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301  
 (503) 986-0900  
 www.wrd.state.or.us

# Request for Assignment

RECEIVED

SEP 12 2012

WATER RESOURCES DEPT  
 SALEM, OREGON

If for multiple rights, a separate form and fee for each right will be required.

I, Kevin Crosby

(Name of Applicant / Permit / Transfer Holder / License Holder/GR Certificate of Registration)

7798 Crosby Road NE

Woodburn OR 97071

503-580-9732

(Mailing Address)

(City) (State) (Zip)

(Phone #)

RECEIVED

SEP 12 2012

WATER RESOURCES DEPT  
 SALEM, OREGON

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # G-14965; Permit # G13817; Transfer # \_\_\_\_\_

-OR-

License # \_\_\_\_\_; GR Statement # \_\_\_\_\_; GR Certificate of Registration # \_\_\_\_\_

As filed in the office of the Water Resources Director, to:

Kevin Crosby and Rabo Agrifinace, Inc., as collateral agent

(Name of New Owner)

7798 Crosby Road NE

Woodburn, OR 97071

503-580-9732

12443 Olive Blvd., Suite 50

St. Louis MO 63141

314-317-8000

(Mailing Address)

(City) (State) (Zip)

(Phone #)

**Note:** If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 20th day of July, 2012.

Applicant/Permit Holder Kevin Crosby

Applicant/Permit Holder Kevin Crosby

ASSISTANT  
 J. Sauter  
 9/12/2012

**DO NOT WRITE IN THIS BOX**

This certifies assignment and record change at Oregon Water Resources Department effective 3:00 a.m. on date of receipt at Salem, Oregon.

Fee receipt # 106797

For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form *must* be submitted to the Department along with the recording fee of \$75.



# Oregon

John A. Kitzhaber, MD, Governor

Water Resources Department  
North Mall Office Building  
725 Summer St. NE, Suite A  
Salem, OR 97301  
Phone 503-986-0900  
FAX 503-986-0904  
www.wrd.state.or.us

September 12, 2012

Rabo Agrifinance Inc.  
Attn: Kris Adler  
12443 Olive Blvd, Suite 50  
St. Louis, MO 63141

Reference: ApplicationG-14965, Permit G-13817

The assignment from Kevin Crosby to Kevin Crosby and Rabo Agrifinance, Inc. has been recorded in the records of the Water Resources Department.

The Departments records will now show Kevin Crosby and Rabo Agrifinance Inc. as the permit holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 106797 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter  
Water Rights Program Analyst  
Water Right Services Division

Enclosure: Receipt 106797

cc: Watermaster 16  
Kevin Crosby  
Data Center, OWRD (cover letter & request)  
Hydrographics  
File





**Rabo  
Agrifinance**

September 10, 2012

Oregon Water Resources Department  
725 Summer St., NE  
Suite A  
Salem, OR 97301

**Kris Adler**  
Sr. Loan Closing Specialist  
Office 12443 Olive Blvd  
Address Suite 50  
St. Louis, MO 63141  
Tel 314-317-8068  
Fax 877-655-9513  
kristin.adler@raboag.com

Re: Loan #10431200  
Crosby

Enclosed is a Request for Assignment and a copy of the executed Mortgage for your files. Please return acknowledgement to my attention in the enclosed self-addressed envelope or email a copy to [kristin.adler@raboag.com](mailto:kristin.adler@raboag.com).

Contact me with any questions you may have.

Sincerely,

Kris Adler,  
Sr. Loan Closing Specialist

enclosures

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SALEM, OREGON

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SALEM, OREGON

I hereby certify that I have compared this copy  
with the original thereof and that it is a true and  
correct copy of that which it purports to be.  
TICOR TITLE

By: \_\_\_\_\_

RECORDING REQUESTED BY  
AND WHEN RECORDED MAIL TO:

RABO AGRIFINANCE, INC.  
12443 Olive Blvd, Suite 50  
St. Louis, MO 63141  
Attn: Closing Department

Space above this line for Recorder's Use

Kevin Crosby

Real Estate Term Loan: 10431200/tc

DEED OF TRUST, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT

(Marion County, Oregon)

(Line of Credit Deed of Trust)

THE MAXIMUM PRINCIPAL AMOUNT TO BE ADVANCED PURSUANT TO THE CREDIT AGREEMENT IS \$800,000.00.

O.R.S. 86.155 STATEMENTS:

PRINCIPAL AMOUNT: \$800,000.00

MATURITY DATE: July 1, 2027, EXCLUSIVE OF OPTIONS TO EXTEND, IF ANY

NOTICE TO RECORDER: THIS DOCUMENT ALSO CONSTITUTES A FIXTURE FILING THAT SHALL HAVE AN EFFECTIVE PERIOD UNTIL THIS TRUST DEED IS RECONVEYED OR SATISFIED OF RECORD OR ITS EFFECTIVENESS OTHERWISE TERMINATES AS TO THE LAND.

THE NOTE AND THE OTHER TRANASATION DOCUMENTS SECURED BY THIS TRUST DEED CONTAIN PROVISIONS ALLOWING FOR CHANGES IN THE INTEREST RATE FROM TIME TO TIME DURING THE TERM OF THE INDEBTEDNESS.

THE TAX ACCOUNT NUMBERS FOR THE PROPERTY SUBJECT TO THE LIEN OF THIS INSTRUMENT ARE: R14482, R14481, R14431, R14430, R14433 AND R12267.

This deed of trust is dated as of July 20, 2012. It is by CROSBY LAND CO., LLC, an Oregon limited liability company ("Grantor"), to and in favor of TICOR TITLE, an Oregon Corporation, as trustee ("Trustee"), whose address for purposes of this deed of trust is 222 High Street SE, Salem, OR 97301, for the benefit of RABO AGRIFINANCE, INC., a Delaware corporation, as agent for itself and the other Secured Parties (defined herein) under the Collateral Agency Agreement (defined herein; and Rabo Agrifinance, Inc., in that capacity, "Beneficiary").

RABO AGRIFINANCE, INC., a Delaware corporation, as Lender ("Lender") has agreed to make a loan in the original principal sum of \$800,000.00 to Grantor, Kevin William Crosby, Jennifer Doreen Crosby and K.W. Crosby, Inc. under the terms and conditions of the Credit Agreement between Grantor and Lender dated as of the date of this deed of trust (the "Credit Agreement"). Each capitalized term used in this deed of trust that is defined in the Credit Agreement and not defined in this deed of trust will have the meaning specified in the Credit Agreement. This deed of trust will be interpreted in accordance with the Drafting Conventions.

Grantor has or may also enter into certain derivatives transactions under Hedging Agreements with Swap Counterparties, under which Grantor has or may incur Hedging Obligations to Swap Counterparties.

TO SECURE repayment of the indebtedness evidenced by the Note (defined herein) and payment and performance of all other Secured Obligations (defined herein), Grantor irrevocably and unconditionally grants, bargains, sells, and conveys to Trustee, in trust, for the benefit of Beneficiary, WITH POWER OF SALE and right of entry and possession wherever located, whether now owned or hereafter acquired or arising, and, except as indicated, whether constituting real estate or personal property (collectively, the "Property"): (a) the real estate and any interest in the real estate located in Marion County, Oregon, and described in EXHIBIT A (the "Land"); (b) all buildings, structures, improvements, fixtures, attachments, appliances, equipment, machinery and other articles now or hereafter erected on, affixed or attached to, or located in or on the Land, including all watering and irrigation apparatus, pumps, motors, generators, pipes, center pivot irrigators and sprinklers, windmills, and fences (the "Improvements"); (c) all easements, rights-of-way and rights appurtenant to the Land or used in connection the Land or as a means of access thereto ("Easements"); (d) the ground water on, under, pumped from or otherwise available to the Property or any drainage, retention, ditch, canal, reservoir, or other water rights, whether as a result of overlying groundwater rights, contractual rights, or otherwise and whether riparian, appropriative, or otherwise; the right to remove or extract any such ground water including any permits, rights or licenses granted by any Governmental Authority and any rights granted or created by any easement, covenant, agreement or contract with any Person; and any rights to which the Property or Grantor is entitled with respect to surface water, whether such rights are appropriative, riparian, prescriptive or otherwise and whether or not pursuant to historical use, contractual agreement, permit or other governmental authorization; any water right, water allocation for water not yet delivered, distribution right, delivery right, any proscriptive, contractual, easement or other rights necessary or convenient to convey any water to the Property, water storage right, or other water-related entitlement appurtenant to or otherwise applicable to the Property by virtue of the Property being situated within the boundaries of any governmental water district irrigation district or other local agency or within the boundaries of any private water company, mutual water company, or other non-governmental entity (collectively, "Water Rights"); (e) all other tenements, hereditaments and appurtenances to the Land; (f) minerals, oil, gas, and other hydrocarbon substances, minerals, mineral interests, royalties, overriding royalties, production payments, net profit interests and other interests and estates in, under and on the Land and other oil, gas and mineral interests with which any of the foregoing interests or estates are pooled or unitized (the "Mineral Rights"); (g) timber now or hereafter standing or cut; (h) leases, subleases, licenses, occupancy agreements, concessions and other agreements, granting a possessory interest in and to, or the right to extract, mine, reside in, sell, or use the Property (collectively, the "Leases"); (i) all utility contracts, maintenance agreements, management agreements, service contracts and other agreements directly related to the operation and maintenance of the Property; (j) all bushes, groves, trees, plants, vines or other plantings, upon or under the Land ("Plantings"); (k) any shares, or any rights under such shares, of any private water company, mutual water company, or other non-governmental entity pursuant to which Grantor or the Property may receive water (collectively, the "Water Stock") and any other certificated and uncertificated securities, securities entitlements, securities accounts and commodities accounts, including all stock, bonds and commodities contracts, or other investment property described in EXHIBIT B; (l) working drawings, instructional manuals, and rights in processes directly related to the operation of the Property, and all other general intangibles described in EXHIBIT B; (m) other tangible personal property of every kind and description, whether stored on the Land or elsewhere, including all goods, materials, supplies, tools, books, records, chattels, furniture, machinery and equipment (except motor vehicles, trailers, and planting, tillage and harvesting equipment rolling stock) or which is in all cases (i) directly related to the operation of the Property or acquired in connection with any construction or maintenance of the Land or the Improvements, (ii) affixed or installed, or to be affixed or installed, in any manner on the Land or the Improvements, or (iii) described in EXHIBIT B; (n) all permits and licenses relating or pertaining to the use or enjoyment of the Property; (o) proceeds of and any unearned premiums on any insurance policies covering the Property, including the right to receive and apply the proceeds of any insurance, judgments, or settlements made in lieu thereof, for damage to the Property (the "Insurance Claims"); (p) all awards made for the taking by condemnation or the power of eminent domain, or by any proceeding or purchase in lieu thereof, of the whole or any part of the Real Estate (the "Condemnation Awards"); (q) money or other personal property of Grantor in addition to the foregoing deposited with or otherwise in Beneficiary's, Trustee's or Secured Parties' possession; (r) rights and interests under the Hedging Agreements, including all rights to the payment of money from Secured Parties or Trustee under the Hedging Agreements; and all accounts, deposit accounts, and general intangibles, including payment intangibles, described in any of the Hedging Agreements; (s) all other real or personal property described in EXHIBIT B; (t) the right, in the name and on behalf of Grantor, upon notice to Grantor, to appear in and defend any action or proceeding brought with respect to the Property and to commence any action or proceeding to protect the interest of Trustee,

Beneficiary or Secured Parties in the Property; and (u) substitutions, replacements, additions, accessions and proceeds for or to any of the foregoing, and all books, records and files relating to any of the foregoing, including, without limitation, computer readable memory and data and any computer software or hardware reasonably necessary to access and process such memory and data.

1. **Secured Obligations.** Grantor makes the grant, conveyance, transfer and assignment above, makes the irrevocable and absolute assignment in Section 4, and grants the security interest under Section 5, to secure payment and performance of the following obligations (the "Secured Obligations") in any order of priority that Beneficiary may choose: (a) all Obligations (defined in the Credit Agreement), including (i) the Real Estate Term Loan Note dated as of the date of this deed of trust, from Grantor to Lender in the original principal amount of \$800,000.00 (together with all extensions, renewals, modifications, substitutions and amendments thereof, the "Note"; (ii) all Hedging Obligations; and (iii) all other indebtedness, liabilities and obligations of Grantor to Lender and the Swap Counterparties arising pursuant to any of the Transaction Documents, whether now existing or hereafter arising, whether direct, indirect, related, unrelated, fixed, contingent, liquidated, unliquidated, joint, several, or joint and several; (b) all obligations of Grantor under this deed of trust; (c) all obligations of Grantor to Lender, Cooperatieve Centrale Raiffeisen-Boerenleenbank B.A., a foreign banking organization organized as a cooperative bank under the laws of The Netherlands ("Rabobank International") and/or Rabobank, N.A., a national banking association ("RNA"), or any other Affiliate of Lender (Lender, Rabobank International and RNA, and any other Affiliate of Lender are herein individually and collectively, "Secured Parties"), whether now existing or hereafter incurred or created, whether voluntary or involuntary, whether obligatory or non-obligatory; whether due or not due, whether absolute or contingent, or whether incurred directly or acquired by assignment or otherwise, under the terms and conditions of any other written instrument or agreement executed by Grantor and which specifically recites that those obligations are secured by this deed of trust; and (d) any of the foregoing that arises after the filing of a petition by or against Grantor under an Insolvency Proceeding. All persons who have or acquire an interest in the Property will be deemed to have received notice of, and will be bound by, the terms of the Credit Agreement, the other Transaction Documents, and each other agreement or instrument made or entered into in connection with each of the Secured Obligations (the Transaction Documents and those other agreements or instruments, the "Secured Obligation Documents"). These terms include any provisions in the Secured Obligation Documents which permit borrowing, repayment and reborrowing, or which provide that the rate of interest on one or more of the Secured Obligations may vary from time to time. This deed of trust does not secure any obligation which is unsecured pursuant to the express terms of the Credit Agreement or any other document, agreement or instrument.

2. **Future Secured Obligations.** The Secured Obligations include future advances made by Beneficiary or Secured Parties, at their option, and for any purpose, and all other future Secured Obligations. Those future advances and other future Secured Obligations are secured to the same extent as if made or incurred on the date of the execution of this deed of trust, and have priority as to third persons with or without actual notice from the time this deed of trust is filed for record as provided by law. The total amount of indebtedness secured by this deed of trust may decrease or increase from time to time, but the total unpaid balance so secured at any one time shall not exceed the maximum principal amount of \$800,000.00 (the "Maximum Amount Secured"), plus interest and any disbursements made for the payment of taxes, levies or insurance on the Property, with interest on those disbursements, plus any increase in the principal balance as the result of negative amortization or deferred interest. Grantor shall not file for record any notice limiting the maximum amount secured by this deed of trust to an amount less than the Maximum Amount Secured (a "Maximum Amount Notice"). A Maximum Amount Notice will be an Event of Default (defined herein). Nothing in this Section 2 will constitute a commitment to make additional or future advances or enter into future derivatives transactions in any amount.

3. **Note Maturity Date.** The Note matures on July 1, 2027.

4. **Assignment.** Grantor irrevocably and unconditionally assigns to Beneficiary and grants Beneficiary a security interest in, the Leases; all rents and other benefits derived from the Leases, and all other issues, profits, royalties, bonuses, income and other benefits derived from or produced by the Real Estate, including all prepaid rents, security deposits and other supporting obligations (the "Rents"). Beneficiary may collect Rents with or without taking possession of the Property. Beneficiary confers upon Grantor a license to collect and retain the Rents as they become due and payable, so long as there is no Event of Default (the "License"). If an Event of Default has occurred, Beneficiary may terminate the License without notice to or demand upon Grantor. Beneficiary, by its acceptance of this deed of trust does not assume any duty or obligation under the Leases.

5. **Grant of Security Interest.** This deed of trust is a security agreement under the Uniform Commercial Code in effect in the State of Oregon (the "UCC"); and Grantor grants Trustee and Beneficiary a security interest in and pledges and assigns to Trustee and Beneficiary all of Grantor's right, title and interest in the Property, to the extent characterized as personal property (the "Personalty"). The address of Grantor adjacent to its signature below is the mailing address of Grantor as debtor under the UCC. The address for Trustee specified in the first paragraph of this deed of trust is the address for Trustee as secured party under the UCC; and the address for Beneficiary specified in Section 22 is the address for Beneficiary as secured party under the UCC. As used in this deed of trust, the term "lien" is synonymous with the term "lien and security interest."

6. **Warranty of Title.** Grantor represents and warrants that Grantor lawfully possesses and holds fee simple title to all of the Land and the Improvements; that Grantor has the right, power and authority to grant, convey and assign the Property; and that the Property is unencumbered. Grantor covenants that Grantor will warrant and defend generally the title to, and ownership and possession of, the Property against all claims and demands. Grantor especially agrees and declares that the separate estate of each of them, whether vested, contingent or in expectancy, is hereby conveyed and shall be bound for the payment and performance of the Secured Obligations.

7. **Additional Representations.** Grantor represents to Beneficiary and Secured Parties that: (a) the Property does not represent the proceeds of unlawful activity under any state, federal or foreign law; (b) the Property includes all property and rights which may be reasonably necessary or desirable to enable Grantor to use, enjoy and operate the Land and the Improvements for the present uses thereof; (c) none of the Land or Improvements is subject to any Lien, offset or claim; (d) Grantor owns the Personalty free and clear of any security interests, reservations of title or conditional sales contracts, and there is no presently valid financing statement affecting the Personalty on file in any public office; (e) Grantor has title to, or (in the case of leased property) valid leasehold interests in, all of their properties and assets, real and personal, including the properties and assets and leasehold interests reflected in the Financial Information (other than any properties or assets disposed of in the ordinary course of business); (f) the legal name of Grantor is as appears in the first paragraph of this agreement; (g) Grantor has not used any trade name, assumed name or other name except Grantor's name stated in the first paragraph of this agreement; (h) if Grantor is anything other than a natural Person, it has complied with all applicable laws concerning its organization, existence and the transaction of its business, and is in existence and good standing in its state of organization and each state in which it conducts its business; (i) the execution, delivery and performance by Grantor of this deed of trust is within the powers and authority of Grantor and has been duly authorized; (j) to Grantor's knowledge, this deed of trust does not conflict with any Applicable Law; (k) this deed of trust is a legal, valid and binding agreement of Grantor, enforceable against Grantor in accordance with its terms, and any instrument or agreement required hereunder, when executed and delivered, will be similarly legal, valid, binding and enforceable; (l) there has been no Material Adverse Effect as to Grantor since the effective date the Financial Information was provided to Beneficiary or Secured Parties; (m) there is no lawsuit, tax claim or other dispute pending or to Grantor's knowledge threatened against Grantor or the Property that, if determined adverse to Grantor, is reasonably likely to have a Material Adverse Effect; (n) Grantor is not the subject of any Judgment; (o) this deed of trust does not conflict with, nor is Grantor in default on any credit agreement, indenture, purchase agreement, guaranty, capital lease, or other investment, agreement, or arrangement presently in effect providing for or relating to extensions of credit in respect of which Grantor is in any manner directly or contingently obligated; (p) Grantor has filed all tax returns (federal, state, and local) required to be filed and has paid all taxes, assessments, and governmental charges and levies thereon, including interest and penalties; (q) Grantor has complied with all current and future laws, regulations and ordinances or other requirements of any governmental authority relating to or imposing liability or standards of conduct concerning protection of health or the environment or hazardous substances ("Environmental Laws"); (r) Grantor has not received any notices of violations of any Applicable Laws; and Grantor is in compliance with all Applicable Laws; (s) there are no claims, actions, proceedings or investigations pending or threatened against Grantor or affecting the Property with respect to any violations of Applicable Laws; (t) Grantor's place of business, or its chief executive office, if it has more than one place of business, is located at the address specified below; and (u) unless otherwise disclosed to Beneficiary, Grantor is not a "foreign person" within the meaning of Section 1445 of the Internal Revenue Code of 1986; and there is no Event of Default or event which, with notice or lapse of time would be an Event of Default.

8. **Performance of Secured Obligations.** Grantor shall promptly pay and perform each Secured Obligation in accordance with its terms.

9. **Maintenance and Preservation of Property.** Grantor shall: (a) immediately discharge any Lien on the Property which Beneficiary has not consented to in writing, and shall also pay when due each obligation secured by or reducible to a Lien which now or hereafter encumbers or appears to encumber all or part of the Property, whether the Lien is or would be



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senior or subordinate to this deed of trust; (b) not alter, remove or demolish any portion of the Improvements, except as permitted or required by the Credit Agreement; (c) maintain (or cause to be maintained) all policies of insurance required under the Credit Agreement and pay (or cause payment of) all premiums for that insurance on or prior to the date when due; (d) promptly and completely repair and/or restore any portion of the Property which becomes damaged or destroyed, in a good and workmanlike manner in accordance with sound building practices, whether or not Grantor has received the proceeds of any Insurance Claim; (e) not commit or allow any waste of the Property, nor do or suffer to be done any act whereby the value of any part of the Property may be lessened; (f) not initiate or allow any change in any zoning or other land use classification which affects the Property or any part of it, except as permitted or required by the Credit Agreement; (g) if the Land is agricultural, keep the Property in good condition and repair; operate the Property, whether improved pastures, orchards, grazing, timber, or crop lands, in a good and husbandman like manner in accordance with accepted principles of sound agricultural and forestry practices; take all reasonable precautions to control wind and water erosion; fertilize improved pastures, if any, where necessary to maintain a good stand of desirable grasses; protect orchards and timber, if any, by reasonable precautions against loss or damage by fire including the maintenance of appropriate fire breaks; and neither to remove nor permit the removal of any timber, buildings, oil, gas, mineral, stone, rock, clay, fertilizer, gravel or top soil without the prior written consent of Beneficiary; (h) complete appropriation and all other requirements, if any, necessary to obtain the issuance of any license or water permit issued to Grantor, and take all other steps required or advisable for purposes of perfecting and maintaining in good status all other Water Rights; (i) not bring or keep any article on the Property or cause or allow any condition to exist on it, if that could invalidate or would be prohibited by any insurance coverage required to be maintained by Grantor on the Property or any part of it under this deed of trust; and (j) perform all other acts which from the character or use of the Property may be reasonably necessary to maintain and preserve its value and utility.

10. Compliance with Applicable Law Grantor shall not commit or allow any act upon or use of the Property which would violate any Applicable Law, whether now existing or later to be enacted and whether foreseen or unforeseen, or any public or private covenant, condition, restriction or equitable servitude affecting the Property;

11. Taxes and Assessments. Grantor shall pay (a) prior to delinquency, all taxes, levies, charges and assessments, including all ditch, canal, reservoir or other water charges, and assessments on appurtenant Water Stock, imposed by Applicable Law or any public or quasi-public authority or utility company which are (or if not paid, may become) a Lien on all or part of the Property or any interest in it, or which may cause any decrease in the value of the Property or any part of it (individually and collectively "Impositions"); (b) any and all intangible taxes and documentary stamp taxes determined at any time to be due on or as a result of the Secured Obligations, this deed of trust or any other Transaction Documents, together with any and all interest and penalties thereon; and (c) taxes, levies, charges and assessments on Beneficiary's or Secured Parties' interest therein or upon this mortgage or the Secured Obligations (collectively, "Mortgage Taxes"); except that if the amount of Mortgage Taxes exceeds the Maximum Rate, Grantor will not be required to pay any such excess. If after the date of this deed of trust, the State of Oregon passes any law deducting from the value of Land for the purpose of taxation any Lien thereon, or changing in any way the laws for the taxation of mortgages or debts secured by mortgage for state or local purposes, or the manner of the collection of any such taxes, so as to affect this deed of trust, then within 180 days after notice by Beneficiary to Grantor, Grantor shall pay all Secured Obligations. Notwithstanding the foregoing provisions of this section, Grantor may, at its expense, contest the validity or application of any Imposition by appropriate legal proceedings promptly initiated and conducted in good faith and with due diligence, provided that Beneficiary is satisfied that neither the Property nor any part thereof or interest therein will be at risk of being sold, forfeited, or lost as a result of such contest, and Grantor has posted a bond equal to 115% of the contested amount or furnished such other security required from time to time by Beneficiary for purposes of payment of the contested amount.

12. Damages and Insurance and Condemnation Proceeds. Beneficiary may, at its option, (a) in its own name appear in or prosecute any action or proceeding to enforce any cause of action based on warranty, or for damage, injury or loss to all or part of the Property, and it may make any compromise or settlement of the action or proceeding; (b) participate in any action or proceeding relating to any Condemnation Award; and (c) join Grantor in adjusting any Insurance Claim. All insurance proceeds, Condemnation Awards, and proceeds of any other claim based on warranty, or for damage, injury or loss to the Property which Grantor may receive or be entitled to must be paid to Beneficiary. In each instance, Beneficiary may apply those proceeds first toward reimbursement of all of Beneficiary's costs and expenses of recovering the proceeds or Condemnation Award, including Legal Fees. The balance shall, at Beneficiary's option, be applied to pay or Prepay (with any applicable Prepayment Consideration, if any) some or all of the Secured Obligations in such order and proportions as it may choose.

GRANTOR HEREBY SPECIFICALLY, UNCONDITIONALLY AND IRREVOCABLY WAIVES ALL RIGHTS OF A PROPERTY OWNER WHICH PROVIDE FOR ALLOCATION OF CONDEMNATION PROCEEDS BETWEEN A PROPERTY OWNER AND A LIENHOLDER, AND ANY OTHER LAW OR SUCCESSOR STATUTE OF SIMILAR IMPORT.

13. **Site Visits, Observation and Testing.** Beneficiary and its agents and representatives may enter and visit the Property at any reasonable time for the purposes of observing it, performing appraisals, taking and removing soil or groundwater samples, and conducting tests on any part of it, as provided in the Credit Agreement, and otherwise to determine Grantor's compliance with this deed of trust.

14. **Defense and Notice of Claims and Actions.** At Grantor's sole expense, Grantor shall protect, preserve and defend the Property and title to and right of possession of the Property, and the security of this deed of trust and the rights and powers of Beneficiary and Trustee created under it, against all adverse claims. Grantor must give Beneficiary and Trustee prompt notice in writing if any claim is asserted which does or could affect any of these matters, or if any action or proceeding is commenced which alleges or relates to any such claim.

15. **Prohibited Transfers.** Grantor agrees that a material factor in Secured Parties' decision to enter into the Secured Obligation Documents is the expertise, financial status and other characteristics of Grantor. Grantor shall not make or permit any Prohibited Transfer. Upon any Prohibited Transfer Beneficiary may declare all Secured Obligations to be due and payable immediately. "Prohibited Transfer" means: (a) any sale, contract to sell, conveyance, encumbrance, pledge, mortgage, lease of the Property to or for the benefit of a Person not the original Grantor under this instrument, and not expressly permitted under this instrument or the other Secured Obligation Documents, or other transfer of all or any material part of the Property or any interest in it, including any transfer of Mineral Rights, Water Rights, or Water Stock, whether voluntary, involuntary, by operation of law or otherwise; (b) if Grantor is a corporation, any transfer or transfers of shares of the voting power or the direct or indirect beneficial ownership of Grantor; (c) if Grantor is a partnership, withdrawal or removal of any general partner, dissolution of the partnership under Applicable Law, or any transfer or transfers of the partnership interests; (d) if Grantor is a limited liability company, withdrawal or removal of any managing member, termination of the limited liability company or any transfer or transfers of the voting power or the ownership of the economic interest in the Grantor; or (e) if Grantor is a trust, withdrawal or removal of any trustee or revocation of the trust.

