

FILE G-13325
BILL OLINGER PROPERTIES LLC
KYLE OLINGER
5987 SE DRAKE STREET
HILLSBORO OR 97123-7339

Application No. G13325
Permit No. G11962
Certificate No.

FEES PAID		
Date	Amount	Receipt No.
3/2/93	300.00	97878
Extension 9-29-97	\$100.00	16282
Ext. 11/17/04	125.00	71418
11/17/04	125.00	71419
9/16/05	55.00	77355
	Cert. Fee	

Stream Index, Page No.
VOL 16A GEEBIE CR. #1150 WEL #2 MARI 365 } Kew
VOL 16 DOVE CR. #1150 WEL #1 MARI 391 }
02-1140-0410-0040 -010

FEES REFUNDED		
Date	Amount	Check No.

Date filed
Priority
Action suspended until "next db" (C-14)
Return to applicant
Date of approval FEB 28 1995

ASSIGNMENTS					
Date	To Whom	Address	Volume	Page	
503-226-2260		97013			
7-14-00	EHLEN CORPORATION	4015 N LOCUST, CANBY, OR	8	730	
8-15-03	LEATHERS OIL COMPANY	22300 SE STARK ST., GRESHAM, OR			
9-16-2005	Bill Olinger Properties, LLC	6215 SW Sweetbriar Ct., OR 97221			

CONSTRUCTION
Date for beginning FEB 28 1996
Date for completion OCT 1 1997
Extended to 10-1-03, 10-1-2013
Date for application of water OCT 1 1998
Extended to 10-1-04, 10-1-2014

REMARKS
A- Form 90 sent 3-13-96
118 sent 4-1-96

PROSECUTION OF WORK
Form "A" filed 3/26/96
Form "B" filed
Form "C" filed

FINAL PROOF
Blank mailed
Proof received
Date certificate issued

FOR ATTY
 DATE 4-8 TUES. TIME 4 AM
 FROM DAVID ZENTBAUER
 FIRM _____
 PHONE 503 - 226 - 2260
 FAX AREA CODE _____
 MOBILE AREA CODE _____

TELEPHONED	
RETURNED YOUR CALL	
CAME TO SEE YOU	
WANTS TO SEE YOU	
WAITING TO SEE YOU	

MESSAGE
 * PUZZLE
 CLARIFY.
 GP-1196
 AG-133
 SIGNED Herb TOPS MADE IN U.S.A.

WE HAVE A MESS. IT APPEARS
 WE DID AN ASSIGNMENT WE
 PROBABLY SHOULD NOT HAVE

Dallas: Is this an
 assignment by deed?
 Unable to determine
 who Ehlen Corporation
 is &/or relationship
 to Leathers. Carol

9225
 T

MESSAGE

CONTACTED
 PAUL MONTECUCCO
 & CORSEY BOATWRIGHT

11/7/95

WILL SUBMIT
 REVISED MAD
 & LANGUAGE TO
 LET PAUL ACT AS
 AGENT / REPRESENTATIVE.

FOR _____
 DATE THRS 5-20 TIME 104 AM
 FROM DAVID ZENTBAUER
 FIRM ATTY PORTLAND
 PHONE 503 - 226 - 2260
 FAX AREA CODE _____ NUMBER _____ EXTENSION _____
 MOBILE AREA CODE _____ NUMBER _____ TIME TO CALL _____

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE T-6921

1997 MULTO PERMITS
 COMM ORDER
 G 13325 MARION
 SIGNED #2 G 11962 TOPS MADE IN U.S.A.
 PERMIT

MESSAGE

RECEIVED
 MAR 26 1996

Application No. G 13325
 INSTRUCTION
 _____, the holder of Permit No. G-11962
 the actual construction of the works described
 _____, 1983
March, 26, 1984 work completed
 tion, the amount of work completed and the type of equipment
 tion which shows a substantial beginning of construction as

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of March, 1996.
Paul A. Montecucco
 (Signature of Applicant) 4015 N. Locust Canby, OR 97006
 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK
 DS

FOR ATTY
 DATE 4-8 TUES. TIME 4 AM
 FROM DAVID ZENTBAUER
 FIRM _____
 PHONE 503 - 226 - 2260
 FAX AREA CODE NUMBER EXTENSION
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE
* PUZZLE -
CLARIFY -
G P - 11962
A G - 13325
 SIGNED Herb FORM 4007 MADE IN U.S.A.

MESSAGE

WE HAVE A MESS. IT APPEARS
 WE DID AN ASSIGNMENT WE
 PROBABLY SHOULD NOT HAVE
 (AT LEAST 1/2 OF IT).
 PLEASE CALL JEANNE
 BOATWRIGHT (503) 363-9225
 RUK AM
 BEST

FOR _____
 DATE THRS 5-20 TIME 104 AM
 FROM DAVID ZENTBAUER
 FIRM ATTY PORTLAND
 PHONE 503 - 226 - 2260
 FAX AREA CODE NUMBER EXTENSION
 MOBILE AREA CODE NUMBER TIME TO CALL

TELEPHONED	<input checked="" type="checkbox"/>	PLEASE CALL	<input checked="" type="checkbox"/>
RETURNED YOUR CALL		WILL CALL AGAIN	
CAME TO SEE YOU		RUSH	
WANTS TO SEE YOU		SPECIAL ATTENTION	
WAITING TO SEE YOU		HOLDING LINE	

MESSAGE T-6921
1997 MULTO PERMITS
COMM ORDER
G 13325 MARION
 SIGNED #2 G 11962 FORM 4007 MADE IN U.S.A.

MESSAGE

CONTACTED PAUL MONTECUCCO
 & CONBEY BOATWRIGHT
 WILL SUBMIT
 REVISED MAD
 & LANGUAGE TO
 LET PAUL ACT AS
AGENT / REPRESENTATIVE.

RECEIVED
 MAR 26 1996

Application No. G 13325
 INSTRUCTION
 _____, the holder of Permit No. G-11962
 is the actual construction of the works described
 _____, 1983
March, 26, 1984 work completed
 _____, the amount of work completed and the type of equipment

 _____, which shows a substantial beginning of construction as

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of March, 1996.
Paul A. Montecucco (Signature of Applicant) 4015 N. Locust Canby OR 97006 (Address)

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.
 SP*35567-690 OK / DS

FOR ATTY
 DATE 4-8 TUES. TIME 4 AM
 FROM DAVID ZENTBAUER
 FIRM _____
 PHONE 502 _____

WE HAVE A MESS. IT APPEARS
 WE DID AN ASSIGNMENT WE
 PROBABLY SHOULD NOT HAVE
 (AT LEAST 1/2 OF IT).
 PLEASE CALL JEANNE
 BOATWRIGHT (503) 363-9225
 RUK AM
 BEST

NOTES

MESSAGE

DATE	TIME	FROM	TO

CONTACTED 1/17/95
 PAUL MONTECUCCO
 & CONSEY BOATWRIGHT
 WILL SUBMIT
 REVISED MAD
 & LANGUAGE TO
 LET PAUL ACT AS
 AGENT / REPRESENTATIVE.

RECEIVED

MAR 26 1996
 WATER RESOURCES DEPT.
 SALEM, OREGON

Form A (690-9-77)

Application No. G 13325

NOTICE OF BEGINNING OF CONSTRUCTION

Paul A. Montecucco, the holder of Permit No. G-11962

to appropriate the public waters of the state of Oregon, began the actual construction of the works described
 therein on the 24 day of October, 1983.

Remarks: Feb. 3, 1984 drilling stopped, March, 26, 1984 work completed.

The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment
 acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as
 authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 23 day of March, 1996.
Paul A. Montecucco (Signature of Applicant) 4015 N. Locust Canby OR 97013 (Address)

SP*35567-690

Fill out, detach and mail to the Water Resources Department, Salem, OR 97310, when construction work is begun.

OK
 DSM



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department
North Mall Office Building
725 Summer Street NE, Suite A
Salem, OR 97301-1266
503-986-0900
FAX 503-986-0904

March 4, 2010

LEATHERS OIL COMPANY
ATTN: LILA LEATHERS
22300 SE START STREET
GRESHAM, OR 97030

REFERENCE: Application G-13325 / Permit G-11962

Dear Permit Holder:

The Water Rights and Adjudications Division received your written progress report for Permit G-11962 September 29, 2009. Receipt of the progress report was published on the Department's weekly Public Notice, dated January 26, 2010. The Department did not receive any public comment on the progress report.

After reviewing your Progress Report, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated. This concludes the Progress Report portion of your extension.

If you have any questions, please feel free to contact me by telephone at (503) 986-0813.

Sincerely,

Scott Kudlemyer
Extensions
Water Rights and Adjudications Division

Enclosure

cc: Application G-13325 / Permit G-11962
Watermaster District 16 / Mike McCord
Bill Olinger Properties, LLC 5987 SE Drake St, Hillsboro, OR 97123
GSI Water Solutions, Attn: Kimberley Grigsby 1600 Western Blvd, Suite 240, Corvallis, OR 97333

Route Slip.....Extension of Time Progress Report

1. Extension Specialist: Progress Report Review

Date Report Received: 10/1/2009

Report Complete: YES

NO – Send letter requesting missing information.
 letter mailed on: _____

2. Jonnine: Publish on the Department's Public Notice

315 320 OAR Division under which Progress Report was required

Publish on Public Notice Date: 1/26/10 gms

Update workflow in WRIS (Fill in Extension Checkpoint 'Completed Date' in appropriate work flow record)

Return to Extension Specialist

3. Extension Specialist: Prepare Progress Report Confirmation Letter

See ..\Procedures progress reports

(date / mail out after 30 day comment period)

Date Letter Needed: 3/4/2010

Update Progress Report Worksheet.xls

Send to permit holder + anyone who made comments after 30 day public notice

CC: Watermaster #14

File G-13325

314/10 gms

4. Return file to cabinet

PUBLIC NOTICE INFORMATION

Permit Holder's Name: Leathers Oil/Bill Olinger Properties Attn: _____

Permit Holder's Mailing Address:	<u>Leathers Oil</u>	<u>Bill Olingers Properties</u>
	<u>22300 SE Stark Street</u>	<u>5987 SE Drake Street</u>
	<u>Gresham, OR 97030</u>	<u>Hillsboro, OR 97123</u>

Application: G- 13325 Permit: G- 11962

County: Clackamas

Quantity of Water: 1.0 cfs

Source: Wells 1 and 2 in the Sencal Creek Basin

Use: Comeercial Use

Current Authorized Extension Date: 10/1/2014

RECEIVED

OCT 01 2009

WATER RESOURCES DEPT
SALEM, OREGON



Water Solutions, Inc.

October 1, 2009

Scott Kudlemyer
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Subject: Progress Report for Permit G-11962

Dear Scott:

Permit G-11962 is jointly held by Leathers Oil Company (Leathers) and Bill Olinger Properties, LLC. (Olinger). On September 13, 2007, the Oregon Water Resources Department issued a final order approving an extension of time for Permit G-11962. The final order included a condition requiring submission of a Diligence Progress Report by October 1, 2009. Please find enclosed the required progress reports for Permit G-11962 from Leathers and Olinger.

Please contact me if you need any additional information. My telephone number is 541-753-0745, extension 203.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kimberly Grigsby".

Kimberly Grigsby
Water Resources Consultant

Enclosures: Leathers Oil Company Progress Report Form
Bill Olinger Properties, LLC. Progress Report Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

**Extension of Time
 Progress Report Form
 For Checkpoints**

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **Leathers Oil Co.**

Application **G-13325**
 Permit **G-11962**

Report Due no later than **October 1, 2009**

Progress Report Form for 2009

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2004 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Report Form</i>	FINANCIAL INVESTEMENT
By-yearly	Hire engineering firm to conduct annual water level measurements.	\$ 400
9/09	Hire hydrogeologist to evaluate ability to increase groundwater production rate through development of a new well or modifications to existing well.	\$ 1,100
9/09	Have hydrogeologist develop a specifications sheet for obtaining bids from well drillers to drill a new well or modify existing well.	\$ 500
		RECEIVED
		OCT 01 2009

2. Compliance with terms and conditions of the permit and/or previous extension. WATER RESOURCES DEPT SALEM, OREGON

- The well was constructed in accordance with the General Standards.
- A meter was installed before water use began, and the watermaster can access the meter.
- A March 2009 static water level measurement was not taken, but such measurements have been taken and reported in previous years.
- This progress report fulfills the permit extension condition requiring a progress report by Oct. 1, 2009.

3. Total number of acres irrigated to date= N/A *(if applicable)*

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0.06 cfs (cubic feet per second)
 Maximum rate used to date = _____ gpm (gallons per minute)
 Acre-feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature Brent Leathers Date Sept. 29, 2009

For OWRD use only

Diligence Shown Yes No Date Public Noticed: 1/26/10
 Reviewed by: SK Date: 1/14/10



725 Summer Street NE, Suite A
 Salem Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Extension of Time Progress Report Form For Checkpoints

TO THE DIRECTOR OF THE OREGON WATER RESOURCES DEPARTMENT

Permit Holder: **Bill Olinger Properties, LLC**

Application **G-13325**
 Permit **G-11962**

Report Due no later than **October 1, 2009**

Progress Report Form for 2009

As authorized in ORS 690-315-0050(6), this progress report is required in order to ensure diligence is exercised in the development and perfections of Permit

INSERT DATES	WORK ACCOMPLISHED and FINANCIAL INVESTEMENT SINCE OCTOBER 1, 2004 <i>List all work done after the last authorized date for complete application of water up to the date of this Diligence Progress Report Form</i>	FINANCIAL INVESTEMENT
8/2006	Installation of backup generator. Installation of new control panel for fire pump.	\$42,000.00
3/2009	Extension of water service line to Fisher Implement on Ehlen Road.	\$50,000.00
		RECEIVED
		OCT 01 2009

WATER RESOURCES DEPT
 SALEM, OREGON

2. Compliance with terms and conditions of the permit and/or previous extension.

- The well was constructed in accordance with the General Standards.
- A meter was installed before water use began, and the watermaster can access the meter.
- Static water level measurements have been taken and reported.
- This progress report fulfills the permit extension condition requiring a progress report by Oct. 1, 2009.

3. Total number of acres irrigated to date= N/A (if applicable)

4. Provide the maximum rate, or duty if applicable, of water diverted for beneficial use under this permit, if any, made to date.

Maximum rate used to date = 0.15 cfs (cubic feet per second)

Maximum rate used to date = _____ gpm (gallons per minute)

Acre-feet stored to date = _____ AF

Report the rate in the same units of measurement as specified in the permit, being cfs (cubic feet per second), gpm (gallons per minute) or AF (acre-feet). Do not provide daily, monthly or annual water volume totals.

Signature Bill Olinger Properties, LLC by [Signature] Date 9/30/2009

For OWRD use only

Diligence Shown Yes No

Reviewed by: [Signature]

Date Public Noticed: 1/26/10

Date: 1/14/10

G-13325

Timmie Brandt

From: Timmie Brandt
Sent: Tuesday, January 05, 2010 9:28 AM
To: Mary Rohling
Cc: Timmie Brandt
Subject: G-14994 - Address Change

Please update WRIS with the following information:

Groundwater file G-14994 / Permit G-13936/ NO CERTIFICATE

BILL OLINGER PROPERTIES LLC
OLINGER, KYLE
5987 SE DRAKE STREET
HILLSBORO OR 97123-7339

OLD ADDRESS:

6215 Sweetbriar Court OR 1834 SW 58th Avenue
Portland OR 97221 Portland OR 97221

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS & LEATHER'S OIL COMPANY
MONTECUCCO FARMS 4120 N. LOCUST
CANBY, OREGON 97013

503-263-6066

to use the waters of WELLS 1 AND 2 in the ~~CRIBBLE CREEK~~ ^{Pudding River} BASIN for
COMMERCIAL USE.

This permit is issued approving Application G-13325. The date of
priority is MARCH 12, 1993. The use is limited to not more than 1.0
CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured
at the well.

The wells are located as follows:

SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 9, T 4 S, R 1 W, W.M.; WELL
1 - 150 FEET NORTH AND 1440 FEET EAST, WELL 2 - 700 FEET SOUTH AND 400
FEET EAST, BOTH FROM THE NE CORNER OF J. GRIM DLC 46.

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

A description of the proposed place of use under this permit is as
follows:

SE 1/4
ALL AS PROJECTED WITHIN DLC 46
SECTION 9
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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.

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.

The PERMITTEE shall obtain a static water-level measurement for each well during MARCH of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board, licensed land surveyor or the permittee/appropriator. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. Reports and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the PERMITTEE shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the PERMITTEE'S 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 reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The PERMITTEE shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

Actual construction work shall begin on or before February 28, 1996 and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, February 21, 1995.


 Water Resources Department
 Martha O. Pagel
 Director

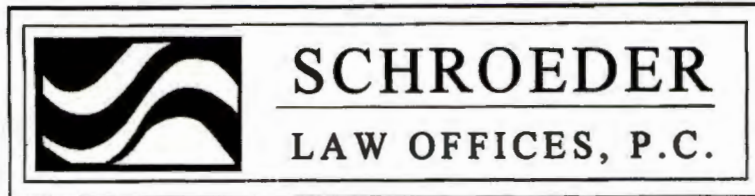
Application G-13325 Water Resources Department PERMIT G-11962
 Basin 2 ~~Volume 16 DOVE CR & MISC - WELL #1~~ District 16
 ~~Volume 16A GRIBBLE CR & MISC - WELL #2~~
 MGMT.CODE 4KG

Vol 15A Senecal CR & misc

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Lynn L. Steyaert
Licensed in Oregon and Nevada

Cortney D. Duke
Licensed in Oregon

Colm Moore
Licensed in Oregon and Nevada

Therese A. Ure
Licensed in Nevada

Wyatt E. Rolfe
Licensed in Oregon

February 14, 2008

VIA FACSIMILE AND US MAIL

Oregon Water Resources Department
Attn: Tom Paul
725 Summer Street N.E., Suite A
Salem, OR 97301-4172
Fax: (503) 986-0903

RE: Public Records Request

Dear Mr. Paul:

Our office makes the following request for public records under the INSPECTION OF PUBLIC RECORDS LAW, ORS 192.410 – 192.530. The requestor is willing to pay up to a maximum of \$100 in fees for the requested materials; however, please advise if the cost may exceed that amount. ORS 192.440(3). Otherwise, if there are any fees that occur during duplication of these materials, please enclose an invoice and our bookkeeper will pay upon receipt.