16. **Compensation and Reimbursement of Costs and Expenses.** Grantor shall pay (a) fees in the maximum amounts legally permitted, or reasonable fees as may be charged by Beneficiary or Trustee when the law provides no maximum limit, for any services that Beneficiary or Trustee may render in connection with this deed of trust, including Beneficiary's providing a statement or Trustee's rendering of services in connection with a reconveyance; (b) all of Beneficiary's or Trustee's costs and expenses which may be incurred in rendering any such services; and (c) all costs, expenses and other advances which may be incurred or made by Beneficiary or Trustee in any efforts to enforce any terms of this deed of trust or protect the Property, including any rights or remedies afforded to Beneficiary or Trustee under Section 19, whether any lawsuit is filed or not, including any bankruptcy or other voluntary or involuntary proceeding, in or out of court, for the adjustment of debtor-creditor relationships, or in defending any action or proceeding arising under or relating to this deed of trust, including attorneys' fees and other legal costs, costs of any Foreclosure Sale (defined herein) and any cost of evidence of title. If Beneficiary chooses to dispose of Property through more than one Foreclosure Sale, Grantor must pay all costs, expenses or other advances that may be incurred or made by Beneficiary or Trustee in each of those Foreclosure Sales. GRANTOR SHALL INDEMNIFY TRUSTEE, BENEFICIARY AND SECURED PARTIES AGAINST AND SHALL HOLD THEM HARMLESS FROM ALL LOSSES, DAMAGES, LIABILITIES, CLAIMS, CAUSES OF ACTION, JUDGMENTS, COURT COSTS, ATTORNEYS' FEES AND OTHER LEGAL EXPENSES, COST OF EVIDENCE OF TITLE, COST OF EVIDENCE OF VALUE, AND OTHER COSTS AND EXPENSES WHICH EITHER MAY SUFFER OR INCUR: (A) IN PERFORMING ANY ACT REQUIRED OR PERMITTED BY THIS DEED OF TRUST OR ANY OF THE OTHER SECURED OBLIGATION DOCUMENTS OR BY LAW; (B) BECAUSE OF ANY FAILURE OF GRANTOR TO PAY OR PERFORM ANY OF THE SECURED OBLIGATIONS; OR (C) BECAUSE OF ANY ALLEGED OBLIGATION OF OR UNDERTAKING BY BENEFICIARY OR SECURED PARTIES TO PERFORM OR DISCHARGE ANY OF THE REPRESENTATIONS, WARRANTIES, CONDITIONS, COVENANTS OR OTHER OBLIGATIONS IN ANY DOCUMENT RELATING TO THE PROPERTY (OTHER THAN SUCH WARRANTIES, CONDITIONS, COVENANTS OR OTHER OBLIGATIONS IN THE SECURED OBLIGATION DOCUMENTS). THIS AGREEMENT BY GRANTOR TO INDEMNIFY TRUSTEE, BENEFICIARY AND SECURED PARTIES SURVIVES THE RELEASE AND CANCELLATION OF ANY OR ALL OF THE SECURED OBLIGATIONS AND THE FULL OR PARTIAL RELEASE AND/OR RECONVEYANCE OF THIS DEED OF TRUST.

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17. Payments Due under this deed of trust Grantor must pay all obligations to pay money arising under this deed of trust immediately upon demand by Trustee, Beneficiary or Secured Parties. Each such obligation shall bear interest from the date the obligation arises at the Default Rate.

18. Events of Default. The following each shall be an event of default under this deed of trust (an "Event of Default\*"): (a) an Event of Default under the Credit Agreement, including a default termination event or other similar event under any Hedging Agreement which is not cured within any grace or cure period specified therein, if any; (b) a Prohibited Transfer; (c) the Financial Information or any representation in this deed of trust is materially substantially incorrect or materially misleading; (d) the filing of any notice limiting the maximum amount secured by this deed of trust to a sum less than the maximum amount secured as specified herein, or if no such amount is specified, to any amount; (e) for more than ten days after notice from Beneficiary, Grantor is in default under any term, covenant or condition of this deed of trust not previously described in Section 18, which can be cured by the payment of a sum of money; or (f) for 30 days after notice from Beneficiary or Secured Parties, Grantor is in default under any term, covenant or condition of this deed of trust not previously described in this Section 18; provided that if (i) it is reasonably certain that the default can be cured by Grantor within that 30 day period and (ii) Grantor has commenced curing that default within that 30 day period and thereafter diligently and expeditiously proceeds to cure that default, then that 30 day period shall be extended for so long as reasonably required by Grantor in the exercise of due diligence to cure that default, up to a maximum of 90 days after the notice to Grantor of the Event of Default.

19. Remedies. At any time after an Event of Default, Secured Parties, Beneficiary or Trustee may (a) declare any or all of the Secured Obligations to be due and payable immediately; (b) cure any breach or default of Grantor; (c) may, to the extent permitted by Applicable Law, make an ex parte application to any court of competent jurisdiction, and obtain appointment of, a receiver, trustee, liquidator or conservator of the Property, without notice, without giving bond, and without regard for the adequacy of the security for the Secured Obligations and without regard for the solvency of Borrower, any Guarantor, or of any Person liable for the payment of the Secured Obligations; (d) in person, by agent or by court-appointed receiver, enter, take possession of, manage and operate all or any part of the Property; (e) exercise any or all of the remedies granted to a secured party under the UCC; (f) bring an action in any court of competent jurisdiction to foreclose this deed of trust or to obtain specific enforcement of any of the covenants or agreements of this deed of trust; (g) under the power of sale granted under this deed of trust (the "Power of Sale"), at its option cause some or all of the Property, including the Personality, to be sold or otherwise disposed of in any combination and in any manner permitted by Applicable Law; and (h) do any and all other things in connection with those actions that Beneficiary may consider necessary and appropriate to protect the security of this deed of trust. GRANTOR HEREBY IRREVOCABLY CONSTITUTES AND APPOINTS BENEFICIARY AS GRANTOR'S ATTORNEY-IN-FACT TO PERFORM SUCH ACTS AND EXECUTE SUCH DOCUMENTS AS BENEFICIARY CONSIDERS APPROPRIATE IN CONNECTION WITH TAKING THESE MEASURES, INCLUDING ENDORSEMENT OF GRANTOR'S NAME ON ANY INSTRUMENTS. GRANTOR HEREBY WAIVES NOTICE OF THE APPLICATION FOR, AND CONSENTS TO THE APPOINTMENT OF A RECEIVER, TRUSTEE, LIQUIDATOR OR CONSERVATOR OF THE PROPERTY IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION; AND AGREES TO NOT OPPOSE SUCH APPOINTMENT. Notwithstanding the foregoing, in no event will Trustee, Beneficiary or Secured Parties have any obligation to take any of the actions set forth in this Section 19. Beneficiary shall not be considered to have accepted any property other than cash or immediately available funds in satisfaction of any obligation of Grantor to Beneficiary, unless Beneficiary has given express written notice of its election of that remedy. The proceeds of any receivership shall be applied by the receiver toward the payment of the Secured Obligations or toward the payment of such part of any judgment thereupon which remains unsatisfied after the sale of the Property. The receiver may make repairs and keep the Property in good condition and repair pending a sale, and pay all taxes and assessments accrued or accruing or redeem from sales therefore, pay all premiums of insurance required under this mortgage, and pay all other charges as herein provided.

20. Sales of Property. Beneficiary may elect to treat as Personality any Property which is intangible or which can be severed from the Land or Improvements without causing structural damage. Beneficiary may dispose of any Personality separately from the sale of real property, in any manner permitted by the UCC or any other Applicable Law. Any proceeds of any such disposition shall not cure any Event of Default or reinstate any Secured Obligation. Beneficiary may choose to dispose of some or all of the Property which consists solely of real property in any manner then permitted by Applicable Law. To the extent permitted by Applicable Law, Beneficiary may also or alternatively choose to dispose of some or all of the Property, in any combination consisting of both real and personal property, together in one sale to be held in accordance with the law and procedures applicable to real property, as permitted by the UCC. Grantor agrees that such a sale of Personality together with

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real property constitutes a commercially reasonable sale of the personal property. For purposes of the Power of Sale, either a sale of real property alone under the Power of Sale, or, to the extent permitted by Applicable Law, a sale of both real and personal property under the Power of Sale, together in accordance with the UCC, will sometimes be referred to as a "Non-Judicial Foreclosure Sale." Before any Non-Judicial Foreclosure Sale, Beneficiary or Trustee must give such notice of default and election to sell as may then be required by law. When all time periods then legally mandated have expired, and after such notice of sale as may then be legally required has been given, Trustee or Beneficiary, as required by Applicable Law, must sell the property being sold at a public auction to be held at the time and place specified in the notice of sale. Neither Trustee nor Beneficiary have any obligation to make demand on Grantor before any Non-Judicial Foreclosure Sale. From time to time in accordance with then applicable law, Trustee or Beneficiary may (and in any event at Beneficiary's request Trustee must), postpone any Non-Judicial Foreclosure Sale by public announcement at the time and place noticed for that sale. Trustee or Beneficiary, as required by Applicable Law, shall execute and deliver to any purchaser(s) a deed(s) or bill(s) of sale conveying the property being sold without any covenant or warranty whatsoever, express or implied. The recitals in any such deed(s) or bill(s) of sale of any matters or facts, including any facts bearing upon the regularity or validity of any Non-Judicial Foreclosure Sale, will be conclusive proof of their truthfulness. Any such deed(s) or bill(s) of sale shall be conclusive against all persons as to the facts recited in it. If the Land is located in more than one county, then to the extent permitted by Applicable Law, a judicial or non-judicial foreclosure sale of the Property may be maintained in any one or more of those counties. If the Property consists of more than one lot, parcel or item of property, Beneficiary may: (i) Designate the order in which the lots, parcels and/or items shall be sold or disposed of or offered for sale or disposition; and (ii) elect to dispose of the lots, parcels and/or items through a single consolidated sale or disposition to be held or made under the Power of Sale, or in connection with judicial proceedings, or by virtue of a judgment and decree of foreclosure and sale; or through two or more such sales or dispositions; or in any other manner (including a Non-Judicial Foreclosure Sale) Beneficiary may deem to be in its best interests (any such sale or disposition, a "Foreclosure Sale;" any two or more, "Foreclosure Sales"). If it chooses to have more than one Foreclosure Sale, Beneficiary at its option may cause the Foreclosure Sales to be held simultaneously or successively, on the same day, or on such different days and at such different times and in such order as it may deem to be in its best interests. No Foreclosure Sale will terminate or affect the lien of this deed of trust on any part of the Property which has not been sold, until all of the Secured Obligations have been paid in full. At any Foreclosure Sale, any person, including Grantor, Beneficiary, Secured Parties or to the extent permitted by Applicable Law, Trustee, may bid for and acquire the Property or any part of it to the extent permitted by then applicable law. Instead of paying cash for that property, Beneficiary or Secured Parties may settle for the purchase price by crediting the sales price of the property against the Secured Obligations, unless Applicable Law mandates a specific order of application, in which event payments and collections will be applied as mandated by Applicable Law. Any such credit, and all other proceeds of any Foreclosure Sale shall be applied to the Secured Obligations in any order Beneficiary may choose.

21. **Additional Rights.** In addition to the rights and powers given to Beneficiary or Beneficiary under this deed of trust, Beneficiary shall have all such other rights both in law and equity for collection of the indebtedness secured hereby as it would have but for this deed of trust.

22. **Notices.** All notices, approvals, consents, and other communications, under this deed of trust ("Notices") must be given in accordance with and will be subject to the terms and provisions of the Credit Agreement. Notices must be mailed or delivered, if to Grantor, to the address adjacent Grantor's signature below; if to Trustee, to the address in the first paragraph of this deed of trust; if to Beneficiary or Lender, to 12443 Olive Blvd, Suite 50, St. Louis, MO 63141, Attention: Customer Service Representative; if to Secured Parties other than Lender, c/o Rabobank International, 245 Park Avenue, New York, NY 10167, Attention: Customer Service Representative; and in the case of any other Person, to the address designated by that Person in a notice to Grantor, Beneficiary, and Lender.

23. **Request for Notice.** Grantor requests that a copy of any notice of default and any notice of sale be mailed to it at the address specified adjacent to its signature below.

24. **Trustee and Beneficiary.** Without affecting the personal liability of any Person, including Grantor and Borrower, for the payment of the Secured Obligations or the lien of this deed of trust on the remainder of the Property for the unpaid amount of the Secured Obligations: (a) Beneficiary and Secured Parties may from time to time and without notice: (i) release any person liable for payment of any Secured Obligation; (ii) extend the time for payment, or otherwise alter the terms of payment, of any Secured Obligation; (iii) accept additional real or personal property of any kind as security for any Secured Obligation, whether evidenced by deeds of trust, mortgages, security agreements or any other instruments of security; or (iv) alter, substitute or release any property securing the Secured Obligations; and (b) Trustee may perform any of the following acts

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when requested to do so by Beneficiary or a Secured Party in writing: (i) consent to the making of any plat or map of the Property or any part of it; (ii) join in granting any easement or creating any restriction affecting the Property; (iii) join in any subordination or other agreement affecting this deed of trust or the lien of it; or (iv) reconvey the Property or any part of it without any warranty.

25. Exculpation of Trustee and Beneficiary. None of Trustee, Beneficiary or Secured Parties will be directly or indirectly liable to Grantor or any other person as a consequence of any of the following: (a) the exercise of or failure to exercise any rights, remedies or powers granted to it in this deed of trust; (b) any failure or refusal to perform or discharge any obligation or liability of Grantor under any agreement related to the Property or under this deed of trust; or (c) any loss sustained by Grantor or any third party resulting from any failure to lease the Property or from any other act or omission in managing the Property after an Event of Default, unless the loss is caused by the willful misconduct and bad faith of Trustee, Beneficiary or Secured Parties, respectively. GRANTOR HEREBY EXPRESSLY WAIVES AND RELEASES ALL LIABILITY OF THE TYPES DESCRIBED ABOVE, AND AGREES THAT NO SUCH LIABILITY BE ASSERTED AGAINST OR IMPOSED UPON TRUSTEE, BENEFICIARY OR ANY SECURED PARTY.

26. Substitution of Trustee. Beneficiary may substitute a successor to any Trustee named in or acting under this deed of trust in any manner now or later to be provided at Applicable Law.

27. Waiver of Dower, Homestead, and Distributive Share. Grantor relinquishes all right of dower and waives all right of homestead and distributive share in and to the Property. Grantor waives any right of exemption as to the Property.

28. Waiver of Certain Other Laws. To the full extent Grantor may do so, Grantor agrees that Grantor will not at any time insist upon, plead, claim or take the benefit or advantage of any law now or hereafter in force providing for appraisal, valuation, stay, extension or redemption, and Grantor, for Grantor, and its representatives, successors and assigns, and for any and all persons ever claiming any interest in the Property, to the extent permitted by law, hereby waives and releases all rights of redemption, valuation, appraisal, stay of execution, or notice of election to mature or declare due the whole of the Secured Obligations in the event of foreclosure of the lien created by this deed of trust.

29. Reconveyance. When all Secured Obligations have been paid in full and the Hedging Agreements have been terminated, Trustee shall execute and deliver an instrument reconveying the Property, or so much of it as is then held under this deed of trust, without warranty to the person or persons legally entitled to it. In the reconveyance, the grantee may be described as "the person or persons legally entitled thereto," and the recitals of any matters or facts shall be conclusive proof of their truthfulness. Trustee, Beneficiary and Secured Parties will have no duty to determine the rights of persons claiming to be rightful grantees of any reconveyance of the Property.

30. Additional Provisions. The Secured Obligation Documents state all of the terms and conditions of the parties' agreement regarding the matters mentioned in or incidental to this deed of trust. The Secured Obligation Documents also grant further rights to Beneficiary and Secured Parties and contain further agreements and affirmative and negative covenants by Grantor which apply to this deed of trust and to the Property.

31. Collateral Agency Agreement. This deed of trust is subject to the terms of the collateral agency agreement between the Secured Parties (the "Collateral Agency Agreement").

32. Entire Agreement. This deed of trust and the other Secured Obligation Documents collectively: (i) represent the sum of the understandings and agreements between Beneficiary, Secured Parties and Grantor concerning this credit; (ii) replace any prior oral or written agreements between Beneficiary, Secured Parties and Grantor concerning this credit; and (iii) are intended by Beneficiary, Secured Parties and Grantor as the final, complete and exclusive statement of the terms agreed to by them. In the event of any conflict between this deed of trust and any other agreements required by this deed of trust, this deed of trust will prevail.

33. Other Acts. Grantor shall cooperate with Beneficiary for the purposes of, and perform all acts which may be necessary or advisable to perfect any lien provided for in this deed of trust or to carry out the intent of this agreement. Promptly (but in no event more than ten days) after request by Beneficiary, Grantor will execute, acknowledge and deliver any document which Beneficiary deems necessary or advisable for these purposes, and will, on demand, pay any expenses incurred by Beneficiary in the preparation, execution and filing of any such documents.

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34. **No Waiver or Cure.** Each waiver by Trustee, Beneficiary or Secured Parties must be in writing, and no waiver is to be construed as a continuing waiver. No waiver is to be implied from any delay or failure by Trustee, Beneficiary or Secured Parties to take action on account of any default of Grantor. Consent by Trustee, Beneficiary or Secured Parties to any act or omission by Grantor must not be construed as a consent to any other or subsequent act or omission or to waive the requirement for Trustee's, Beneficiary's or Secured Parties' consent to be obtained in any future or other instance. The exercise by Trustee, Beneficiary or Secured Parties of any right or remedy under this deed of trust or the other Secured Obligation Documents or under Applicable Law, shall not: cure or waive a breach, Event of Default or notice of default under this deed of trust or invalidate any act performed pursuant to any such default or notice; or nullify the effect of any notice of default or sale (unless all Secured Obligations then due have been paid and performed and all other defaults under the Secured Obligation Documents, including any Hedging Agreements, have been cured); or impair the security of this deed of trust; or prejudice Trustee, Beneficiary, Secured Parties or any receiver appointed in accordance with this deed of trust, in the exercise of any right or remedy afforded any of them under this deed of trust; or be construed as an affirmation by Beneficiary or Secured Parties of any tenancy, lease or option, or a subordination of the lien of this deed of trust.

35. **Waivers.** Grantor waives all rights, legal and equitable, it may now or hereafter have to require marshalling of assets or to require upon foreclosure sales of assets in a particular order. Grantor waives presentment, demand, protest, notice of protest and notice of dishonor and waives all exemptions as to the Secured Obligations. Each successor and assign of Grantor, including any holder of a Lien subordinate to this deed of trust, by acceptance of its interest or Lien agrees that it shall be bound by the above waiver, as if it had given the waiver itself.

36. **Joint and Several Obligations.** If Grantor consists of more than one Person, each Grantor (a) acknowledges and undertakes, together with the other Grantors, joint and several liability for the indebtedness, liabilities and obligations of Grantor under this deed of trust; (b) acknowledges that this deed of trust is the independent and several obligation of each Grantor and may be enforced against each Grantor separately, whether or not enforcement of any right or remedy hereunder has been sought against any other Grantor; and (c) agrees that its liability hereunder and under any other Secured Obligation Document shall be absolute, unconditional, continuing and irrevocable. GRANTOR EXPRESSLY WAIVES ANY REQUIREMENT THAT BENEFICIARY OR SECURED PARTIES EXHAUST ANY RIGHT, POWER OR REMEDY AND PROCEED AGAINST THE OTHER GRANTORS UNDER THIS DEED OF TRUST, OR ANY OTHER SECURED OBLIGATION DOCUMENTS, OR AGAINST ANY OTHER PERSON UNDER ANY GUARANTY OF, OR SECURITY FOR, ANY OF THE SECURED OBLIGATIONS.

37. **Binding Effect; Successors and Assigns.** The Secured Obligation Documents shall inure to the benefit of and shall be binding upon the parties and their respective successors and assigns; provided that Grantor shall not assign its rights or obligations hereunder without Secured Parties' consent. However, this Paragraph does not waive the provisions of Section 15; and Grantor shall not assign its rights or obligations hereunder without Beneficiary's and Secured Parties' consent. Beneficiary and Secured Parties may transfer all or any portion of its rights under the Secured Obligation Documents to any other Person. Beneficiary and Secured Parties may disclose to any actual or proposed transferee any information that Grantor has delivered to Beneficiary and Secured Parties in connection with the negotiation of this deed of trust or pursuant to the Secured Obligation Documents; and Grantor shall cooperate fully with Beneficiary and Secured Parties in providing that information to any actual or proposed transferee.

38. **Governing Law.** This deed of trust shall be governed exclusively by the applicable laws of the State of Oregon (the "Governing Law State") without regard or reference to its conflict of laws principles. Grantor understands that the laws of the Governing Law State may differ from the laws of the State where Grantor resides or otherwise is located or where the Property is located. However, Grantor understands, agrees and acknowledges that (a) this deed of trust and the Secured Obligation Documents have significant and substantial contacts with the Governing Law State, (b) it is convenient to Grantor and Lender to select the law of the Governing Law State to govern this deed of trust and the transactions evidenced hereby, (c) the transactions evidenced by the Credit Agreement and this deed of trust bear a reasonable connection to the laws of the Governing Law State, (d) the choice of the internal laws of the Governing Law State was made for good and valid reasons, and (e) the choice of the Governing Law State constitutes good and valuable consideration for Secured Parties to enter into the Secured Obligation Documents and Secured Parties have entered into the Secured Obligation Documents in reliance on this choice.

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39. **Miscellaneous.** This deed of trust may be executed in counterparts, each of which will be an original and all of which together are deemed one and the same instrument. If Grantor is comprised of multiple Persons, any Person comprising Grantor is hereby authorized to bind all parties comprising Grantor. Beneficiary or Secured Parties may, at any time and without notice, waive any prior requirement that requests, authorizations, or other actions be taken only by a Designated Person. Time is of the essence of this deed of trust. Each Party has participated in negotiating and drafting this deed of trust, so if an ambiguity or a question of intent or interpretation arises, this deed of trust is to be construed as if the parties had drafted it jointly, as opposed to being construed against a Party because it was responsible for drafting one or more provisions of this deed of trust. Beneficiary is authorized to execute any other documents or take any other actions necessary to effectuate this deed of trust and the consummation of the transactions contemplated herein. This deed of trust may not be amended, changed, modified, altered or terminated without the prior written consent of Beneficiary and Secured Parties. Any provision of any Secured Obligation Document which is prohibited or unenforceable in any jurisdiction shall, as to that jurisdiction, be ineffective to the extent of such prohibition or unenforceability without invalidating the remaining provisions of that Secured Obligation Document or affecting the validity or enforceability of that provision in any other jurisdiction; except that if such provision relates to the payment of any monetary sum, then Beneficiary or Secured Parties may, at its option, declare all Secured Obligations immediately due and payable. No merger shall occur as a result of Beneficiary's or Secured Parties' acquiring any other estate in or any other lien on the Property. All rights and remedies under this deed of trust and the Secured Obligation Documents are cumulative, and the exercise of any one or more of them does not constitute an election of remedies.

40. **INDEMNIFICATION.** GRANTOR SHALL DEFEND, INDEMNIFY AND HOLD TRUSTEE, BENEFICIARY AND SECURED PARTIES AND THEIR OFFICERS, DIRECTORS, EMPLOYEES, PARTNERS, AGENTS AND ATTORNEYS (THE "INDEMNIFIED PERSONS") HARMLESS AGAINST ANY AND ALL LOSSES OF ANY KIND OR NATURE WHATSOEVER THAT MAY BE IMPOSED ON, INCURRED BY, OR ASSERTED AGAINST THE INDEMNIFIED PERSONS ARISING OUT OF CLAIMS ASSERTED AGAINST THE INDEMNIFIED PERSONS AS A RESULT OF TRUSTEE, BENEFICIARY OR SECURED PARTIES BEING PARTY TO THIS DEED OF TRUST OR THE TRANSACTIONS CONSUMMATED PURSUANT TO THIS DEED OF TRUST; except that Grantor shall have no obligation to an Indemnified Person under this section with respect to Losses resulting from the gross negligence or willful misconduct of that Indemnified Person as determined by a court of competent jurisdiction. If and to the extent that an Indemnity is unenforceable for any reason, Grantor shall to make the maximum contribution to the payment and satisfaction thereof which is permissible under Applicable Law. THE PROVISIONS OF ALL INDEMNITIES SHALL SURVIVE THE TERMINATION OF THIS DEED OF TRUST.

41. **WAIVER OF TRIAL BY JURY.** GRANTOR (A) COVENANTS AND AGREES NOT TO ELECT A TRIAL BY JURY IN ANY ACTION OR PROCEEDING FOR THE RESOLUTION OF ANY CONTROVERSY OR CLAIM THAT ARISES OUT OF OR RELATES TO: (I) THIS DEED OF TRUST; OR (II) ANY SECURED OBLIGATION DOCUMENT, WHETHER ARISING IN CONTRACT, TORT OR BY STATUTE (INDIVIDUALLY AND COLLECTIVELY, A "CONTROVERSY OR CLAIM"); AND, (B) TO THE EXTENT PERMITTED BY APPLICABLE LAW, WAIVES ANY RIGHT TO A TRIAL BY JURY IN ANY CONTROVERSY OR CLAIM TO THE EXTENT SUCH RIGHT EXISTS NOW OR IN THE FUTURE. THE PROVISIONS OF THIS SECTION ARE GIVEN KNOWINGLY AND VOLUNTARILY; AND ARE A MATERIAL INDUCEMENT FOR THE SECURED PARTIES ENTERING INTO THE SECURED OBLIGATION DOCUMENTS.

42. **Review of Statutory Requirements.** Grantor represents to Beneficiary and Secured Parties that Grantor has reviewed the following statutory requirements and has reviewed with or had the opportunity to review same with counsel of Grantor's choosing:

(A) **LAND USE.** BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 197.352. 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 APPROVED USES, 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 197.352.

(B) **STATUTE OF FRAUDS.** UNDER OREGON LAW, MOST AGREEMENTS, PROMISES, AND COMMITMENTS MADE BY BENEFICIARY CONCERNING LOANS AND OTHER CREDIT EXTENSIONS WHICH ARE NOT

FOR PERSONAL, FAMILY, OR HOUSEHOLD PURPOSES OR SECURED SOLELY BY GRANTOR'S/BORROWER'S RESIDENCE MUST BE IN WRITING, EXPRESS CONSIDERATION, AND BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF BENEFICIARY TO BE ENFORCEABLE.

(C) **WARNING.** UNLESS YOU PROVIDE US WITH EVIDENCE OF THE INSURANCE COVERAGE AS REQUIRED BY OUR CONTRACT OR LOAN AGREEMENT, WE MAY PURCHASE INSURANCE AT YOUR EXPENSE TO PROTECT OUR INTEREST. THIS INSURANCE MAY, BUT NEED NOT, ALSO PROTECT YOUR INTEREST. IF THE COLLATERAL BECOMES DAMAGED, THE COVERAGE WE PURCHASE MAY NOT PAY ANY CLAIM YOU MAKE OR ANY CLAIM MADE AGAINST YOU. YOU MAY LATER CANCEL THIS COVERAGE BY PROVIDING EVIDENCE THAT YOU HAVE OBTAINED PROPERTY COVERAGE ELSEWHERE.

YOU ARE RESPONSIBLE FOR THE COST OF ANY INSURANCE PURCHASED BY US. THE COST OF THIS INSURANCE MAY BE ADDED TO YOUR CONTRACT OR LOAN BALANCE. IF THE COST IS ADDED TO YOUR CONTRACT OR LOAN BALANCE, THE INTEREST RATE ON THE UNDERLYING CONTRACT OR LOAN WILL APPLY TO THIS ADDED AMOUNT. THE EFFECTIVE DATE OF COVERAGE MAY BE THE DATE YOUR PRIOR COVERAGE LAPSED OR THE DATE YOU FAILED TO PROVIDE PROOF OF COVERAGE.

THE COVERAGE WE PURCHASE MAY BE CONSIDERABLY MORE EXPENSIVE THAN INSURANCE YOU CAN OBTAIN ON YOUR OWN AND MAY NOT SATISFY ANY NEED FOR PROPERTY DAMAGE COVERAGE OR ANY MANDATORY LIABILITY INSURANCE REQUIREMENTS IMPOSED BY APPLICABLE LAW.

Grantor is signing this deed of trust effective as of the day and year first written above.

GRANTOR

CROSBY LAND CO., LLC, an Oregon limited liability company

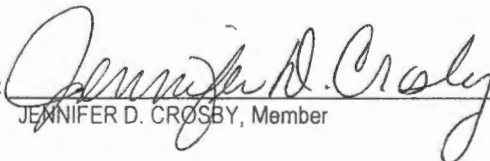
Address for notices:

7798 Crosby Road Northeast  
Woodburn, OR 97071

By:

  
\_\_\_\_\_  
KEVIN W. CROSBY, Member

By:

  
\_\_\_\_\_  
JENNIFER D. CROSBY, Member

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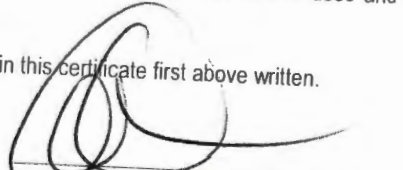
STATE OF OREGON \_\_\_\_\_ )  
COUNTY OF Marion \_\_\_\_\_ )

SS:

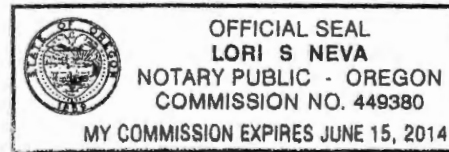
I, LORENEVA, a Notary Public in and for said County and State, do hereby certify that on this 20 day of July, 2012, personally appeared before me the within named \_\_\_\_\_ to me known to be the individual(s) described in and who executed and whose name(s) is (are) subscribed to the within and foregoing instrument, and duly acknowledged to me that they signed and executed the same as their free and voluntary act and deed, for the uses and purposes therein mentioned.

GIVEN under my hand and official seal, the day and year in this certificate first above written.

(SEAL)

  
Notary Public

My commission expires:



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EXHIBIT A

Kevin Crosby  
DEED OF TRUST, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT

Legal Description of Real Estate

Marion County, Oregon

PARCEL I:

Tract 1:

Beginning on the South boundary of the Donation Land Claim of Matthew McCormick and wife, located in Township 4 and 5 South of Range 2 of Willamette Meridian, at a point which is South 66°45' East 85.41 chains from the Southwest corner of said Donation Land Claim, and South 66°45' East 47.66 chains from the Southeast corner of Mrs. Forcler's 45 acre tract of land; and running thence North 23°15' East 19.48 chains; thence South 60°56' East 11.41 chains to the middle of the County Road; thence South 22° West 3.79 chains; thence South 28°15' West 10.88 chains to the middle of the County Road; thence North 89° West 9.85 chains to angle in the South boundary of said Donation Land Claim; thence North 66°45' West 1.51 chains to the point of beginning, situated in Marion County, Oregon.

Tract 2:

Beginning at the Northeast corner of the Louis Vandall Donation Land Claim No. 64, in Township 5 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence South 23°55' West 19.88 chains; thence North 66°35' West 15.76 chains to the West line of the lands formerly owned by Esther Lemery; thence North 23°57' East, on said West line, to the Easterly line of the O.E.R.R., as now laid out and established across said Lemery lands; thence Northeasterly, on said right of way, to the Northerly line of the Louis Vandall Donation and Claim; thence South 66°35' East, on the North line of said Donation Land Claim, to the point of beginning.

SAVE AND EXCEPT that portion conveyed to Crosby Hop Farm, Inc., by Deed recorded July 18, 1972, in Volume 730, Page 671, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT:

Beginning at a point in the center of the County Road, North 23°55' East 5.45 chains and North 54°27' East 2.19 chains from the Southwest corner of the Francis Ploudre Donation Land Claim; thence South 54°27' West 2.19 chains; thence North 23°55' East, along the Easterly line of the Louis Vandall Donation Land Claim, to the Northerly line of that parcel conveyed to Jack L. Webb and Alice Webb by Deed recorded July 27, 1972, in Volume 731, Page 383, Deed Records; thence North 66°35' West, along said Northerly line, 182.75 feet; thence North 23°55' East 149.00 feet; thence South 66°35' East to the center of the County Road; thence South 65°25' West to the point of beginning.

Tract 3:

Beginning at a point in the center of the County Road, North 23°55' East 5.45 chains from the Southwest corner of the Francis Ploudre Donation Land Claim; thence North 54°27' East 2.19 chains; thence North 65°25' East 3.30 chains; thence North 71°25' East 3.20 chains; thence Northeast in the center of the County Road to a point crossed by the Southern line of Josephine Hill tract; thence North 89°15' West to the Eastern line of Louis Vandall Donation Land Claim; thence South 23°55' West 7.61 chains to the place of beginning, in Marion County, Oregon.

SAVE AND EXCEPT that portion conveyed to Edgar W. Crosby and Kevin Crosby, each an undivided one-half interest, by Deed recorded April 27, 1983, in Reel 309, Page 367, Marion County Records.

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Tract 4:

Beginning at a point on the West line of the Donation Land Claim of Francis Ploudre, 7.88 chains South 23°55' West from the Northwest corner of said Claim, in Township 5 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence South 89°15' East 17.24 chains, parallel to the North line of the Francis Ploudre Claim, to the West line of Elenora Plenker's land; thence South 0°38' West 5.59 chains; thence North 89°15' West 19.64 chains to the West line of the Francis Ploudre Claim, and parallel to the North line of said Claim; thence North 23°55' East 6.09 chains to the place of beginning.

Tract 5:

Beginning at a point 15.80 chains South 0°20' West and 28.50 chains West from the Northeast corner of the Donation Land Claim of Francis Ploudre in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 0°38' East 3.33 chains; thence North 89°15' West 12.69 chains to the middle of the County Road; thence South 35° West 3.92 chains, along the middle of the said County Road, to an iron bar on the Southern boundary of the Joseph Lemery Estate; thence South 89°42' East 3.20 chains; thence South 71°35' West 0.87 of a chain; thence East 12.51 chains to the place of beginning.

PARCEL II:

Beginning at the Northwest corner of the Francis Ploudre Donation Land Claim No. 83 in Township 5 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence South 89°15' East, along the North line of said Claim, 14.12 chains to the Northeast corner of Lot 7 of the subdivision of the Joseph Lemery Estate; thence South 0°38' West, along the East line of said Lot, 7.24 chains to the Southeast corner of said Lot; thence North 89°15' West, along the South line of said Lot, 17.24 chains to the West line of the said Donation Land Claim; thence North 23°55' East 7.88 chains to the place of beginning, and being a part of the Francis Ploudre Donation Land Claim No. 83 in Township 5 South, Range 2 West, Willamette Meridian, Marion County, Oregon.

PARCEL III:

Beginning at the Northeast corner of the Francis Ploudre Donation Land Claim in Township 5 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence North 89°15' West 28.41 chains, along the North line of the said Francis Ploudre Claim; thence South 0°38' West, along the center line of a 30.00 foot road, 16.155 chains to an iron pipe on the North line of the tract conveyed to Emma Van Derhoef, by instrument filed as Document No. 4610 in the Marion County, Oregon, Registry System; thence East, along the North line of said Van Derhoef tract, 28.50 chains to an iron pipe on the East line of said Claim, 15.80 chains from the Northeast corner of said Claim; thence North 0°20' East, along the East line of said Donation Land Claim, 15.80 chains to the place of beginning, in Marion County, Oregon.

PARCEL IV: Beginning at an iron pipe set at the Southwest corner of the Donation Land Claim of Matthew McCormick and wife, same being Claim No. 94, in Township 5 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; and from thence running North, along the East boundary of said Claim, 6.60 chains; thence North 89°26' West, parallel with the South boundary of said Claim, 29.29 chains to the center line of the County Road; thence South 27°45' West, along the center line of said road, 7.46 chains to the South boundary of said Donation Land Claim; thence South 89°26' East 32.72 chains to the point of beginning.

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PARCEL V:

Beginning at the Northwest corner of that certain tract of land described in Volume 280, Page 341 of the Marion County, Oregon, Deed Records, said point of beginning being also the Northwest corner of the Joseph Barnabie Donation Land Claim No. 50 in Section 22, Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence South 66°37' East, along the North line of the above mentioned tract, which is also the North line of the said Barnabie Claim, 1426.10 feet to a 3/4 inch iron pipe; thence South 8°33' West 1 654.23 feet to a point which is North 66°49' West 1733.00 feet from the most Westerly Southeast corner of the above mentioned tract, said corner marked with an iron pipe; thence North 66°49' West, along a fence line, 1 437.50 feet to an iron bolt; thence North 21°49' West 69.52 feet to an iron rod; thence North 66°39' West, parallel to the abovementioned fence line, 442.38 feet to an iron pipe on the West line of Joseph Barnabie Donation Land Claim, said iron pipe being South 26°07' West 312.35 feet from the Northeast corner of the Hercules Lebrun Donation Land Claim No. 59, in the above mentioned township and range; thence North 26°07' East, along the West line of the Barnabie Claim; 1557.77 feet to the point of beginning.

ALSO:

A 25 foot strip of land for roadway purposes only, described as follows: Beginning at the Northeast corner of the above described tract; thence South 66°37' East, along the North line of that certain tract of land described in Volume 280, Page 341 of the Marion County Deed Records, to the Northeast corner thereof; thence South 26°07' West, along the East line of said tract, 25.02 feet; thence North 66°37' West, parallel to the above mentioned North line, and 25 feet from said North line, 4871.32 feet to the East line of the above mentioned tract; thence North 8°33' East 25.90 feet to the point of beginning.

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EXHIBIT B

Kevin Crosby  
DEED OF TRUST, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT

**Additional Property**

associated with deed of trust by Crosby Land Co., LLC on land located in Marion County, Oregon

(list specific additional Property, if any)

(a) all buildings, structures, improvements, fixtures, attachments, appliances, equipment, machinery and other articles now or hereafter erected on, affixed or attached to, or located in or on the real estate and any interest in the real estate located in Marion County, Oregon, and described in EXHIBIT A (the "Land"), including all watering and irrigation apparatus, pumps, motors, generators, pipes, center pivot irrigators and sprinklers, windmills, and fences (the "Improvements");

(b) all easements, rights-of-way and rights appurtenant to the Land or used in connection the Land or as a means of access thereto ("Easements");

(c) the ground water on, under, pumped from or otherwise available to the Collateral or any drainage, retention, ditch, canal, reservoir, or other water rights, whether as a result of overlying groundwater rights, contractual rights, or otherwise and whether riparian, appropriative, or otherwise; the right to remove or extract any such ground water including any permits, rights or licenses granted by any nation or government, any state or other political subdivision thereof, any agency, authority, instrumentality, regulatory body, court, administrative tribunal, central bank or other entity exercising executive, legislative, judicial, taxing, regulatory or administrative powers or functions of or pertaining to government ("Governmental Authority") and any rights granted or created by any easement, covenant, agreement or contract with any Person; and any rights to which the Collateral or Debtor is entitled with respect to surface water, whether such rights are appropriative, riparian, prescriptive or otherwise and whether or not pursuant to historical use, contractual agreement, permit or other governmental authorization; any water right, water allocation for water not yet delivered, distribution right, delivery right, any proscriptive, contractual, easement or other rights necessary or convenient to convey any water to the Collateral, water storage right, or other water-related entitlement appurtenant to or otherwise applicable to the Collateral by virtue of the Collateral being situated within the boundaries of any governmental water district irrigation district or other local agency or within the boundaries of any private water company, mutual water company, or other non-governmental entity (collectively, "Water Rights") that are appurtenant to the land are Claim CR-924 also referred to as Certificate CR-897 and Certificate 55142; Certificates 39689 and 21293; and personal property by Permit G13817;

(d) all other tenements, hereditaments and appurtenances to the Land;

(e) minerals, oil, gas, and other hydrocarbon substances, minerals, mineral interests, royalties, overriding royalties, production payments, net profit interests and other interests and estates in, under and on the Land and other oil, gas and mineral interests with which any of the foregoing interests or estates are pooled or unitized (the "Mineral Rights");

(f) timber now or hereafter standing or cut;

(g) leases, subleases, licenses, occupancy agreements, concessions and other agreements, granting a possessory interest in and to, or the right to extract, mine, reside in, sell, or use the Collateral (collectively, the "Leases");

(h) all utility contracts, maintenance agreements, management agreements, service contracts and other agreements directly related to the operation and maintenance of the Collateral;

i) all bushes, groves, trees, plants, vines or other plantings, upon or under the Land ("Plantings");

(j) any shares, or any rights under such shares, of any private water company, mutual water company, or other non-governmental entity pursuant to which Debtor or the Collateral may receive water (collectively, the "Water Stock") and any

Kevin Crosby  
deed of trust, Assignment of Rents, Security Agreement,  
Fixture filing and Request for Notice

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other certificated and uncertificated securities, securities entitlements, securities accounts and commodities accounts, including all stock, bonds and commodities contracts, or other investment property described in EXHIBIT C;

(k) working drawings, instructional manuals, and rights in processes directly related to the operation of the Collateral, and all other general intangibles described in EXHIBIT C;

(l) other tangible personal property of every kind and description, whether stored on the Land or elsewhere, including all goods, materials, supplies, tools, books, records, chattels, furniture, machinery and equipment (except motor vehicles, trailers, and planting, tillage and harvesting equipment rolling stock) or which is in all cases (i) directly related to the operation of the Collateral or acquired in connection with any construction or maintenance of the Land or the Improvements, (ii) affixed or installed, or to be affixed or installed, in any manner on the Land or the Improvements, or (iii) described in EXHIBIT C;

(m) all permits and licenses relating or pertaining to the use or enjoyment of the Collateral;

(n) proceeds of and any unearned premiums on any insurance policies covering the Collateral, including the right to receive and apply the proceeds of any insurance, judgments, or settlements made in lieu thereof, for damage to the Collateral (the "Insurance Claims");

(o) all awards made for the taking by condemnation or the power of eminent domain, or by any proceeding or purchase in lieu thereof, of the whole or any part of the Real Estate (the "Condemnation Awards");

(p) money or other personal property of Debtor in addition to the foregoing deposited with or otherwise in Beneficiary's, Trustee's or Secured Parties possession;

(q) rights and interests under any interest rate swap, interest rate caps, interest rate collars or other similar agreement between Borrower and a Swap Counterparty, for the purpose of fixing or limiting interest expense, or any foreign exchange, currency hedging, commodity hedging, security hedging or other agreement between Grantor, Kevin William Crosby, Jennifer Doreen Crosby and K.W. Crosby, Inc. and Secured Parties or any of their affiliates, for the purpose of limiting the market risk of holding currency, a security or a commodity in either the cash or futures markets, including all rights to the payment of money from Secured Parties or trustee under any deed of trust granted to Secured Parties (the "Trustee") Trustee under the Hedging Agreements; and all accounts, deposit accounts, and general intangibles, including payment intangibles, described in any of the Hedging Agreements;

(r) all other real or personal property described in EXHIBIT C;

(s) the right, in the name and on behalf of Debtor, upon notice to Debtor, to appear in and defend any action or proceeding brought with respect to the Collateral and to commence any action or proceeding to protect the interest of Trustee, Beneficiary or Secured Parties in the Collateral; and

(t) substitutions, replacements, additions, accessions and proceeds for or to any of the foregoing, and all books, records and files relating to any of the foregoing, including, without limitation, computer readable memory and data and any computer software or hardware reasonably necessary to access and process such memory and data.

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EXHIBIT C

Kevin Crosby  
DEED OF TRUST, ASSIGNMENT OF RENTS AND SECURITY AGREEMENT

**Additional Property**

associated with deed of trust by Crosby Land Co., LLC on land located in Marion County, Oregon

Claim CR -924, also referred to as Certificate CR-897 and Certificate 55142;  
Certificates 39689 and 21293; and  
Personal Property Permit # G13817.

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# Completion Checklist for CWRE Claims of Beneficial Use

Application # G14965  
Permit # G13817  
Transfer # ---  
Date 2-27-09  
Reviewer CJ.



Date Received 2/26/2009  
CWRE Name Cosbey Boatwright  
Claim Logged 2-26-09  
File Marked \_\_\_\_\_  
Oversized Map # \_\_\_\_\_  
Read and attach copy of permit or transfer

Postcard mailed 2/26/09

## Map Review:

- Map on polyester film
- Application & permit #; or transfer #
- Disclaimer
- North arrow
- CWRE stamp and signature
- Appropriate scale (1" = 1320', 1" = 400', or the original full-size scale of the county assessor map)
- Township, range, section, and tax lot numbers
- Source illustrated if surface water
- Point(s) of diversion or appropriation (illustrated)
- Point(s) of diversion or appropriation (coordinates)
- Conveyance structures illustrated (pump, pipelines, ditches, etc.)
- Description of the location, in relation to the point of diversion or appropriation, of any fish screens, by-pass devices, and measuring devices required
- Place of use (1/4 1/4, or projected 1/4 1/4 lines within DLCs, or Gov Lots; if irrigation, # of acres in each subdivision; if for domestic or human consumption, location of dwelling or spigot)
- Checked to legal description

## Report Review:

- On form or format provided by the Department
- Application & permit #; or transfer #
- County
- Tax lot information
- Date of survey
- Person interviewed
- Ownership information
- Source(s) of water
- Point of diversion/appropriation location
- Use, period of use, and rate for use
- Place of use location
- Type of use
- Extent of use
- Rate and Duty
- Diversion rate for each use
- Description of conveyances system (from POD to POU)
- Diversion works description (pump make, serial model, capacity, and description)
- System capacity
  - Calculated capacity of system (required)
  - Measured amount of use (optional)
- Permit conditions
  - Time limits
  - Initial water level measurements
  - Annual static water level measurements
  - Measurement, recording, and reporting
    - Meter/measuring device
    - Water use reporting
  - Fish screening and/or by-pass
  - Pump test (ground water)
  - Other conditions

- CWRE stamp and signature
- Signature(s) of permittee of transfer holder



# Certificate Issuance Processing Checklist

- Map and COBU reviewed
- Conflict check (include copy of plat card printout)
- Check current ownership

Any Conflicts? \_\_\_\_\_

## Staff Recommendations:

\_\_\_\_\_ Proof to the Satisfaction has been established to the full extent as described in the permit or transfer order.

\_\_\_\_\_ Proof to the Satisfaction has been not been established to the full extent as described in the permit or transfer order and the right should be limited as follows: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_ Proof to the Satisfaction has not been established for the following reasons: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Proposed Actions:

Send letter requesting the following items/information: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Send letter recommending extension to cure deficiencies: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Can certificate be processed further?

\_\_\_\_\_ Yes

If "Yes":

\_\_\_\_\_ Proposed  
\_\_\_\_\_ Final

Certificate # \_\_\_\_\_

Mailing list:

Proposed:

Final:

## CLAIM OF BENEFICIAL USE

The completion of this form is required by OAR 690-014-0100(1) and 690-014-0110(4).

Please type or print in dark ink. If this form is found to contain errors or omissions, it may be returned to you. Every numbered item must have a response. If any requested information does not apply to the Claim, insert "n/a." Do not delete any section of this form unless directed by the form. The Department may require the submittal of additional information from any water user or authorized agent. **A separate form shall be completed for each permit or transfer final order.**

### I. General Information

1. File Information

Application Number (G, R, S or T)	Permit Number (if applicable)
G-14965 and T-8858 (Permit Amendment)	G-13817

2. Property owner (current owner information)

a. Individuals

Name	Kevin Crosby	
Mailing Address	PO Box 70	
City/State/Zip	Woodburn, Oregon 97071	
Phone #	503-981-9088	
Fax #	-----	
e-mail address	-----	

b. Businesses/Organizations

Name	N/A	
Contact Person and Title		RECEIVED
Mailing Address		FEB 26 2009
City/State/Zip		WATER RESOURCES DEPT
Phone		SALEM, OREGON
Fax		
e-mail		

If the current property owner is not the permittee or transfer holder of record, it is recommended that an assignment be filed with the Department. The COBU must be signed by the permit/transfer holder of record.

3. Permittee / Transferee of record (this may, or may not, be the current property owner)

c. Individuals

	Individual 1	Individual 2
Name	N/A	
Mailing Address		
City/State/Zip		

d. Businesses/Organizations

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	

4. Date of Site Inspection: June 22, 2006 and March 22, 2008

5. Person(s) interviewed and description of their association with the project:

Name	Date	Association with the project
Kevin Crosby	6-22-2006	Owner

6. County:

7. Tax Lot Information:

Tax map number	Tax lot number
4 2W 27	100

8. If any property described in the place of use of the permit or transfer final order is excluded from this report, identify the owner of record for that property (ORS 537.230(3)):

\*\*Mark "NA" if there are no owners of property not included in this claim

Name	N/A
Contact Person and Title	
Mailing Address	
City/State/Zip	
Phone #	

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## II. Points of Diversion/Appropriation and Place of Use

For each point of diversion or appropriation, provide the following information. If the claim is for more than one point of diversion/appropriation, copy and complete this section for each point of diversion or appropriation.

1. Provide a general narrative description of the distribution works. This description must trace the water system from the point of diversion or appropriation to and include the place of use:

8-inch well with casing 1.80 ft above ground at northwest edge of field. Meter adjacent to well. 6-inch aluminum line runs along the north edge of field; a buried, 6-inch PVC runs southwest, down the middle of the field.

2. Point of diversion/appropriation name or number (correspond to map):

Point of diversion/appropriation name or number (correspond to map)	Well log ID # for all work performed on the well (if applicable)	Well tag # (if applicable)
Well	MARI 55956	L-30623

Attach each well log available for the well (include the log for the original well and any subsequent alterations, reconstructions, and deepenings)

3. Point of diversion/appropriation source and, if from surface water, the tributary:

Source	Tributary to
Well	Champoeg Creek Basin

4. Point of diversion/appropriation location:

(DLC, Government Lot, 1/4 1/4, Section, Township, Range)	Reference to a recognized public land survey corner by distance and bearing or by coordinates
NE Cor Hercules LeBrun DLC No 59	692' North and 632' East

5. Actual use(s), period of use, and rate for each use:

Uses	If irrigation, list crop type	When water is used	Rate for use
Irrigation	Grass Seed	Early spring	1.05
Irrigation	Hops - 30 ac	June, July, August	1.05

**Total Quantity of Water** 1.05

6. Place of use for the point of diversion or appropriation:

DLC	Gov lot	1/4 1/4	Section	Township	Range	Use	# of primary acres	# of supplemental acres
50	---	SW, SE	22	4s	2w	IR	0	4.1
50	---	SE, SE	22	4s	2w	IR	0	4.1
50	---	NE, NE	27	4s	2w	IR	0	21.2
50	---	NW, NE	27	4s	2w	IR	0	21.3
50	---	SE, NE	27	4s	2w	IR	0	0.7

**Total Acres Irrigated** 51.4 supplemental

**Groundwater Source Information (Well and Sump)**

\*\*If the appropriation is not from ground water (well or sump), this section, items 1-5, can be deleted.

1. Describe the access port (type and location) or other means to measure the water level in the well in the box below:

1-inch port on top of well

2. If well logs are not available, provide as much of the following information as possible:

Casing Diameter	Casing Depth	Total Depth	Completion Date of Original Well	Completion Dates of Alterations	Who the well was drilled for	Well drilled by
8"	196'	197'	7-23-2001	N/A	Kevin Crosby	Ivan Grossen

In addition to the information requested in item "2" above, provide any other information which may help the Department locate any well logs associated with this appropriation.

None

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**System Information:**

Provide the following information concerning the diversion and delivery system. Trace the flow of water from the point of diversion/appropriation to the place of use.

1. Pump information

Brand	Model	Serial Number	Type (centrifugal, turbine or submersible)	Intake size	Discharge size
Unknown	Unknown	Unknown	Submersible	Unknown	4-inch

2. Motor information

Brand	Model	Horsepower	Max RPM	Voltage
Unknown	Unknown	40	Unknown	220

3. Meter information (if required in permit or transfer final order)

Make	Serial #	Condition (working or not)	Current meter reading	Notes
Micrometer	06-10138-06	Working	145480 x 100 gallons	Next to well (MARI 55956, L-30623)

4. Measurement device description

Device description	Condition (working or not)	Notes
N/A		

5. Measured pump capacity (using meter if meter was present and system was operating)

Initial meter reading	Ending meter reading	Duration of time observed	Total pump output
System not operating	---	---	---

6. Theoretical pump capacity

Horsepower	Operating psi	Lift from source to pump *If a well, the water level during pumping (see pump test results)	Lift from pump to place of use	Total pump output
40	N/A w/ booster pump	50' ±	10'	1.05 cfs

7. Provide pump calculations in the box below:

Pump:  $\frac{40 (7.04)}{60+90(231)} = 1.05 \text{ cfs}$

With booster, neglect line loss.

Sprinkler: 1.3 nozzle  
80 psi 475 gpm = 1.06 cfs

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8. Mainline information

Mainline size	Length	Type of pipe	Buried or above ground
6"	320'	Aluminum	Above ground
6"	1440'	PVC	Buried

9. Lateral or handline information

Lateral or handline size	Length	Type of pipe	Buried or above ground
4"	200'	PE	On reel

10. Sprinkler information Make and model:

Make	Model	Size	Operating psi	Sprinkler output	Maximum number used	Total sprinkler output
Big Gun	150T	1.3"	90 psi	475 gal	One	475 gpm

Refer to the chart of sprinkler output at various pressures for most nozzle sizes attached to this document.

$$Q_{\text{sprinklers}} = (\text{max \# heads})(\text{gpm/head}) = \text{cfs}$$

$$448.8 \text{ gpm/cfs}$$

11. **Additional notes or comments related to the system:**

Big Gun 150T rented from Ernst Hardware  
 SN 01 27368 01 with Cornell booster pump 3R-2-LR

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**III. CONDITIONS**

Please pay special attention to this section. All conditions contained in the permit or transfer final order shall be addressed. Reports that do not address all performance related conditions will be returned.

**1. Time Limits:**

a. Permits or transfer Final Orders contain any or all of the following dates; the date when the actual construction work was to begin, the date when the construction was to be completed, and the date when the complete application of water to the proposed use is to be completed by. These dates may be referred to as ABC dates. Describe how the water user has complied with each of the development timelines established in the permit or transfer final order:

	Dates from permit or transfer final order	Date accomplished	Description of actions taken by water user to comply with the time limits
Begin construction	May 31, 2001	May 9, 2001	Constructed Well
Complete construction	October 1, 2007 Time Extension	October 28, 2006	System same as used under Appl. S-45739, Flow meter installed 10-28-06
Complete application of water	October 1, 2007 Time Extension	October 1, 2007	Water applied to all of irrigated area after all conditions met.

**2. Initial Water Level Measurements:**

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit an initial static water level measurement? **YES**

b. What month was the initial measurement to be taken in? **March**

c. Did an authorized individual (as stated in the permit or transfer final order) make the initial static water level measurement in the month required?  
**YES**

d. If "YES", was the measurement submitted to the Department? **YES**

e. If the initial measurement not been submitted, provide that measurement now if available:

Date of measurement	Who made measurement	Method	Measurement
N/A			

**3. Annual Static Water Level Measurements:**

\*\*If the Claim is for surface water or a reservoir, or if the water user was not required to submit static water level measurements, items b through e relating to this section can be deleted.

a. Was the water user required to submit annual static water level measurements? **YES**

b. In the box below, provide the month in which the static water level was to be made:

**March**

c. Were the static water level measurements taken in the month required? **YES**

d. If "YES", were those measurements submitted to the Department? **YES**

e. If the annual measurements were not submitted, provide the measurements now in the box below:

Year	Month	Measurement made by	Measurement
N/A			

**4. Measurement, recording, and reporting conditions:**

a. Does the permit or transfer final order require the installation of a meter or approved measuring device?  
**YES**

If a meter or approved measuring device was required, the COBU map must indicate the location of the device in relation to the point of diversion or appropriation.

\*\*If "NO", items b through g relating to this section can be deleted.

b. Has a meter been installed? **YES**

c. Provide the date the meter was installed:

Electrical meter, pre-existing from Application S-45739, was replaced October 28, 2006 with flow meter.

d. If a meter has not been installed, has a suitable measuring device been installed and approved by the Department? **NA**

e. If "YES", provide a copy of the letter approving the device, if available. If the letter is not available provide the name and title of the Water Resources Department employee approving the measuring device, and the approximate date of the approval:

Name	Title	Approximate date
N/A		

f. Is the water user required to report the water use to the Department? **NO**

g. Have the reports been submitted? **NA**

If the reports have not been submitted, attach a copy of the reports if available.

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**5. Fish Screening and/or By-pass Devices**

a. Are any points of diversion required to be screened and/or have a by-pass device to prevent fish from entering the point of diversion? **NA**

If fish screening and/or by-pass devices were required, the COBU map must indicate their location in relation to the point of diversion.

**6. Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

6. **Pump Test** (Required for ground permits prior to issuance of a certificate, but not a requirement of permit development)

- a. Did the permit require the submittal of a pump test? **YES**
- b. Has the pump test been previously submitted to the Department? **NO**
- c. Has the pump test been approved by the Department? **NO**
- d. If no, is the pump test attached to this Claim? **NO**

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7. **Other Permit Conditions** (examples: special well construct standards, water conservation plans, no obstructions to fish without a fishway, etc.; number as appropriate.)

- a. (Permit) Well shall be cased and continuously sealed to a minimum depth of 250 feet below land surface. **Complied** - Modified by MEMO dated June 11, 2001 from Marc Norton allowing casing and seal to 168 foot depth.
- b. (Permit Amendment) Water shall be acquired form the same aquifer as the original point of appropriation [Permit - The well cannot be completed in such a manner that it allows groundwater to be developed from the underlying basalt aquifer.] **Complied** – No basalt encountered. See Well Log MARI 55956

**IV. Variations, Attachments, Conclusions, Map and Signatures**

**Variations**

Include a description of variations from the permit or transfer final order

Depth of well casing modified (reduced) per approval from Marc Norton (WRD) dated June 11, 2001.

**Attachments**

If you are attaching any documents to this report, provide a list below:

Attachment name	Description
MARI 55956	Well log for source, Tag L-30623

**Permit and Transfer Final Order Rates and System Rates Comparisons:**

POD or POA name or #	Maximum rate allowed by permit or transfer final order	Calculated theoretical rate of water based on system	Actual amount of water measured (if measured)	Developed use	# of acres allowed by permit or transfer final order	# of acres developed
Well	0.643 or equivalent	1.05 cfs	---	Irrigation	51.4	51.4

**Claim of Beneficial Use Map**

The Claim of Beneficial Use Map must be submitted with this Claim. Claims submitted without the Claim of Beneficial Use map will be returned. The map shall be submitted on poly film at a scale of 1" = 1320', 1" = 400', or the original full-size scale of the county assessor map for the location.