Please make the following files available to review and copying by our office on February 22, 2008: Application G-14994(Permit G-13936), Application G-13325 (Permit G-11962), Application G-11322 (Permit G-10449, T-6921), also outlined in the table below, and any related files at Oregon Water Resources Department in Salem, Oregon. Please exclude files located at the local Watermaster's office.

Application	Permit	Certificate	Transfer	Basin
G-14994	G-13936			
G-13325	G-11962			
G-11322	G-10449		T-6921	

RECEIVED

FEB 15 2008

**WATER RESOURCES DEPT
SALEM, OREGON**

phone 503-281-4100

fax 503-281-4600

1915 NE 39th Avenue, P.O. Box 12527, Portland, Oregon 97212-0527

www.water-law.com

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G-13325

Final Order
Extension of Time for Permit Number G-11962

Appeal Rights

This is a final order in other than 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 137-004-0080 you may either petition 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

The Department issued Permit G-11962 on February 28, 1995. The permit called for completion of construction by October 1, 1997 and complete application of water to beneficial use by October 1, 1998. On November 29, 2004, Leathers Oil Co., Ehlen Corporation and Bill Olinger Properties, LLC submitted to the Department an Application for Extension of Time for Permit G-11962. In accordance with OAR 690-315-0050(2), on July 17, 2007, the Department issued a Proposed Final Order proposing to extend the time to complete construction to October 1, 2013 and the time to fully apply water to beneficial use to October 1, 2014. The protest period closed August 31, 2007, 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 the following conditions:

CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2009**. *A form is enclosed for your use.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the

project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;


- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

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-13325, Permit G-11962, therefore, is approved subject to conditions contained herein. The deadline for completing construction is extended to October 1, 2013. The deadline for applying water to full beneficial use is extended to October 1, 2014.

DATED: September 13, 2007


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 Kim French at (503) 986-0813.
 - 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: September 13, 2007

Copies Mailed

**Application G-13325
Permit G-11962**

By: JIS
On: 9-13-07

Original mailed to permit holder

Leathers Oil Co.
22300 SE Stark St.
Gresham, OR 97030

Copies sent to:

1. WRD - App. File G-13325/ Permit G-11962
1. Bill Olinger Properties, LLC 6215 SW Sweetbriar Ct., Portland, OR 97221
2. Corbey Boatwright, CWRE
2. WRD- Ken Stahr
3. WRD - Support Staff, Salem...*Permit record update*

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. WRD - Water Master District 16 - Mike McCord, Salem
Done by h Date 9/13/07

CASEWORKER: KRF

**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-11962, Water Right Application G-13325) PROPOSED FINAL ORDER
in the name of Leathers Oil Co and)
Bill Olinger Properties, LLC)

Permit Information

Application File G-13325 Permit G-11962

Basin: 2 – Willamette/ Watermaster District 16

Date of Priority: March 12, 1993

Authorized Use of Water

Source of Water: Wells 1 & 2 in the Pudding River Basin
Purpose of Use: Commercial Use
Maximum Rate: 1.0 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 as it contains
additional conditions not included in the original permit.***

This Proposed Final Order applies only to Permit G-11962, water right Application G-13325.
A copy of Permit G-11962 is enclosed as Attachment 1.

Summary of Proposed Final Order for Extension of Time

The Department proposes to:

- grant an extension of time for complete construction of the water system from October 1, 2003 to October 1, 2013, and
- grant an extension of time to apply water to full beneficial use from October 1, 2004 to October 1, 2014.
- make the extension subject to certain conditions set forth below.

ACRONYM QUICK REFERENCE

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

Units of Measure

cfs – cubic feet per second
gpm – gallons per minute

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.

OAR 690-315-0050(6) requires the Department, for extensions exceeding five years, to establish checkpoints to determine if diligence is being exercised in the development and perfection of the water use permit. Intervals between checkpoints will not exceed five year periods.

FINDINGS OF FACT

Background

1. Permit G-11962 was granted to Montecucco Farms and Leathers Oil Co. by the Department on February 28, 1995. On September 16, 2005, the portion of the permit held by Montecucco Farms was assigned to Bill Olinger Properties, LLC. The permit authorizes the use of up to 1.0 cfs of water from Wells 1 & 2, for commercial use. The permit specified actual construction of the well was to begin by February 28, 1996, construction of the water system was to be completed by October 1, 1997, and complete application of water was to be made on or before October 1, 1998.
2. One prior permit extension has been granted for Permit G-11962, resulting in the completion date for construction being extended from October 1, 1997 to October 1, 2003 and full application of water being extended from October 1, 1998 to October 1, 2004.
3. The permit holder submitted an "Application for Extension of Time" to the Department on November 29, 2004 requesting the time to complete construction of the water system be extended from October 1, 2003 to October 1, 2013 and the time to apply water to full beneficial use under the terms of Permit G-11962 be extended from October 1, 2004 to October 1, 2014.
4. Notification of the Application for Extension of Time for Permit G-11962 was published in the Department's Public Notice dated September 27, 2005. 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 537.230¹, 537.248², 537.630³ and/or 539.010(5)⁴.

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

5. On November 29, 2004, the Department received a completed Application for Extension of Time and the fee required by ORS 536.050 from the permit holder.

¹ORS 537.230 applies to surface water permits only.

²ORS 537.248 applies to reservoir permits only.

³ORS 537.630 applies to ground water permits only.

⁴ORS 539.010(5) applies to surface water and ground water permits.

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

6. Actual construction of the well began prior to the deadline specified in the permit, being February 28, 1996.

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 November 29, 2004, the remaining work to be completed consists of completing construction of the water system and complete application of water to 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, 2014, to complete construction of the water system and to accomplish the application of water to beneficial use under the terms of Permit G-11962 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. The following construction was completed within the time allowed in the permit or previous extension:
 - a. Construction of the well and water system began prior to the time specified in the permit, being February 28, 1996.
 - b. Work was accomplished (specified in the Application for Extension of Time) during the original development time frame under Permit G-11962.
 - c. During the most recent extension period, being from October 1, 1998, to October 1, 2004, the following was accomplished:
 - A pump and a filter were replaced;
 - Irrigation system installed;

- A pump house and controls installed
- 2000 lf of 8" mainline was installed; and
- 3 service connections were established.

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-11962 on February 28, 1995, a maximum rate of 0.19 cfs has been appropriated from the wells for commercial use.
 - b. Delay of full beneficial use of water under Permit G-11962 was due, in part, to slow market conditions depressing sales of properties. Also, county requirements and zoning issues have held up development.

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 November 29, 2004, the permit holder has invested approximately \$1,000,000, which is 54 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$860,000 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 November 29, 2004, the permit holder has invested approximately \$1,000,000 which is 54 percent of the total projected cost for complete development of this project. The permit holder anticipates an additional \$860,000 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-11962.

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-11962; 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 points of appropriation for Permit G-11962, located within the Senecal Creek Basin, are not located within a limited or critical ground water area. Senecal Creek is not located within or above any state or federal scenic waterway, however it is located within an area ranked “high” 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. Senecal Creek is not 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 November 29, 2004, the permit holder has invested approximately \$1,000,000.
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.
19. OAR 690-315-0050(6) requires the Department to place a checkpoint condition on this extension of time to ensure diligence is exercised in the development and perfection of the water use permit. A “Checkpoint Condition” is specified under Item 1 of the

“Conditions” section of this PFO to meet this condition.

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

20. 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)]

21. Delay in the development of this project was caused by zoning issues with Marion County and by the County’s requirement that a dedicated public road be created prior to allowing development of the parcels.

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

22. 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. Completion of construction and full application of water to beneficial use can be accomplished by October 1, 2014⁵, 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

⁵Pursuant 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.

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).

6. As required by OAR 690-315-0050(6) and as described in Finding 19 above, the Department has established, as specified in the "Conditions" section of this PFO (Item 1), progress checkpoints in order to ensure future diligence is exercised in the development and perfection of Permit G-11962.

Proposed Order

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

extend the time for complete construction of the water system under Permit G-11962 from October 1, 2003 to October 1, 2013.

extend the time to apply water to beneficial use under Permit G-11962 from October 1, 2004 to October 1, 2014.

Subject to the following conditions:

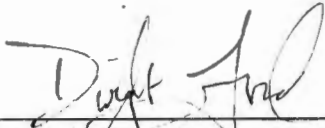
CONDITIONS

1. Checkpoint Condition

The permit holder must submit a completed Diligence Progress Report to the Department by **October 1, 2009**. *A form will be enclosed with your Final Order.*

- (a) At each checkpoint, the permit holder shall submit and the Department shall review evidence of the permit holder's diligence towards completion of the project and compliance with terms and conditions of the permit and extension. If, after this review, the Department determines the permit holder has not been diligent in developing and perfecting the water use permit, or complied with all terms and conditions, the Department shall modify or further condition the permit or extension to ensure future compliance, or begin cancellation proceedings on the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410, or require submission of a final proof survey pursuant to ORS 537.250;
- (b) The Department shall provide notice of receipt of progress reports in its weekly notice and shall allow a 30 day comment period for each report. The Department shall provide notice of its determination to anyone who submitted comments.

DATED: July 17, 2007


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 protest and request a contested case hearing on the proposed final order. Your request for contested case hearing must be in writing and must be received by the Water Resources Department no later than **August 31, 2007** being 45 days from the date of publication of the proposed final order in the Department's weekly public notice.
2. A written request for contested case hearing 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 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 request for contested case hearing 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 Kim French at 503-986-0813.
 - 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 Mike Reynolds at 503-986-0820.
 - 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
Fax: 503-986-0901 Salem, OR 97301-1266
-

Mailing List for Extension PFO Copies

PFO Date: July 17, 2007

Copies Mailed

**Application G-13325
Permit G-11962**

By: JMS
On: 7/17/07

Original mailed to Applicant:

Leathers Oil Co.
22300 SE Stark St.
Gresham, OR 97030

Copies sent to:

1. WRD - App. File G-13325/ Permit G-11962
2. Bill Olinger Properties, LLC 6215 SW Sweetbriar Ct., Portland, OR 97221
3. Corbey Boatwright, CWRE

Fee paid as specified under ORS 536.050 to receive copy:

4. None

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

5. PFO: WRD – Watermaster District 16 – Mike McCord, Salem
Done by JMS Date 7/16/07

CASEWORKER: KRF

Extension PFO Checklist for Other than Muni or Quasi-Municipal

Water Use Permits
(OAR 690-315-0010 through OAR 690-315-0060)

Application: G - 13325 Permit: G - 11962 Permit Amendment? No Yes T-
Change _____

Permit Holder's Name: BILL OUNGER PROPERTIES / LEATHERS OIL CO

Phone Number: _____

Permit Holder's Mailing Address: 6215 SW SWEETBRIAR CT / 22300 SE STARK ST
PORTLAND OR 97221 GRESHAM, OR 97030

POD Location: Township 4S Range 1W Section 9 $\frac{1}{4}$ SWSE, SESE

Drainage Basin: 2 County: MARION Watermaster District: 16 Region: MWR

Date Permit was issued: 2-28-95 Priority Date: 3-12-93 Date of PN: 9-27-05

Source: WELLS 1 + 2 IN THE DUDGING RIVER BASIN

Use: COMMERCIAL USE

"Q": 1.0 CFS

Orig "A" Date: 2-28-96 Orig "B" Date: 10-1-97 Orig "C" Date: 10-1-98

Extension request received: 11-29-04 Last Authorized "B" Date: 10-1-03 Last Authorized "C" Date: 10-1-04

Request Number (1, 2, 3...): 2 Proposed "B" Date: 10-1-2013 Proposed "C" Date: 10-1-2014

Conditions of Permit:

Condition Met?	Condition Not Met?	Permit Condition
✓		INSTALL METER
✓		ANNUAL MARCH SWL MEAS

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
 - Beneficial use made of the water during the permit or previous extension time limits
 - Permit holder has beneficially used .19 (cfs)gpm/af of the total permitted quantity of water on _____ acres
 - Financial investments were made toward developing the beneficial water use.
 - Amount Invested to date: \$ 1,000,000 Estimated Remaining Cost: \$ 260,000

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. SENECAL CREEK

Ground Water Permits: Is the POA located...
Surface Water Permits: Is the POD located...

- Yes No
- above a state scenic waterway? 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 critical or limited Ground Water Area? Name of area _____
 - within a sensitive, threatened or endangered species area source: "/gisdata/dev/projects/salmon/div33map.aml"
 - 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 circle one) 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: 2009)
- 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(3), 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."
- COBU Requirement - Ground Water - post July 9, 1987**
"Pursuant to ORS 537.630(3), 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."

NOTES:

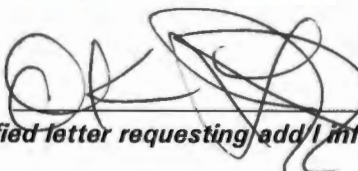
CC: LAUREN CORA
4120 N LOCUST
CANBY, OR 97003

Extension "PFO" Dates _____
Mailing / Issuance Date: 7/17/07 Protest Deadline Date: 8/31/07
Reviewer's Name: [Signature] Date: _____

Application # G-13325 / Permit # G-11962

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

- ◆ **WRIG...**
Money Received on: \$250.⁰⁰ on 11-17-04

- ◆ **Lisa Juul...**
Extension Completeness:  on 9-22-05
(If NOT complete, send certified letter requesting add'l information.)

If Extension Appl complete and \$250 fee submitted, route to...

- ◆ **Jonnine Fuss...**
 Publish on Public Notice (initial 30-day comment): 9/27/05 JIS
Update "cdatewext.DB" 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.

At the close of the Initial 30-day Comment Period...

- ◆ **Lisa Juul...**
Pull files for Ext PFO review: _____
Extension PFO completed: _____

Once Extension PFO signed by Dwight French...

- ◆ **Jonnine Fuss...**
Prepare Ext PFO for mailing to applicant: _____
Mail to those who commented *and* paid copy fee: _____
Include Ext PFO on weekly Public Notice: _____

EXTENSION REVIEW CHECKLIST for PFO... Div. 315 - Regular

Application #: G-13325 / Permit #: G-11962

Permittee's Name: Bill Olinger Properties, LLC // Leathers Oil Company
6215 SW Sweetbriar Court // 22300 SE Stark Street
Permittee's Mailing Address: Portland, OR 97221 // Gresham, OR 97030

POD Location: Township 4-S Range 1-W Section 9 ¼¼ SWSE
SESE

Drainage Basin: #2-Willamette County: Marion Watermaster District #: 16

- ✓ 1. Has the applicant submitted the appropriate fee? Yes / No \$250.⁰⁰ paid
***If "No"..... STOP. (Extension of Time cannot be processed if insufficient fees submitted.)
***(NOTE: Any missing Extension information that is needed before an Extension PFO can be completed???)
- ✓ 2. Has the applicant completely filled out the Extension Application form? Yes / No
***If "No"..... List the shortcomings below and send a letter requesting the additional/missing information that is needed before the Extension of Time can be processed.
- ✓ 3. Date Permit was issued: 2-28-95 Priority Date: 3-12-93
- ✓ 4. Source: Wells #1 & #2 in the Pudding River Basin
- ✓ 5. Use: Commercial Use
- ✓ 6. "Q": 1.0 cfs
- ✓ 7. Orig "A" Date: 2-28-96 Orig "B" Date: 10-1-97 Orig "C" Date: 10-1-98
- ✓ 8. Conditions of Permit: Before Use begins → shall install a meter or other suitable meas. devi.
shall obtain & report MARCH SWL measurements for each well.
- ✓ 9. Extension request received: 11-29-2004 Request Number (...1st 2nd, 3rd): 2nd
- ✓ 10. Last Authorized "B" Date: 10-1-03 Last Authorized "C" Date: 10-1-04
- ✓ 11. Proposed "B" Date: 10-1-2013 Proposed C Date: 10-1-2014
- ✓ 12. Amount Invested to date: \$1,860,000.⁰⁰ Estimated Total Cost: \$0.⁰⁰

Leathers = \$1,000,000.⁰⁰
Olinger = \$860,000.⁰⁰

(***Estimated Remaining Cost: see below)
Leathers = Unknown
Olinger = \$0.⁰⁰

___13. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit. **Yes / No** ***If "No"..... What permit terms and/or conditions have not been met?

___14. Work on the water development project completed to date includes: _____

___15. The work remaining to be completed consists of: _____

___16. Progress in perfecting the permit is being held up by: _____

___17. Has the applicant pursued perfection of the right in good faith and with reasonable diligence? **Yes / No**

Some Factors that may be considered in determining "Reasonable Diligence" [OAR 690-315-040(3)]

- a. The amount of construction completed within the time allowed in the permit or previous extension;
- b. The amount of beneficial use made of the water during the permit or previous extension time limits;
- c. Water right permit holder conformance with the permit or previous extension conditions; and
- d. Financial investments made toward developing the beneficial water use.

- Permit holder has completed approximately _____% of the construction.
- Permit holder has beneficially used _____% of the total permitted quantity of water.
- Has the permit holder complied with conditions? **Yes / No**
—If **No**, reasons why not? _____
- Permit holder has invested approximately _____% of the total estimated cost to complete the project.
- Other: _____

___18. Determination of the market and the present demand for water or power to be supplied: _____

Some factors to consider in determining the Market and the Present Demand for water or power [OAR 690-315-040(4)]:

- a. The amount of water available to satisfy other affected water rights and scenic waterway flows;
- b. Special water use designations established since permit issuance (such as...state scenic waterways, federal wild and scenic rivers, serious water management problem areas, water quality limited sources, etc.);
- c. The habitat needs of sensitive, threatened or endangered species, in consultation with ODFW;
- d. Economic investment in the project to date;
- e. Other economic interests dependent on completion of the project; and
- f. Other factors relevant to the determination of the market and the present demand for water or power.

Is the POD/POA located.....

- If a GW permit, is GW hydraulically connected to SW (see original Div. 09 GW review)? _____
- within or above a state scenic waterway? _____
- within a ground water limited/critical area? _____
- within a segment that has been identified as a federal wild and scenic river? _____
- within an area that ODFW has identified as an ST&E Area? _____
- within an area that ODFW has identified as a _____ Needs Ranking Area for streamflow restoration for fish?
- within an area that DEQ has identified as being water quality limited? _____
- Other: _____

___19. 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

___20. 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

Other: _____

___21. 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(3), 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."

COBU Requirement - Ground Water - post July 9, 1987

"Pursuant to ORS 537.630(3), 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."