In the following box, provide a general description of the survey method used to prepare the map. Examples of possible methods include, but are not limited to, a traverse survey, GPS, or the use of aerial photos. If the

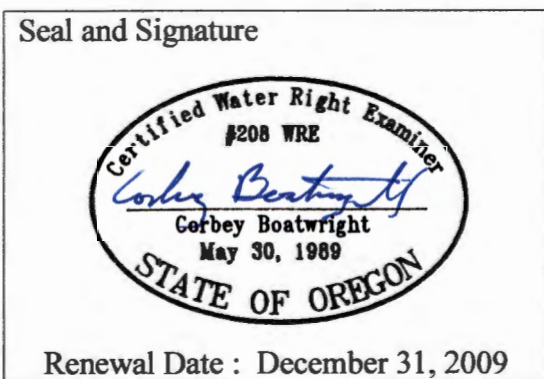


basis of the survey is an aerial photo, provide the source, date, series and the aerial photo identification number.

I made field measurements using a rag tape and a measuring wheel; used the property deed; used the 1852 GLO survey to determine the relationship between the section and quarter section lines and the DLC lines; and, used an aerial photograph dated July 14, 2005 to compare with the field measurements.

CWRE Statement, Seal and Signature

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge.



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Permit or Transfer Holders Signature or Acknowledgement

The facts contained in this Claim of Beneficial Use are true and correct to the best of my knowledge. I request that the Department issue a water right certificate.

Kevin Crosby                      Kevin Crosby                      2-14-09  
Signature                              Print or type name                      Date

STATE OF OREGON  
 WATER SUPPLY WELL REPORT  
 (as required by ORS 537.765)

WELL I.D. # L30623  
 START CARD # 101566

Instructions for completing this report are on the last page of this form.

(1) OWNER: Well Number \_\_\_\_\_  
 Name Kevin Crosby  
 Address 7798 Crosby Rd. NE  
 City Woodburn State OR Zip 97071

(2) TYPE OF WORK  
 New Well  Deepening  Alteration (repair/recondition)  Abandonment

(3) DRILL METHOD:  
 Rotary Air  Rotary Mud  Cable  Auger  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Livestock  Other

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval  Yes  No Depth of Completed Well 196 ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or pounds
16"	0	196	Bentonite	0	9	12 sacks
16"	9	196	Cement & bentonite	9	196	88 sacks cem.

How was seal placed: Method  A  B  C  D  E  
 Other

Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from 166 ft. to 196 ft. Size of gravel 5-8

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: See Below		47		<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"/>
Liner: <u>2 1/2" gravel feed pipe</u>				<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"/>
Liner: <u>from +1 166</u>				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) None

(7) PERFORATIONS/SCREENS:

From	To	Slot size	Number	Diameter	Tube/pipe size	Casing	Liner
<u>+1 1/2</u>	<u>166</u>	<u>8"</u>		<u>10"</u>	<u>pipe</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>166</u>	<u>192</u>	<u>075</u>		<u>10"</u>	<u>p.s.</u>	<input type="checkbox"/>	<input type="checkbox"/>
<u>192</u>	<u>196</u>			<u>10"</u>	<u>pipe</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<u>196</u>	<u>Bottom plate &amp; lift bail</u>					<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

	Pump	Bailer	Air	Flowing Artesian
Yield gals/min	Drawdown	Drill stem at	Time	
<u>400</u>		<u>190</u>		<u>1 hr.</u>

Temperature of water 53 F Depth Artesian Flow Pound \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 County Marion Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township 4S N or S Range 2W E or W. WM.  
 Section 22 SW 1/4 SE 1/4  
 Tax Lot 00100 Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) Arbor Grove Rd. Woodburn

(10) STATIC WATER LEVEL:  
47.6" ft. below land surface. Date 7/23/01  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 69

From	To	Estimated Flow Rate	SWL
<u>69</u>	<u>71</u>	<u>20 gpm</u>	<u>23</u>
<u>156</u>	<u>163</u>	<u>30 gpm</u>	<u>16</u>
<u>168</u>	<u>193</u>	<u>700 gpm</u>	<u>47 1/2</u>

(12) WELL LOG: Ground Elevation \_\_\_\_\_

Material	From	To	SWL
SEE ATTACHED SHEET			
RECEIVED FEB 26 2009 WATER RESOURCES DEPT SALEM, OREGON			
RECEIVED AUG 22 2001 WATER RESOURCES DEPT. SALEM, OREGON			

Date started 5/9/01 Completed 7/23/01  
 (unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 1704  
 Date 8/20/01

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 Signed [Signature] WWC Number 783  
 Date 8/14/01

Kevin Crosby  
 7796 Crosby Road NE  
 Woodburn, OR 97071

Well I.D.# L30623

Start Card # 101566

Marion County Township: 4S Range: 2W Sec: 22 SW1/4, SE1/4

WELL LOG

Material	From	To	SWL
Topsoil	0	1	
Clay	1	9	
Sand, silt, clay brown	9	31	
Clay, silty, brown	31	37	
Clay, grey, sandy	37	43	
Sand and silt, fine, brown	43	45	
Brown sand, gray & brown clay layers	45	54	14'
Clay, dark grey, traces of sand	54	63	
Sand & clay	63	69	23'
Gravel and sand	69	71	23'
Clay, grey, sticky	71	79	
Clay, grey, sandy	79	81	
Sand & clay	81	93	16'
Brown sand & clay	93	97	16'
Clay, blue, sticky	97	102	
Clay, grey, sticky, traces of sand	102	108	
Clay, grey, sandy	108	114	
Sand & clay layers	114	119	16'
Clay, grey, sticky	119	134	
Clay & sand, dark grey	134	156	16'
Sand, coarse, black	156	158	16'
Sand & gravel	158	163	16'
Clay, grey & green	163	165	
Clay, grey	165	168	
Clay & sand layers	168	178	47'
Sand, coarse, black	178	193	47'
Clay, grey, very sticky	193	197	

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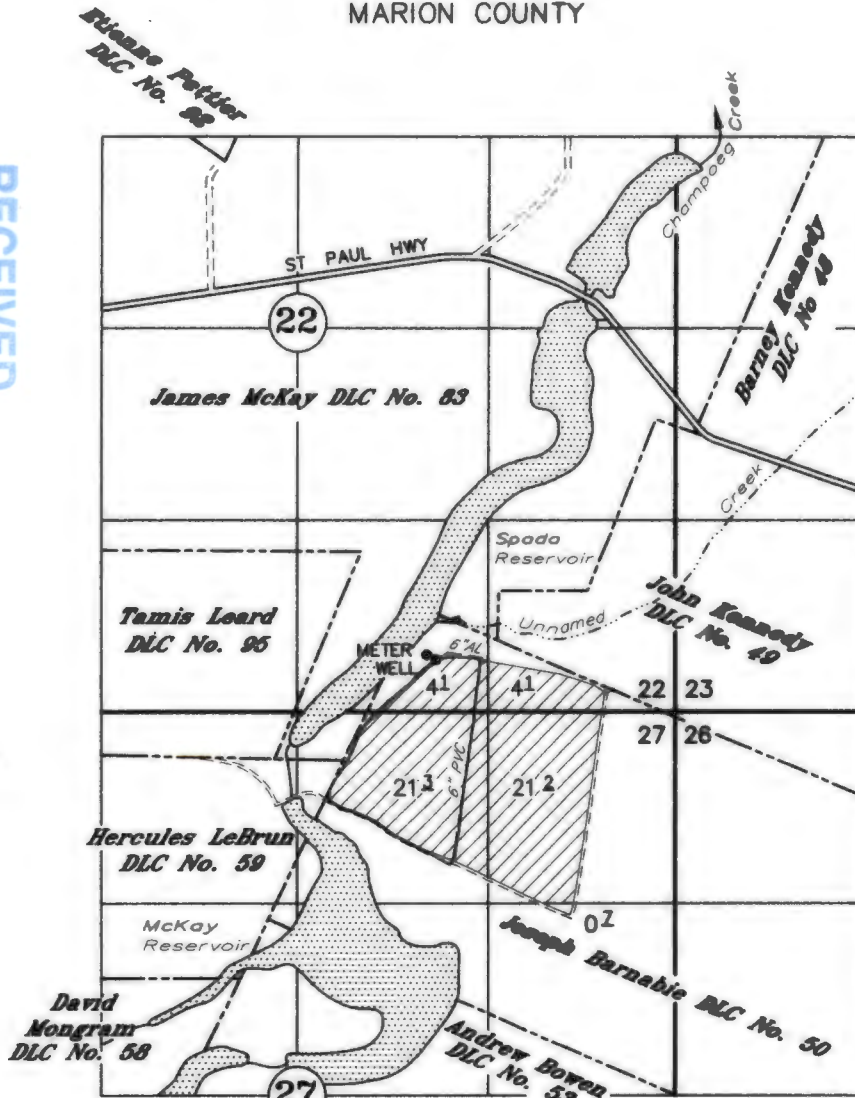
AUG 22 2001

WATER RESOURCES DEPT.  
 SALEM, OREGON

# T 4 S, R 2 W, WM

MARION COUNTY

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 FEB 26 2009  
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 SALEM, OREGON



TAX LOT:  
4 2W 27 100

WELL: 692' N AND 632' E OF THE NE CORNER HERCULES LeBRUN DLC 59

## FINAL PROOF SURVEY UNDER

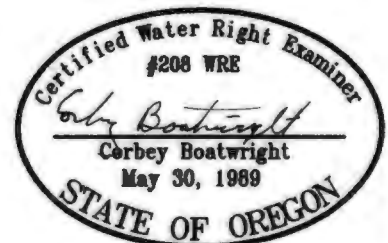
 SUPPLEMENTAL

Application No.	S-25725 S-45739 G-14965	Permit No.	S-20143 S-34601 G-13817	Certificate No.	21293 39689	Transfer No.	T-8858
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IN THE NAME OF  
**Kevin Crosby**

JUNE 22, 2006  
MARCH 28, 2008

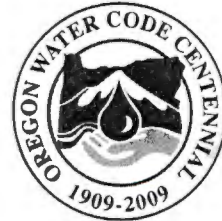
SCALE: 1" = 1320'



NOTE: This map is not intended to provide legal dimensions or locations of property ownership lines.

EXPIRES 12-31-09

Oregon Water Resources Department  
Water Rights Division



Water Rights Application  
Number G-14965

**Final Order**

**Extension of Time for Permit Number G-13817 (modified by Permit Amendment T-8858)**

**Appeal Rights**

**This is a final order in a contested case.** This order is subject to judicial review under ORS 183.484. A request for judicial review must be filed within the 60 day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may either file for judicial review, or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

**Application History**

Permit G-13817 was issued by the Department on May 31, 2000, and modified by Permit Amendment T-8858 on May 24, 2002. The permit called for complete application of water to beneficial use by October 1, 2003. On October 5, 2006, Kevin Crosby submitted to the Department an Application for Extension of Time for Permit G-13817 (modified by Permit Amendment T-8858). In accordance with OAR 690-315-0050(2), on November 11, 2008, the Department issued a Proposed Final Order proposing to extend the time to fully apply water to beneficial use to October 1, 2007. The protest period closed December 26, 2008, in accordance with OAR 690-315-0060(1). No protest was filed.

At time of issuance of the Proposed Final Order the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to no additional conditions.

The applicant has demonstrated good cause for the permit extension pursuant to ORS 537.630, 539.010(5) and OAR 690-315-0040(2).

Order

The extension of time for Application G-14965, Permit G-13817 (modified by Permit Amendment T-8858), therefore, is approved. The deadline for applying water to full beneficial use is extended to October 1, 2007.

DATED: January 20, 2009



Dwight French, Administrator of  
Water Rights and Adjudications

for

Phillip C. Ward, Director

- 
- If you have any questions about statements contained in this document, please contact Ann Reece at (503) 986-0827.
  - If you have other questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at (503) 986-0900
-

## Mailing List for Extension FO Copies

Note: Include a copy of the "Important Notice" document along with the original copy of the Final Order being sent to the permit holder.

**FO Date: January 20, 2009**

### Copies Mailed

**Application G-14965**

**Permit G-13817 (modified by Permit Amendment T-8858)**

By: MS  
On: 1/20/09

### Original mailed to permit holder

Kevin Crosby  
PO Box 70  
Woodburn, OR 97071

### Copies sent to:

1. WRD - App. File G-14965/ Permit G-13817 (modified by Permit Amendment T-8858)
2. Jean Boatwright, 2613 12<sup>th</sup> St SE, Salem, OR 97302
3. WRD - Support Staff, Salem...*Permit record update*

### Fee paid as specified under ORS 536.050 to receive copy:

None

### Receiving via e-mail (10 AM day of signature date)

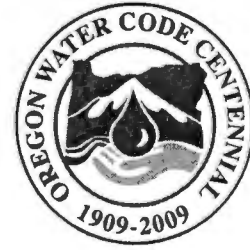
4. WRD - Water Master District 16 - Mike McCord, Salem  
*Done by SB Date 1/20/09*
5. NWR Manager - Bill Ferber (send denial FO's only - does not want to see approvals)

### If Progress Reports are included:

Add record to Progress Report tracking sheet.xls Done: by SPR Date 1/20/09

CASEWORKER: ALR

**Oregon Water Resources Department  
Water Rights Division**



**Application for Extension of Time**

In the Matter of the Application for an Extension of Time )  
for Permit G-13817 (modified by Permit Amendment T-8858), ) PROPOSED  
Water Right Application G-14965 ) FINAL ORDER  
in the name of Kevin Crosby )

---

**Permit Information**

**Application File G-14965 Permit G-13817 (modified by Permit Amendment T-8858)**

Basin: 2 – Willamette / Watermaster District 16  
Date of Priority: April 7, 1999

**Authorized Use of Water**

Source of Water: A Well within the Champoeg Creek Basin  
Purpose of Use: Supplemental Irrigation of 54.1 Acres  
Maximum Rate: 0.642 Cubic Feet per Second (cfs)

---

**This Extension of Time request is being processed in accordance with Oregon Administrative Rule Chapter 690, Division 315**

*Please read this Proposed Final Order in its entirety.*

This Proposed Final Order applies only to Permit G-13817 (modified by Permit Amendment T-8858), water right Application G-14965. A copy of Permit G-13817 and Permit Amendment T-8858) are enclosed as Attachments.



## Summary of Proposed Final Order for Extension of Time

### The Department proposes to:

- Grant an extension of time to apply water to full beneficial use from October 1, 2003 to October 1, 2007.

### ACRONYM QUICK REFERENCE

Department – Oregon Department of Water Resources  
PFO – Proposed Final Order

#### Units of Measure

cfs – cubic feet per second

### AUTHORITY

**Generally, see ORS 537.630 and OAR Chapter 690 Division 315.**

**ORS 537.630(1)** provide in pertinent part that the Oregon Water Resources Department (Department) may, for good cause shown, order an extension of time within which: irrigation or other works shall be completed; the well or other means of developing and securing ground water shall be completed; or the right perfected. In determining the extension, the Department shall give due weight to the considerations described under ORS 539.010(5) and to whether other governmental requirements relating to the project have significantly delayed completion of construction or perfection of the right.

**ORS 539.010(5)** provides in pertinent part that the Water Resources Director, for good cause shown, may extend the time within which the full amount of the water appropriated shall be applied to a beneficial use. This statute instructs the Director to consider: the cost of the appropriation and application of the water to a beneficial purpose; the good faith of the appropriator; the market for water or power to be supplied; the present demands therefore; and the income or use that may be required to provide fair and reasonable returns upon the investment.

**OAR 690-315-0040** provides in pertinent part that the Water Resources Department shall make findings to determine if an extension of time may be approved to complete construction and/or apply water to full beneficial use.

## **FINDINGS OF FACT**

### **Background**

1. Permit G-13817 was granted by the Department on May 31, 2000. The permit authorizes the use of up to 0.642 cfs of water from a well for supplemental irrigation of 54.1 acres. The permit specified complete application of water was to be made on or before October 1, 2003.
2. On May 24, 2002, the Department approved Permit Amendment T-8858 (Special Order Volume 56, Page 407) authorizing a change in the point of appropriation under Permit G-13817.
3. The permit holder submitted an "Application for Extension of Time" to the Department on October 5, 2006 requesting the time to apply water to full beneficial use under the terms and conditions of Permit G-13817 (modified by Permit Amendment T-8858) be extended from October 1, 2003 to October 1, 2007. This is the first permit extension requested for Permit G-13817 (modified by Permit Amendment T-8858).
4. Notification of the Application for Extension of Time for Permit G-13817 (modified by Permit Amendment T-8858) was published in the Department's Public Notice dated September 23, 2008. No public comments were received regarding the extension application.

### **Review Criteria [OAR 690-315-0040]**

*The time limits to complete construction and/or apply water to full beneficial use may be extended if the Department finds that the permit holder has met the requirements set forth under OAR 690-315-0040. This determination shall consider the applicable requirements of ORS 537.230<sup>1</sup>, 537.248<sup>2</sup>, 537.630<sup>3</sup> and/or 539.010(5)<sup>4</sup>.*

### **Complete Extension of Time Application [OAR 690-315-0040(1)(a)]**

5. On October 5, 2006, the Department received a completed Application for Extension of Time and the fee specified in ORS 536.050 from the permit holder.

### **Start of Construction [OAR 690-315-0040(1)(b) and 690-315-0040(5)]**

6. Actual construction of the well began prior to the May 31, 2001 deadline specified in the permit.

---

<sup>1</sup> ORS 537.230 applies to surface water permits only.

<sup>2</sup> ORS 537.248 applies to reservoir permits only.

<sup>3</sup> ORS 537.630 applies to ground water permits only.

<sup>4</sup> ORS 539.010(5) applies to surface water and ground water permits.

**Duration of Extension [OAR 690-315-0040(1)(c)]**

*Under OAR 690-315-0040(1)(c), in order to approve an extension of time for water use permits the Department must find that the time requested is reasonable and the applicant can complete the project within the time requested.*

7. As of October 5, 2006, the remaining work to be completed consists of completing construction of the water system and applying water to full beneficial use.
8. Given the amount of development left to occur, the Department has determined that the permit holder's request to have until October 1, 2007, to accomplish the application of water to beneficial use under the terms and conditions of Permit G-13817 (modified by Permit Amendment T-8858) is both reasonable and necessary.

**Good Cause [OAR 690-315-0040(1)(d)]**

*The Department's determination of good cause shall consider the requirements set forth under OAR 690-315-0040(2).*

**Reasonable Diligence of the Appropriator [OAR 690-315-0040(2)(a)]**

*The Department's determination of reasonable diligence shall consider the requirements set forth under OAR 690-315-0040(3)(a-d). In accordance with OAR 690-315-0040(3), the Department shall consider, but is not limited to, the following factors when determining whether the applicant has demonstrated reasonable diligence in previous performance under the permit:*

**Amount of Construction [OAR 690-315-0040(3)(a)]**

9. Work was accomplished within the time allowed in the permit or previous extension as follows:
  - a. Construction of the well and water system began prior to the May 31, 2001 deadline specified in the permit.
  - b. Work was completed (specified in the Application for an Extension of Time) during the original development time frame under Permit G-13817 (modified by Permit Amendment T-8858).
  - c. Since October 1, 2003 the permit holder has installed a water flow meter.

**Beneficial Use of Water [OAR 690-315-0040(3)(b)]**

10. The following beneficial use was made of the water during the permit or previous extension time limits:
  - a. Since the issuance of Permit G-13817 (modified by Permit Amendment T-8858) on May 31, 2000, a maximum rate of 0.642 cfs of water has been appropriated from the well for supplemental irrigation of 51.4 acres.

Compliance with Conditions [OAR 690-315-0040(3)(c)]

11. The water right permit holder's conformance with the permit or previous extension conditions.
  - a. The Department has considered the permit holder's compliance with conditions, and did not identify any concerns.

Financial Investments [OAR 690-315-0040(3)(d)]

12. Financial investments made toward developing the beneficial water use.
  - a. As of October 5, 2006, the permit holder has invested approximately \$10,000, which is approximately 87 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$1,500 investment is needed for the completion of this project.

Cost to Appropriate and Apply Water to a Beneficial Purpose [OAR 690-315-0040(2)(b)]

13. As of October 5, 2006, the permit holder has invested approximately \$10,000 which is approximately 87 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$1,500 investment is needed for the completion of this project.

Good Faith of the Appropriator [OAR 690-315-0040(2)(c)]

14. The Department has found good faith of the appropriator under Permit G-13817 (modified by Permit Amendment T-8858).

The Market and Present Demands for Water [OAR 690-315-0040(2)(d-e)]

*The Department's determinations of market and present demand for water or power to be supplied shall consider the requirements set forth under OAR 690-315-0040(4)(a-f). In accordance with OAR 690-315-0040(4), the Department shall consider, but is not limited to, the following factors when determining the market and the present demand for water or power to be supplied:*

15. The amount of water available to satisfy other affected water rights and scenic waterway flows; special water use designations established since permit issuance, including but not limited to state scenic waterways, federal wild and scenic rivers, serious water management problem areas or water quality limited sources established under 33 U.S.C. 1313(d); or the habitat needs of sensitive, threatened or endangered species, in consultation with the Oregon Department of Fish and Wildlife [OAR 690-315-0040(4)(a-c)].
  - a. The amount of water available to satisfy other affected water rights and scenic waterway flows was determined at the time of issuance of Permit G-13817 (modified by Permit Amendment T-8858); furthermore, water availability for other affected water rights and scenic waterway flows after the permit was issued is determined at such time that such application for a new water right is submitted. The point of appropriation for Permit G-13817 (modified by Permit

Amendment T-8858), located within the Champoeg Creek Basin, is not located within a limited or critical ground water area. Champoeg Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked "low" for stream flow restoration needs as determined by the Department in consultation with the Oregon Department of Fish and Wildlife, and is located within a Sensitive, Threatened or Endangered Fish Species Area as identified by the Department in consultation with Oregon Department of Fish and Wildlife. Champoeg Creek is listed by the Department of Environmental Quality as a water quality limited stream.

16. Economic investment in the project to date [OAR 690-315-0040(4)(d)].
  - a. As of October 5, 2006, the permit holder has invested approximately \$10000.
17. Other economic interests dependent on completion of the project [OAR 690-315-0040(4)(e)].
  - a. None have been identified.
18. Other factors relevant to the determination of the market and present demand for water and power [OAR 690-315-0040(4)(f)].
  - a. None have been identified.

**Fair Return Upon Investment [OAR 690-315-0040(2)(f)]**

19. Use and income from the permitted water development results in reasonable returns upon the investment made to date.

**Other Governmental Requirements [OAR 690-315-0040(2)(g)]**

20. Delay in the development of this project was not caused by any other governmental requirements.

**Unforeseen Events [OAR 690-315-0040(2)(h)]**

21. None have been identified.

**CONCLUSIONS OF LAW**

1. The applicant is entitled to apply for an extension of time to complete construction and/or completely apply water to the full beneficial use pursuant to ORS 537.630(1).
2. The applicant has submitted a complete extension application form and the fee specified in ORS 536.050, as required by OAR 690-315-0040(1)(a).
3. The applicant complied with begin actual construction timeline requirements pursuant to ORS 537.630 as required by OAR 690-315-0040(1)(b) and OAR 690-315-0040(5).

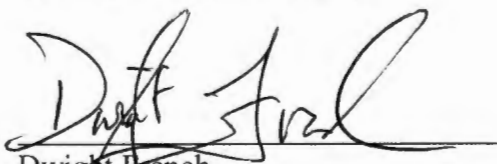
4. Full application of water to beneficial use can be accomplished by October 1, 2007<sup>5</sup>, as required by OAR 690-315-0040(1)(c).
5. The Department has considered the reasonable diligence and good faith of the appropriator, the cost to appropriate and apply water to a beneficial purpose, the market and present demands for water to be supplied, the financial investment made and fair and reasonable return upon the investment, the requirements of other governmental agencies, and unforeseen events over which the permit holder had no control, whether denial of the extension will result in undue hardship to the applicant and whether there are no other reasonable alternatives for meeting water use needs, any other factors relevant to a determination of good cause, and has determined that the applicant has shown that good cause exists for an extension of time to apply water to full beneficial use pursuant to OAR 690-315-0040(1)(d).

### **Proposed Order**

Based upon the foregoing Findings of Fact and Conclusions of Law, the Department proposes to issue an order to:

Extend the time to apply water to beneficial use under Permit G-13817 (modified by Permit Amendment T-8858) from October 1, 2003 to October 1, 2007.

DATED: November 11, 2008

  
Dwight French  
Administrator  
Water Rights & Adjudications Division

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

### **Proposed Final Order Hearing Rights**

1. Under the provisions of OAR 690-315-0100(1) and 690-315-0060, the applicant or any other person adversely affected or aggrieved by the proposed final order may submit a written protest to the proposed final order. The written protest must be received by the Water Resources Department no later than **December 26, 2008**, being 45 days from the date of publication of the proposed final order in the Department's weekly notice.

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<sup>5</sup>Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permittee shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permittee shall submit a map of the survey and the claim of beneficial use.

2. A written protest shall include:
  - a. The name, address and telephone number of the petitioner;
  - b. A description of the petitioner's interest in the proposed final order and if the protestant claims to represent the public interest, a precise statement of the public interest represented;
  - c. A detailed description of how the action proposed in the proposed final order would adversely affect or aggrieve the petitioner's interest;
  - d. A detailed description of how the proposed final order is in error or deficient and how to correct the alleged error or deficiency;
  - e. Any citation of legal authority supporting the petitioner, if known;
  - f. Proof of service of the protest upon the water right permit holder, if petitioner is other than the water right permit holder; and
  - g. The protest fee required under ORS 536.050, if petitioner is other than the water right permit holder.
  
3. Within 60 days after the close of the period for requesting a contested case hearing, the Director shall:
  - a. Issue a final order on the extension request; or
  - b. Schedule a contested case hearing if a protest has been submitted, and:
    - 1) Upon review of the issues, the Director finds there are significant disputes related to the proposed agency action; or
    - 2) The applicant submits a written request for a contested case hearing within 30 days after the close of the period for submitting protests.

- 
- If you have any questions about statements contained in this document, please contact Ann Reece at 503-986-0827.
  - If you have questions about how to file a protest or if you have previously filed a protest and you want to know the status, please contact Patricia McCarty at 503-986-0819.
  - If you have any questions about the Department or any of its programs, please contact our Water Resources Customer Service Group at 503-986-0801.
  - Address any correspondence to :     Water Rights and Adjudications Division  
725 Summer St NE, Suite A  
Salem, OR 97301-1266
- Fax: 503-986-0901
-

**Mailing List for Extension PFO Copies**

**PFO Date: November 11, 2008**

**Copies Mailed**

**Application G-14965**

**Permit G-13817 (modified by Permit Amendment T-8858)**

By: JS

On: 11/11/08 Mailed 11/10/08

**Original mailed to Applicant:**

Kevin Crosby  
PO Box 70  
Woodburn, OR 97071

**Copies sent to:**

1. WRD - App. File G-14965/ Permit G-13817
2. Jean Boatwright, 2613 12<sup>th</sup> St SE, Salem, OR 97302

**Fee paid as specified under ORS 536.050 to receive copy:**

3. None

**Receiving via e-mail (10 AM Tuesday of signature date)**

4. PFO: WRD – Watermaster District 16 – Mike McCord, Salem  
Done by MLR Date 11-7-08

CASEWORKER: ALR



STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

KEVIN CROSBY  
PO BOX 70  
WOODBURN, OREGON 97071

(503) 981-9088

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14965

SOURCE OF WATER: A WELL IN CHAMPOEG CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 51.4 ACRES

MAXIMUM RATE: 0.642 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 7, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 27, T4S, R2W, W.M.;  
240 FEET SOUTH & 1250 FEET WEST FROM NE CORNER, SECTION 27

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 4.1 ACRES  
SE 1/4 SE 1/4 4.1 ACRES  
SECTION 22  
NE 1/4 NE 1/4 21.2 ACRES  
NW 1/4 NE 1/4 21.3 ACRES  
SE 1/4 NE 1/4 0.7 ACRE  
SECTION 27

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

Measurement, recording and reporting conditions:

*7-8858 Δ POA*

A. Before water use may begin under this permit, the permittee

Application G-14965 Water Resources Department

PERMIT G-13817

shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.

- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference

level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

If the number, location, or construction of any well deviates from that

proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

The well shall be cased and continuously sealed to a minimum depth of 250 feet below land surface. The well cannot be completed in such manner that it allows groundwater to be developed from the underlying basalt aquifer. If during well construction, it becomes apparent that the well can be constructed to eliminate hydraulic connect with surface water in a manner other than specified in the permit, the permittee can contact the Ground Water/Hydrology Section to request a modification of the permit condition. The permittee shall submit, in writing, a rough well log and proposed construction design for approval by the Department. The well construction condition can only be modified if the request is received and reviewed prior to replacement of any permanent casing and sealing material. If the well is constructed first and then the request made, it shall not be granted.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best

Application G-14965 Water Resources Department

PERMIT G-13817

practical technologies or conservation practices to achieve this end.

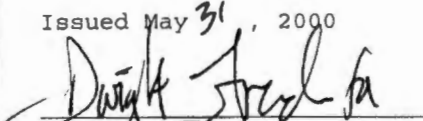
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin by May 31, 2001. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued May 31, 2000

  
Martha E. Pagel, Director  
Water Resources Department

NOTE: Pursuant to ORS 537.330, in any transaction for the conveyance of real estate that includes any portion of the lands described in this permit, the seller of the real estate shall, upon accepting an offer to purchase that real estate, also inform the purchaser in writing whether any permit, transfer approval order, or certificate evidencing the water right is available and that the seller will deliver any permit, transfer approval order or certificate to the purchaser at closing, if the permit, transfer approval order or certificate is available.

Application G-14965 Water Resources Department  
Basin 2 Volume 18A CHAMPOEG CR & MISC  
MGMT.CODES 7BG 7BR 7CG 7CR 7FG 7FR

PERMIT G-13817  
District 16

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8858 submitted by

KEVIN CROSBY  
P.O. BOX 70  
WOODBURN, OREGON 97071.

The permit to be modified is Permit G-13817 with a date of priority of APRIL 7, 1999. The permit allows the use of A WELL, in the CHAMPOEG CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 51.4 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.642 cubic foot per second, if available at the original well; ~~NE¼ NE¼~~, AS PROJECTED WITHIN J. BARNABIE DLC 50, SECTION 27, T 4 S, R 2 W, W.M.; 240 FEET SOUTH AND 1250 FEET WEST FROM THE NE CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2¼ acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW~~X~~ SE~~X~~ 4.1 ACRES  
SE~~X~~ SE~~X~~ 4.1 ACRES  
ALL AS PROJECTED WITHIN J. BARNABIE DLC 50  
SECTION 22

NE~~X~~ NE~~X~~ 21.2 ACRES  
NW~~X~~ NE~~X~~ 21.3 ACRES  
SE~~X~~ NE~~X~~ 0.7 ACRE  
ALL AS PROJECTED WITHIN J. BARNABIE DCL 50  
SECTION 27

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation to:

SW~~X~~ SE~~X~~, AS PROJECTED WITHIN J. BARNABIE DLC 50,  
SECTION 22, T 4 S, R 2 W, W.M.; 330 FEET NORTH AND 1800 FEET WEST  
FROM THE SE CORNER OF SECTION 22.

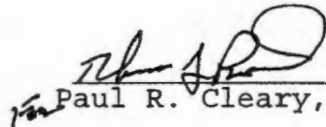
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.

4. All other terms and conditions of the permit remain the same.

Permit G-13817, in the name of KEVIN CROSBY is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed MAY 24 2002.

  
Paul R. Cleary, Director





RECEIVED  
OVER THE COUNTER

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?  
Yes, construction started 5-9-2001 where the permit required start by 5-31-2001

2. Has construction of diversion/appropriation works, distribution system, and use of water, if any, been accomplished consistent with the limitations and conditions of this permit [yes/no]?  
Yes, except a flow meter, as required in the Permit Amendment Special Order, was not installed.

A) Please describe how you have complied with each applicable permit condition (**NOTE: the instruction sheet for permit extension applications provides some direction as to what is an "applicable" condition at time of permit extension review**).  
Construction begun by required date  
Initial and yearly measurements have been made and reports filed  
Meter installed per permit (electrical)

*McCometer flow meter was installed Oct. 28, 2006*

B) If you have not complied with all applicable conditions, please explain the reasons why and indicate a date certain, in the near future, by which time you will be in compliance with applicable conditions.  
Cased to 166'-8", rather than the required 168' per MEMO from Marc Norton 6-11-01.  
However, it is into a layer of "grey & green clay" from 163-165 and "grey clay" from 165-168, such that the perforations below 166'-8" do not provide water until the sand layer starts again at 168.  
An inline flow meter, required by the special order, has not been installed.

3. I have accomplished the following described works, purchases and installation of equipment necessary to the use of water under said permit:

A) Within the past year or, if a prior extension was authorized, during the last permit extension period:  
None - I thought everything was OK

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WATER RESOURCES DEPT  
SALEM OREGON

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OVER THE COUNTER

B) Prior to the past year or, if a prior extension was authorized, prior to the last extension period:

Constructed well

Pipelines and sprinklers were already present for underlying water rights

4. I have accomplished beneficial use of water under the permit to the extent of (amount of water used and acres irrigated):

A) Quantity of Water Used [in cubic feet per second (cfs) or gallons per minute (gpm) if using surface water or ground water.....and/or..... in acre-feet (af) if using stored water]:  
0.643 cfs or its equivalent (system capacity at 1.05 cfs)

B) Number of Acres Irrigated (if an irrigation permit):  
51.4

5. Cost of project to date \$10,000. Estimated remaining cost to complete the project  
<\$1500.

6. Please list the reasons why the project was not constructed, and/or water not beneficially used within permit time limits under the appropriate categories below. Please provide supporting information for each reason identified:

A) The project is of a size and scope that the original intent was to phase it in over a period longer than the timeframes allowed in the permit.  
N/A

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OCT 05 2006  
WATER RESOURCES DEPT  
SALEM OREGON

B) Financing and/or cash-flow needs to develop the project precluded completion of the project within authorized timeframes.

N/A

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C) Good faith attempts to comply with permit conditions and/or to acquire permits from other agencies, or otherwise comply with government regulations, delayed completion of the project.

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D) Acts of God or other unforeseen events delayed full development of the water system and use of water.

I failed to notice that the meter requirements had changed and thought that my electrical meter would suffice

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I am the permittee, or have authorization from the permittee, to apply for an extension of time under this permit. I understand that false or misleading statements in this extension application are grounds for the Department to suspend processing of the request and/or reason to deny the extension.

  
\_\_\_\_\_  
Signature

oct 2 - 06  
Date

For an application to be complete, it must be accompanied with the required fee. See the Department's Fee Schedule at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**MAIL COMPLETED APPLICATION *and* FEE TO:**

WATER RIGHT PERMIT EXTENSIONS  
WATER RESOURCES DEPARTMENT  
725 SUMMER STREET NE, SUITE A  
SALEM, OREGON 97301-1271



Application # G-14965 Permit # G-13817

**Public Notice Route Slip ... New Application Extension of Time**  
per Division 315 Rules... (Extensions received on July 1, 2001 or after)

◆ **WRIG...**

Money Received on: 10/5/06

◆ **Extension Specialist...**

Added to tracking spreadsheet

**After fee is receipted and app is added to spreadsheet, route to...**

◆ **Jonnine Skaug...**

Publish on Public Notice (initial 30-day comment): Date of notice 9/23/08 MS

Update WRIS Database

In the "PNotice Date" field... Enter the date the Extension Application was published on the Public Notice.

In the "Ext Filed" field... Enter the date the Extension Application was received.

# Extension PFO Checklist for Other than Muni or Quasi-Municipal

## Water Use Permits

(OAR 690-315-0010 through OAR 690-315-0060)

Application: G- 14965 Permit: G- 13817 Permit Amendment? No  Yes  T- 8858  pending  approved

Permit Holder's Name: Kevin Crosby

Permit Holder's Mailing Address: PO Box 70, Woodburn, OR 97071 email \_\_\_\_\_

Phone Number: \_\_\_\_\_

POD Location: Township 4S Range 2W Section 22  $\frac{1}{4}$  SWSE

Drainage Basin: 16 County: Marion Watermaster District: 16 Watermaster: Mike McCord

Date Permit was issued: 5/31/2000

Priority Date: 4/7/1999

Date of PN: 9/23/2008

Source: A well within the Champoeg Creek Basin

Use: Supplemental Irrigation of 51.4 acres

"Q": 0.642

Orig "A" Date: 5/31/2001

Orig "B" Date: 10/1/

Orig "C" Date: 10/1/2003

Extension request rec'd: 10/5/2006

Last Authorized "B" Date: 10/1/

Last Authorized "C" Date: 10/1/2003

Request Number (1, 2, 3...): 1st

Proposed "B" Date: 10/1/

Proposed C Date: 10/1/2007

**Conditions of Permit:**

Condition Met?	Condition Not Met?	Permit Condition
<input checked="" type="checkbox"/>	<input type="checkbox"/>	flow meter as per permit amendment T-8858 - installed 10/28/2006
<input checked="" type="checkbox"/>	<input type="checkbox"/>	initial SWL measurements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	7 annual SWL measurements
<input checked="" type="checkbox"/>	<input type="checkbox"/>	decline triggers
<input checked="" type="checkbox"/>	<input type="checkbox"/>	well cased and sealed to specified depth - see memo from Marc Norton 6/11/2001

**Factors to consider in determining "Reasonable Diligence" [OAR 690-315-0040(3)]:**

Yes No

- Work was accomplished within the time allowed in the permit or previous extension
- Water right permit holder conformed with the permit or previous extension conditions
- Financial investments were made toward developing the beneficial water use.
  - Amount Invested to date: **\$10,000** Estimated Remaining Cost: **\$1,500**
- Beneficial use made of the water during the permit or previous extension time limits
  - Permit holder has beneficially used 0.643 cfs gpm af of the total permitted quantity of water on 51.4 acres

Has the applicant pursued perfection of the right in good faith and with reasonable diligence? Yes  No

**Determination of the market and the present demand for water or power to be supplied:**

Identify the closest surface water or localized water basin. Champoeg Creek  
Ground Water Permits: Is the POA located...  
Surface Water Permits: Is the POD located...

**Yes No**

- above a state scenic waterway? Name \_\_\_\_\_ Source: OWRD "Areas Above State Scenic Waterways" Map
- within a stream segment designated as a federal wild and scenic river? Source: www.rivers.gov/wildriverslist.html
- within a sensitive, threatened or endangered species area Source: "gisdata/dev/projects/salmon/div33map.aml"
- within a critical or limited Ground Water Area? Name of area \_\_\_\_\_
- in a waterbody listed on the DEQ Section 303(d) List of Water Quality Limited Areas? Date added to list \_\_\_\_\_
- within an area ranking low / moderate / high / highest for stream flow restoration needs Source: OWRD "Streamflow Restoration Needs" Maps (by region)

**Based on the written record, can the Department make a finding of "Good Cause" to approve the extension request?**

Yes... "Good Cause" can be found.  Approval of Extension Request

No ... "Good Cause" cannot be found.  Denial of Extension Request

**Conditions to be included in Extension PFO (if applicable)? Yes  No**

(NOTE: Check the file record for documentation to add a condition(s) at the extension stage.)

- 5-year Progress Report Checkpoints (Years: \_\_\_\_\_)
- Other: \_\_\_\_\_

**Footnote regarding Claim of Beneficial Use. Choose the appropriate language below and insert as a footnote in the PFO:**

**COBU Requirement - Surface/Ground Water - on or prior to July 9, 1987**

"For permits applied for or received on or before July 9, 1987, upon complete development of the permit, you must notify the Department that the work has been completed and either: (1) Hire a water right examiner certified under ORS 537.798 to conduct a survey, the original to be submitted as required by the Water Resources Department, for issuance of a water right certificate; or (2) Continue to appropriate water under the water right permit until the Water Resources Department conducts a survey and issues a water right certificate under ORS 537.250 or 537.625."

**COBU Requirement - Surface Water - post July 9, 1987**

"Pursuant to ORS 537.230(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**COBU Requirement - Ground Water - post July 9, 1987**

"Pursuant to ORS 537.630(4), upon the completion of beneficial use of water allowed under the permit, the permit holder shall hire a certified water rights examiner to survey the appropriation. Within one year after the complete application of water to a beneficial use (or by the date allowed for the complete application of water to a beneficial use), the permit holder shall submit a map of the survey and the claim of beneficial use."

**NOTES:**

cc: Jean Boatwright, 2613 12<sup>th</sup> St SE, Salem, OR 97302

**Extension "PFO" Dates**

Mailing / Issuance Date: \_\_\_\_\_ Protest Deadline Date: \_\_\_\_\_

Reviewer's Name: \_\_\_\_\_ Date: \_\_\_\_\_

WATER RESOURCES DEPARTMENT

725 Summer St. N.E. Ste. A

SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT #

84595

INVOICE #

RECEIVED FROM:

Boatwright Engineering, Inc

APPLICATION

G-14965

BY:

PERMIT

TRANSFER

CASH:

CHECK:#

OTHER: (IDENTIFY)

14995

\$ 250.00

1083 TREASURY 4170 WRD MISC CASH ACCT

0407 COPIES

OTHER:

(IDENTIFY)

RECEIVED OVER THE COUNTER

\$

\$

0243 I/S Lease

0244 Muni Water Mgmt. Plan

0245 Cons. Water

4270 WRD OPERATING ACCT

MISCELLANEOUS

0407 COPY & TAPE FEES

0410 RESEARCH FEES

0408 MISC REVENUE: (IDENTIFY)

TC162 DEPOSIT LIAB. (IDENTIFY)

0240 EXTENSION OF TIME

PCA 46111

\$

\$

\$

\$

\$ 250.00

WATER RIGHTS:

0201 SURFACE WATER

0203 GROUND WATER

0205 TRANSFER

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR

LANDOWNER'S PERMIT

OTHER

(IDENTIFY)

EXAM FEE

\$

\$

\$

EXAM FEE

\$

0202

0204

0219

0220

RECORD FEE

\$

\$

LICENSE FEE

\$

\$

0536 TREASURY 0437 WELL CONST. START FEE

0211 WELL CONST START FEE

0210 MONITORING WELLS

OTHER

(IDENTIFY)

\$

\$

0607 TREASURY 0467 HYDRO ACTIVITY

LIC NUMBER

0233 POWER LICENSE FEE (FW/WRD)

0231 HYDRO LICENSE FEE (FW/WRD)

HYDRO APPLICATION

\$

\$

\$

TREASURY

OTHER / RDX

FUND

TITLE

OBJ. CODE

VENDOR #

DESCRIPTION

\$

RECEIPT:

84595

DATED

10-5-06

BY:

OB Whit





# Oregon

Theodore R. Kulongoski, Governor

## Water Resources Department

North Mall Office Building  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271  
503-986-0900  
FAX 503-986-0904

September 23, 2008

REFERENCE: Application for Extension of Time

Dear Extension of Time Applicant:

The Water Rights Section has received your application for an extension of time for **APPLICATION FILE # G-14965 (PERMIT # G-13817)**. Your application will be reviewed in the near future. Following the review, you will receive a Proposed Final Order either approving or rejecting the extension of time request. A 45-day protest period begins upon issuance of the Proposed Final Order. After the protest period closes, a Final Order is issued.

If you have questions concerning your extension of time application, please contact Ann Reece at (503) 986-0827. For general information about the Water Resources Department, you may contact the Water Resources' Customer Service Group at (503) 986-0801 or you may access the Department's Internet home page at: "**[www.wrd.state.or.us](http://www.wrd.state.or.us)**".



**Boatwright Engineering Inc.**

2613 12th ST SE, SALEM, OREGON 97302  
civil engineers • land surveyors

503 363-9225 FAX 363-1051

November 29, 2005

Jerry Sauter  
Oregon Water Resources Department  
725 Summer Street NE Suite A  
Salem, Oregon 97301

**Re:** Kevin Crosby  
Application G-14805 Permit G-13622  
Application G-14965 Permit G-13817 T-8858 (Permit Amendment)

Dear Jerry,

Following up on your phone conversation yesterday with Corbey, this letter is to serve notice that we will be preparing the Claims of Beneficial Use for these two applications. They were on our list to complete this past summer, but somehow got overlooked until now.

Rather than try to prepare them when the pumps are not being used and no irrigation is being applied, we are going to wait until next spring to take the measurements and prepare the reports.

Mr Crosby has put the water to beneficial use within the time limits of his permit and is in compliance with all of his permit conditions, so no Time Extension is necessary.

If you have any questions, please give me a call.

Sincerely,

Jeanne Plasker Boatwright

CC: Kevin Crosby  
PO Box 70  
Woodburn, Oregon 97071

**RECEIVED**  
NOV 30 2005  
WATER RESOURCES DEPT  
SALEM, OREGON

RECEIVED

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

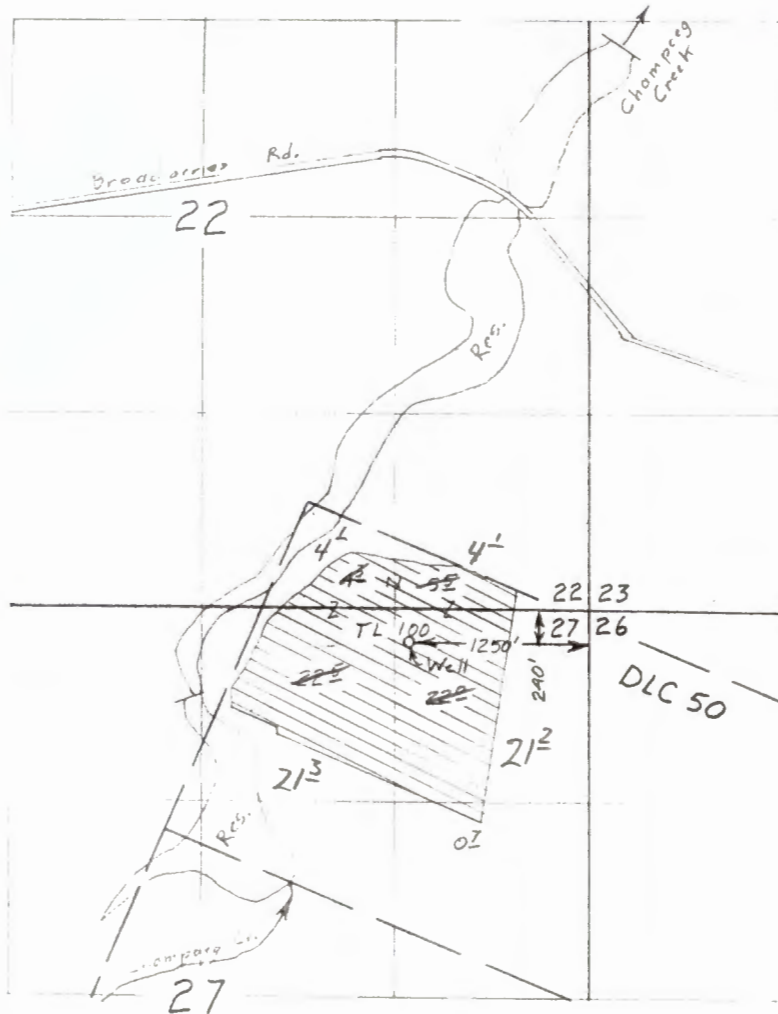
FEB 25 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

RECEIVED

APR 07 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

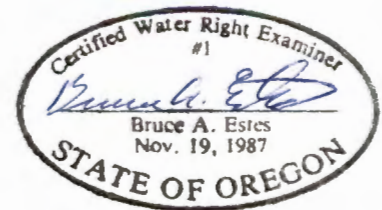


Scale 1"=1320'

Application Map  
for  
KEVIN CROSBY

App. G- 14965  
Per G- 13817

Application No G-14965  
Permit No G-13817



This map is for the purpose of locating a water right only and has no intent to provide legal dimensions or the location of property lines.

**ESTES SURVEYS**

6293 Sunnyview Rd. NE 60382 Arnold Rd.  
Salem, OR 97305 Bend, OR 97702  
(503) 585-7593 (503) 382-7391

## WATER RESOURCES DEPARTMENT

**MEMO**

June 11, 2001

TO: Water Rights Section  
FROM: Marc Norton, Ground Water/Hydrology Section  
SUBJECT: Ground Water Application G-14965

*MAN*

The permit for Application G-14965, had a condition that required the well to be cased and sealed to a minimum depth of 250 feet below land surface. The casing and seal depth could be modified under certain conditions. On June 11, 2001, the applicant, Kevin Crosby and his CWRE, Bruce Estes, meet with me concerning the well.

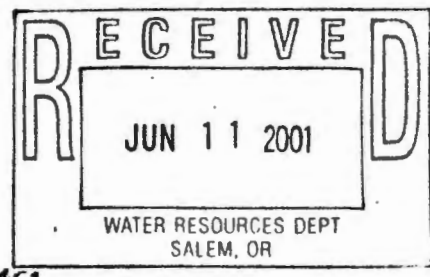
A rough well log was submitted with a request to case and seal to 168 feet. The well was drilled in a different location at a lower elevation. The applicant will be submitting an application to modify the permit for the new well location.

The new location will not change the results of the initial review. Based on the rough well log, I believe that the well will meet the goal of the initial casing and sealing requirements. Therefore, the well can be continuously cased and continuously sealed to a depth of 168 feet.

*G-14965*

Frank  
cell no-519-6077

- 0-9 Clay, brown
- 9-31 Sand, silt + Clay, brown, drills open
- 31-37 Clay, silty, brown
- 37-43 Clay, gray, sandy
- 43-45 Sand + silt, fine, brown
- 45-54 Brown sand, gray + brown clay layers WB 14'
- 54-63 Clay, dark gray, traces of sand, sticks to bit
- 63-69 Sand + clay, hits hard, bails soupy WB 23
- 69-71 Gravel + Sand 70% - 30% LB 23
- 71-79 Clay, Gray, sticky
- 79-81 Clay, Gray, some sand
- 81-93 Sand + clay, drills open, bails soupy WB 16'
- 93-97 Brown sand + clay, drills, bails soupy WB 16'
- 97-102 Clay, blue, sticky
- 102-109 Clay, gray, sticks to bit, traces of sand
- 109-114 Clay, gray, sandy
- 114-119 Sand + Clay layers, bails soupy WB 16
- 119-134 Clay, gray, sticky
- 134-156 Clay + sand, dark gray WB 16'
- 156-158 Sand, coarse, black WB 16
- 158-162 Sand & gravel to 3" WB 16
- 163-165 Clay, gray + green
- 165-168 Clay, gray
- 168-178 Clay and sand layers WB 32
- 178-193 Sand, coarse, black, bails, occasional small gravel WB 32
- 193-197 Clay, Gray, very sticky



June 11-01

To whom it may concern Regarding  
ap number G14965. ~~It~~ we would  
like to case and seal too 168 FT  
rather than 250' as specified in  
Permit see attached rough well  
log

by

Ken Casby

## WATER RESOURCES DEPARTMENT

**MEMO**

May 10, 2000

TO: Russ Klassen, Water Rights Section  
FROM: Marc Norton, Ground Water/Hydrology Section *MAN*  
SUBJECT: Ground Water Application G-14965

The following paragraph can be substituted for the current well construction condition that specifies 250 feet of casing and seal.

### Proposed New Condition

The well shall be continuously cased and continuously sealed to a minimum depth of 250 feet below land surface. The well cannot be completed in such manner that it allows ground water to be developed from the underlying basalt aquifer. If during well construction, it becomes apparent that the well can be constructed to eliminate hydraulic connection with surface water in a manner other than specified in the permit, the permittee can contact the Ground Water/Hydrology Section to request a modification of the permit condition. The permittee shall submit, in writing, a rough well log and a proposed construction design for approval by the Department. The well construction condition can only be modified if the request is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, it shall not be granted.

*Kevin Crosby*  
*P.O. Box 70*  
*Woodburn 97071*

*G-14965*

TO: Water Rights Section

June 15, 1999

FROM: Ground Water/Hydrology Section

~~#14965~~ Maureen Norton  
Reviewer's Name

SUBJECT: Application G- 14965

GROUNDWATER/SURFACE WATER CONSIDERATIONS

- 1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
- 2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_ will, or have the potential for substantial interference with the nearest
  - b. \_\_\_ will not surface water source, namely \_\_\_\_\_; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

- 3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) ~~7B, 7C~~; 7F MAN
    - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
- 4.
  - a. \_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: The well shall be continuously sealed and cased to a minimum depth of 250 feet and cannot be completed below a depth of 350 feet. The well shall not be constructed into the Baratz.

(Well Construction Considerations on Reverse Side)

6-14705





**Water Right Conditions  
Tracking Slip**

*Groundwater/Hydrology Section*

FILE ## G-14 965

ROUTED TO: -W.R.