NOTES:

Extension "PFO" Dates

Checklist Last Revised: 3/4/ 2004

Mailing / Issuance Date: _____ WRD Project Manager: _____

Protest Deadline Date: _____ Date: _____

**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 # **71419**

INVOICE # _____

RECEIVED FROM: Bill Olinger Properties, LLC
BY: _____

APPLICATION	G13325
PERMIT	G11962
TRANSFER	

CASH: CHECK:# 2572 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

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 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC162 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 125.00

**RECEIVED
OVER THE COUNTER**

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 (FWWRD) \$ _____
0231 HYDRO LICENSE FEE (FWWRD) \$ _____
HYDRO APPLICATION \$ _____

TREASURY OTHER / RDX

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

RECEIPT: **71419**

DATED: 11/17/04 BY: Linda Dreyfus

**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 # **71418**

INVOICE # _____

RECEIVED FROM: Leather's Oil

APPLICATION	G13325
PERMIT	G11962
TRANSFER	

BY: _____

CASH: CHECK: # 205024 OTHER: (IDENTIFY) _____

TOTAL REC'D \$ 125.00

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 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) \$ _____
TC182 DEPOSIT LIAB. (IDENTIFY) \$ _____
0240 EXTENSION OF TIME \$ 125.00

**RECEIVED
OVER THE COUNTER**

WATER RIGHTS:

0201 SURFACE WATER EXAM FEE \$ _____ 0202 RECORD FEE \$ _____
0203 GROUND WATER EXAM FEE \$ _____ 0204 LICENSE FEE \$ _____
0205 TRANSFER EXAM FEE \$ _____

WELL CONSTRUCTION

0218 WELL DRILL CONSTRUCTOR EXAM FEE \$ _____ 0219 LICENSE FEE \$ _____
LANDOWNER'S PERMIT 0220 LICENSE FEE \$ _____

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 _____ \$ _____

RECEIPT: **71418**

DATED: 11/17/04 BY: Leather Doe



A Division of -
LEATHERS
ENTERPRISES,
INC.

**25 Stations to
Serve You
Throughout
Oregon**

Portland
Gresham
Estacada
Scappoose
Hines
Madras
Culver
Prineville
Hermiston
John Day
Albany
Lebanon
Medford
Newberg
Sandy
Aurora
Oregon City

22300 S.E. STARK
GRESHAM, OREGON 97030
(503) 661-1244
FAX 661-0234

RECEIVED

NOV 29 2004

WATER RESOURCES DEPT
SALEM, OREGON

November 22, 2004

Ms. Lisa Juul
Water Resources Dept
725 Summer Street NE, Ste. A
Salem, Oregon 97301-4172

Re: Time Extension
Application G-13325
Permit G-11962

Dear Ms. Juul,

Corbey Boatwright, PE, LS, CWRE has my permission to sign my 2004 Application for Extension of Time for the above referenced permit.

Also, please accept this letter as my authorization to sign future applications on my behalf with your department.

Thank you so much for your courtesies and your help in this and future matters.

Sincerely,

A handwritten signature in blue ink that reads "Lila Leathers". The signature is written in a cursive style.

Lila Leathers
President

LLF

Ext. for this portion of permit

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

I, LEATHERS OIL COMPANY, LILA LEATHERS
NAME

22300 SE STARK GRESHAM OR 97030 503-661-1244
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13325, Permit No. G-11962, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2003, be extended to October 1, 2013.

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2004, be extended to October 1, 2014.

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

NOTE: The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

Attached is an instruction sheet to assist you in completing the information on the permit extension application form. Oregon Water Law and Administrative Rules requires this information to be considered by the Water Resources Department when reviewing a permit extension application. All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information that would aid us in making our decision. Please use additional sheets of paper as needed to fully respond to the questions.

After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 986-0900, and request assistance from the Water Rights Division, permit extensions personnel.

Leathers portion of Ext. Appl.

Ext. for this portion of permit

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

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NAME

22300 SE STARK GRESHAM OR 97030 503-661-1244
ADDRESS CITY STATE ZIP PHONE

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complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2003, be extended to October 1, 2013.

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2004, be extended to October 1, 2014.

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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After reviewing the application form and the instruction sheet, if you have any questions, you may contact the Department at (503) 986-0900, and request assistance from the Water Rights Division, permit extensions personnel.

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

YES

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

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.**)

SEE ATTACHED SHEET

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NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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.

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:

SEE ATTACHED SHEET

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

WELL & WELL HOUSE CONSTRUCTED
3.46 AC OF COMMERCIAL DEVELOPMENT CONSTRUCTED

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]:

25 gpm

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

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

5. Cost of project to date \$1 MILLION[±] Estimated remaining cost to complete the project
UNKNOWN.

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.

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

SEE ATTACHED SHEET

- 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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NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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

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

Corby Bostwick

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 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 FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

APPLICANT: Leathers Oil Company, Lila Leathers
APPLICATION: G-13325
PERMIT: G-11962
PRIORITY: March 12, 1995
WELL: MARI 391*

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

** This time extension describes the progress on only one of two wells authorized by this permit*

- | | |
|--|------------------------------------|
| 2. A) 1) Install a meter before use begins: | <i>In compliance</i> |
| 2) Watermaster access: | <i>In compliance</i> |
| 3) Well construction standards | <i>In compliance</i> |
| 4) Monitor Program -
Static H ₂ O level in March of each year: | <i>In compliance†</i> |
| 5) Drawdown restrictions: | <i>Not applicable</i> |
| 6) Actual construction begun by March 1996 | <i>In compliance</i> |
| 7) Progress Report | <i>In compliance filed in 2003</i> |

† Notices of March well measurements were being sent to Montecucco Farms and we were unaware that they were not being done until 2003. We have straightened out the notification information with the Dept. and had our well measured and reported each year by our CWRE.

3. A) 2000-2003 July 2000*, replaced pump. 2hp Franklin motor, 25 gpm grundfos pump, pump set at depth of 120', 1½" polyethylene set at 120', WL 68', depth of well found to be 133'-5" (well log September 2000*, loss of pressure, filter clogged.
January 2001*, carbon filter replaced.
August 2001*, chlorine pump fixed.
Irrigation system in front of station
Irrigation system east of station
Remodel - replaced one bathroom with two.

** Information provided by Chris Schneider at Schneider Equipment, Inc.*

6. B) The current value of the improvements on this site is about \$1 million. The cost to complete the commercial development is unknown at this time, but is likely to be in the hundreds of thousands to million dollar range. The original development plan, laid out a decade ago, may be totally changed by the time we can afford to improve all of this acreage to a commercial use. Current economic conditions have depressed the market for development. This is apparent by the slow development of the other half of this water right on the neighboring property to the west, which is being actively marketed.

October 1, 2004

Bill Olinger Properties, LLC

6215 SW Sweetbriar Ct
Portland, OR 97221
503-297-4081
fax 503-693-0984

November 10, 2004

Water Resources Department


Re: Olinger Properties Water system in Aurora

Dear Sir,

Please accept these instructions to allow Corey Boatwright to sign on our behalf concerning the water wrights and extensions on our system

Thank you.

Sincerely,
Bill Olinger Properties, LLC



Kyle Olinger
Operating Manager

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

Ext for this portion of permit.

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

A summary of review criteria and procedures that are generally applicable to these applications is available at www.wrd.state.or.us/publication/reports/index.shtml.

I, BILL OLINGER PROPERTIES, LLC, KYLE OLINGER
NAME

6215 SW SWEETBRIAR CT PORTLAND OR 97221 503-939-4284
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13325, Permit No. G-11962, do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 2003, be extended to October 1, 2013.

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time now expires on October 1, 2004, be extended to October 1, 2014.

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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Olinger
portion
of
Ext.
Appl.

Ext for this portion
of permit

APPLICATION FOR EXTENSION OF TIME TO THE WATER RESOURCES DIRECTOR OF OREGON

*A summary of review criteria and procedures that are generally applicable to these applications is available at
www.wrd.state.or.us/publication/reports/index.shtml.*

I, BILL OLINGER PROPERTIES, LLC, KYLE OLINGER
NAME

6215 SW SWEETBRIAR CT PORTLAND OR 97221 503-939-4284
ADDRESS CITY STATE ZIP PHONE

owner of record, or duly authorized agent, of Application No. G-13325, Permit No. G-11962,
do hereby request that the time in which to:

complete the construction of diversion/appropriation works and/or purchase and installation of
the equipment necessary to the use of water, which time now expires on October 1, 2003,
be extended to October 1, 2013.

and/or the time in which to:

accomplish beneficial use of water to the full extent under the terms of the permit, which time
now expires on October 1, 2004, be extended to October 1, 2014.

NOTE:

The extension of time requested should be long enough to finish the project. Should
this request be approved, it will be the Department's expectation that you will
complete your project within the new time period allowed. Future extensions may
not be granted.

Attached is an instruction sheet to assist you in completing the information on the
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requires this information to be considered by the Water Resources Department
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questions, you may contact the Department at (503) 986-0900, and request
assistance from the Water Rights Division, permit extensions personnel.

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

1. Did water system construction/well drilling begin within the time specified in the permit [yes/no]?

YES

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

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**).

SEE ATTACHED SHEET

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.

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:

SEE ATTACHED SHEET

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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

WELL CONSTRUCTED & PUMP INSTALLED

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]:

APPROX 60 gpm

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

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

5. Cost of project to date \$260,000. Estimated remaining cost to complete the project \$0 SEE ATTACHED SHEET

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.

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

SEE ATTACHED SHEET

- 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.

SEE ATTACHED SHEET

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

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

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.

Corby Bosting Lt
Signature

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 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 FOR EXTENSION OF TIME
TO THE WATER RESOURCES DIRECTOR OF OREGON**

APPLICANT: Bill Olinger Properties, LLC
APPLICATION: G-13325
PERMIT: G-11962
PRIORITY: March 12, 1995
WELL: MARI 365*

RECEIVED
NOV 17 2004
WATER RESOURCES DEPT
SALEM, OREGON

** This time extension describes the progress on only one of two wells authorized by this permit*

2. A) 1) Install a meter before use begins: *In compliance*
2) Watermaster access: *In compliance*
3) Well construction standards *In compliance*
4) Monitor Program -
 Static H₂O level in March of each year: *In compliance*
5) Drawdown restrictions: *Not applicable*
6) Actual construction begun by March 1996 *In compliance*
7) Progress Report *In compliance filed in 2003*
3. A) 2000-2003 Pump House & Controls
 280,000 gal Reservoir
 2000 LF of 8-inch mainline
 3 service connections
5. Cost to complete project is \$0 because all that is needed are more connections to use the water. Each developer installs their own meter.
6. B) Several of the parcels have been developed over the past 18 months, but others remain unsold. Slow market conditions have depressed sales of the properties.
- C) We were held up by zoning issues with Marion County and also by the County's requirement that a dedicated public road be created prior to allowing development of the parcels.

October 1, 2004

Water Right Correction

From: Linda T.

Phone: 6-0860

Date: 11-17-05

App: G-13325

Perm: G-11962

Cert: _____

Trans: _____

Perceived Problem:

Referenced corner used to describe
the POA locations is incorrect. It should
be from the NW corner J. Grim DLC 46

Solution:

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS & LEATHER'S OIL COMPANY
MONTECUCCO FARMS 4120 N. LOCUST
CANBY, OREGON 97013

503-263-6066

to use the waters of WELLS 1 AND 2 in the ^{Seneca} GRIDDLE CREEK BASIN for
COMMERCIAL USE.

This permit is issued approving Application G-13325. The date of
priority is MARCH 12, 1993. The use is limited to not more than 1.0
CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured
at the well.

The wells are located as follows:

SW 1/4 SE 1/4, SE 1/4 SE 1/4, SECTION 9, T 4 S, R 1 W, W.M.; WELL
1 - 150 FEET NORTH AND 1440 FEET EAST, WELL 2 - 700 FEET SOUTH AND 400
FEET EAST, BOTH FROM THE NE CORNER OF J. GRIM DLC 46.

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

A description of the proposed place of use under this permit is as
follows:

SE 1/4
ALL AS PROJECTED WITHIN DLC 46
SECTION 9
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

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.

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.

Application G-13325

Water Resources Department

PERMIT G-11962

The PERMITTEE shall obtain a static water-level measurement for each well during MARCH of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, certified engineering geologist, professional engineer, licensed well constructor or pump installer licensed by the Construction Contractors Board, licensed land surveyor or the permittee/appropriator. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. Reports and calculations shall be provided to the Department on forms provided by the Department and shall be certified as to their accuracy by the individual making the measurements. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the PERMITTEE shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the PERMITTEE'S 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 reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The PERMITTEE shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

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.

Actual construction work shall begin on or before February 28, 1996 and shall be completed on or before October 1, 1997. Complete application of the water shall be made on or before October 1, 1998.

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 beneficial use of water without waste. The water user is advised that new regulations may require 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 of the Water Resources Department has found that the proposed use of water described by this permit, as conditioned, will not impair or be detrimental to the public interest.

Issued this date, February 28, 1995. B date ext to 10-1-03
C date ext to 10-1-04


Water Resources Department
Martha O. Pagel
Director

Application G-13325 Water Resources Department PERMIT G-11962
Basin 2 Volume 16 DOVE CR & MISC WELL #1 District 16
Volume 16A GRIBBLE CR & MISC WELL #2
MGMT. CODE 4KG
Vol 15A Senecal Cr & Misc

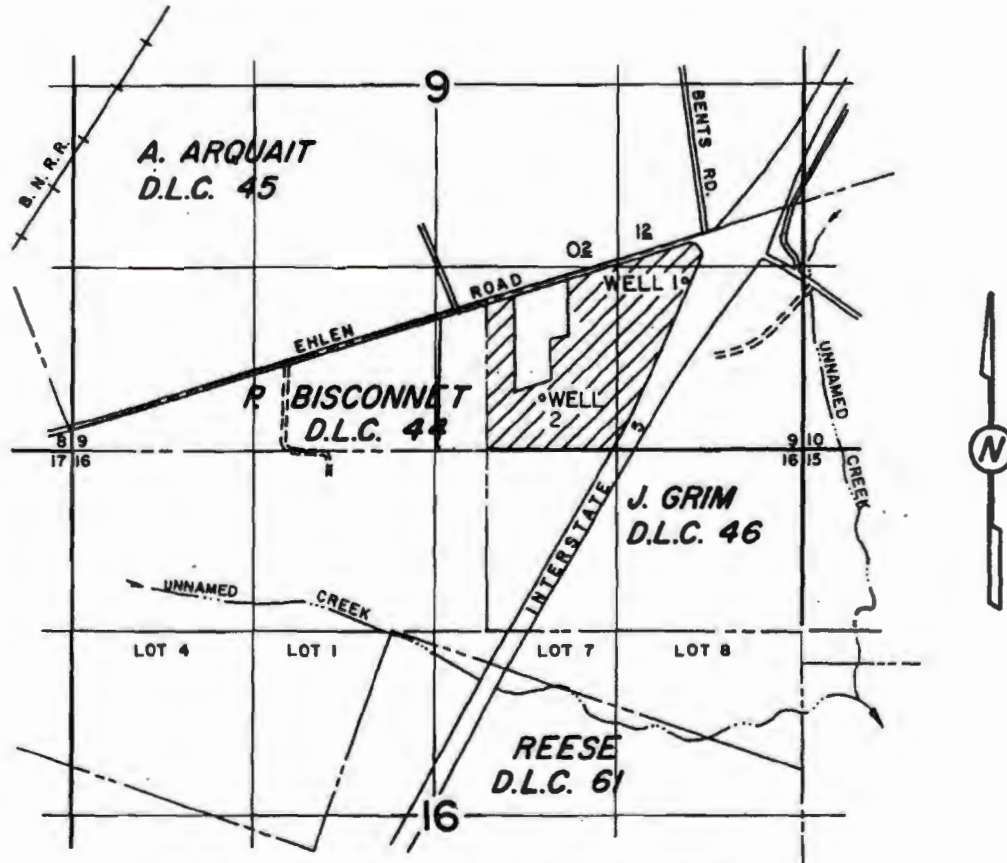
RECEIVED

JAN 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON

T.4S., R.1W., W.M.

MARION COUNTY



WELL 1 LOCATION: 150' N. & 1440' E. OF THE NE CORNER OF
J. GRIM DLC 46.
WELL 2 LOCATION: 700' S. & 400' E. OF THE NE CORNER OF
J. GRIM DLC 46.
WELL 2 IS UNDER TRANSFER-SUBJECT
TO APPROVAL. T-6921

APPLICATION TO APPROPRIATE GROUND WATER

Application No. G-13325 Permit No. G11962

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993
SCALE: 1"=1320'

rev. January 18, 1995

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



Permit Extension Ground Water Review

Date: Sept. 27, 2005

To: Doug Woodcock, Ground Water Section Manager

From: Lisa Jaramillo, Permit Extension Review

Subject: Ground Water Review for File #G-13325 / Permit #G-11962

The above referenced permit is currently being reviewed for an extension of time. Before I can determine whether or not an extension of time should be granted, a Ground Water review for this file is necessary. Special designations affecting this permit are as follows:

NOTE: Original Division 9 review completed by: Doug Woodcock

- Located within a **Critical** Ground Water Area
- Located within a Ground Water **Limited** Area
- Located within a Ground Water **Study** Area
- 5-Year Limited Permit
- Other: _____
- None (no special designations)**

To: Lisa
From: Marc
12/22/2005

For Ground Water / Hydrology Staff Use:

Please answer the following questions. If necessary, attach an additional sheet.

1. Should any additional conditions be added to this permit? NO
2. Should the extension of time request be further conditioned or **DENIED** due to ground water supply concerns? NO
3. Should the Department establish a new reference level for water level declines due to the failure of permittee to submit annual measurements? NO
4. Other issues or concerns? NONE

Water Right Conditions Tracking Slip

Groundwater/Hydrology Section

FILE ## 13326

ROUTED TO: T. SHOOK

TOWNSHIP/

RANGE-SECTION: 43/1W-9

CONDITIONS ATTACHED? []yes []no

REMARKS OR FURTHER INSTRUCTIONS:

Reviewer: D. Woodcock

TO: Water Rights Section

FROM: Groundwater/Hydrology Section

D. Woodcock

Reviewer's Name

SUBJECT: Application G- 13325

1. PER THE Willamette Basin rules, one or more of the proposed POA's is/is not within 1/4 feet/mile of a surface water source (SENECAL) and taps ^{UNCONFINED} 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 surface water
 - b. will not source, namely SENECAL CREEK / PUDDING R.; 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 water from substantial interference.