TOWNSHIP/

RANGE-SECTION: 45/2W-27

CONDITIONS ATTACHED?  Yes  No

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_

\_\_\_\_\_

Reviewer: Mara Norton

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Ground Water/Hydrology  
FROM: Marc Norton  
SUBJECT: Groundwater Application G- 14965

Date June 15, 1999

Applicant(s) seek 309 gpm ( \_\_\_\_\_ cfs) from one well in the

Applicants Name: Crosby Willamette basin  
Proposed Use: Irrigation Champoeg sub basin

Pertinent 7 & 1/2 minute Quads MARI 1258 St. Paul

Well Proposed WRD# MARI 1258 T 45 R 2W S 27 QQ AB County Marion

*Proposed*

Legal Description \_\_\_\_\_  
Well is 750 ft from Champoeg Cr (river/stream)  
Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)  
Well Elevation 175 ft River/Stream elevation 110-120 ft.  
Well Elevation - River/Stream elevation 55-65 ft.  
Well depth 250-300 ft SWL \_\_\_\_\_ ft on \_\_\_\_\_  
Sealed to ? ft Depth first water found \_\_\_\_\_ ft  
Cased to 250 ft ft Perforations/screens 272-300 ft  
Lined to \_\_\_\_\_ ft Perforations/screens 272-300 ft  
Well test and types 1200 gpm  
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO  
Potential to cause substantial interference? \_\_\_\_\_

MARI 1258 - Nearby Well to 306' - 20ft seal

Well \_\_\_\_\_ WRD# \_\_\_\_\_ T \_\_\_\_\_ R \_\_\_\_\_ S \_\_\_\_\_ QQ \_\_\_\_\_ County \_\_\_\_\_

Legal Description \_\_\_\_\_  
Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)  
Well is \_\_\_\_\_ ft from \_\_\_\_\_ (river/stream)  
Well Elevation \_\_\_\_\_ ft River/Stream elevation \_\_\_\_\_ ft.  
Well Elevation - River/Stream elevation \_\_\_\_\_ ft.  
Well depth \_\_\_\_\_ ft SWL \_\_\_\_\_ ft on \_\_\_\_\_  
Sealed to \_\_\_\_\_ ft Depth first water found \_\_\_\_\_ ft  
Cased to \_\_\_\_\_ ft Perforations/screens \_\_\_\_\_ ft  
Lined to \_\_\_\_\_ ft Perforations/screens \_\_\_\_\_ ft  
Well test and types \_\_\_\_\_  
(Confined/Semi-confined/Unconfined) Direct hydraulic connection? YES / NO  
Potential to cause substantial interference? \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

References Used: \_\_\_\_\_  
\_\_\_\_\_



STATE OF OREGON  
**WATER WELL REPORT**  
 (as required by ORS 537.765)

MARI 1258

RECEIVED

MAR 23 1989

(START CARD) # 7001

4/24/22 ad

(1) OWNER: Name A & R Spada Nursery Well Number: WATER RESOURCES SALE 1, OREGON  
 Address 7251 St. Paul Hwy NE  
 City St. Paul State OR Zip 97137

(2) TYPE OF WORK:  
 New Well  Deepen  Recondition  Abandon

(3) DRILL METHOD  
 Rotary Air  Rotary Mud  Cable  
 Other

(4) PROPOSED USE:  
 Domestic  Community  Industrial  Irrigation  
 Thermal  Injection  Other

(5) BORE HOLE CONSTRUCTION:  
 Special Construction approval Yes  No  Depth of Completed Well 305 ft.  
 Explosives used   Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE		SEAL		Amount	
Diameter	From To	Material	From To	sacks or pounds	
20"	0 20	Bentonite	0 20	116 sacks	
16"	20 305				

How was seal placed: Method  A  B  C  D  E  
 Other Granular bentonite OAR 690-210-340  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from 237 ft. to 305 ft. Size of gravel 3/8

(6) CASING/LINER:

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 16"	+2	268'	8"	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			375	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner:				<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) 268' 8"

(7) PERFORATIONS/SCREENS:

Perforations Method \_\_\_\_\_  
 Screens Type 10 3/4od Material stainless

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
235	272		pipe	10" x	250	<input type="checkbox"/>	<input type="checkbox"/>
272	300	140		10"		<input type="checkbox"/>	<input type="checkbox"/>
300	305		pipe	10" x	250	<input type="checkbox"/>	<input type="checkbox"/>
305	Bottom	plate & bail				<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour

Pump  Bailer  Air  Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
630	12'		1 hr.
1025	36'		8hrs
1200	45'		10hrs

Temperature of water \_\_\_\_\_ Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for intended use?  Too little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

(9) LOCATION OF WELL by legal description:  
 Township 4S N or S, Range 2W E or W, WM.  
 Section 22 SE 1/4 NE 1/4  
 Tax Lot \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) 7251 St. Paul Hwy  
St. Paul, OR

(10) STATIC WATER LEVEL:  
24 ft. below land surface. Date 3/4/89  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

(11) WATER BEARING ZONES:

Depth at which water was first found 91'

From	To	Estimated Flow Rate	SWL
270	300	1200	24'

(12) WELL LOG: Ground elevation \_\_\_\_\_

Material	From	To	SWL
Clay brown	1	55	
Clay grey	55	70	
Sand, silt, clay	70	82	
Clay grey	82	91	
Sand, silt black	91	98	
Clay grey	98	104	
Clay sandy brown	104	120	
Clay green sticky	120	134	
Sand, silt black	134	138	
Clay grey	138	158	
Clay sandy	158	175	
Clay green sticky	175	194	
Clay sandy	194	205	
Clay blue	205	226	
Clay sandy	226	254	
Clay grey	254	270	
Sand, silt	270	278	
Sand	278	300	
Gravel, clay	300	304	
Clay, sticky grey	304	306	

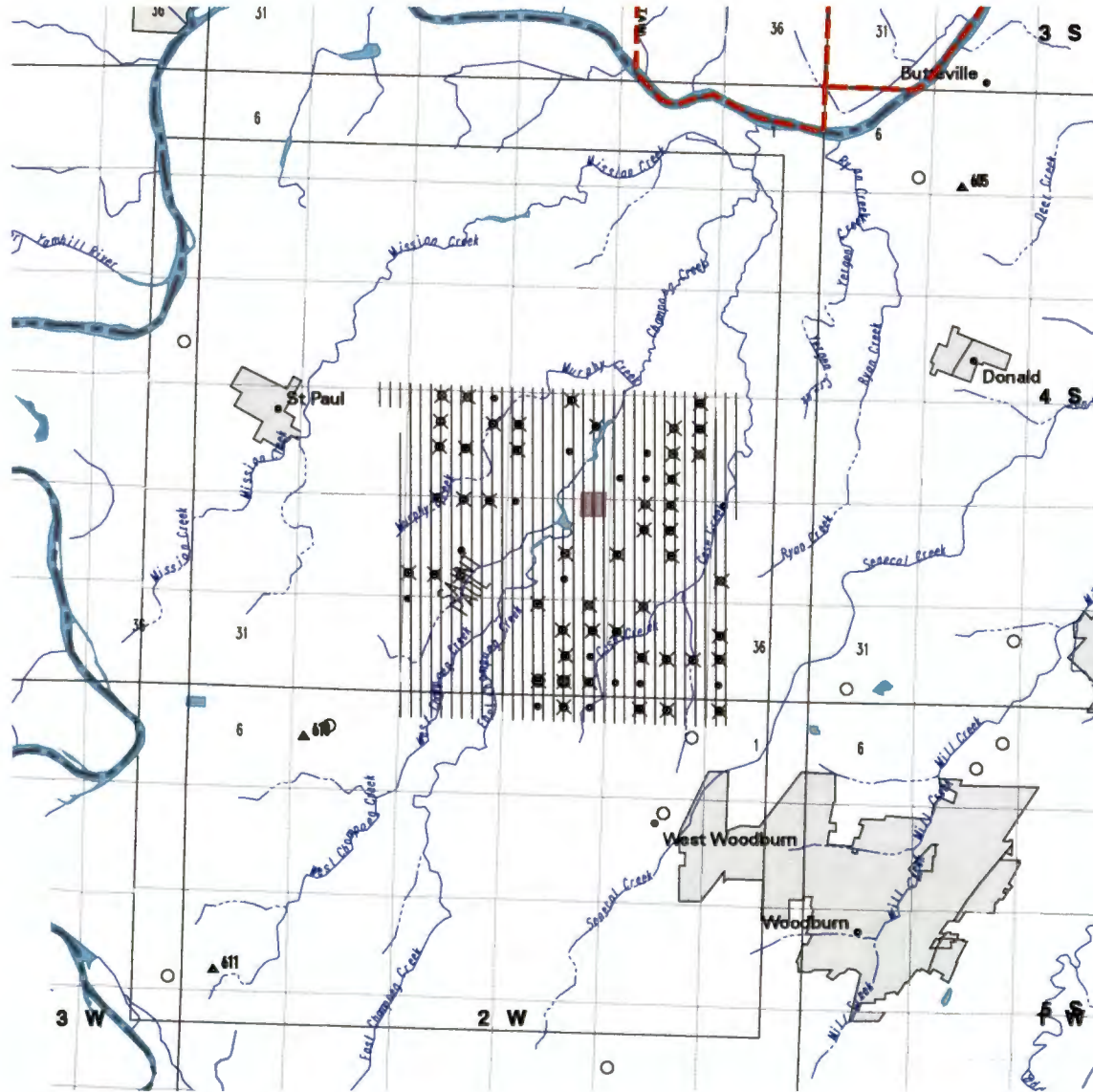
Date started 1/6/89 Completed 3/5/89

(unbonded) Water Well Constructor Certification:  
 I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon well construction standards. Materials used and information reported above are true to my best knowledge and belief.  
 Signed \_\_\_\_\_ WWC Number \_\_\_\_\_  
 Date \_\_\_\_\_

(bonded) Water Well Constructor Certification:  
 I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon well construction standards. This report is true to the best of my knowledge and belief.  
 Signed Dwan Drossen WWC Number 783  
 Date 3/15/89

# Wells in the vicinity of application G 14965

- Application well(s) in this 1/4-1/4 section
- Well(s) identified in this section from OWRD's well log database within 1 mi. radius of application well(s)
- Well(s) identified in this 1/4-1/4 section from OWRD's well log database within 1 mi. radius of application well(s)
- ✱ Permitted well(s) in this 1/4-1/4 section within 1 mi. radius of application well(s)
- Conditioned, permitted well(s) in this 1/4-1/4 section within 5 mi. radius of application well(s)
- ▲ OWRD Observation well and well-id within 5 mi. radius of application well(s)
- Critical GW Area
- - - Regulated GW Area



WELLS WITHIN 1 MILE OF G 14965  
 DO 42  
 ID 6  
 IR 112

35	GR	631	GR	599	4.00S	2.00W34SENE	IR	150.0000	G
36	GR	1067	GR	1029	4.00S	2.00W35SWNW	IR	270.0000	G
37	GR	1202	GR	1162	4.00S	2.00W36SWNW	IR	700.0000	G
38	GR	1976	GR	1907	4.00S	2.00W34NWSE	IR	100.0000	G
39	G	1923	G	1767	4.00S	2.00W35NESW	IR	0.5200	C
39	G	3327	G	3127	4.00S	2.00W35NESW	IR	0.2200	C
39	G	4251	G	3819	4.00S	2.00W35NESW	IR	0.0800	C
40	G	12264	G	11262	4.00S	2.00W35NWSE	IR	1.0000	C
41	G	12866	G	11736	4.00S	2.00W36NWSW	IR	0.0970	C
42	G	152	G	101	4.00S	2.00W35NESE	IR	0.0400	C
42	G	152	G	101	4.00S	2.00W35NESE	IS	0.0100	C
42	G	2121	G	1963	4.00S	2.00W35NESE	IR	0.1100	C
42	G	2121	G	1963	4.00S	2.00W35NESE	IS	0.0100	C
43	G	13330	G	11721	4.00S	2.00W34SESW	IR	170.0000	G
43	G	13330	G	11721	4.00S	2.00W34SESW	IR	500.0000	G
43	GR	73	GR	62	4.00S	2.00W34SESW	IR	400.0000	G
44	G	13330	G	11721	4.00S	2.00W34SWSE	IR	170.0000	G
44	G	13330	G	11721	4.00S	2.00W34SWSE	IR	500.0000	G
45	G	2925	G	2715	4.00S	2.00W34SESE	IR	0.6600	C
46	G	451	G	319	5.00S	2.00W 3NWN	IR	0.9300	C
47	G	13255	G	11875	5.00S	2.00W 2NENW	IR	0.4200	C
48	GR	1204	GR	1164	5.00S	2.00W 2NWN	IR	150.0000	G
48	GR	2881	GR	4100	5.00S	2.00W 2NWN	IR	150.0000	G
49	G	12915	G	11617	5.00S	2.00W 1NWNW	IR	52.0000	G
49	G	12915	G	11617	5.00S	2.00W 1NWNW	NU	80.0000	G
49	G	12914	G	12173	5.00S	2.00W 1NWNW	AG	0.0940	C
49	G	12914	G	12173	5.00S	2.00W 1NWNW	IR	0.0058	C

\*\*\*\*\*

CONDITIONED WELLS WITHIN 5 MILES OF APPLICATION G 14965

\$RECNO	APPLICATION	PERMIT	LOC-QQ	CONDITION-CODE
1	G	13133	G 12186	4.00S 3.00W13NESE 7DG
1	G	13133	G 12186	4.00S 3.00W13NESE 7DR
2	G	13330	G 11721	4.00S 2.00W34SESW 4GG
2	G	13330	G 11721	4.00S 2.00W34SESW 4GG
2	GR	73	GR 62	4.00S 2.00W34SESW
3	G	13330	G 11721	4.00S 2.00W34SWSE 4GG
3	G	13330	G 11721	4.00S 2.00W34SWSE 4GG
4	G	13837	G 12616	4.00S 1.00W 6SESE 7BG
4	G	13837	G 12616	4.00S 1.00W 6SESE 7BR
4	G	13837	G 12616	4.00S 1.00W 6SESE 7IG
4	G	13837	G 12616	4.00S 1.00W 6SESE 7IR
5	G	13872	G 12409	4.00S 1.00W32SENE 7BG
5	G	13872	G 12409	4.00S 1.00W32SENE 7BR
5	G	13872	G 12409	4.00S 1.00W32SENE 7CG
5	G	13872	G 12409	4.00S 1.00W32SENE 7CR
5	GR	100	GR 131	4.00S 1.00W32SENE
6	G	13166	G 11757	4.00S 1.00W31SESW 4IG
6	G	13166	G 11757	4.00S 1.00W31SESW 4IR
7	G	13173	G 12145	5.00S 3.00W13SESE 7BG
7	G	13173	G 12145	5.00S 3.00W13SESE 7BR
8	G	12945	G 11715	5.00S 2.00W 5SENE 4GG
9	G	13388	G 11708	5.00S 2.00W 2SENE 4GG
9	GR	2171	GR 2080	5.00S 2.00W 2SENE
10	G	13083	G 11840	5.00S 2.00W11NWN 4KG
11	G	12921	G 11618	5.00S 2.00W23NWSW 4GG
12	G	12203	G 11643	5.00S 1.00W 5SENE 3CW
13	G	14072	G 12374	5.00S 1.00W 4SENE 7BG

PERMITTED WELLS WITHIN 1 MILE OF APPLICATION G 14965

\$RECNO	APPLICATION	PERMIT	LOC-QQ	USE	RATE	DIV-UNITS
1	G	8827	G 8174	4.00S 2.00W21NENW IR	1.3400	C
2	G	5241	G 5097	4.00S 2.00W21NWNE IR	1.1400	C
2	G	5241	G 5097	4.00S 2.00W21NWNE IR	1.3300	C
3	G	12714	G 11673	4.00S 2.00W22NWNE AG	1.0000	C
3	G	12714	G 11673	4.00S 2.00W22NWNE IC	1.0000	C
3	GR	2514	GR 3833	4.00S 2.00W22NWNE IR	600.0000	G
4	G	3045	G 2841	4.00S 2.00W23NENE IR	1.1100	C
4	G	10441	G 9611	4.00S 2.00W23NENE IR	0.3100	C
5	G	7170	G 6609	4.00S 2.00W21SEW IS	3.0600	C
6	G	1761	G 1608	4.00S 2.00W21SENE IR	1.2500	C
7	GR	488	GR 515	4.00S 2.00W22SWNW IR	300.0000	G
8	G	12714	G 11673	4.00S 2.00W22SENE AG	1.0000	C
8	G	12714	G 11673	4.00S 2.00W22SENE AG	4.0000	C
8	G	12714	G 11673	4.00S 2.00W22SENE IC	1.0000	C
8	G	12714	G 11673	4.00S 2.00W22SENE IC	4.0000	C
9	G	11245	G 10359	4.00S 2.00W23SWNE IR	0.8700	C
10	G	8853	G 8218	4.00S 2.00W23SENE IS	2.0000	C
11	G	2791	G 2601	4.00S 2.00W21NESW IR	1.1100	C
11	G	2791	G 2601	4.00S 2.00W21NESW IS	1.1100	C
12	GR	1205	GR 1165	4.00S 2.00W21NWSE IR	290.0000	G
13	GR	3298	GR 3060	4.00S 2.00W22NWSW IR	300.0000	G
14	G	2359	G 2177	4.00S 2.00W23NWSE IR	1.8400	C
14	G	8111	G 7493	4.00S 2.00W23NWSE IR	0.5200	C
15	G	6421	G 5226	4.00S 2.00W23NESE IR	0.2300	C
16	GR	1249	GR 1206	4.00S 2.00W23SWSE IR	500.0000	G
17	GR	3467	GR 3207	4.00S 2.00W28NENW IR	350.0000	G
18	G	12351	G 11533	4.00S 2.00W28NWNE IR	3.1100	C
18	GR	3466	GR 3206	4.00S 2.00W28NWNE IR	600.0000	G
19	G	4249	G 3818	4.00S 2.00W28NENE IR	1.2500	C
19	G	8142	G 7583	4.00S 2.00W28NENE IR	0.4300	C
19	G	8019	G 7933	4.00S 2.00W28NENE IR	0.7200	C
20	G	14208	G 12906	4.00S 2.00W26NENW IR	0.6100	C
21	G	6175	G 5854	4.00S 2.00W26NWNE IS	0.7600	C
22	G	963	G 816	4.00S 2.00W26SEW IR	0.4800	C
22	G	963	G 816	4.00S 2.00W26SEW IR	0.6500	C
23	GR	310	GR 403	4.00S 2.00W26SWNE IR	150.0000	G
24	G	2201	G 2033	4.00S 2.00W27NWSE IR	0.7000	C
24	G	4017	G 3768	4.00S 2.00W27NWSE IR	0.3300	C
25	G	959	G 815	4.00S 2.00W26NWSW IS	1.1000	C
26	GR	360	GR 345	4.00S 2.00W26NWSE IR	400.0000	G
27	G	4925	G 4641	4.00S 2.00W28SWSW IR	0.6000	C
28	G	6447	G 6048	4.00S 2.00W28SESW IR	1.0100	C
28	G	13009	G 12275	4.00S 2.00W28SESW IR	1.6600	C
29	G	4925	G 4641	4.00S 2.00W28SWSE IR	1.2300	C
30	G	3877	G 3645	4.00S 2.00W25SWSW IR	0.4600	C
30	G	3877	G 3645	4.00S 2.00W25SWSW IR	0.6700	C
30	G	5585	G 5443	4.00S 2.00W25SWSW IR	0.5900	C
30	G	5585	G 5443	4.00S 2.00W25SWSW IR	0.8200	C
30	G	7718	G 7168	4.00S 2.00W25SWSW IS	0.8100	C
31	GR	337	GR 322	4.00S 2.00W34NENW IR	320.0000	G
32	G	8785	G 8087	4.00S 2.00W34NENE IR	0.3500	C
33	G	2201	G 2033	4.00S 2.00W35NENW IR	0.7000	C
33	G	4017	G 3768	4.00S 2.00W35NENW IR	0.3300	C
34	G	2178	G 2008	4.00S 2.00W34SWNE IR	0.6300	C
35	G	7092	G 6560	4.00S 2.00W34SENE IR	0.0600	C
35	G	7092	G 6560	4.00S 2.00W34SENE IR	0.1900	C



13 G 14072 G 12874 5.00S 1.00W 4SENE 7BR  
14 G 12813 G 11678 5.00S 1.00W 5NWSE 4GG  
\*\*\*\*\*

APPLICATION G 14965 FALLS WITHIN THESE QUAD(S)

SAINT PAUL

\*\*\*\*\*

The following OWRD Groundwater Management Areas are within the map extent:

\$RECNO	NAME1	NAME2	SUB-AREA	STATUS
1	SHERWOOD-WILSONVILLE			LIMI
2	PARRETT MOUNTAIN			LIMI

\*\*\*\*\*

## STATE OF OREGON

## COUNTY OF MARION

## ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.211, after notice was given and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT T-8858 submitted by

KEVIN CROSBY  
P.O. BOX 70  
WOODBURN, OREGON 97071.

The permit to be modified is Permit G-13817 with a date of priority of APRIL 7, 1999. The permit allows the use of A WELL, in the CHAMPOEG CREEK BASIN, for SUPPLEMENTAL IRRIGATION OF 51.4 ACRES. The amount of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 0.642 cubic foot per second, if available at the original well; NE¼ NE¼, AS PROJECTED WITHIN J. BARNABIE DLC 50, SECTION 27, T 4 S, R 2 W, W.M.; 240 FEET SOUTH AND 1250 FEET WEST FROM THE NE CORNER OF SECTION 27, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60 day time period specified by ORS 183.484(2).

Pursuant to ORS 536.075 and OAR 137-004-080 and OAR 690-01-005 you may either petition for judicial review or petition the Director for reconsideration of this order.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$  SE $\frac{1}{4}$  4.1 ACRES  
SE $\frac{1}{4}$  SE $\frac{1}{4}$  4.1 ACRES  
ALL AS PROJECTED WITHIN J. BARNABIE DLC 50  
SECTION 22

NE $\frac{1}{4}$  NE $\frac{1}{4}$  21.2 ACRES  
NW $\frac{1}{4}$  NE $\frac{1}{4}$  21.3 ACRES  
SE $\frac{1}{4}$  NE $\frac{1}{4}$  0.7 ACRE  
ALL AS PROJECTED WITHIN J. BARNABIE DCL 50  
SECTION 27

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation to:

SW $\frac{1}{4}$  SE $\frac{1}{4}$ , AS PROJECTED WITHIN J. BARNABIE DLC 50,  
SECTION 22, T 4 S, R 2 W, W.M.; 330 FEET NORTH AND 1800 FEET WEST  
FROM THE SE CORNER OF SECTION 22.

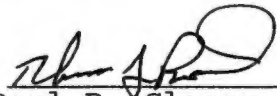
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available at the original point of appropriation.
2. The water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.
3. Water shall be acquired from the same aquifer as the original point of appropriation.

4. All other terms and conditions of the permit remain the same.

Permit G-13817, in the name of KEVIN CROSBY is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed MAY 24 2002.

  
Paul R. Cleary, Director

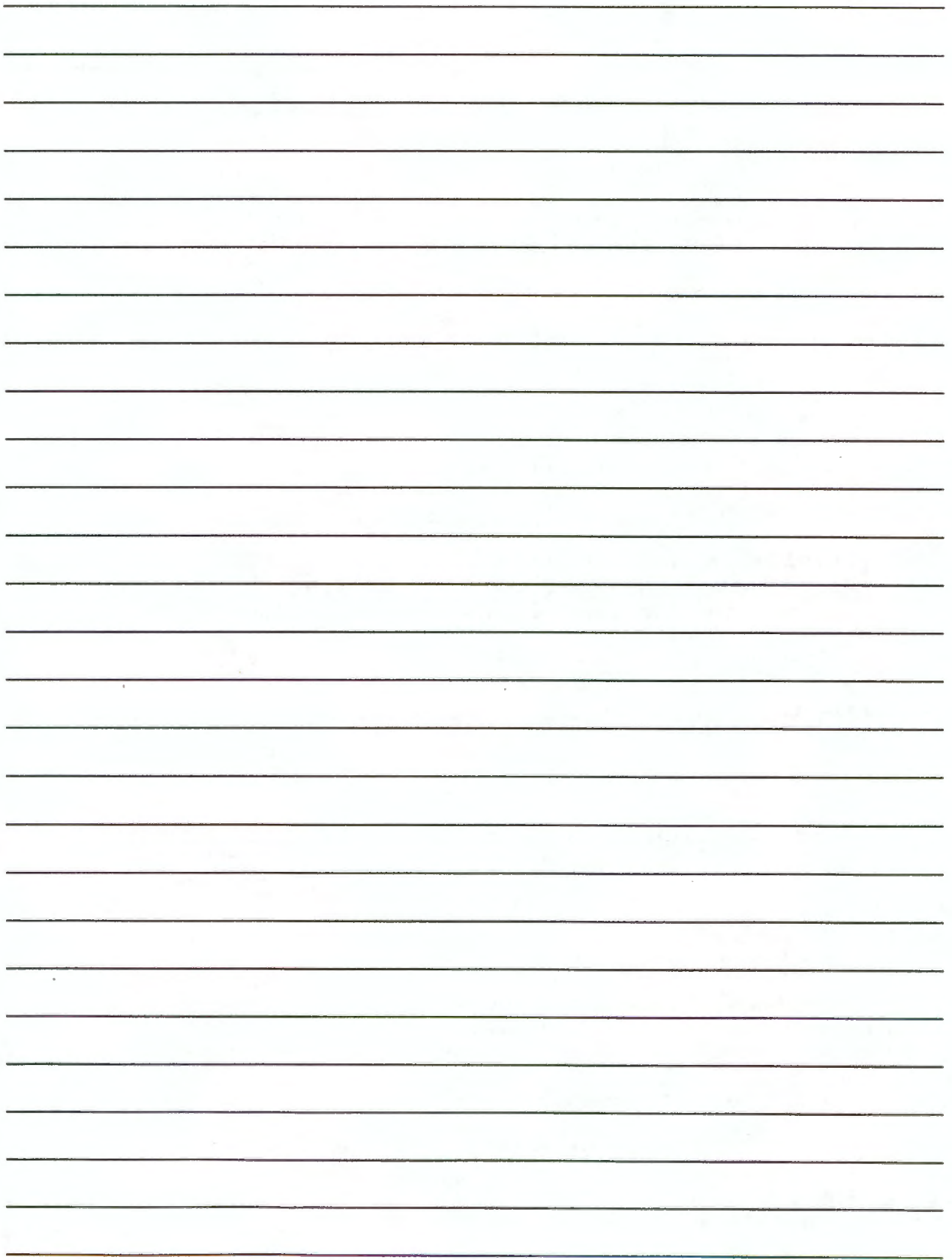
PFO CHECKLIST

Application #: C 14965

County Marion Basin: Willamette 2  
Township 4S Range 2W Section 27 1/4 1/4 NE NE

- 1. Complete by Minimum Requirements Checklist? Y / N
- 2. Shortcomings (items needed before a permit and/or FO can be issued) Y / N Should process continue Y / N  
*PRIMARY & SUPPLEMENTAL MUST BE SHOWN ON MAP*
- 3. Groundwater Review A B C D River/Stream Name \_\_\_\_\_  
  - a. Groundwater Availability A B C
  - b. Is second groundwater review complete Y / N necessary? (comments) Y / N
  - c. Is the well located in a GWLA or CA? (If applicable, include map with POD) Y / N within area
- 4. Is use from BOR / Doug Co. project? Y / N Contract in file? Y / N Contract # \_\_\_\_\_
- 5. Is the use allowed by the Basin Program? Y / N Limited? Y / N \_\_\_\_\_
- 6. Water Availability Data OK / REDONE NA (80% live flow & 50% storage) \_\_\_\_\_
- 7. Is the source **withdrawn** or limited by statute or Department order? Y / N \_\_\_\_\_
- 8. Is the Proposed Use located in or above a **SWW**? Y / N \_\_\_\_\_
- 9. Division 33: Y / N / NA Above Bonn (after July 17, 1992) Y / N  
Below Bonn (after April 8, 1994; June 3, 1994) Y / N  
Statewide - (in shaded areas on T, E, and S Map - after June 3, 1994) Y / N
- 10. IR identifies as on DEQ 303d List? Y / N / NA Comments received? Y / N
- 11. Have **conflicts** been addressed? Y / N NA *MAKE SUPPLEMENTAL FOR AMOUNT NOTED ON EXISTING CERTS (SI)*
- 12. Duty 1/80, 2.5 Irrigation Season \_\_\_\_\_
- 13. Period of Allowed Use \_\_\_\_\_ 3-10/31
- 14. Allowed Rate REDU 0.69 5.4 x .125 = .642  
summary:
- 15. **Small** ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or **Large** ( $\geq 1.5$  cfs,  $\geq 100$  AF)  
condition 7I and **municipal** use  $\leq 0.1$  cfs require the **Large** condition
- 16. **Conditions** 7B, 7C, 7E CASD & SCA  $\rightarrow$  250 NO NEARER THAN 150. NOT IN THE BASIN  
New River Basin? Y / N / NA (see M:\groups\wrp\pof\findings & other lang)
- 17. IR Date 7/9/99 Public Notice Date 7/27/99 Comment Rec'd Y
- 18. CWRE, representatives or Property owners to notify? Y / N BRUCE ESTES (CWRE)

Initials: RWK Date: 9/27/99



IR CHECKLIST

Application # G-14965 Priority Date: 4/7/99  
Basin: 2-will County: Marion  
Township 45 Range 2W Section 27 1/4 1/4  
WAB: \_\_\_\_\_ POU WAB: \_\_\_\_\_

- 1. Complete by Minimum Requirements checklist  Y  N Items still required: \_\_\_\_\_
- 2. Groundwater Review A B  C  D River/Stream Name \_\_\_\_\_  
Conditions 7B, 7C, 7F Water Availability A B  C
- 3. Is the well located in a groundwater limited area? Y  N Name \_\_\_\_\_
- 4. Is the well located in T1N R3E SEC 20, 21, 28, 29 Y  N
- 5. Within or above a Scenic Waterway Y  N Conditions/Restrictions Y  N
- 6. Basin Maps have been checked Y  N Champoek & Pond R.
- 7. Allowed under Basin Program Y  N Limitations Y  N 690-502-160(2)
- 8. Withdrawn Y  N Season Allowed \_\_\_\_\_
- 9. Water Availability 80% \_\_\_\_\_ 50% \_\_\_\_\_  N/A
- 10. Use IRR Period of allowed use 3/1-10/31
- 11. Season requested by applicant Mar-Oct
- 12. For Irrigation: Rate 1/80 Duty 2 1/2 Season 3/1-10/31
- 13. For Nursery or Cranberry: Rate \_\_\_\_\_ Duty \_\_\_\_\_ Season \_\_\_\_\_
- 14. Allowable rate of use: 55/80 0.69 cfs  
Requested Rate: 0.69 cfs 309.0 gpm
- 15. BOR project Y  N Contract # \_\_\_\_\_
- 16. Subject to Division 33: Y  N  N/A Above Bonneville \_\_\_\_\_ TES Y N  
Below Bonneville \_\_\_\_\_ TES Y N TES only Y N
- 17. Conflict  Y  N Units: 39689 & 21293 - however - plans to refer
- 18. Conditions? (BOR, GW, other) Y  N Cont. cases sealed to ... see report for language
- 19. Measuring condition Small \_\_\_\_\_ Medium  Large \_\_\_\_\_
- 20. Within Dept. Of Agriculture Water Quality Management Area Y N  N/A  
TUALATIN \_\_\_\_\_ BEAR CREEK(ROGUE) \_\_\_\_\_
- 21. On DEQ 303d list Y N  N/A
- 22. Land use approval  OK'd Needs Approval County Notified N/A
- 23. Watermaster Dist: (1 2  16  18  20  NWR) (3 4 5 NCR) (6 8 9 10 ER)  
(11 12 17 SCR) (13 14 15 19 SWR)
- 24. ODFW Biologist Leibowitz
- 24. Letter will be:  GOOD  LIMITED  BAD  BAD W/IR SHORT  BAD W/HC EXCEPT

Name: [Signature] Date: 4/30/99

# Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## G-14 965

ROUTED TO: W.R.