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 and/or
 - b. ___ will not within the capacity of the resource; or
 - c. can, if properly conditioned, avoid injury to existing rights or to the groundwater resource;
 - i. The permit should contain condition #(s) 4G;
 - 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.

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: * MEASUREMENTS IN MARCH

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.

_____, 1993.
 (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: _____

_____, 1993.
 (Signature)

FROM: Groundwater/Hydrology Section D. Woodcock
Reviewer's Name

SUBJECT: Application G- 13325

1. PER THE Willamette Basin rules, one or more of the proposed POA's is/is not within 1/4 feet/mile of a surface water source (Seneca) and taps a groundwater source hydraulically connected to the surface water. ^{UNCONFINED}

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 surface water
b. will not source, namely Seneca Cr / Pudding R.; or
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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.

6-13325

REMARKS: * Measurements in March

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;
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- A. ___ I recommend including the following condition in the permit:
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- 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.
 _____, 1993.

(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: _____

_____, 1993.
 (Signature)

WATER RESOURCES DEPARTMENT MEMORANDUM

TO: Groundwater/Hydrology Files

Date SEPT 24, 1993

FROM: Douglas Woodcock

SUBJECT: Groundwater Application G- 13325

Applicant(s) seek _____ gpm (1.0 cfs) from 2 wells in the
WILLAMETTE basin
SENECAL CR sub basin
_____ sub basin.

Pertinent 7 1/2 - minute quads WOODBURN

Well 1 WRD# Mar 391 T 45 R 1W S 9 QQ SESE County MARION

Legal Description _____
Well is 1000 ft from INTERM. TRIB TO SENECAL CR (river/stream)
Well is 3000 ft from SENECAL CR (river/stream)
Well elevation 190 ft. River/stream elevation 160 ft.
Well elevation - river/stream elevation 30'
Well depth 134 SWL 34 on 6-6-78
Sealed to 23 Depth first water found 72
Cased to 134 Perforations/screens _____
Lined to _____ Perforations/screens _____
Well tests and types 40 gpm
Confined or unconfined? CONFINED Direct hydraulic connection? SENECAL CR?
Potential to cause substantial interference? No

Well 2 WRD# Mar 365 T 45 R 1W S 9 QQ SWSB County MARION

Legal Description _____
Well is 2000 ft from SENECAL CR (river/stream)
Well is _____ ft from _____ (river/stream)
Well elevation 185 ft. River/stream elevation 150 ft.
Well elevation - river/stream elevation 35
Well depth 186 SWL 30 on 3/12/84
Sealed to 20 Depth first water found 55
Cased to 186 Perforations/screens 115 - 156
Lined to _____ Perforations/screens 156 - 170
Well tests and types 2400 gpm w/ 80 FT DD AFTER 5 HRS
Confined or unconfined? CONFINED Direct hydraulic connection? SENECAL CR
Potential to cause substantial interference? No

Conditioned water rights in area: 12520

Other nearby water rights of record: 12475

Density of nearby wells: Med, BR, MOSTLY DOMESTIC

Comments: WELLS ARE DEVELOPED IN SANDS AND GRAVELS WHICH UNDERLIE THE WILLAMETTE SILT. GW. FROM GRAVELS DEPOSITS TO BE CONFINED BY THE SILT. GW FLOW IS LIKELY TO THE EAST TOWARDS THE FURRING RIVER. FLOWING MAY SUBSIDY IN SENECAL CR, BUT IT WOULD BE GREATER THAN 3000 FT FROM THE WELL SITE. CONDITION w/ 40

References used: _____

GROUNDWATER APPLICATION

G-13325

Estimated number of wells within one mile radius of POA:

TOTAL:	82	DOMESTIC:	24
		IRR/DOM:	5
		IRRIGATION:	14
		MANUFACTURING:	4
		MONITORING:	8

State observation wells within a five mile radius:

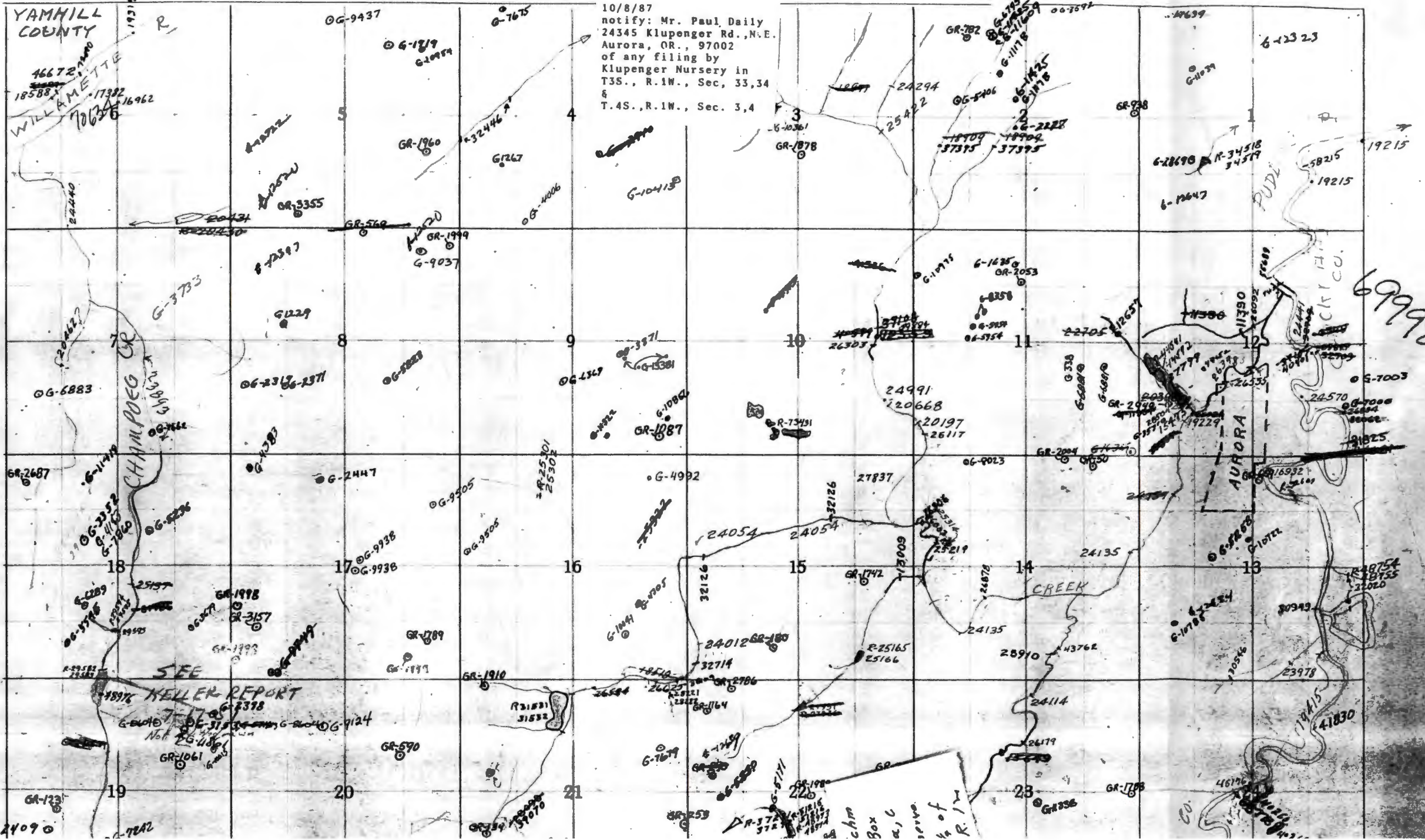
627 THRU 628: NOT AVAILABLE
40: 01/17/62 - 04/04/93
39: 01/17/62 - 04/05/93

Groundwater permits issued with conditions within a five mile radius:

G-12520
G-12475

CLACKAMAS CO.

Summary of Water Right Filings in Township 4S, Range 1W



10/8/87
 notify: Mr. Paul Daily
 24345 Klupenger Rd., N.E.
 Aurora, OR., 97002
 of any filing by
 Klupenger Nursery in
 T3S., R.1W., Sec. 33, 34
 &
 T.4S., R.1W., Sec. 3, 4

SEE
 KELLER REPORT

69998

Box
 of
 R. 1W

RECEIVED

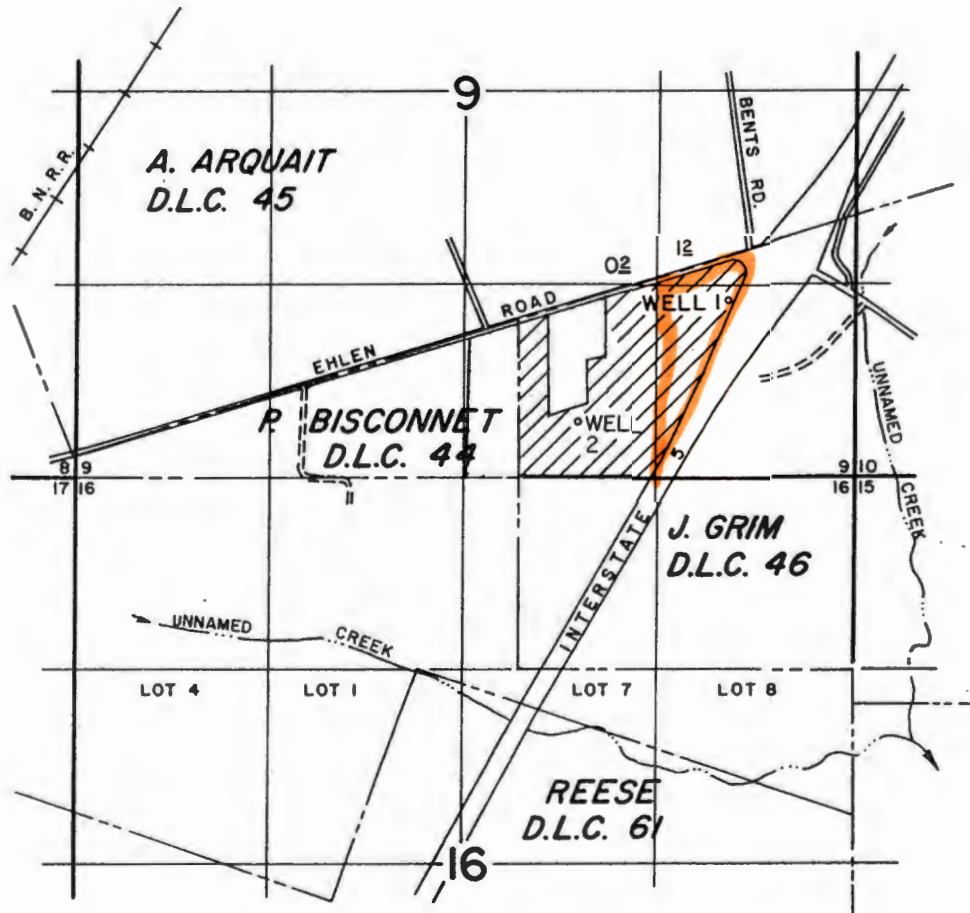
JAN 18 1995

WATER RESOURCES DEPT
SALEM, OREGON

T.4S. , R.1W. , W.M.

MARION COUNTY

LEATHERS OIL CO.
8-15-2003
ML



WELL 1 LOCATION: 150' N. & 1440' E. OF THE NE CORNER OF J. GRIM DLC 46.
 WELL 2 LOCATION: 700' S. & 400' E. OF THE NE CORNER OF J. GRIM DLC 46.
 WELL 2 IS UNDER TRANSFER-SUBJECT TO APPROVAL. T-6921

APPLICATION TO APPROPRIATE GROUND WATER

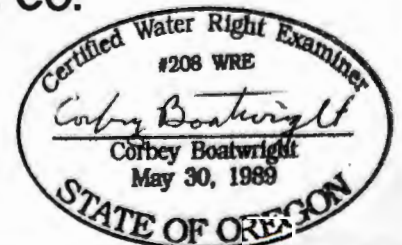
Application No. G-13325 Permit No. G11962

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993
SCALE: 1"=1320'

rev. January 18, 1995

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



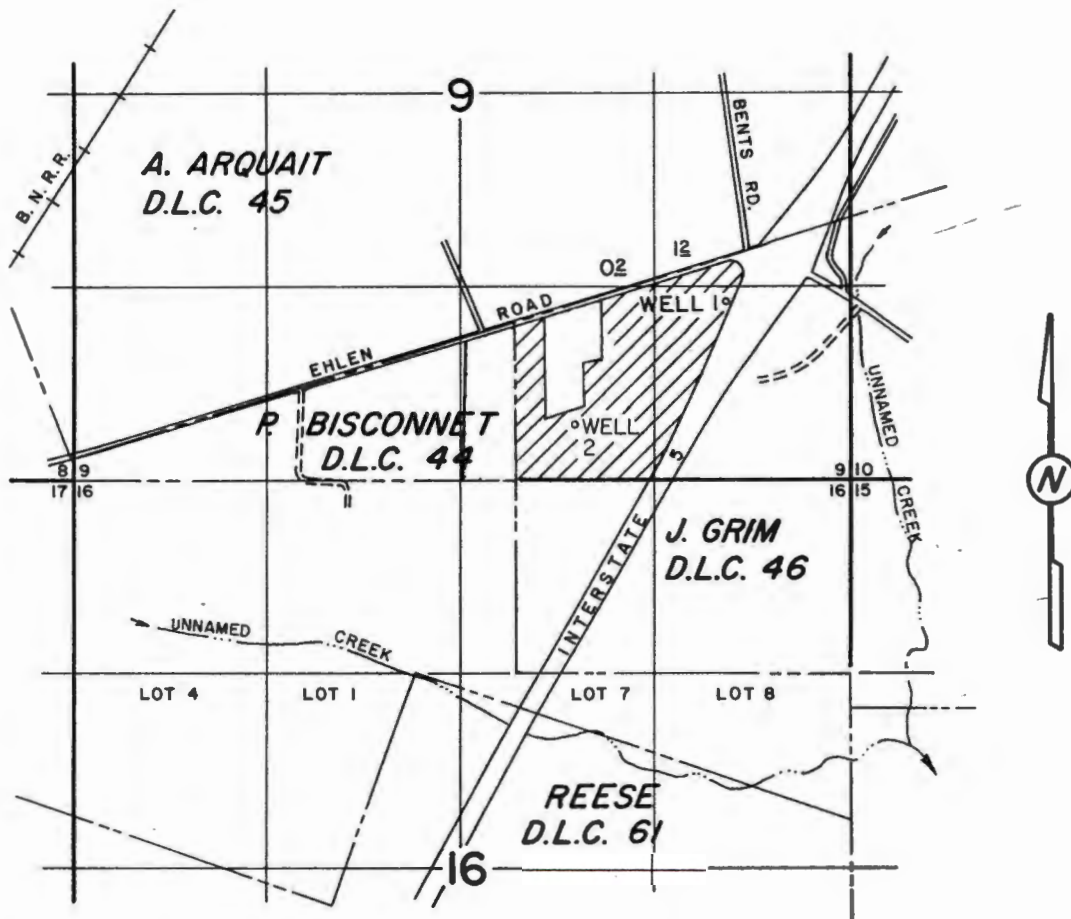
RECEIVED

JAN 18 1995

WATER RESOURCES DEP
SALEM, OREGON

T.4S. , R.1W. , W.M.

MARION COUNTY



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APPLICATION TO APPROPRIATE GROUND WATER

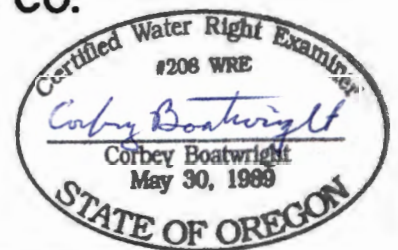
Application No. G-13325 Permit No. G11962

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993
SCALE: 1"=1320'

rev. January 18, 1995

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



Application No. C13325
WATER WELL REPORT
STATE OF OREGON
Permit No. 365

RECEIVED

MAR 1 805
State Well No. 451W-9d
State Permit No. NM# 2
APR 6 1984

WATER RESOURCES DEPT.
SALEM, OREGON

MAR 1 805

(1) OWNER:

Name Virgil Montecucco
Address 4120 N. Locust
City Canby State Or 97013

(2) TYPE OF WORK (check):

New Well Deepening Reconditioning Abandon
If abandonment, describe material and procedure in Item 12.

(3) TYPE OF WELL:

Rev
Rotary Air Driven
Rotary Mud Dug
 Bored

(4) PROPOSED USE (check):

Domestic Industrial Municipal
Irrigation Test Well Other
Thermal: Withdrawal Reinjection

(5) CASING INSTALLED:

Steel Plastic
Threaded Welded
See Diam. from Sheet ft. to ft. Gauge Attached
" Diam. from ft. to ft. Gauge ft.

(6) LINER INSTALLED:

" Diam. from ft. to ft. Gauge ft.

(6) PERFORATIONS:

Perforated? Yes No
Type of perforator used
Size of perforations in. by in.
See Sheet Attached perforations from ft. to ft.
perforations from ft. to ft.
perforations from ft. to ft.

(7) SCREENS:

Well screen installed? Yes No
Manufacturer's Name UQP Johnson
Type Watermark SS Model No.
Diam. 12" Slot Size 150 Set from 156.7 ft. to 170.1 ft.
Diam. Slot Size Set from ft. to ft.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom? S.E.I.
2400 gal./min. with 80 ft. drawdown after 5 hrs.
" 1560 " 54 " 5 1/2 "
Air test 1050 gal./min. with 43 " ft. 6 hrs.
Baker test 550 gal./min. with 28 ft. drawdown after 6 1/2 hrs.
Artesian flow - g.p.m. -
Temperature of water - Depth artesian flow encountered - ft.

(9) CONSTRUCTION:

Special standards: Yes No
Well seal—Material used 10 Cu Yd 5 sk readimix
Well sealed from land surface to 20 ft.
Diameter of well bore to bottom of seal 32 in.
Diameter of well bore below seal 32 in.
Number of sacks of cement used in well seal 50 sacks
How was cement grout placed? See attached Dept of Water Resources letter regard special standards for use of readimix concrete
Was pump installed? NO Type HP Depth ft.
Was a drive shoe used? Yes No Plugs Size: location ft.
Did any strata contain unusable water? Yes No
Type of Water? - depth of strata -
Method of sealing strata off -
Was well gravel packed? Yes No Size of gravel: 3/4--1 1/2
Gravel placed from 20 ft. to bottom ft.