TOWNSHIP/

RANGE-SECTION: 45/2W-27

CONDITIONS ATTACHED?  Yes  No

REMARKS OR FURTHER INSTRUCTIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Reviewer: Maria Stotson





TO: Water Rights Section

June 15, 1999

FROM: Ground Water/Hydrology Section 14965 Maureen Norton

Reviewer's Name

SUBJECT: Application G- 14965

GROUNDWATER/SURFACE WATER CONSIDERATIONS

1. PER THE \_\_\_\_\_ Basin rules, one or more of the proposed POA's is/is not within \_\_\_\_\_ feet/mile of a surface water source (\_\_\_\_\_) and taps a groundwater source hydraulically connected to the surface water.
2. BASED UPON OAR 690-09 currently in effect, I have determined that the proposed groundwater use
  - a. \_\_\_ will, or have the potential for substantial interference with the nearest
  - b. \_\_\_ will not surface water source, namely \_\_\_\_\_; or
  - c.  will if properly conditioned, adequately protect the surface water from interference:
    - i. \_\_\_ The permit should contain condition #(s) \_\_\_\_\_;
    - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
  - d. \_\_\_ will, with well reconstruction, adequately protect the surface from substantial interference.

GROUNDWATER AVAILABILITY CONSIDERATIONS

3. BASED UPON available data, I have determined that groundwater for the proposed use
  - a. \_\_\_ will, or likely be available in the amounts requested without injury to prior rights
  - b. \_\_\_ will not and/or within the capacity of the resource; or
  - c.  will if properly conditioned, avoid injury to existing rights or to the groundwater resource:
    - i.  The permit should contain condition #(s) ~~7B, 7C~~; 7F MAN
    - ii.  The permit should contain special condition(s) as indicated in "Remarks" below;
    - iii. \_\_\_ The permit should be conditioned as indicated in item 4 below; or
4.
  - a. \_\_\_ THE PERMIT should allow groundwater production from no deeper than \_\_\_\_\_ ft. below land surface;
  - b. \_\_\_ The permit should allow groundwater production from no shallower than \_\_\_\_\_ ft. below land surface;
  - c. \_\_\_ The permit should allow groundwater production only from the \_\_\_\_\_ groundwater reservoir between approximately \_\_\_\_\_ ft. and \_\_\_\_\_ ft. below land surface;
  - d. \_\_\_ Well reconstruction is necessary to accomplish one or more of the above conditions.
  - e. \_\_\_ One or more POA's commingle 2 or more sources of water. The applicant must select one source of water per POA and specify the proportion of water to be produced from each source.

REMARKS: The well shall be continuously sealed and cased to a minimum depth of 250 feet and cannot be completed below a depth of 350 feet. The well shall not be constructed into the Baralts.

(Well Construction Considerations on Reverse Side)

WELL CONSTRUCTION (If more than one well doesn't meet standards, attach an additional sheet.)

5. THE WELL which is the point of appropriation for this application does not meet current well construction standards based upon:
- a. \_\_\_ review of the well log;
  - b. \_\_\_ field inspection by \_\_\_\_\_;
  - c. \_\_\_ report of CWRE \_\_\_\_\_;
  - d. \_\_\_ other: (specify) \_\_\_\_\_
6. THE WELL construction deficiency:
- a. \_\_\_ constitutes a health threat under Division 200 rules;
  - b. \_\_\_ commingles water from more than one groundwater reservoir;
  - c. \_\_\_ permits the loss of artesian head;
  - d. \_\_\_ permits the de-watering of one or more groundwater reservoirs;
  - e. \_\_\_ other: (specify) \_\_\_\_\_
7. THE WELL construction deficiency is described as follows: \_\_\_\_\_
8. THE WELL a. \_\_\_ was, or constructed according to the standards in effect at the time of  
b. \_\_\_ was not original construction or most recent modification.  
c. \_\_\_ I don't know if it met standards at the time of construction.

---

**RECOMMENDATION:**

- A. \_\_\_ I recommend including the following condition in the permit:  
"No water may be appropriated under terms of this permit until the well(s) has been repaired to conform to current well construction standards and proof of such repair is filed with the Enforcement Section of the Water Resources Department."
- B. \_\_\_ I recommend withholding issuance of the permit until evidence of well reconstruction is filed with the Enforcement Section of the Water Resources Department.
- C. \_\_\_ REFER this review to Enforcement Section for concurrence.

---

**THIS SECTION TO BE COMPLETED BY ENFORCEMENT PERSONNEL**

I concur in G/H's recommendation A or B above relating to conditioning or withholding the permit  
\_\_\_\_\_, 199\_\_.

(Signature)

I do not concur in G/H's recommendation A or B above relating to conditioning or withholding the permit for the following reasons: \_\_\_\_\_

\_\_\_\_\_, 199\_\_.

(Signature)

STATE OF OREGON  
 COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** EDGAR W. CROSBY, Jr. and  
 ELLEN MARIE CROSBY

97071

of Route 1, Woodburn, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Champoeg Creek and reservoir constructed under Permit number R-4964

a tributary of Willamette River for the purpose of irrigation of 21.1 acres and supplemental irrigation of 51.4 acres

under Permit No. 34601 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from February 5, 1969

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.27 cubic foot per second from Champoeg Creek and 40.0 acre feet stored water from reservoir

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , Section 22, T. 4 S., R. 2 W., W. M., 360 feet South and 1250 feet West from the Westerly Int. "L" Corner, Kennedy DLC 49.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein, and further limited to the use of stored water only on the lands described as supplemental,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

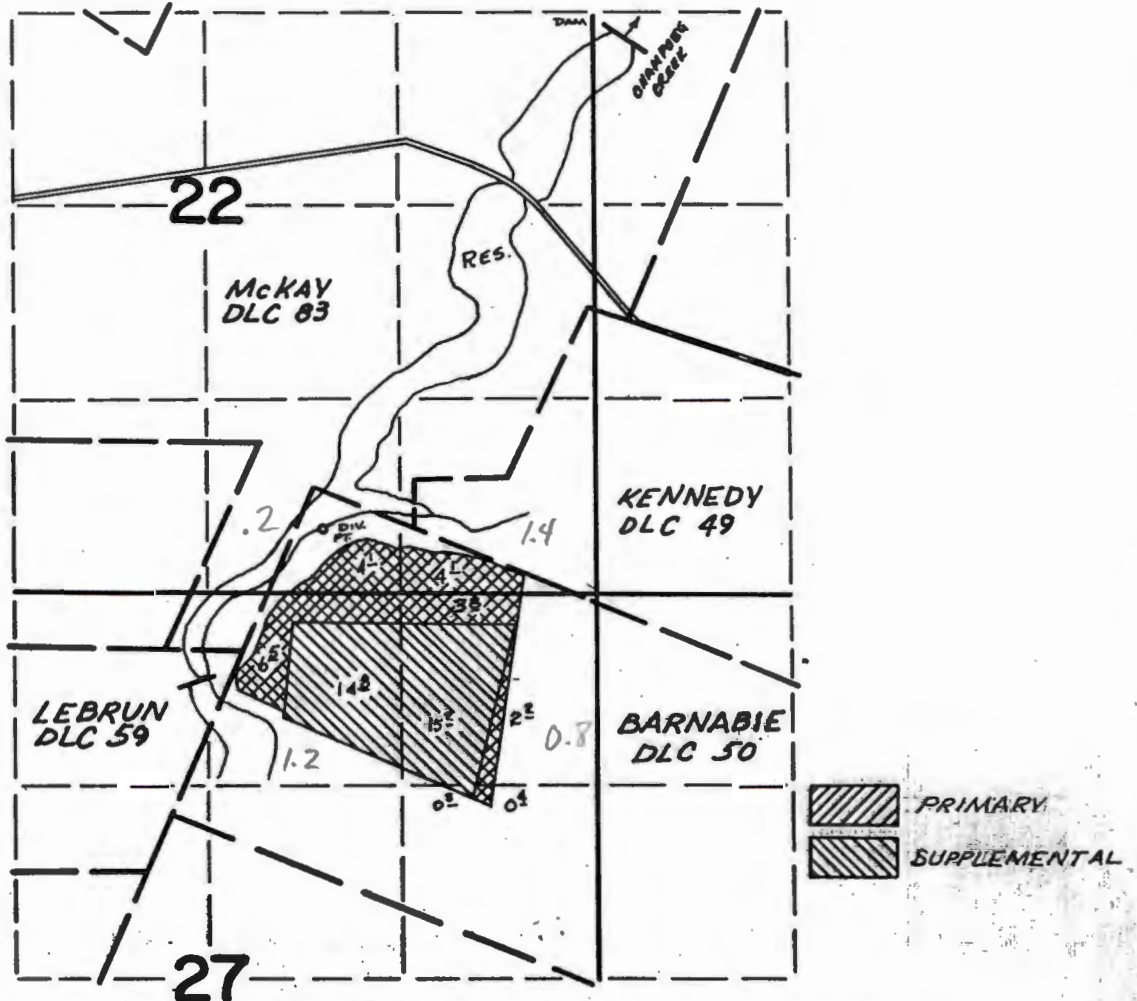
	<u>Primary</u>	<u>Supplemental</u>
SW $\frac{1}{4}$ SE $\frac{1}{4}$	4.1 acres	4.1 acres
SE $\frac{1}{4}$ SE $\frac{1}{4}$	4.1 acres	4.1 acres
	Both as projected within Barnable DLC 50 Section 22	
NE $\frac{1}{4}$ NE $\frac{1}{4}$	6.0 acres	21.2 acres
NW $\frac{1}{4}$ NE $\frac{1}{4}$	6.5 acres	21.3 acres
SW $\frac{1}{4}$ NE $\frac{1}{4}$	0.4 acre	0.7 acre
	All as projected within Barnable DLC 50 Section 27 T. 4 S., R. 2 W., W. M.	

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed  
 this date. December 28, 1973

.....  
 Chris L. Wheeler  
 State Engineer

# T.4 S., R.2 W. W.M.



DIV. PT. LOCATED: 360'S & 420' W FROM W'LY INT. "L" COR KENNEDY DLC 49  
 DAM LOCATED: 3000' N & 810' E FROM W'LY INT. "L" COR KENNEDY DLC 49

## FINAL PROOF SURVEY UNDER

51.4

Application No. 45739 Permit No. 34601  
 IN NAME OF

EDGAR W. CROSBY, JR. & ELLEN MARIE CROSBY

Surveyed Oct. 6 1972, by D. Norby

STATE OF OREGON  
COUNTY OF MARION  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** NEWTON DAVIS

of Rt. 1, Box 334, Woodburn, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Champeog Creek a tributary of Willamette River for the purpose of irrigation under Permit No. 20143 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 15, 1951.

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.367 cubic foot per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected within J. Barnabie D.L.C. No. 50, Section 22, Township 4 South, Range 2 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

14.56 acres in the W  $\frac{3}{4}$  NE $\frac{1}{4}$  NE $\frac{1}{4}$   
14.8 acres in the E  $\frac{3}{4}$  NW $\frac{1}{4}$  NE $\frac{1}{4}$   
All as projected within J. Barnabie D.L.C. No. 50  
Section 27  
Township 4 South, Range 2 West, W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 18th day of May, 1956.

LEWIS A. STANLEY  
State Engineer

Recorded in State Record of Water Right Certificates, Volume 15, page 21293.

T. 4 S., R. 2 E., W.M.



### FINAL PROOF SURVEY

UNDER

Application No. 25725 Permit No. 20113  
24254 19152  
26626 60850

IN NAME OF

Newton Davis  
George Bettlemeyer  
George Bettlemeyer

Surveyed April 13 1954, by H. L. Coffman.

## WATER RESOURCES DEPARTMENT

**MEMO**

May 10, 2000

TO: Russ Klassen, Water Rights Section

FROM: Marc Norton, Ground Water/Hydrology Section *MAN*

SUBJECT: Ground Water Application G-14965

The following paragraph can be substituted for the current well construction condition that specifies 250 feet of casing and seal.

### Proposed New Condition

The well shall be continuously cased and continuously sealed to a minimum depth of 250 feet below land surface. The well cannot be completed in such manner that it allows ground water to be developed from the underlying basalt aquifer. If during well construction, it becomes apparent that the well can be constructed to eliminate hydraulic connection with surface water in a manner other than specified in the permit, the permittee can contact the Ground Water/Hydrology Section to request a modification of the permit condition. The permittee shall submit, in writing, a rough well log and a proposed construction design for approval by the Department. The well construction condition can only be modified if the request is received and reviewed prior to placement of any permanent casing and sealing material. If the well is constructed first and then the request made, it shall not be granted.



**INTEROFFICE MEMORANDUM**

Water Rights Section

TO: Fred Lissner

FROM: Dwight French, x268 *DWF*

Nov 22, 1999

RE: GW File Number G- 14965

Please have someone on your staff review the LETTER attached.

MARC NORTON of your staff appears to be the most recent GW person to look at this file.

Please route to Russ when finished.

Thanks.

- 12.  Respond to significant comments, issues, or disputes related to the proposed use of water (see notes, if any, listed above)
- 13.  Include or exclude permit conditions and management codes.
- 14.  Assign permit numbers to files with oaths, fees, and no protests or other issues.

FO Type: (circle types) DENIAL    FO w/o PERMIT (REASON: Lacks Fees   Lacks Easement   Map   Other

FO & PERMIT (Permit # G-15    FOMOD    MGMT CODES::  
 Once FO document is completed:    013817    7B, 7G, 7F

- 15.  Save WordPerfect document in M:\GROUPS\WR\FO\WEEK 243 & delete duplicates.
- 16.  Print final draft of document and submit to team leader for review
- 17. Y / N    Team leader review completed
- 18.  Notify applicant of additional information or fees required prior to permit issuance. (SEND CERTIFIED LETTER & use standard wording from M:\...\FO\TOOLS if possible)
- 19. Route to Dwight for signature
- 20. Update folders, E-mail data center, send copy to HTML
- 21. To support for mailing

Watermaster District  
 Region Manager  
 ODFW District

16  
 \_\_\_\_\_  
NWR  
 \_\_\_\_\_  
 \_\_\_\_\_

# FO CHECKLIST

FILE # 614965  
PFO WEEK # 221  
FO WEEK # 243

PFO TO FO CONVERSION

REVIEW DATE: 5/12/00  
INITIALS: AW

## Applicant Name and Mailing

Address: Kevin Crosby  
PO Box 70  
Woodburn, OR 97071

## In preparing to create the FO, you should check the following:

1.  Y /  N Were comments or protests received? If so, **from whom and when?** Bruce Estes, CURR 11/12/99

2.  On the PFO CC list, verify names and mailing addresses of **ALL** commentors (regardless of comment date, **affected landowners**, and **those who paid the \$10 feet.**  
Bruce Estes, CURR

3. Y / N /  NA Have affected land owners been notified?

4. Y /  N Is the file lacking a signed oath of accuracy for the application?

5. Y / N /  NA Has ODFW asked for self certification of screening condition?  
If so, write "ODFW CERT" in the permit black on the front of the file.

6. Y /  N Is water use prohibited for one or more months of the normal use period?

7.  Y /  N If #6 = "Y", is short season letter on file? Note: If short season letter is lacking, see item #10 below. Give applicant 60 days to submit required information.

8.  Verify Payment of recording fees (*circle the appropriate option*)

(1) Issue FO w/permit if fees are paid — Prepare refund request for excess fees, **including standing fees if no protest is filed and no modifications are being made to the PFO.**

(2) Issue FO w/o permit if fees are lacking.  
.642 1<sup>st</sup> CFS/AF 150  
Add'l \_\_\_\_\_  
TOTAL Q .50

Exam Fee Paid	<u>250</u>
Q fee	<u>150</u>
Recording fee	<u>175</u>
<b>Total</b>	<u>575</u>
Amount Paid	<u>575</u>
<b>Amount due/refund</b>	<u>0</u>

9.  Y /  N Is further processing possible? If not state reason: \_\_\_\_\_

10.  Y /  N Do the PFO conclusions require modification? Why? letter from CURR and add'l GW review re: depth - condit'ns  
(If YES, circle FOMOD and one other type below)

11.  Correct PFO errors (such as POD or POU location (verify from map), Permit format)

Oregon Water Resources Department  
Water Rights Division

CHANGE FO TO  
REFLECT MEMO FROM  
MARC NORTON OF 5/10/00  
Proposed Final Order

Water Rights Application  
Number G-14965

Summary of Recommendation: The Department recommends that the attached draft permit be issued with conditions.

Application History

On April 7, 1999, KEVIN CROSBY submitted to the Department for the following water use permit:

CHANGE FO TO  
REFLECT MARC  
NORTON MEMO  
RWK 5/10/00

- Amount of Water: 0.69 CUBIC FOOT PER SECOND
- Use of Water: IRRIGATION OF 55.0 ACRES
- Source of Water: A WELL IN CHAMPOEG CREEK BASIN
- Area of Proposed Use: MARION County within SECTION 22, SECTION 27, TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

On 7/9/99, the Department mailed the applicant notice of its Initial Review, determining that "The use of 0.69 CUBIC FOOT PER SECOND from A WELL IN CHAMPOEG CREEK BASIN for IRRIGATION OF 55.0 ACRES is allowable from March 1 through October 31 of each year, contingent upon the resolution of the conflicting water rights." The applicant did not notify the Department to stop processing the application within 14 days of that date.

On 7/27/99, the Department gave public notice of the application in its weekly notice. The public notice included a request for comments, and information for interested persons about both obtaining future notices and a copy of the proposed final order.

No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program

Oregon Water Resources Department  
Water Rights Division

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REFLECT MEMO FROM  
MARC NORTON OF 5/10/00  
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No written comments were received within 30 days.

In reviewing applications, the Department may consider any relevant sources of information, including the following:

- comments by or consultation with another state agency
- any applicable basin program

- any applicable comprehensive plan or zoning ordinance
- the amount of water available
- the rate and duty for the proposed use
- pending senior applications and existing water rights of record
- designations of any critical groundwater areas
- the Scenic Waterway requirements of ORS 390.835
- applicable statutes, administrative rules, and case law
- any general basin-wide standard for flow rate and duty of water allowed
- the need for a flow rate and duty higher than the general standard
- any comments received

*Findings of Fact*

The Willamette Basin Program allows the following uses: SUPPLEMENTAL IRRIGATION.

There are existing rights for irrigation, certificates 21293 and 39689, covering the same land depicted on the application map for application G-14965. The Initial Review and a certified letter indicated that prior to proceeding with application G-14965 for primary irrigation, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificates and the use proposed under this application. Nothing was submitted to the Department dealing with the conflicts. Therefore, the use under this application will be proposed for supplemental irrigation. Because the use allowed under this application, if any, will be supplemental, it will be limited and/or jeopardize as follows:

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary source is exhausted.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.
- ◆ If the primary right is transferred to a new location the supplemental right must also be transferred.

Additionally, the application map submitted for G-14965 matches the maps for the existing rights, except the acreage allowed under the old certificates equals 51.4 acres and the new map indicates 55.0 acres. Because the application map shows the same lands for irrigation as the existing certificate maps, the amount of acreage will be limited to the existing certificates, 51.4 acres

A WELL IN CHAMPOEG CREEK BASIN is not within or above a State Scenic Waterway.

An assessment of water availability has been completed by the Department's groundwater section. A copy of this assessment is in the file. This assessment determined that water is available for further appropriation March 1 through October 31.

The Department finds that no more than 0.642 CFS would be necessary for the proposed Irrigation of 51.4 acres. The amount of water requested, 0.69 CUBIC FOOT PER SECOND, shall be restricted to 0.642 CFS.

The proposed well is not within a designated critical ground water area.

The Department determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.

The Groundwater Section finds that there **is NOT** a preponderance of evidence that the proposed use of groundwater will measurably reduce the surface water flows necessary to maintain the free-flowing character of a scenic waterway in quantities necessary for recreation, fish and wildlife.

#### *Conclusions of Law*

Under the provisions of ORS 537.621, the Department must presume that a proposed use will ensure the preservation of the public welfare, safety and health if the proposed use is allowed in the applicable basin program established pursuant to ORS 536.300 and 536.340 or given a preference under ORS 536.310(12), if water is available, if the proposed use will not injure other water rights and if the proposed use complies with rules of the Water Resources Commission.

The proposed use requested in this application is allowed in the Willamette Basin Plan.

No preference for this use is granted under the provisions of ORS 536.310(12).

Water is available for the proposed use.

The proposed use will not injure other water rights.

The proposed use complies with other rules of the Water Resources Commission not otherwise described above.

The proposed use complies with the State Agency Agreement for land use.

No proposed flow rate and duty of water higher than the general basin-wide standard is needed.

For these reasons, the required presumption has been established.

Under the provisions of ORS 537.621, once the presumption has been established, it may be overcome by a preponderance of evidence that either:

- (a) One or more of the criteria for establishing the presumption are not satisfied; or
- (b) The proposed use would not ensure the preservation of the public welfare, safety and health as demonstrated in comments, in a protest . . . or in a finding of the department that shows:
  - (A) The specific aspect of the public welfare, safety and health under ORS 537.525 that would be impaired or detrimentally affected; and
  - (B) Specifically how the identified aspect of the public welfare, safety and health under ORS 537.525 would be impaired or be adversely affected.

In this application, all criteria for establishing the presumption have been satisfied, as noted above. The presumption has not been overcome by a preponderance of evidence that the proposed use would impair or be detrimental to the public interest.

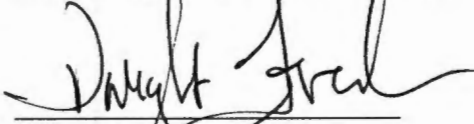
The Department therefore concludes that water is available in the amount necessary for the proposed use; the proposed use will not result in injury to existing water rights; and the proposed use would ensure the preservation of the public welfare, safety and health as described in ORS 537.525.



Recommendation

The Department recommends that the attached draft permit be issued with conditions.

DATED October 19, 1999



Dwight French  
Water Rights Section Manager

*If you have any questions,  
please check the information  
box on the last page for the  
appropriate names and  
phone numbers.*

*Protest Rights and Standing*

Under the provisions of 537.621(7), you have the right to protest this proposed final order. Your protest must be in writing, and must include the following:

- Your name, address, and telephone number;
- A description of your interest in the proposed final order, and, if you claim to represent the public interest, a precise statement of the public interest represented;
- A detailed description of how the action proposed in this proposed final order would impair or be detrimental to your interest;
- A detailed description of how the proposed final order is in error or deficient, and how to correct the alleged error or deficiency;
- Any citation of legal authority to support your protest, if known; and
- If you are not the applicant, the \$200 protest fee required by ORS 536.050 and proof of service of the protest upon the applicant.
- If you are the applicant, a statement of whether or not you are requesting a contested case hearing. If you do not request a hearing, the Department will presume that you do not wish to contest the findings of the proposed final order.
- If you do not protest this Proposed Final Order and if no substantive changes are made in the final order, you will not have an opportunity for judicial review, protest or appeal of the final order when it is issued.

Requests for Standing

Under the provisions of 537.621(6), persons other than the applicant who support a proposed final order may request standing for purposes of participating in any contested case proceeding on the proposed final order or for judicial review of a final order. A request for standing shall be in writing, include a statement that the requester supports the proposed final order, and a statement of how the requester would be harmed if the proposed final order is modified. The fee required at the time of submitting this request is \$50.00. If a hearing is scheduled, an additional fee of \$150.00 must be submitted along with a request for intervention. Forms to request standing are available from the Department.

Your protest or request for standing must be received in the Water Resources Department no later than **December 3, 1999**.

After the protest period has ended, the Director will either issue a final order or schedule a contested case hearing. The contested case hearing will be scheduled only if a protest has been submitted and if

- upon review of the issues, the director finds that there are significant disputes related to the proposed use of water, or
- the applicant requests a contested case hearing within 30 days after the close of the protest period.

*This document was prepared by Russell W. Klassen. If you have any questions about any of the statements contained in this document I am most likely the best person to answer your questions. You can reach me toll free within Oregon at 1-800-624-3199 extension 266. Outside of Oregon you can dial 1-503-378-8455.*

*If you have questions about how to file a protest or if you have previously filed a protest and want to know the status, please contact Adam Sussman. His extension number is 262.*

*If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 499*

*Address all other correspondence to:*

Water Rights Section, Oregon Water Resources Department, 158 12th ST NE SALEM, OR 97310  
Fax: (503)378-2496.

STATE OF OREGON

COUNTY OF MARION

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

KEVIN CROSBY  
PO BOX 70  
WOODBURN, OREGON 97071

(503)981-9088

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-14965

SOURCE OF WATER: A WELL IN CHAMPOEG CREEK BASIN

PURPOSE OR USE: SUPPLEMENTAL IRRIGATION OF 51.4 ACRES

MAXIMUM RATE: 0.642 CUBIC FOOT PER SECOND

PERIOD OF USE: MARCH 1 THROUGH OCTOBER 31

DATE OF PRIORITY: APRIL 7, 1999

POINT OF DIVERSION LOCATION: NE 1/4 NE 1/4, SECTION 27, T4S, R2W, W.M.;  
240 FEET SOUTH & 1250 FEET WEST FROM NE CORNER, SECTION 27

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

SW 1/4 SE 1/4 4.1 ACRES ✓  
SE 1/4 SE 1/4 4.1 ACRES ✓  
SECTION 22  
NE 1/4 NE 1/4 21.2 ACRES ✓  
NW 1/4 NE 1/4 21.3 ACRES ✓  
SE 1/4 NE 1/4 0.7 ACRE ✓  
SECTION 27

TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**  
Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun****Seven Consecutive Annual Measurements**

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely

impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.

*Supervised* The well shall be continuously cased and continuously sealed to a minimum depth of 250 feet below land surface and cannot be completed below a depth of 350 feet. The well shall not be constructed into the basalt formations.

This right is limited to any deficiency in the available supply of any prior right existing for the same land.

#### STANDARD CONDITIONS

The wells shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director finds that the proposed use(s) of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Actual construction of the well shall begin within one year from issuance of the final order approving the use. Complete application of the water to the use shall be made on or before October 1, 2003. Within one year after complete application of water to the proposed use, the permittee shall submit a claim of beneficial use, which includes a map and report, prepared by a Certified Water Rights Examiner (CWRE).

Issued \_\_\_\_\_, 199\_

**DRAFT - THIS IS NOT A PERMIT**

---

Martha O. Pagel, Director  
Water Resources Department

**ESTES  
SURVEYS**

**SURVEYS  
CONSULTING**

**RECEIVED**

**LAND & WATER RIGHTS**

**Bruce A. Estes, PLS, CWRE**

**NOV 12 1999**

**October 9, 1999**

**WATER RESOURCES DEPT.  
SALEM, OREGON**

60382 Arnold Rd.  
Bend, OR 97702  
(541) 382-7391  
FAX 382-7391

PO Box 17519  
Salem, OR 97305-7519  
(503) 585-7593  
FAX 585-7593

**Dwight French, Manager, Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310-0210**

**Dear Mr. French:**

**Re: G-14965**

**The proposed final order requires a well seal-250'. As stated before this is very restrictive and does not allow for minor adjustment to accomodate the aquifer overlay if different than anticipated. Please amend the requirement to allow some flexibility with prior consultation with your hydro-geologist as provided in other permits. It would also be appreciated if the limit to 350' could be changed to 350' or as allowed with consultation with the WRD. We understand that the driller cannot drill into the basalts, but what if the basalt is deeper than 350'?**

**Thank you for your efforts. If you have any questions please call me.**

**Sincerely,**



**Bruce A. Estes, PLS, WRE**

**cc Kevin Crosby**





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

July 9, 1999

KEVIN CROSBY  
PO BOX 70  
WOODBURN, OREGON 97071

(503)981-9088

Reference: File G-14965

Dear Applicant:

### **THIS IS NOT A PERMIT AND IS SUBJECT TO CHANGE AT THE NEXT PHASE OF PROCESSING.**

This letter is to inform you of the favorable preliminary analysis of your water use permit application and to describe your options. In determining whether a water use permit application may be approved, the Department must consider the factors listed below, all of which must be favorable to the proposed use if it is to be allowed. Based on the information you have supplied, the Water Resources Department has made the following preliminary determinations:

#### Initial Review Determinations:

1. The proposed use is not prohibited by law or rule.
2. The use of water from A WELL IN CHAMPOEG CREEK BASIN for IRRIGATION OF 55.0 ACRES **is allowable** under OAR 690-502-160(2), the Willamette Basin Program.
3. The Department has determined, based upon OAR 690-09, that the proposed groundwater use will, if properly conditioned, adequately protect the surface water from interference.
4. The Department has also determined, based upon available data, that the use of groundwater in the amount of 0.69 CUBIC FOOT PER SECOND for IRRIGATION OF 55.0 ACRES **is available**, and if properly conditioned, will not injure existing rights or the groundwater resource.
5. According to Department records, there are existing rights, certificates 21293 and 39689, covering all the land proposed under this application. Information provided with the application indicates applicant wishes to transfer the existing rights, leaving the right proposed under this application as primary. The findings of this Initial Review are

contingent upon the resolution of the conflicting water rights. Please refer to the Conflict Resolution Section below for more information.

6. The Department also finds that the proposed well shall be continuously cased and continuously sealed to a minimum depth of 250 feet, and cannot be completed below a depth of 350 feet. The well shall not be constructed into the basalt aquifer.

### **Summary of Initial Determinations**

**The use of 0.69 CUBIC FOOT PER SECOND from A WELL IN CHAMPOEG CREEK BASIN for IRRIGATION OF 55.0 ACRES is allowable from March 1 through October 31 of each year, contingent upon the resolution of the conflicting water rights.**

Because of these favorable determinations, the Department can now move your application to the next phase of the water rights application review process. This phase is where public interest factors will be evaluated.

Please reference the application number when sending any correspondence regarding the conclusions of this initial review. Comments received within the comment period will be evaluated at the next phase of the process.

#### **To Proceed With Your Application:**

If you choose to proceed with your application, you do not have to notify the Department. Your application will automatically be placed on the Department's Public Notice to allow others the opportunity to comment. After the comment period the Department will complete a public interest review and issue a proposed final order.

#### **Withdrawal Refunds:**

If you choose not to proceed, you may withdraw your application and receive a refund (minus a \$50 processing charge per application.) To accomplish this you must notify the Department in writing by **Friday, July 23, 1999**. For your convenience you may use the enclosed "STOP PROCESSING" form.

#### **Conflict Resolution Information:**

According to Department records, there are existing rights, certificates 21293 and 39689, covering all land proposed under this application. Prior to proceeding with application G-14965, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application. **Please submit this information no later than August 26, 1999 or The Department may issue the Final Order and permit with the land in question made**

**supplemental to the existing right, which will limit and/or jeopardize that portion of the right as follows:**

- ◆ If the existing certificate is found to have been forfeited the use supplemental to such certificate may also be canceled.
- ◆ You may only use the supplemental right after the primary right becomes unavailable. The primary right must be exhausted first.
- ◆ The season of use for the supplemental irrigation will be limited to that of the primary right.

**If you are unable to submit the above listed information, you may request a “time out from processing” for up to an additional 180 days. You must submit the request in writing, stating how much more time you will need and why you need additional time. If a time out is granted, your application will not be processed further until the requested information is received or the extended deadline has passed.**

If A Permit Is Issued It Will Likely Include The Following Conditions:

1. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.
2. If substantial interference with a senior water right occurs due to withdrawal of water from any well listed on this permit, then use of water from the well(s) shall be discontinued or reduced and/or the schedule of withdrawal shall be regulated until or unless the Department approves or implements an alternative administrative action to mitigate the interference. The Department encourages junior and senior appropriators to jointly develop plans to mitigate interferences.

3. To monitor the effect of water use from the well(s) authorized under this permit, the Department requires the water user to make and report annual static water level measurements. The static water level shall be measured in the month of March. Reports shall be submitted to the Department within 30 days of measurement.

Measurements must be made according to the following schedule:

**Before Use of Water Takes Place**

Initial and Annual Measurements

The Department requires the permittee to submit an initial water level measurement in the month specified above once well construction is complete and annually thereafter until use of water begins; and

**After Use of Water has Begun**

Seven Consecutive Annual Measurements

Following the first year of water use, the user shall submit seven consecutive annual reports of static water level measurements. The first of these seven annual measurements will establish the reference level against which future annual measurements will be compared. Based on an analysis of the data collected, the Director may require that the user obtain and report additional annual static water level measurements beyond the seven year minimum reporting period. The additional measurements may be required in a different month. If the measurement requirement is stopped, the Director may restart it at any time.

All measurements shall be made by a certified water rights examiner, registered professional geologist, registered professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board and be submitted to the Department on forms provided by the Department. The Department requires the individual performing the measurement to:

- (A) Identify each well with its associated measurement; and
- (B) Measure and report water levels to the nearest tenth of a foot as depth-to-water below ground surface; and
- (C) Specify the method used to obtain each well measurement; and
- (D) Certify the accuracy of all measurements and calculations submitted to the Department.

The water user shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s) if annual water level measurements reveal any of the following events:

- (A) An average water level decline of three or more feet per year for five consecutive years; or
- (B) A water level decline of 15 or more feet in fewer than five consecutive years; or
- (C) A water level decline of 25 or more feet; or
- (D) Hydraulic interference leading to a decline of 25 or more feet in any neighboring well with senior priority.

The period of non or restricted use shall continue until the annual water level rises above the decline level which triggered the action or until the Department determines, based on the permittee's and/or the Department's data and analysis, that no action is necessary because the aquifer in question can sustain the observed declines without adversely impacting the resource or senior water rights. The water user shall in no instance allow excessive decline, as defined in Commission rules, to occur within the aquifer as a result of use under this permit. If more than one well is involved, the water user may submit an alternative measurement and reporting plan for review and approval by the Department.

4. If the number, location, or construction of any well deviates from that proposed in the permit application or permit conditions, the conclusions of the Technical Review, Initial Review or Proposed Final Order under which this permit was granted may be revised, conditions may be appropriately revised, or this permit may not be valid.
5. The well shall be continuously cased and continuously sealed to a minimum depth of 250 feet below land surface and cannot be completed below a depth of 350 feet. The well shall not be constructed in the basalt formations.
6. You will be required to comply with state and federal water quality standards.
7. The priority date for this application is April 7, 1999.

If you have any questions:

Questions about the status of your application, processing timelines, or your upcoming Proposed Final Order should be directed to our Water Right Information Group at (800) 624-3199 or (503) 378-8455 extension 499. Feel free to call me at (800) 624-3199 or (503) 378-8455 extension 229 if you have any questions regarding the contents of this letter. Please have your application number available if you call. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

Sincerely,



Anita M. Huffman  
Water Rights Specialist

cc: Regional Manager, Watermaster District 16, Water Availability Section  
enclosures: Flow Chart of Water Right Process  
Stop Processing Form

# APPLICATION FACT SHEET

*Mail to: Applicant, Watermaster, District Biologist (ODFW)*  
*If necessary, also mail to : Regional Water quality manager (DEQ), and DOA*

Application File Number: G-14965

Applicant: KEVIN CROSBY

County: MARION

Watermaster: District 16

Priority Date: April 7, 1999

Source: A WELL IN CHAMPOEG CREEK BASIN

Use: IRRIGATION OF 55.0 ACRES

Quantity: 0.69 CUBIC FOOT PER SECOND

Basin Name & Number: Willamette, #02

Stream Index Reference: Volume 18A CHAMPOEG CR & MISC

Point of Diversion Location: NENE, SECTION 27, T 4S, R2W, W.M.; 240 FEET SOUTH & 1250 FEET WEST FROM NE CORNER, SECTION 27

Place of Use: SWSE 4.3 ACRES SESE 5.5 ACRES, SECTION 22 NENE 22.0 ACRES NWNE 22.5 ACRES SENE 0.7 ACRES, SECTION 27, TOWNSHIP 4 SOUTH, RANGE 2 WEST, W.M.

14 DAY STOP PROCESSING DEADLINE DATE: Friday, July 23, 1999

PUBLIC NOTICE DATE: Tuesday, July 27, 1999

30 DAY COMMENT DEADLINE DATE: Thursday, August 26, 1999



Oregon Water Resources Department

Application for a Permit to Use Ground Water

RECEIVED

FEB 25 1999

WATER RESOURCES DEPT. SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instruction booklet when completing your application. Thank you.

RECEIVED

APR 07 1999

1. Applicant Information

WATER RESOURCES DEPT. SALEM, OREGON

A. Individuals

(If more than one person is applying, please attach a sheet providing the information below for each person applying.)

Name: Crosby, Kevin

Mailing address: 16826 Battleville Rd. NE PO Box 70

Woodburn, OR 97071

Phone: (503) 981-9088

\*Fax: \*E-Mail address:

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of organization:

Name and title of person applying:

Mailing address of organization:

City State Zip

Phone: Day Evening

\*Fax: \*E-Mail address:

\*Optional information

For Department Use

App. No. G 14965 Permit No. Date 4/7/99

## 2. Location and Source

The Department cannot process your application without accurate information showing the source of water and location of water use. You must attach a map to this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See page 3 in the instruction booklet for detailed map specifications. In addition, please provide the following information:

### A. County

In what county is the use proposed? Marion

In what county is the appropriation point proposed? Marion

### B. River Basin

(See instruction booklet pg.3 for list):

Willamette

### C. Property Ownership

Do you own all the land where you propose to divert, transport, and use water?

Yes (Skip to section 3 "Groundwater Development.")

No Please check the appropriate box below, and on a separate sheet of paper list the names and addresses of all affected landowners.\*\*

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

\*\*If more than 25 landowners are involved, a list is not required. See page 4 in the instruction booklet for more details.

## 3. Groundwater Development

A. Number of wells: 1 B. Name of nearest surface water body Champoeg Cr.

C. Distance from well(s) to nearest stream or lake: 1) 950' ±

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

D. If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 50' ±

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_



## 4. Water Use

Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.

### A. Type(s) of Use(s)

(see list of beneficial uses in the instruction booklet):

irrigation

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach Form I
- If your proposed use is **mining**, attach Form R
- If your proposed use is **municipal**, attach Form M
- If your proposed use is **commercial/industrial** or **quasi-municipal**, attach Form Q

### B. Amount of Water

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, and for each use. You do not need to provide source information if you are submitting a well log with your application.

*Staco*

Well No.	Source or Aquifer	Type of Use	Total Annual Amount	Production Rate of the Well in gpm
		<i>irrigation</i>	<i>1375 ac ft</i>	<i>309 gpm</i>

*0.69 cfs*

### C. Season of Use

Indicate the time of year you propose to use the water (for seasonal uses like irrigation give dates when water use would begin and end):

March - October

### D. Acreage

If you will be applying water to land, please give the total number of acres where water will be applied or used:

550

## 5. Water Management

### **A. Diversion**

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

- Pump (give horsepower and pump type ) \_\_\_\_\_
- Other means (describe) \_\_\_\_\_

### **B. Transport**

How will you transport water to your place of use?

- Ditch, canal (give average width and depth):  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined?  Yes  No
- Pipe (give diameter and total length)  
Diameter(s) \_\_\_\_\_ Length \_\_\_\_\_
- Other (describe) \_\_\_\_\_

### **C. Application/Distribution Method**

What equipment will you use to apply water to your place of use?

Irrigation or land application method (check all that apply):

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> Flood                                   | <input type="checkbox"/> High-pressure sprinkler | <input checked="" type="checkbox"/> Low pressure sprinkler |
| <input type="checkbox"/> Drip                                    | <input type="checkbox"/> Water cannons           | <input type="checkbox"/> Center pivot system               |
| <input type="checkbox"/> Hand lines                              | <input type="checkbox"/> Wheel lines             |  |
| <input type="checkbox"/> Siphon tubes or gated pipe with furrows |  |  |
| <input type="checkbox"/> Other, describe _____                   |  |  |

Distribution method

- In-line storage (tank or pond)  Direct pipe from source  Open canal

### **D. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

drip irrigation not practical for field crops

\_\_\_\_\_

\_\_\_\_\_

### 6. Project Schedule

Proposed date construction will begin within one year

Proposed date construction will be completed Oct 1, 2003

Proposed date beneficial water use will begin Oct 1, 2003

### 7. Remarks

If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.

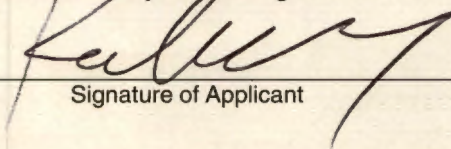
This land has water rights to Champosg Creek & res.  
under certificate 39689. These rights will be  
transferred to other lands upon approval of this  
application

### Signature

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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- 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 canceled.
- The water use is compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all statements made and information provided in this application are true and correct to the best of my knowledge:



Signature of Applicant

2-20-99

Date

Signature of Co-applicant

Date

Before submitting this application, have you:

- Answered every question?
- Included a Land Use Information Form or receipt stub signed by a local official?
- Attached a legible map that meets all the necessary criteria?
- Included a check made out to WRD for at least the amount of the application fee?

**E. Well Characteristics**

Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to question F in this section of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:

1. Wells will be constructed by: \_\_\_\_\_

Address: \_\_\_\_\_

Completion date: as soon as permit is issued

2. Please provide a description of your well development. (Attach additional sheets if needed.)

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Estimated depth to water	Est. depth to water-bearing stratum	Type of access port or measuring device	Total well depth
	12"	Steel 10 or 12"	250±		?	200'	200'	Pipe plug in cap	250' ± to 300' ±

**F. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

NA

IS YOUR RETURN ADDRESS COMPLETED ON THE REVERSE SIDE?

**SENDER:**

- Complete items 1 and/or 2 for additional services. Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1.  Addressee's Address
2.  Restricted Delivery

3. Article Addressed to:

KEVIN CROSBY  
 PO BOX 70  
 WOODBURN, OR 97071

File: G-14965

4a. Article Number

PS6647

4b. Service Type

- Registered  Certified
- Express Mail  Insured
- Return Receipt for Merchandise  COD

7. Date of Delivery

12 JUL 1999

5. Received By: (Print Name)

MARCIA KENAGY

6. Signature (Addressee or Agent)

Marcia Kenagy

8. Addressee's Address (Only if requested and fee is paid)

JF

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

● Print your name, address, and ZIP Code in this box ●

WATER RESOURCES DEPARTMENT  
158 12th ST NE  
SALEM OR 97310





# Oregon

John A. Kitzhaber, M.D., Governor

**Water Resources Department**

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

**CERTIFIED MAIL**  
**Return Receipt Requested**

July 9, 1999

KEVIN CROSBY  
PO BOX 70  
WOODBURN, OREGON 97071

( 503)981-9088

RE: Application File #G-14965

Dear Applicant:

Your Initial Review has been processed, and I found that additional information is required to complete your application for water use. The following information must be received:

- ▶ According to Department records, there are existing rights, certificates 21293 and 39689, covering all land proposed under this application. Prior to proceeding with application G-14965, the Department must receive a completed form authorizing cancellation of the existing right, a completed affidavit of diminution of the existing right, a transfer of the existing certificate, or other means of dealing with the conflict with the existing certificate/ permit and the use proposed under this application.

Please submit the requested items by **August 26, 1999**. If we do not receive the items requested above by this date, or a request for time out from processing, we **will** reject your application consistent with ORS 537.153. If your application is rejected, any fees submitted in excess of the examination fee will be refunded; however, the examination fee is non-refundable and will not be returned. In addition, the priority date associated with your application will be lost.

Should you have any questions regarding your application or the required materials listed above, or if you need to request an extension of time, please call me at (503) 378-8455, extension 229, or toll free within Oregon at 1-800-624-3199.

Sincerely,



Anita Huffman  
Water Rights Examiner

cc: Watermaster Dist 16

File

**RECEIVED**

**RECEIVED**

APR 07 1999

FEB 25 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

WATER RESOURCES DEPT.  
SALEM, OREGON

**Oregon**

WATER  
RESOURCES  
DEPARTMENT

## 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 jurisdictions 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.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for 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 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 WRD. If no land use information is received from you within that 30 day period, 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 WRD's Land Use Coordinator at (503) 378-3739, ext. 241.



Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



APR 07 1999

Permit No.

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FEB 25 1999

WATER RESOURCES DEPT. SALEM, OREGON Oregon Water Resources Department Land Use Information Form

WATER RESOURCES DEPT. SALEM, OREGON



This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT fill out this form if water is to be diverted, conveyed, or used only on federal lands.

To Be Completed By Applicant

The following section includes information about proposed water use. This section must be completed by the individual or group that is filing an application for a water right with the Water Resources Department.

A. Applicant

Name: Kevin Crosby

Address: 16826 Battleville Rd NE PO Box 70

City: Woodburn State: OR Zip: 97071 Day Phone: (503) 981-9088

B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) 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.

Sec 22 & 27, T4S, R2W, W.M.

Table with 3 columns: Tax Lot I.D., Plan Designation, and Water to be (Diverted, Conveyed, Used). Row 1: 100, PRIMARY AGRICULTURE/Exclusive Farm Use, [X] Diverted, [X] Conveyed, [X] Used.

List counties and cities where water is proposed to be diverted, conveyed, or used. Marion Co.

C. Description of Water Use

Indicate what the water will be used for. Include the beneficial use (found in the instruction booklet for your water right application) and use the space below to describe the key characteristics of the project.

Beneficial Use(s): irrigation

Briefly describe: irrigation of row crops

D. Source

Indicate the source for the proposed water use:

[ ] Reservoir/Pond [X] Ground Water [ ] Surface Water (source)

E. Quantity

Indicate the estimated quantity of water the use will require:

0.69 [X] CFS [ ] GPM [ ] Acre-Feet

**For Local Government Use Only**

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within the city limits. In this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

**A. Allowed Use**

Check the appropriate box below and provide requested information.

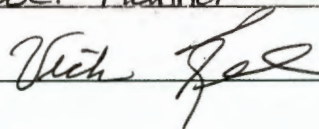
- Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): Chapter 136. Go to section B "Approval" below
- Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: 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

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus accompanying findings is sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: Dicki Kirsher Date: 2/5/99  
 Title: Assoc. Planner Phone: (503) 588-5038  
 Signature: 

**C. Additional Comments**

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

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**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD will presume the land use associated with the proposed water right is compatible with local comprehensive plans. (See attached letter.)

Application No. G-14965

Permit No.

Davis Ranch

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APR 07 1999

PARCEL K

Beginning at the Northwest corner of that certain tract of land described in Volume 280, Page 341 of the Marion County, Oregon, Deed Records, said point of beginning being also the Northwest corner of the Joseph Barnabie Donation Land Claim No. 50 in Section 22, Township 4 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence South 66°37' East along the North line of the above mentioned tract which is also the North line of the said Barnabie Claim, 1426.10 feet to a three-quarter inch iron pipe; thence South 8°33' West, 1654.23 feet to a point which is North 66°49' West, 1733.00 feet from the most Westerly Southeast corner of the above mentioned tract, said corner marked with an iron pipe; thence North 66°49' West, along a fence line, 1437.50 feet to an iron bolt; thence North 21°49' West, 69.52 feet to an iron rod; thence North 66°49' West, parallel to the above mentioned fence line, 442.38 feet to an iron pipe on the West line of Joseph Barnabie Donation Land Claim, said iron pipe being South 26°07' West, 312.35 feet from the Northeast corner of the Hercules Lebrun Donation Land Claim No. 59, in the above mentioned Township and Range; thence North 26°07' East, along the West line of the Barnabie Claim, 1557.77 feet to the point of beginning.

ALSO: (A) 25 foot strip of land for roadway purposes only described as follows: Beginning at the Northeast corner of the above described tract, thence South 66°37' East along the North line of that certain tract of land described in Volume 280, Page 341 of the Marion County, Deed Records, to the Northeast corner thereof; thence South 26°07' West along the East line of said tract, 25.02 feet; thence North 66°37' West, parallel to the above mentioned North line and 25 feet from said North line, 4871.32 feet to the East line of the above described tract; thence North 8°33' East, 25.90 feet to the point of beginning.

PARCEL J

Beginning at an iron pipe set at the Southeast corner of the Donation Land Claim of Mathew McCormick and wife, same being Claim No. 94, in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; and from thence running North along the East boundary of said Claim 6.60 chains; thence North 89°26' West parallel with the South boundary of said Claim, 29.29 chains to the center line of the County Road; thence South 27°45' West along the center line of said road, 7.46 chains to the South boundary of said Donation Land Claim, thence South 89°26' East 32.72 chains to the point of beginning.

PARCEL L

Beginning at a point of intersection of the East line of the Oregon Electric Railway right of way and the West line of a certain tract of land conveyed to Edgar W. Crosby and wife by deed recorded in Volume 292, on Page 332, Deed Records for Marion County, Oregon; and running thence South 27°57' West



FORM I

FEB 25 1999

FOR IRRIGATION WATER USE

WATER RESOURCES DEPT.  
SALEM, OREGON

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

Primary     Supplemental

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary: \_\_\_\_\_ Acres

Secondary: \_\_\_\_\_ Acres

List the permit or certificate number of the primary water right: no. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. row crops     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 2. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 3. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

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

1375 acre-feet

(1 acre-foot equals 12 inches of water spread over one acre, or 43,560 cubic feet, or 325,851 gallons.)

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours                       Daily during nighttime hours
- Two or three times weekly during daytime                       Two or three times weekly during nighttime
- Weekly, during daytime hours                       Weekly, during nighttime hours

Other, explain: Usage will be continuous during peak crop need, but will be intermittent early & late in the season

Application No. B-14965

Permit No.

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OVER THE COUNTER

RECEIVED

SEP <sup>12</sup> 2012

WATER RESOURCES DEPT  
SALEM, OREGON

OREGON WATER RESOURCES  
725 SUMMER ST. NE STE A  
SALEM, OR 97301

Rabo Agrifinance, Inc.  
Master Disbursement Account  
P.O. Box 411995  
St. Louis, MO 63141

The accompanying check is in full settlement of the account as stated hereon.  
Retain this statement. No receipt desired.

1M-47573

DATE	LOAN/FRE NO.	DESCRIPTION	TRAN CODE	AMOUNT
08/23/2012	10431200	MISCELLANEOUS FEES EXPENSE <i>Crosby</i>	X100	75.00
OREGON WATER RESOURCES				75.00

Prepared by

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **28761**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # \_\_\_\_\_

RECEIVED FROM: R. W. Crosby Maps, Inc.  
BY: \_\_\_\_\_

APPLICATION	7-11965
PERMIT	
TRANSFER	

CASH:  CHECK: # 125-80 OTHER: (IDENTIFY)

**TOTAL REC'D \$ 575.00**

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**RECEIVED  
OVER THE COUNTER**

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

**0427 WRD OPERATING ACCT**

0407 MISCELLANEOUS COPY & TAPE FEES	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY)	\$
TC162 DEPOSIT LIAB. (IDENTIFY)	\$

*PAID 6/11*

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	2020 RECORD FEE
0203 GROUND WATER	\$ 400.00	2024 \$ 175.00
0205 TRANSFER	\$	2026 \$

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	2019 \$
LANDOWNER'S PERMIT	\$	2020 \$

OTHER (IDENTIFY) \_\_\_\_\_

**0437 WELL CONST. START FEE**

0211 WELL CONST START FEE	\$	CARD #
0210 MONITORING WELLS	\$	CARD #
OTHER (IDENTIFY)		

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
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**0467 HYDRO ACTIVITY**

0233 POWER LICENSE FEE (FW/WRD)	LIC NUMBER	\$
0231 HYDRO LICENSE FEE (FW/WRD)		\$
HRDRO APPLICATION		\$

RECEIPT # **28761**

DATED: 4-7-99 BY: Roger Wright

**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

725 Summer St. N.E. Ste. A  
SALEM, OR 97301-4172

(503) 986-0900 / (503) 986-0904 (fax)

RECEIPT # **106797**

INVOICE # \_\_\_\_\_

RECEIVED FROM: Rabo Agrifinance, INC.  
BY: \_\_\_\_\_

APPLICATION	G14965
PERMIT	
TRANSFER	

CASH:  CHECK:#  47573 OTHER: (IDENTIFY) \_\_\_\_\_

TOTAL REC'D \$ 75.00

**1083 TREASURY 4170 WRD MISC CASH ACCT**

0407 COPIES \$ \_\_\_\_\_  
OTHER: (IDENTIFY) \$ \_\_\_\_\_  
0243 I/S Lease \_\_\_\_\_ 0244 Muni Water Mgmt. Plan \_\_\_\_\_ 0245 Cons. Water \_\_\_\_\_

**4270 WRD OPERATING ACCT**

**MISCELLANEOUS**

0407 COPY & TAPE FEES 46111 \$ \_\_\_\_\_  
0410 RESEARCH FEES \$ \_\_\_\_\_  
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 75.00  
TC162 DEPOSIT LIAB. (IDENTIFY) \$ \_\_\_\_\_  
0240 EXTENSION OF TIME \$ \_\_\_\_\_

**WATER RIGHTS:**

0201 SURFACE WATER	EXAM FEE	0202	RECORD FEE
0203 GROUND WATER	\$ _____	0204	\$ _____
0205 TRANSFER	\$ _____		

**WELL CONSTRUCTION**

0218 WELL DRILL CONSTRUCTOR	EXAM FEE	0219	LICENSE FEE
LANDOWNER'S PERMIT	\$ _____	0220	\$ _____
OTHER (IDENTIFY) _____			

**0536 TREASURY 0437 WELL CONST. START FEE**

0211 WELL CONST START FEE \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
0210 MONITORING WELLS \$ \_\_\_\_\_ CARD # \_\_\_\_\_  
OTHER (IDENTIFY) \_\_\_\_\_

**0607 TREASURY 0467 HYDRO ACTIVITY LIC NUMBER**

0233 POWER LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
0231 HYDRO LICENSE FEE (FW/WRD) \$ \_\_\_\_\_  
HYDRO APPLICATION \$ \_\_\_\_\_

**TREASURY OTHER / RDX**

FUND \_\_\_\_\_ TITLE \_\_\_\_\_  
OBJ. CODE \_\_\_\_\_ VENDOR # \_\_\_\_\_  
DESCRIPTION \_\_\_\_\_ \$ \_\_\_\_\_

**RECEIVED  
OVER THE COUNTER**

RECEIPT: **106797**

DATED: 9-12-12 BY: [Signature]

New App #	Acres	Use	Prim/Supp	Existing APP #	PERMIT	CERT #	Status	Use	Acres	Prim/Subb
G 14965	5.50	IR	P							
4.00S	2.00W22	SESE	Conflicts:	T 6647	CR 4964	0	V	AG	0.000	P
				<i>NCR</i> 44070	R 4964	39929	C	IR	0.000	C
				G 963	G 816	34849	V	IR	0.400	P
				G 963	G 816	30810	C	IR	0.400	P
				S 44530	S 32875	40140	V	IR	0.500	S
				S 44922	S 33491	40125	V	IR	0.500	S
				S 45739	S 34601	39689	V	IR	4.100	S
				S 45739	S 34601	39689	V	IR	4.100	P
				S 26626	S 20850	24651	V	IR	7.240	P
				S 72041	S 51961	0	V	AG	8.200	P
				GR 1249	GR 1206	0	V	IR	16.000	P

G 14965	4.30	IR	P							
4.00S	2.00W22	SWSE	Conflicts:	T 6647	CR 4964	0	V	AG	0.000	P
				T 6647	CR 4964	0	V	AG	0.000	P
				S 72043	S 51963	0	V	AG	0.000	P
				R 44070	R 4964	39929	C	IR	0.000	C
				R 44070	R 4964	39929	C	IR	0.000	C
				S 44071	S 32366	39930	V	IR	0.300	S
				S 44071	S 32366	39930	V	IR	0.500	P
				S 72041	S 51961	0	V	AG	0.800	P
				S 45739	S 34601	39689	V	IR	4.100	S
				S 45739	S 34601	39689	V	IR	4.100	P
				S 72043	S 51963	0	V	IR	17.000	P

G 14965	22.00	IR	P							
4.00S	2.00W27	NENE	Conflicts:	S 45739	S 34601	39689	V	IR	6.000	P
				S 25725	S 20143	21293	V	IR	14.560	P
				S 44530	S 32875	40140	V	IR	16.000	S
				S 44922	S 33491	40125	V	IR	16.000	S
				<i>NCR</i> 963	G 816	30810	C	IR	19.600	P
				<i>NCR</i> 963	G 816	34849	V	IR	19.600	P
				S 45739	S 34601	39689	V	IR	21.200	S

G 14965	22.50	IR	P							
4.00S	2.00W27	NWNE	Conflicts:	T 6647	CR 4964	0	V	AG	0.000	P
				<i>NCR</i> T 6647	CR 4964	0	V	AG	0.000	P
				R 44070	R 4964	39929	C	IR	0.000	C
				R 44070	R 4964	39929	C	IR	0.000	C
				<i>NCR</i> R 43213	R 5064	40121	V	IR	0.000	C
				R 44853	R 5287	40123	V	IR	0.000	C
				S 45739	S 34601	39689	V	IR	6.500	P
				S 25725	S 20143	21293	V	IR	14.800	P
				S 45739	S 34601	39689	V	IR	21.300	S

G 14965	0.70	IR	P							
4.00S	2.00W27	SENE	Conflicts:	S 44530	S 32875	40140	V	IR	4.900	S
				G 963	G 816	30810	C	IR	5.800	P
				G 963	G 816	34849	V	IR	5.800	P
				G 959	G 815	30506	V	IR	7.800	S
				S 17978	S 14000	19998	V	IR	7.800	P
				S 42113	S 32258	36331	V	IR	7.800	S
				S 44521	S 32874	40030	V	IR	7.800	S
				S 44923	S 33492	40033	V	IR	7.800	S
				S 48279	S 35333	42962	V	IR	7.800	S
				S 44530	S 32875	40140	V	IR	19.200	P
				S 44922	S 33491	40125	V	IR	24.100	S