(10) LOCATION OF WELL:

County Marion Driller's well number 8401
1/4 SE 1/4 Section 9 T. 4S R. 1W W.M.
Tax Lot # Lot Blk Subdivision
Address at well location:

(11) WATER LEVEL: Completed well.

Depth at which water was first found 55 ft.
Static level 30 ft. below land surface. Date 3/12/84
Artesian pressure lbs. per square inch. Date

(12) WELL LOG:

Diameter of well below casing -
Depth drilled 186 ft. Depth of completed well 175 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
See sheet attached			

Work started 10/24 19 83 Completed 3/26 19 84
Date well drilling machine moved off of well 2/3 19 84

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
(Signed) Donald J. Davis Date 4-3, 1984
(Drilling Machine Operator)
Drilling Machine Operator's License No. 1085

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name Schneider Equipment, Inc.
Address 2181 River Rd. E. St. Paul, Or 97137
(Person, firm or corporation) (Type or print)
(Signed) Stephen J. Schneider
(Water Well Contractor)
Contractor's License No. 649 Date 4-3, 19 84



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

RECEIVED

APR 6 1984

WATER RESOURCES DEPT
SALEM, OREGON

PHONE 378-8455

February 3, 1984

Stephen J. Schneider
Schneider Equipment
21881 River Road, NE
St. Paul, OR 97137

Dear Mr. Schneider:

Your request for a variance of Well Construction Standards is approved at the Montecucco Well. This well is located at Township 4 South, Range 1 West, Section 9 in Marion County. We will allow the removal of the drilling machine before completion of well construction provided the well be securely covered when unattended.

Sincerely,

R.W. NIMROD
Well Construction Specialist

RW Nawpc

cc: C.R. King

6482C

(5) Casing & (6) Perforations:

6" diam. from +1.1 to 27.3 Gauge .250

8" diam. from +1.4 to 124.9 Gauge .250

8" diam. from 124.9 to 166.1 Gauge .322 Mill Perf. 640-3/8 x 2½

8" diam. from 166.1 to 185.7 Gauge .250

12" diam. from +2.2 to 115.7 Gauge .330

12" diam. from 115.7 to 136.7 Gauge .375 Mill Perf. 480-3/8 x 2½

12" diam. from 136.7 to 156.7 Gauge .250 Torch Perf. 228-3/8 x 6

12" diam. from 170.1 to 186.1 Gauge .330

RECEIVED


APR 6 1984

**WATER RESOURCES DEPT
SALEM, OREGON**

RECEIVED

APR 6 1984

WATER RESOURCES DEPT.
SALEM, OREGON
PHONE 378-8455



Water Resources Department
MILL CREEK OFFICE PARK
555 13th STREET N.E., SALEM, OREGON 97310

May 24, 1978

Milo Schneider
Schneider Equipment, Inc.
21881 River Road N.E.
St. Paul, Oregon 97137


Dear Mr. Schneider:

Please accept my apologies for the delay in responding to your recent letter requesting special standards for the use of concrete instead of cement grout as a sealing material in large diameter wells that provide excessive space between the drill hole wall and the outside casing of the well. You are hereby granted special permission to use concrete instead of neat cement with the following provisions and conditions:

- 1) Concrete shall consist of clean, hard, durable aggregate, and not less than five sacks of Portland cement per cubic yard of concrete. Maximum diameter of the aggregate shall not exceed 3/4 of an inch in diameter.
- 2) If the well bore hole to be sealed is not dry, concrete shall be pumped from the bottom of the seal zone upward in one continuous operation to land surface.
- 3) In the event that the well bore annular space to be sealed is dry, concrete shall be placed through a tremie pipe to prevent segregation of the aggregate and cement mixture and to prevent bridging.
- 4) The space between the sealing surfaces of all casings and between all casings and the bore hole shall exceed 3-inches or more.

Special standards to construct a well as described above shall be considered to apply to all wells constructed in such a manner. Please refer to these special standards on the well reports of all well constructed in this manner.

Sincerely,



WILLIAM B. MCCALL
Hydrogeologist

WBM:clh

cc: Clifton R. King, Watermaster, District #16

Virgil Montecucco

RECEIVED

APR 6 1984

WATER RESOURCES DEPT.
SALEM, OREGON

(12) Well Log

<u>From</u>	<u>To</u>	<u>Description</u>
0	3	Top soil, brown
3	39	Clay, brown
39	55	Clay, gray
55	57	Clay, gray, sandy & sandstone, black, fine, sandy
57	58	Sandstone, black, hard
58	59	Clay, brown
59	66	Sandstone, brown, hard
66	75	Sand, brown, fine
75	81	Sand, brown, medium to coarse w/ some $\frac{1}{2}$ minus gravel
81	85	Gravel & sand cemented, brown, 2" minus
85	94	Gravel, 8" minus, cemented w/ some clay, brown
94	96	Sand, brown, fine-medium
96	99	Gravel, 6" minus
99	106	Sand, brown, fine-medium
106	111	Sand, brown, fine & some gravel
111	116	Gravel & sand, 1" minus, some cemented, brown
116	118	Gravel, 6" minus w/ clay, brown
118	120	Clay, gray
120	121	Clay, gray & wood
121	123	Sand, black, medium w/ some small gravel & wood
123	129	Sand, black, medium w/ some $\frac{3}{4}$ minus gravel
129	130	Clay & gravel, gray
130	133	Gravel, $\frac{3}{4}$ minus & sand, black, medium-coarse
133	136	Sand, black, fine-medium
136	139	Gravel, 1" minus and sand, black, medium-coarse
139	142	Gravel & sand, black, coarse
142	149	Gravel, $\frac{3}{4}$ minus w/ some sand, black, coarse
149	154	Gravel, 2" minus & sand, black, medium coarse
154	169	Gravel, 3" minus & sand, black, coarse, some cemented
169	173	Clay, light gray, firm
173	182	Clay, blue-gray, firm
182	186	Clay, blue-green, sandy

**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 # **77355**

INVOICE # _____

RECEIVED FROM: Kyle J. Olinger

APPLICATION 6-13325

BY: _____

PERMIT 6-11962

CASH: CHECK: # 9564 OTHER: (IDENTIFY)

TRANSFER _____

TOTAL REC'D \$ 55.00

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 \$ _____
0410 RESEARCH FEES \$ _____
0408 MISC REVENUE: (IDENTIFY) Assignment \$ 55.00
~~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 \$ _____

RECEIPT: **77355**

DATED: 9/15/05 BY: [Signature]



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 16, 2005

Kyle J. Olinger
6215 SW Sweetbriar Ct.
Portland, Oregon 97221

Reference: Application G-13325, Permit G-11962

The partial assignment by deed from Ehlen Corporation to Bill Olinger Properties, LLC, has been recorded in the records of the Water Resources Department.

Our records have been changed accordingly and the original request is enclosed. Receipt number 77355 covering the recording fee of \$55.00 is also enclosed.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

Enclosure: Receipt 77355

cc: Watermaster 16
Ehlen Corporation
Leathers Oil Company
Data Center, OWRD
Mary Rohling
File



RECEIVED 002/003 SEP 15 2005 WATER RESOURCES DEPT SALEM, OREGON

REQUEST FOR ASSIGNMENT

BY PROOF OF OWNERSHIP (IF PERMIT/TRANSFER HOLDER IS NOT AVAILABLE)

Bill Olinger Properties, LLC

(Name of Party Requesting Assignment)

6215 SW Sweetbriar Ct. OR Portland, OR 97221

(Mailing address)

(City)

(State)

(Zip)

(Phone #)

503-939-4284

CHECK ONE

...hereby request assignment in and to application/permit/transfer;

...hereby request assignment in and to a portion of application/permit/transfer;

(You must include a map showing the portion of the application/permit/transfer to be assigned.)

...I have attached proof of ownership that may include but not be limited to: a copy of the deed to the land, a copy of a land sales contract, a court order or decree, documentation of survivorship of property held jointly;

(Remember to include \$5 for each additional page.)

Application # G13325 Permit # G11962 Transfer # _____

-OR-

GR Statement # _____ GR Certificate of Registration # _____

Ehlen Corporation / Montecucco Farms

(Name of Permit/Transfer Holder of Record)

(Mailing address) (City) (State) (Zip) (Phone #)

NOTE: If there are other owners of the property described in this Application, Permit, Transfer or Certificate of Ground Water 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 or Certificate of Registration of this request for assignment.

Witness my hand this 14 day of September, 2005

Party Requesting Assignment Bill Olinger Properties, LLC

Party Requesting Assignment by [Signature]

OK ASSIGN PARTIAL
[Signature]
9/16/05

DO NOT WRITE IN THIS BOX

This certifies assignment and record change at Oregon Water Resources Department effective 8:00a.m. on date of receipt at Salem, Oregon.
- Fee receipt # 77355
- For Director by Jerry Sauts, Program Analyst in Water Rights Division [Signature]

The completed "Request for Assignment" form must be submitted to the Department along with the appropriate recording fees:

- ◆ \$25 for the first page, and
 - ◆ \$5 for each additional page.
- [as required by ORS 536.050(1)(d)]

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

RECEIVED

JAN 18 1995

WATER RESOURCES DEPT
SALEM, OREGON

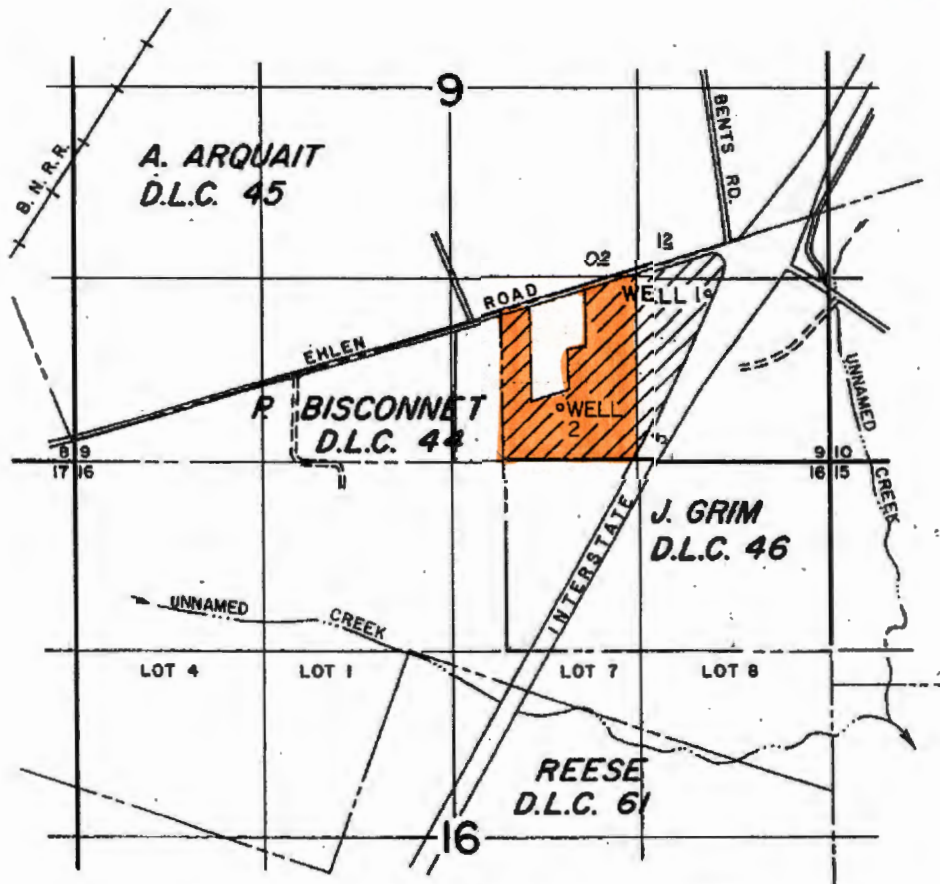
RECEIVED

SEP 15 2005

WATER RESOURCES DEPT
SALEM, OREGON

T.4S., R.1W., W.M.

MARION COUNTY



WELL 1 LOCATION: 150' N. & 1440' E. OF THE NE CORNER OF J. GRIM. DLC 46.
 WELL 2 LOCATION: 700' S. & 400' E. OF THE NE CORNER OF J. GRIM. DLC 46.
 WELL 2 IS UNDER TRANSFER-SUBJECT TO APPROVAL. T-6921

APPLICATION TO APPROPRIATE GROUND WATER

Application No. G-13325 Permit No. G11962

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993

SCALE: 1"=1320'

rev. January 18, 1995

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.

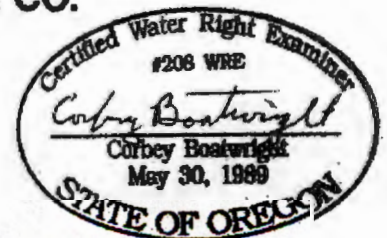


EXHIBIT "ONE"

That portion of the herein described property which lies West of Interstate Highway I-5 (which highway divides the herein after described premises): (Parcel I, intentionally omitted)

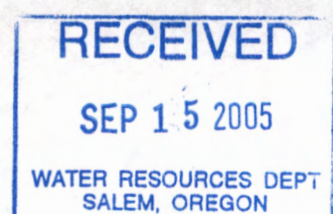
PARCEL II:

Beginning at a point in the South line of the Donation Land Claim of Jacob Grimm and wife in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 23.88 chains East from the most Westerly Southwest corner of said Donation Land Claim, and from thence running North 8.76 chains, thence South $77^{\circ}15'$ West 12.24 chains, thence North 33.01 chains to the North boundary of said Jacob Grimm Donation Land Claim, thence South $72^{\circ}45'$ West along the North boundary of the said claim, 12.50 chains to the Northwest corner of the same, thence South 35.36 chains to the most Westerly Southwest corner of the said Claim, thence East 23.88 chains to the place of beginning.

ALSO: Beginning on the North boundary line of and 12.50 chains North $72^{\circ}45'$ East of the Northwest corner of the Donation Land Claim of Jacob Grimm and wife, same being Claim No. 46, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, thence running South 33.01 chains, thence North $77^{\circ}15'$ East 93 links, thence North 33.08 chains to the North boundary of said Claim No. 46, thence South $72^{\circ}45'$ West 95 links to the place of beginning.

PARCEL III:

Beginning at a point that is located 500.00 feet North $72^{\circ}45'$ East and 453.75 feet South $00^{\circ}22'$ West from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, thence trotting South $73^{\circ}07'$ West a distance of 120.00 feet, thence trotting South $00^{\circ}22'$ West a distance of 272.25 feet, thence trotting North $73^{\circ}07'$ East a distance of 120.00 feet, thence trotting North $00^{\circ}22'$ East a distance of 272.25 feet to the place of beginning.



JAN 31 1999

REEL
1457 PAGE
553

Recording Requested By
Fidelity National Title Company of Oregon

GRANTOR'S NAME
Ehlen Corp.

GRANTEE'S NAME
Bill Olinger and Dorothy Olinger

Send Tax Statements To:
Mr. and Mrs. Bill Olinger
6215 S.W. Sweetbriar Court
Portland, OR 97221

After Recording Return To:
Mr. and Mrs. Bill Olinger
6215 S.W. Sweetbriar Court
Portland, OR 97221

FNT 50580

STATUTORY WARRANTY DEED

Ehlen Corp., an Oregon corporation, Grantor, conveys and warrants to

Bill Olinger and Dorothy Olinger, Husband and Wife, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Marion, State of Oregon,

For property description see Exhibit "A" attached hereto and made a part hereof.

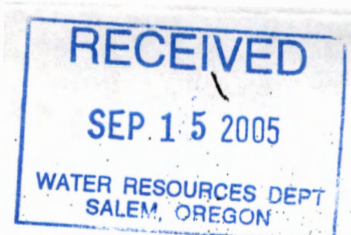
Subject to and excepting:

See Exhibit "B" attached hereto and made a part hereof.

And further subject to and excepting: the reservation and grant of easements for ingress and egress, construction, utilities, pipeline, well, and storm sewer. The easements hereby reserved and granted shall be defined and described in a separate document to be recorded by the parties hereto.

The true and actual consideration for this conveyance is **ONE MILLION FOUR HUNDRED FIFTY THOUSAND AND NO/100 DOLLARS (\$1,450,000.00)** which is paid by an accommodator as part of a §1031 deferred exchange (see ORS 93.030)

Page 1 - Statutory Warranty Deed



JAN 21 1998

Until a change is requested, all tax statements are to be sent to the following address:

Mr. and Mrs. Bill Olinger
6214 S.W. Sweetbriar Court
Portland, OR 97221

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The property described in this instrument contains an existing and active well.

Well Identification Number: L22967

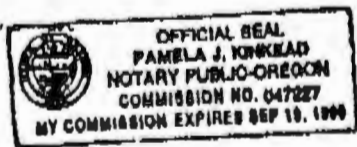
DATED: January 22, 1998.

EHLEN CORP., an Oregon corporation

Paul A. Montecucco
By: Paul Montecucco
Its: President

STATE OF OREGON)
) ss
County of Multnomah)

On this 27th day of January 1998, personally appeared before me the above named Paul A. Montecucco and, being first duly sworn, did say that he is President of EHLEN CORP., and he signed the foregoing Statutory Warranty Deed on behalf of said corporation by authority of its Board of Directors.



Pamela J. Jonkead
Notary Public for Oregon
My commission expires: 9/18/99

RECEIVED
SEP 15 2005
WATER RESOURCES DEPT
SALEM, OREGON

JAN 21 1998

EXHIBIT

PAGE 1 OF 1

That portion of the herein described property which lies West of Interstate Highway I-5 (which highway divides the herein after described premises): (Parcel I, intentionally omitted)

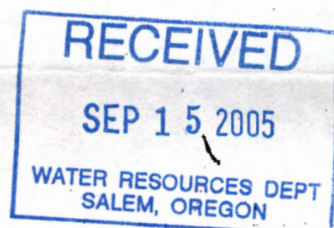
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ALSO: Beginning on the North boundary line of and 12.50 chains North 72°45' East of the Northwest corner of the Donation Land Claim of Jacob Grimm and wife, same being Claim No. 46, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, thence running South 33.01 chains, thence North 77°15' East 93 links, thence North 33.08 chains to the North boundary of said Claim No. 46, thence South 72°45' West 95 links to the place of beginning.

PARCEL III:

Beginning at a point that is located 500.00 feet North 72°45' East and 453.75 feet South 00°22' West from the Northwest corner of the Jacob Grimm Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, thence trotting South 73°07' West a distance of 120.00 feet, thence trotting South 00°22' West a distance of 272.25 feet, thence trotting North 73°07' East a distance of 120.00 feet, thence trotting North 00°22' East a distance of 272.25 feet to the place of beginning.



RECEIVED

SEP 15 2005

WATER RESOURCES DEPT SALEM, OREGON

Bill and Dorothy Olinger

STATE OF OREGON, County of _____ } ss.

Grantor's Name and Address
Bill Olinger Properties, LLC

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

Grantee's Name and Address

SPACE RESERVED FOR RECORDER'S USE

After recording, return to (Name, Address, Zip):
Bill Olinger Properties, LLC
1834 SW 58th Ave., Suite 204
Portland, OR 97221

Witness my hand and seal of County affixed.

Until requested otherwise, send all tax statements to (Name, Address, Zip):
same as above

NAME _____ TITLE _____
By _____, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that Bill Olinger and Dorothy Olinger

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto Bill Olinger Properties, LLC, an Oregon Limited Liability Company hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Marion County, State of Oregon, described as follows, to-wit:

SEE EXHIBIT ONE ATTACHED HERETO AND MADE A PART HEREOF

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$_____. However, the actual consideration consists of or includes other property or value given or promised which is part of the the whole (indicate which) consideration. (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

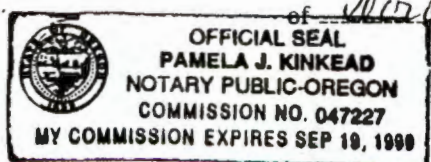
IN WITNESS WHEREOF, the grantor has executed this instrument this 20th day of April, 1998; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Bill Olinger
Dorothy Olinger by
Kyle Olinger her Attorney in Fact

STATE OF OREGON, County of Multnomah } ss.
This instrument was acknowledged before me on April 22, 1998,
by Bill Olinger

This instrument was acknowledged before me on April 22, 1998,
by Kyle Olinger
as attorney in fact
of Dorothy Olinger, on her behalf



Pamela J. Kinhead
Notary Public for Oregon
My commission expires 9/19/99

2003

Oregon Water Resources Department
 October 2003 through September 2004
 Annual Water Use - Monthly Quantities Form

USER-ID 28699

2004



Facility <input type="checkbox"/>	<u>Pump # 1</u>				
POD-ID <input type="checkbox"/>	<u>37862</u>				
October - 2003	<u>0.19</u>				
November - 2003	<u>/</u>				
December - 2003	<u>/</u>				
January - 2004	<u>/</u>				
February - 2004	<u>/</u>				
March - 2004	<u>/</u>				
April - 2004	<u>.068</u>				
May - 2004	<u>.037</u>				
June - 2004	<u>.123</u>				
July - 2004	<u>.311</u>				RECEIVED NOV 29 2004 WATER RESOURCES DEPT SALEM, OREGON
August - 2004	<u>.624</u>				
September - 2004	<u>.421</u>				
TOTAL *	<u>1.703</u>	<u>AF</u>			

* Describe the units of measure as G (gallons), KG (thousand gallons), MG (million gallons), CF (cubic feet), MCF (million cubic feet), or AF (acre-feet)

Describe method of measuring the water used: FLO Meter. If use is irrigation, total number acres irrigated 27
 I certify this information is true and accurate to the best of my knowledge.

[Signature]
 Signature

owner
 Title

Oregon Power, Inc -
 Reporting Entity

Nov 2-04
 Date

NE Winters
 Name - Please Print

Please complete and mail to: Water Resources Department; Water Use Reporting Program;
 725 Summer Street NE; Suite A, Salem, OR 97301-1271, or Fax 503-986-0902.

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on: Application G 13325 Permit G 11962 Certificate
 Listed on water rights: WELL 1 Pod 1 Priority date: 3/12/1993
 Well log ID (if any, in our records): MARI 391
Well location: In the SE quarter of the SE quarter of Section 9, Township 4.00S, Range 1.00W
 150 FEET NORTH & 1440 FEET EAST FROM NE CORNER, J GRIM DLC 46

RECEIVED

MAR 29 2004

WATER RESOURCES DEPT
SALEM, OREGON

**LILA LEATHERS
LEATHERS OIL CO.
22300 SE STARK
GRESHAM OR 97030**

Our records indicate that you are the holder of a groundwater permit that requires that you periodically measure and report static water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. **Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements.** We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches). All wells that have been constructed must be measured regardless of whether they are being used, in accordance with your permit.

MEASUREMENT REPORT (Complete one form for each well.)

Well Identification (Provide as much of the following information as possible; correct any errors from our files):

Well not yet drilled as of date: _____
 Original owner on well log: CARL LEATHERS; LEATHERS OIL
 Well ID # (on tag attached to casing): L NONE Startcard number (if listed on well log): _____
 Well depth: 134.00 (ft) Casing diameter: 6 (in) Date drilled: 6/6/1978
 Owner's well name: Well #1 Drilled by: JW Beck Well drilling

When did water use begin under this permit from this well? Date: Month/Yr _____

Show all water rights listing this well:

Application number(s): G 13325
 Permit number(s): G 11962
 Certificate number(s): _____

Date of measurement: March 19 2004

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1/2" Vent Port on Top of well head PVC Top

Static water level above / below (circle one) measuring point: 38.8 feet, or airline pressure _____ psi
 Measuring point distance above / below (circle one) land surface: 0.3 feet, or airline length _____ feet
 Static water level above / below (circle one) land surface: 38.5 feet
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other (specify): _____
 Water-level status when measured: Static Pumping _____ Rising _____ Flowing _____ Other _____
 Length of time well was idle before measurement: Unknown Pump shut off and on as demand

Comments (use back or extra sheet if necessary): _____
 I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Corbey Boatwright
 Signature of measurer: Corbey Boatwright
 Company: Boatwright Engineering Inc
 License number (CWRE, RG, PE, WWC, Pump Installer): CWRE 208
 Daytime phone number: 503-363-9225 Email address: _____

If you have any questions about this notice, please call the Measurement & Reporting Section of the Department at 503-986-0834 or 503-986-0831. **Return this Form to: OWRD, Meas & Rept Section, 725 Summer St. NE, Suite. A, Salem, OR 97301-1271.**

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us> OWRD 2/09/2004 GW/KCW

Water Level Data on File at OWRD for this well (last 3 measurements only, most recent date on top):

DATE	STATUS	METHOD	MP Depth	WL B.S.	MEASURED BY	COMMENTS
04/01/2003	STATIC	ETAPE	C 70	37.30	CORBAY BOATWRIGHT	IDLE > 10 MINUTES
01/22/2002	STATIC	ETAPE		47.30	JOHN COX	IDLE 3 HRS
04/20/2000	STATIC	ETAPE		43.33	TIM WILSON	IDLE > 10 MINUTES



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

November 20, 2003

LEATHERS OIL CO
22300 SE STARK ST
GRESHAM, OR 97030

REFERENCE: Application #G-13325 (Permit #G-11962)

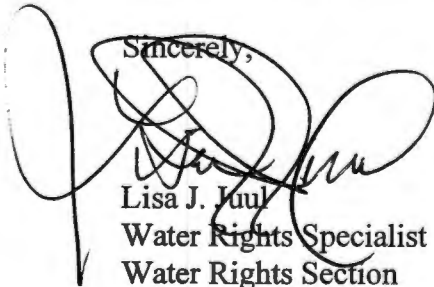
Dear Permit Holder:

The Water Rights Section received your written progress report for Permit #G-11962 (Application #G-13325). Receipt of the progress report was published on the Department's weekly Public Notice, dated October 14, 2003. The Department did not receive any public comment on the progress report.

Additionally, the Department determined that diligence toward completion of the project and compliance with the terms and conditions of the permit and extension has been demonstrated.

If you have any questions, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,



Lisa J. Juul
Water Rights Specialist
Water Rights Section

cc: Appl #G-13325 (Permit #G-11962)
Bill Ferber, Watermaster District #16
Ehlen Corporation, 4015 North Locust, Canby, OR 97030





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

November 20, 2003

EHLEN CORPORATION
4015 NORTH LOCUST
CANBY, OR 97030

REFERENCE: Application #G-13325 (Permit #G-11962)

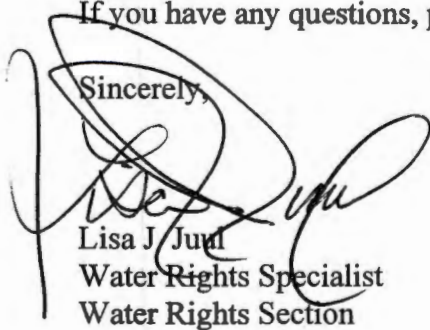
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If you have any questions, please feel free to contact me by telephone at (503) 986-0808.

Sincerely,



Lisa J. Judd
Water Rights Specialist
Water Rights Section

cc: Appl #G-13325 (Permit #G-11962)
Bill Ferber, Watermaster District #16
Leathers Oil Co, 22300 SE Stark St, Gresham, OR 97030



Extension of Time Progress Reports Procedure

Div. 320

1. Progress Report complete?

YES - proceed to Item #2.

~~NO - Send certified letter requesting missing information.~~

➤ Certified letter mailed on: _____

2. Published on the Department's Public Notice, dated: 10/14/07

3. Return File to Filing Cabinet after published on the Public Notice.

Extension of Time Checkpoint Progress Report
PUBLIC NOTICE INFORMATION

Permit Holder: Leathers Oil Co. (E) Ehlen Corporation
Mailing Address: 22300 SE Stark St. 4015 N. Locust
Gresham, OR 97030 Canby, OR 97013

Application #: G-13325 Permit #: G-11962

County: Marion

Quantity of Water: 1.0 cfs

Source of Water: Two Wells (#1 & #2) in

Permitted Use: Commercial Use

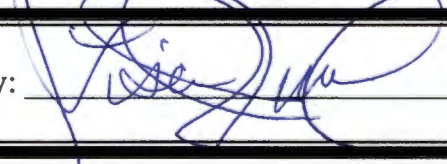
Current Authorized Extension Date: October 1, 2004

Ehlen Corporation - portion
Appl # G-13325 / Permit # G-11962

Progress Report Review

- a. The amount of construction completed; Well #2
- installed pump, storage tank, distribution lines.
- b. The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents; August 2003 use = 23,500 gallons
(approx. 0.0012 cfs)
- c. A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- meter installed. (see 10-9-03 FAX)
- some SWL meas. submitted
- d. Financial investments made toward developing the beneficial water use.
- invested \$860,000.

A - Diligence Shown.

Reviewed by:  Date: 10-1-03

Permit	Cert nbr	Pod	pod location id	snp id	logid	wr_id	wr_fam_id	type	status	stage		
Old data: G	11962	0	2	8212	22624	MARI	365	22624	22624	GW	NC	CM

Application	Permit	cert_nbr	Pod	Status	Source	Logid	Main aq	Userid lu	Priority	Township	Range	S	QQ	Q				
G	13325	G	11962	2	NC	GW	MARI	365	BFS	10910	03/12/1993	4.00	S	1.00	W	9	SW	SE

Condition type / Action status	SWL	SWL	Other measured wells	swl required
Date of last notice	2/19/2003		not on permit:	swl frequency
Impact plan: Submitted / Approved			Logid	swl month
Compliance: This yr / Overall			Main aq	swl duration
Compliance reviewed by				decline trigger
Compliance letter sent				decl trig shutoff
Month / Yr use began				reference level
Ref level gw				ref level date
Ref lvl det by				impact plan
Trigger activated		CLOSE		supply plan
Well not drilled as of				limit duration
App file check / Date				limit date
Comments	PER PHONE CONVERSATION ON 06/15/2001, W/ ED MONTECUCCO THIS PROPERTY HAS BEEN PARTIALLY SOLD TO KYLE OLINGER APPROX. 2 YRS. AGO. MR. MONTECUCCO SAID HE WOULD GET BACK TO ME WITH MR. OLINGER'S			meter required
Other conditions				record water use
				report water use

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l	VIRGIL A & EVELYN MONTECUCCO	name other	MONTECUCCO FARMS C/O BILL OLINGER PROP.
contact	KYLE OLINGER	email	
address	6215 SW SWEETBRIAR CT	phone / fax	
city / st / zip	PORTLAND OR 97221	comment	MOBILE PHONE: 936-4153

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source	Organiz	Source OWRD	Comments
3/12/1984	UNKNOWN	ETAPE	1.4	30	30	DRILLER	DRILLER		WELL LOG	WELL LOG
3/5/1997	STATIC	ETAPE		31	31	OWNER	OWNER		PERMIT COND	
6/18/1998	STATIC	ETAPE		68	68	PAUL A MONTECUCCO	OWNER		PERMIT COND	IDLE 8 MTHS
4/19/2000	STATIC	AIRLINE		47.88	47.88	TIM WILSON	PUMP INSTALLER		PERMIT COND	IDLE MONTHS
12/6/2001	STATIC	ETAPE	3.42	53.67	53.67	LEE BLIVEN II	PUMP INSTALLER		PERMIT COND	IDLE MONTHS

Leathers Oil Co. - portions

Appl # G-13325 / Permit # G-11962

Progress Report Review

OK

a. The amount of construction completed;

Well # 1

OK

b. The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;

- flow capacity = 25 gpm (0.06 cfs)
- water being used on 3.46 ac (out of 12.09 ac)
= 28.6% of total lands.

OK

c. A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and

- meter installed

- March SWL meas. now in compliance.

OK

d. Financial investments made toward developing the beneficial water use.

- invested \$921,440.

Diligence shown.

Reviewed by: [Signature] Date: 10-1-03

Permit	Cert nbr	Pod	pod location id	snp id	logid	wr_id	wr_fam_id	type	status	stage		
Old data: G	11962	0	1	8211	22624	MARI	391	22624	22624	GW	NC	CM

Application	Permit	cert_nbr	Pod	Status	Source	Logid	Main aq	Userid lu	Priority	Township	Range	S	QQ	Q						
G	13325	G	11962			1	NC	GW	MARI	391	BFS	29143	03/12/1993	4.00	S	1.00	W	9	SE	SE

Condition type / Action status	SWL	SWL	Other measured wells	swl required
Date of last notice	2/19/2003	not on permit:	swl frequency	
Impact plan: Submitted / Approved		Logid	Main aq	swl month
Compliance: This yr / Overall				swl duration
Compliance reviewed by				decline trigger
Compliance letter sent				decl trig shutoff
Month / Yr use began				reference level
Ref level gw				ref level date
Ref lvl det by				impact plan
Trigger activated	CLOSE			supply plan
Well not drilled as of				limit duration
App file check / Date				limit date
Comments				meter required
				record water use
Other conditions				report water use

Redrill Logid	Max_Depth	Type Work	Compl Date	Correlated By	Comment

Current owner from pump_test_owners file:

name f / l	LILA LEATHERS	name other	LEATHERS OIL CO.
contact		email	
address	22300 SE STARK	phone / fax	503-661-1244 503-661-0234
city / st / zip	GRESHAM OR 97030	comment	

Reported water levels for the specified well. No water levels will be present if a well log has not been correlated to the water right. in wris_logids file.

Date	Status	Method	MP hgt	Rpt WL	Ex WL	Measured by	Source Organiz	Source OWRD	Comments
6/6/1978	STATIC	ETAPE		34	34	DRILLER	DRILLER	WELL LOG	WELL LOG
4/20/2000	STATIC	ETAPE		43.33	43.33	TIM WILSON	PUMP INSTALLER	PERMIT COND	IDLE > 10 MINUTES
1/22/2002	STATIC	ETAPE		47.3	47.3	JOHN COX	OWNER	PERMIT COND	IDLE 3 HRS
4/17/2003	STATIC	ETAPE	.7	37.3	37.3	CORBEY BOATRIGHT	CWRE	PERMIT COND	IDLE > 10 MINUTES

BILL OLINGER **PROPERTIES, LLC**

6215 SW Sweetbriar Ct
Portland, OR 97221
503-939-4284
fax 503-222-6459

October 9, 2003

Lisa J Juul
Water Resources Department
725 NE Summer St
Salem, OR 97301-2430

RECEIVED
OCT 09 2003
WATER RESOURCES DEPT.
SALEM, OREGON

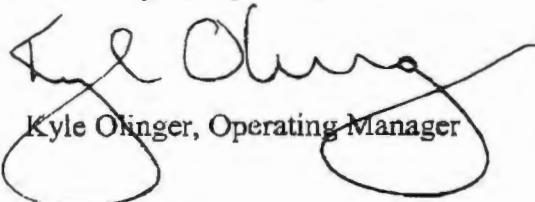
Re: Application File #G-13325 (Permit #G11962)

Dear Lisa:

In our progress report of September 24, 2003 I failed to mention that the instillation of our water system included metering devices to measure output from the well and usage.

Please let me know if you have any questions.

Sincerely,
Bill Olinger Properties, LLC


Kyle Olinger, Operating Manager

BILL OLINGER **PROPERTIES, LLC**

6215 SW Sweetbriar Ct
Portland, OR 97221
503-939-4284
fax 503-222-6459

September 24, 2003

Lisa J Juul
Water Resources Department
725 NE Summer St
Salem, OR 97301-2430

Re: Application File #G-13325 (Permit #G11962)

Dear Lisa:

Thank you for your help on the phone today concerning the progress report on the above referenced application and permit.

Attached are photographs of the completed water system and of developments completed and under construction. Also there is a photo diagram of the property showing development projects in escrow that will soon be under construction.

Progress Report:

- a) The amount of construction completed; A pump house, water pumping equipment, a 280,000 gallon storage tank and approximately 2,000 feet of 8 inch water line along Bents Court and reaching south to the EFU land has been completed. Photos of the tank, pump house and pumping equipment are attached as "Photo # 1" and "Photo #2".
- b) The amount of Beneficial use of water being made...: In May of 2003 one commercial office use went on line. It is our first and only use so far. The total use of water as of the end of August was 23,500 gallons. The percentage for this one use of our total permit would be so small it would be difficult and meaningless to attempt to calculate at this time.
- c) We have acted diligently to complete the project on a timely basis. We have encountered a number of setbacks due to zoning changes that stalled development. Those have been resolved now and there are two development projects now under construction

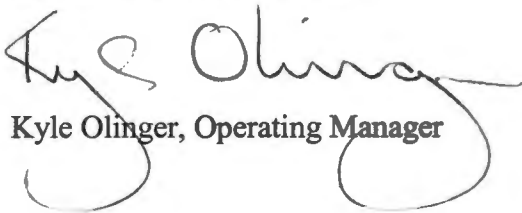
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SALEM, OREGON

covering about 2 ½ acres.. Those projects are shown on "Photo #3" and "Photo #4". An additional three projects covering eight acres are now in escrow and shown on "Photo #5". These we expect to close this year with construction starting in 2004. We have complied with any direction given to us by the Department and are as far as we know in compliance with the terms and conditions of the permit..

d) Financial investment made toward developing the beneficial water use: Cost of pump house, tank, pumping equipment and water lines was approximately \$500,000. The cost of completing Bents Court, which was required before development would be allowed, was \$360,000. Our total cost for preparing the property for development was \$860,000.

Please let me know if you have any questions.

Sincerely,
Bill Olinger Properties, LLC



Kyle Olinger, Operating Manager

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SALEM, OREGON

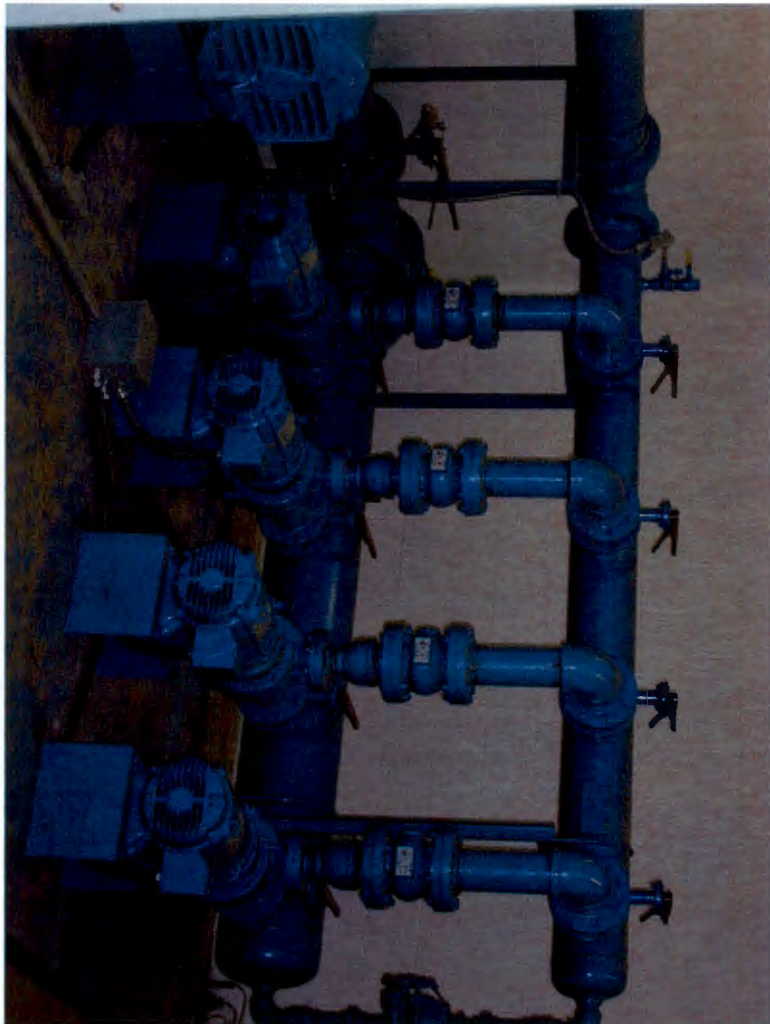
Photo #1



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SALEM, OREGON

Photo #2



Photo #3



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SALEM, OREGON

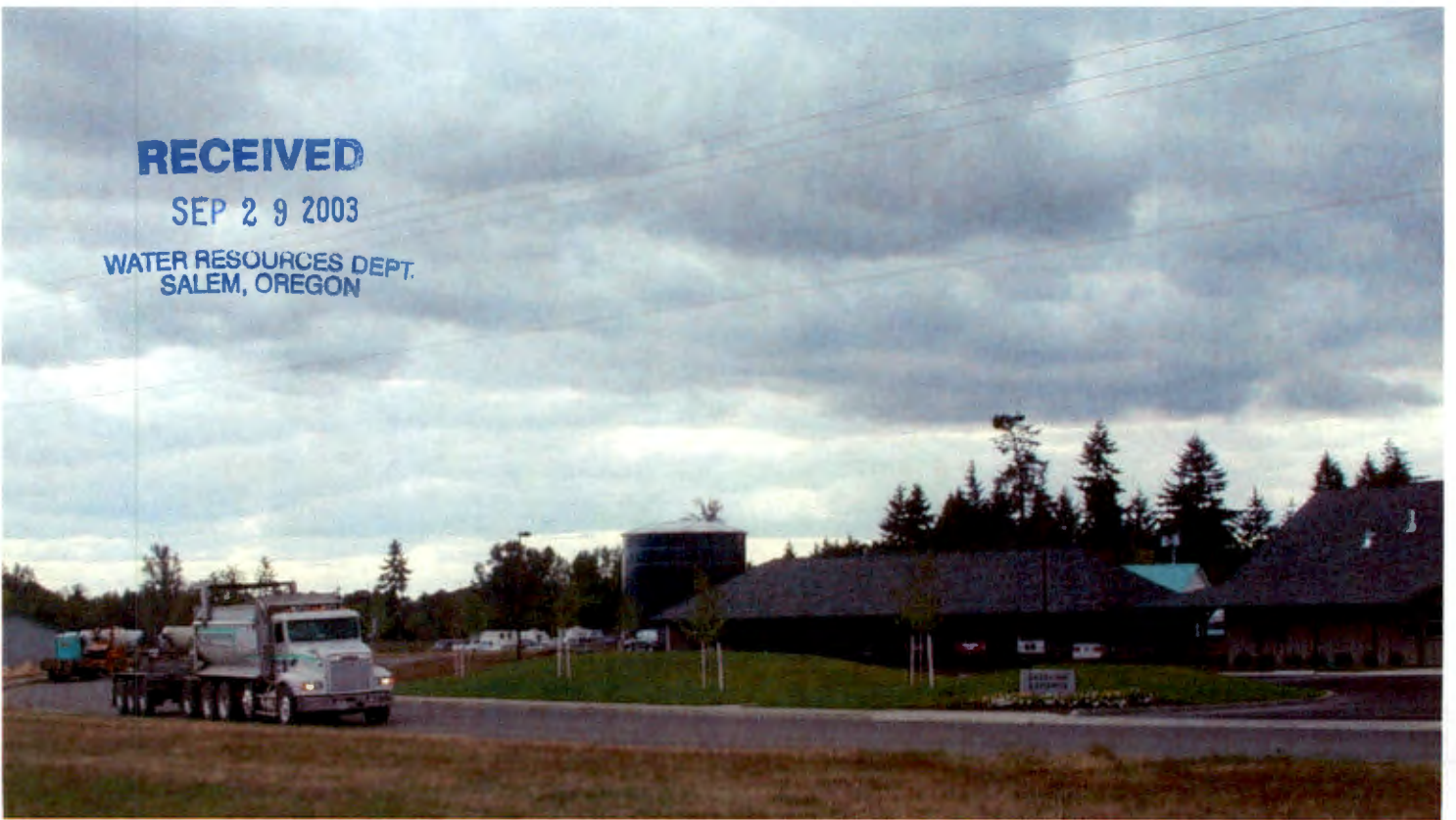


PHOTO #7

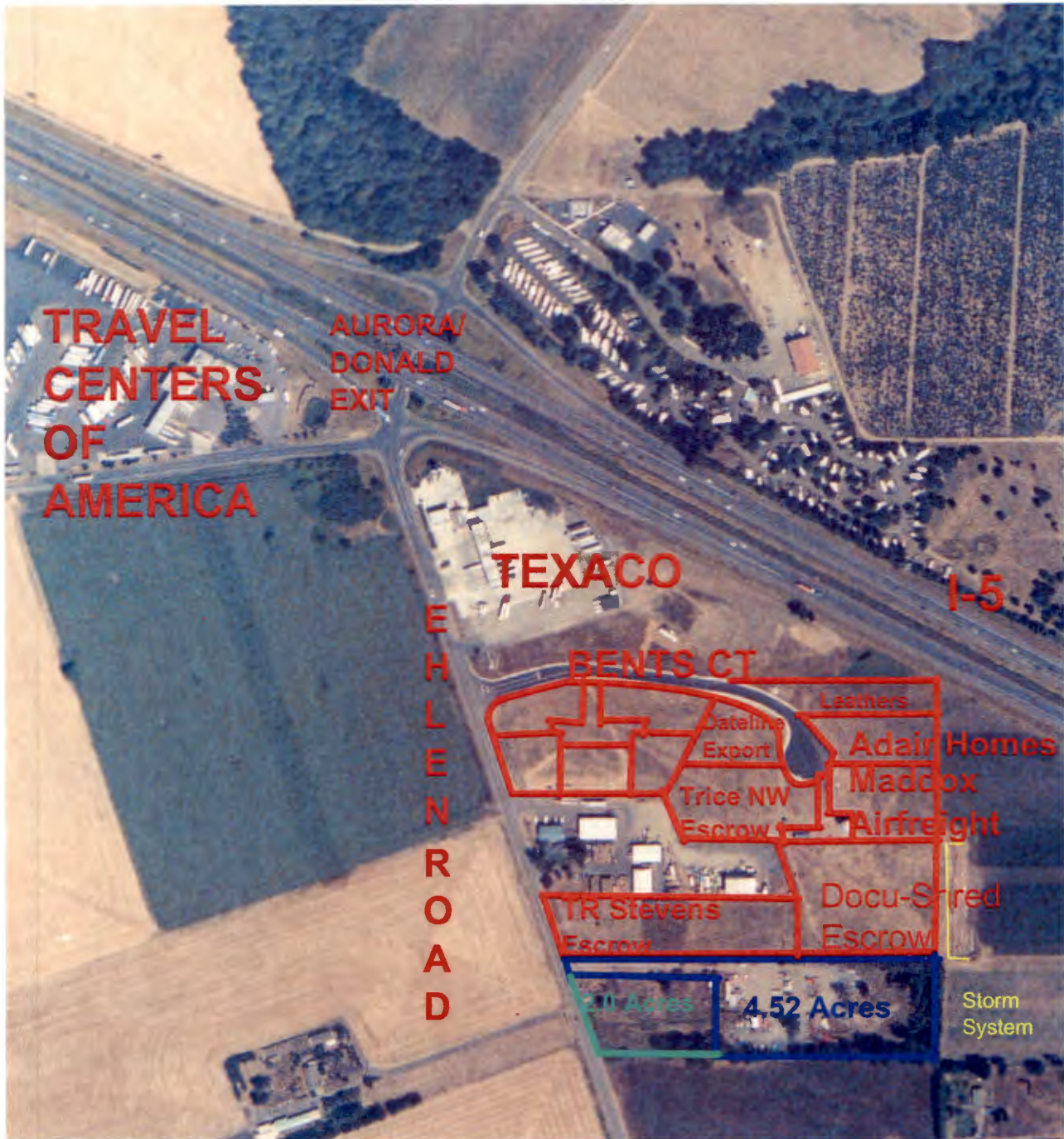
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SALEM, OREGON



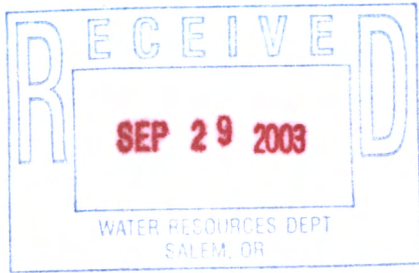
photo #5



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SEP 29 2003

WATER RESOURCES DEPT.
SALEM, OREGON



Boatwright Engineering Inc.

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

503 363-9225 FAX 363-1051

Leathers Oil Company
Final Order approving Extension of Time
PROGRESS REPORT

Application File **G-13325**
Permit **G-11962**
priority: March 12, 1993

Well #1 MARI 391
dia 6"
depth 134
SWL 34
seal 23'
drilled 1978

Manager: Ron Richardson cell 503.572.9467
Assistant Manager: Paul Winters station 503.678.1558

Pump Installed by: Schneider Equipment, Inc 503.633.2666

a) *The amount of construction completed:*

prior to 2000	Well and well house constructed, 3.46 acres of commercial development constructed.
2000-2003	July 2000*, replaced pump. 2hp Franklin motor, 25 gpm grundfos pump, pump set at depth of 120', 1½" polyethelene set at 120', WL 68', depth of well found to be 133'-5" (well log September 2000*, loss of pressure, filter clogged. January 2001*, carbon filter replaced. August 2001*, chlorine pump fixed. Irrigation system in front of station Irrigation system east of station Remodel - replaced one bathroom with two.

** Information provided by Chris Schneider at Schneider Equipment, Inc.*

b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations contained in the permit, and the percent of the total allowable water use that this represents:

The volume of water used from August 2002 to August 2003 was 417,910 gal. The pump installer, Schneider Equipment, Inc. stated that the pump has a 25 gpm flow capacity. The meter is read by Marion County Public Works in order to obtain flows into the Fargo Service District sewerage system. The schedule for reading the meter is unknown. Some months it is not read at all. Based on this meter information:

The highest use month is August at 45,300 gal. Running at 25 gpm, the pump would run for an average of 60.4 minutes/day.

The lowest use month is February at 18,583 gal. Running at 25 gpm, the pump would run for an average of 24.8 minutes/day.

The current area of commercially developed land and landscaping is 3.46 acres. The total parcel, and area subject to the water right, is 12.09 acres. This calculates to 28.6% of the available land currently developed and using water.

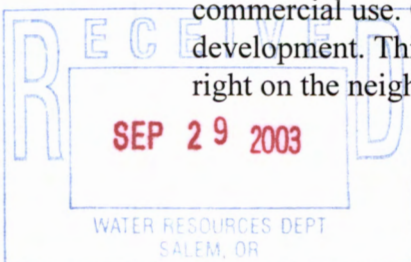
c) A review of the permittee's compliance with terms and conditions of the permit and/or time extension:

- | | |
|--|---------------------------------|
| 1) Install a meter before use begins: | <i>In compliance</i> |
| 2) Watermaster access: | <i>In compliance</i> |
| 3) Well construction standards | <i>In compliance</i> |
| 4) Static water level in March of each year: | <i>In compliance this year†</i> |
| 5) Drawdown restrictions: | <i>Not applicable</i> |
| 6) Actual construction begun by March 1996 | <i>In compliance</i> |
| 7) Progress Report | <i>In compliance</i> |

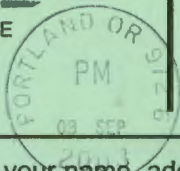
† Notices of March well measurements were being sent to Montecucco Farms and we were unaware that they were not being done until 2003. We have straightened out the notification information with the Dept. and had our well measured and reported this year by our CWRE.

d) Financial investments made toward developing the beneficial water use.

The current value of the improvements on this site is \$921,440. The cost to complete the commercial development is unknown at this time, but is likely to be in the hundreds of thousands to million dollar range. The original development plan, laid out a decade ago, may be totally changed by the time we can afford to improve all of this acreage to a commercial use. Current economic conditions have depressed the market for development. This is apparent by the slow development of the other half of this water right on the neighboring property to the west, which is being actively marketed..



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USPS
Permit No. G-10

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WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172

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SALEM, OREGON

97301+4172



SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-13325
 ETHLEN CORPORATION
 4015 NORTH LOCUST
 CANBY, OR 97030

 2. Article Number
 (Transfer from service label)


 7002 2030 0006 2911 7853

PS Form 3811, August 2001

COMPLETE THIS SECTION ON DELIVERY

A. Signature

 X *Ed Montecucco*

-
- Agent
-
-
- Address

B. Received by (Printed Name)

C. Date of Delivery

9-8-03

- D. Is delivery address different from item 1?
-
- Yes
-
- If YES, enter delivery address below:
-
- No

3. Service Type

-
- Certified Mail
-
- Express Mail
-
-
- Registered
-
- Return Receipt for Merchandise
-
-
- Insured Mail
-
- C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

Domestic Return Receipt

WR

102595-02-M-11



Oregon

Theodore R. Kulongoski, Governor

CERTIFIED LETTER Return Receipt Requested

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

File # G-13325

September 5, 2003

Ehlen Corporation
4015 North Locust
Canby, OR 97030

REFERENCE: Application File #G-13325 (Permit #G-11962)

Dear Permit Holder:

On September 18, 2000, the Department issued a Final Order approving an Extension of Time for Permit #G-11962. The Final Order extended the time in which to complete construction of the water system from October 1, 1997, to October 1, 2003, and the time in which to accomplish beneficial use of water to the full extent under the terms of Permit #G-11962 from October 1, 1998, to October 1, 2004.

The Final Order approving the Extension of Time also included the following condition that requires:

The permittee must submit a written progress report to the Department by **October 1, 2003**. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted.

The report shall include:

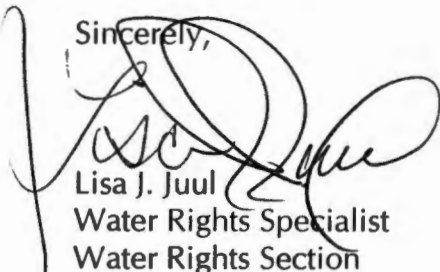
- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or ORS 537.410 to 537.450. Within one year after cancellation, the permittee must submit a Claim of Beneficial Use and Final Proof Survey, pursuant to ORS 537.230 and 537.250, for the portion of the permit developed as of October 1, 2003.

To date, the Department has not received this progress report from you. In order to maintain the ability to continue developing water under this permit, you should submit this progress report immediately. For your reference, I have enclosed a copy of the Extension of Time Final Order containing this condition.

If you have any questions concerning this matter, please feel free to contact me by telephone at 503-378-8455, extension 272.

Sincerely,



Lisa J. Juul
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-13325 (Permit #G-11962)
Bill Ferber, Watermaster Dist. #16
Leathers Oil Company, 22300 SE Stark Street, Gresham, OR 97030

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G13325

RECEIVED IN U.S. MAIL
SEP 21 2000
OREGON WATER RESOURCES DEPT.

Final Order
Extension of Time for Permit Number G11962

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

Application History

On August 20, 1999, Montecucco Farms and Leathers Oil Company submitted an application to the Department for an extension of time for permit number G11962. The Department issued Permit number G11962 on February 28, 1995. The permit called for completion of construction of the water development project by October 1, 1997 and complete application of water to the full beneficial use by October 1, 1998. In accordance with OAR 690-320-0010(8), on July 18, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2003, and/or the time to fully apply water to beneficial use to October 1, 2004. The protest period closed September 1, 2000. No protest was filed.

On July 14, 2000, Permit G-11962 was assigned to EHLEN CORPORATION by Special Order Volume 8, Page 730.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

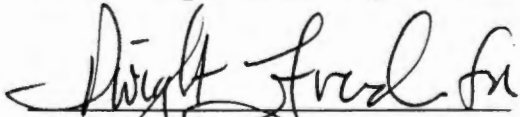
The applicant has demonstrated good cause for the permit

extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application G13325, Permit Number G11962, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2004.

DATED September 18, 2000


Paul R. Cleary, Director

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

G-13325
 LEATHERS OIL COMPANY
 22300 SE STARK ST
 GRESHAM, OR 97030

2. Article Number

(Transfer from service label)

7002 2030 0006 2911 7860

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X

M. Pearson

 Agent Address

B. Received by (Printed Name)

M. Pearson

C. Date of Delivery

9/8/03

D. Is delivery address different from item 1? YesIf YES, enter delivery address below: No

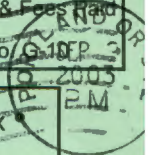
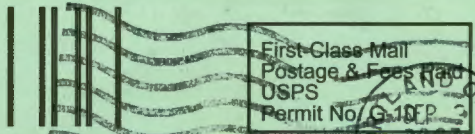
3. Service Type

 Certified Mail Express Mail Registered Return Receipt for Merchandise Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

 Yes

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WATER RESOURCES DEPT.
SALEM, OREGON

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM OR 97301-4172



Oregon

Theodore R. Kulongoski, Governor

CERTIFIED LETTER Return Receipt Requested

File # G-13325
Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

September 5, 2003

Leathers Oil Company
22300 SE Stark Street
Gresham, OR 97030

REFERENCE: Application File #G-13325 (Permit #G-11962)

Dear Permit Holder:

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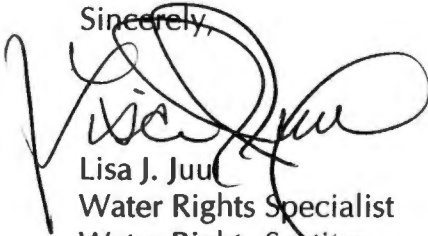
- a) The amount of construction completed;
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If you have any questions concerning this matter, please feel free to contact me by telephone at 503-378-8455, extension 272.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa J. Juul", written over the typed name and title.

Lisa J. Juul
Water Rights Specialist
Water Rights Section

Enclosure

cc: Application File #G-13325 (Permit #G-11962)
Bill Ferber, Watermaster Dist. #16
Ehlen Corporation, 4015 North Locust, Canby, OR 97030

LACED IN U.S. MAIL
SEP 21 2000
WATER RESOURCES DEPT.

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G13325

Final Order
Extension of Time for Permit Number G11962

Appeal Rights

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The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

The applicant has demonstrated good cause for the permit

extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application G13325, Permit Number G11962, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2004.

DATED September 18, 2000


Paul R. Cleary, Director



Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

August 15, 2003

Boatwright Engineering Inc.
2613 12th. Street SE
Salem, Oregon 97302

Reference: Application G-13325, Permit G-11962

Dear Jeanne Boatwright:

Thank you for bringing to our attention the assignment problem with this file. I have reviewed the file and the documentation you submitted and agree with your findings. This file should have been partially assigned to Ehlen Corporation instead of fully assigned.

Therefore I am issuing a correction assignment to show this file in the names of Leathers Oil Company and Ehlen Corporation.

Our records do not show that Olinger Properties, LLC. has been assigned in place of that portion that remains in the name of Ehlen Corporation. A partial assignment for this would be appropriate if they are the current owners of that part which is not owned by Leathers Oil Company.

If I can be of further assistance, please do not hesitate to contact me at the address above, or by telephone at 503-378-8455 ext. 274.

Sincerely,

Jerry Sauter
Water Rights Program Analyst

cc: Watermaster 16
Ehlen Corporation
Leathers Oil Company, attn: Lila Leathers
Olinger Properties LLC, attn: Kyle Olinger
Data Center, OWRD
Mary Rohling
File



August 14, 2003

Jerry Sauter
Oregon Water Resources Department
158 12th Street NE
Salem, Oregon 97301

Re: Leathers Oil Company
Application G-13325

Dear Jerry,

Following up on our conversations of last spring, in your office, and the other day, by telephone, I wish to clarify some confusion about the above referenced file.

In 1993, a joint application was made by Montecucco Farms and Leathers Oil Company for water rights on two wells located on the south side of Ehlen Road in northern Marion County, adjacent to the Aurora Interchange of Interstate-5. Both of the wells were preexisting, were in the name of each individual applicant and were located on property owned by the respective applicants. At the time of the application, there were plans afoot to eventually hook the two wells into a common delivery system to serve both of the applicants' parcels.

At about this same time a number of parcels along Ehlen Road, Bents Road, and across Interstate-5 had formed the Fargo Service District under the auspices of Marion County. This District was zoned for interchange development. The District also served to provide and coordinate sewage collection for these parcels with piping to, and treatment provided by, the City of Donald. It was envisioned that the District would develop into a major commercial interchange. Most of the property either remains undeveloped or under-developed insofar as the conceptual development plan is concerned. This is due to, amongst other things, ownership changes and economic factors.

In order to allow the process of obtaining the water rights to move a little more smoothly, Leathers Oil Company gave permission for Montecucco Farms to be the leader and contact with the Water Resources Dept. and to sign any necessary documents.

Unfortunately, while this permission was still in effect, Montecucco Farms sold its property to Ehlen Corporation and assigned all of the water rights permitted under G-13325 to them on July 14, 2000 as recorded in Special Order Volume 8, Page 730. Since then Ehlen Corporation has sold their property to Olinger Properties LLC. I am not sure, but suspect that another assignment of the whole water right may have taken place.

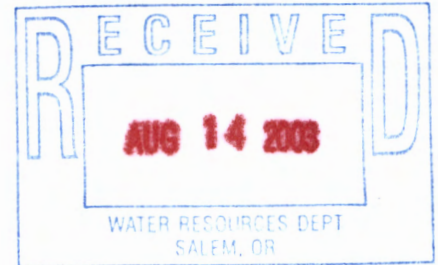
The problem came to our attention earlier this year when Kyle Olinger was kind enough to pass along to Lila Leathers a well measurement report form for the Leathers well that had been forwarded to him. All this time Leathers has not been receiving these forms for their well.



Boatwright Engineering Inc.

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

503 363-9225 FAX 363-1051



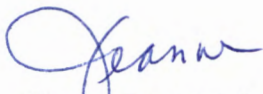
This entire matter needs to be cleared up so that the portion of the water right that belongs to Leathers Oil Company is returned to their name.

I have enclosed a copy of their current deed recorded at Reel 1607, Page 151 of the Marion County Deed Records. You can see that this matches the legal description of the deed filed with the application, Reel 855, Page 305 (enclosed). In between, the ownership was changed to a partnership by Reel 1139, Page 83 (enclosed). When the right-of-way for Bents Court was created, Leathers granted their portion of the new right-of-way to Marion County as recorded in Reel 1681, Page 765 (enclosed). Leathers also granted a small sliver of land that ended up on the west side of Bents Court to Bill Olinger Properties as recorded in Reel 1616, Page 192 (enclosed). I have included two copies of the current Marion County Assessor's map. One is unmarked. The other is highlighted so that you can identify the current property, that which was submitted with the original application, and those pieces deeded to Marion County and Olinger.

By copy of this letter, I am advising Lila Leathers to rescind authorization to any previous third party to act on Leathers' behalf regarding this water right and to forward that document to the Water Resources Department. She may wish to authorize Boatwright Engineering, Inc. and Corbey Boatwright, CWRE to act on her behalf while employed as her authorized CWRE. She has been notified that we are attending to this current matter on her behalf.

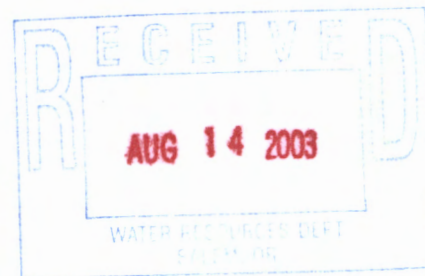
Thank you for your attention to this problem. I look forward to receiving confirmation that the situation has been resolved. Please call me if you have any questions.

Sincerely,



Jeanne Boatwright

Enclosures: Deeds- R 855, P 305
R 1139, P 83
R 1607, P 151
R 1616, P 192
R 1681, P 765
Assessor's Map
Assessor's Map w/ property transactions highlighted



CC Lila Leathers
Leathers Oil Company
22300 SE Stark Street
Gresham, Oregon 97030

Kyle Olinger
Olinger Properties LLC
6215 SW Sweetbriar Court
Portland, Oregon 97221

LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC. TAX LOT BOUNDARY	STREAM, LAKE, ETC. NON-BOUNDARY
SUBDIVISION BOUNDARY	PARTITION PLAT BDT.
TAX CODE BOUNDARY	BARBERRY

SYMBOL TYPES

B.L.C.	
CONTROL POINTS	
SURVEY MONUMENTS	
C.L.A. CORNERS	
SECTION	
1/4 SEC	
1/8 SEC	
1/16 SEC	

NUMBERS

TAX CODE NO.
000 00 00 0

ACRES - ALL ACRES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARK - WHEN A TICK MARK IS DISPLAYED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.



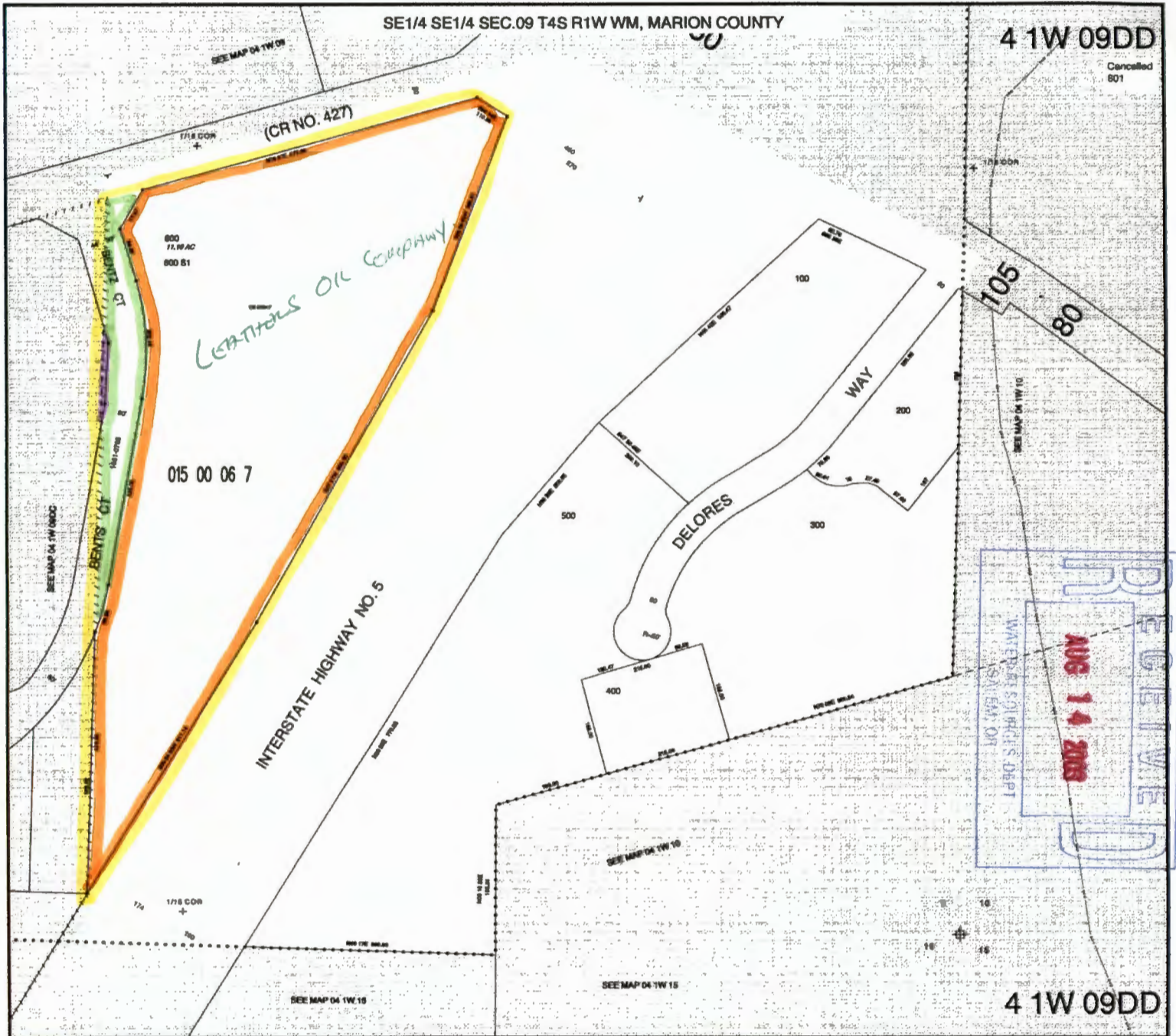
ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 100'
OF 1:1200

Plot file created: May 02, 2002
AsstAsp@tnc0002.r.wisnor



- Original Property per Appl.
- Current Property

- R-o-w to Marion Co.
- Property to Olinger

RECEIVED
 AUG 14 2008
 WATER & POWER'S DEPT
 41W09DD

LEGEND

LINE TYPES

TAX LOT BOUNDARY	OLD PROPERTY LINE
ROAD RIGHT-OF-WAY	VACATED RIGHT-OF-WAY
RAILROAD	RAILROAD RIGHT-OF-WAY
STREAM, LAKE, ETC. TAX LOT BOUNDARY	STREAM, LAKE, ETC. NON-BOUNDARY
SUPERVISION BOUNDARY	PARTITION PLAT DIV.
TAX CORN BOUNDARY	EASEMENT

SYMBOL TYPES

B.L.C.	
CONTROL POINTS	
SURVEY MONUMENTS	
C.L.A. CORNERS	
SECTION	
1/4 SEC	
1/8 SEC	
1/16 SEC	

NUMBERS

TAX CORN NO.
000 00 00 0

ACRES - ALL ACRES EXCLUDE ANY PORTION THAT MAY LIE WITHIN THE INDICATED PUBLIC RIGHT OF WAY.

TICK MARKS - WHEN A TICK MARK IS DISPLAYED ON THE EXTENSION OF A LINE, THEN THE DIMENSION GOES TO THE TICK MARK. GENERALLY THIS IS USED WHEN DIMENSIONS GO INTO PUBLIC RIGHT OF WAY.



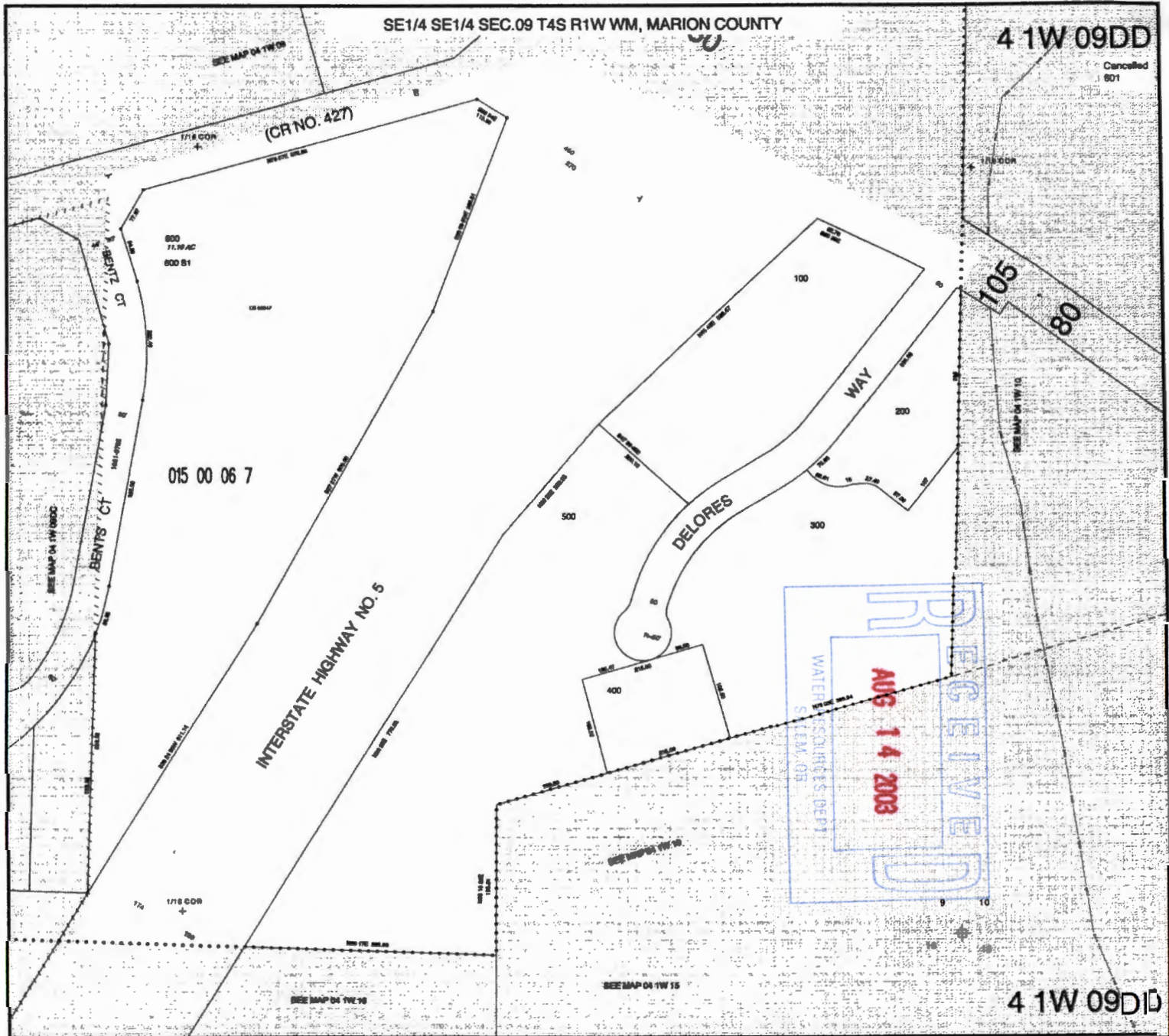
ARROWS ARE USED WITH DIMENSIONS IN AREAS OF GREATER COMPLEXITY.

NOTICE: This map was created for Assessor's Office use ONLY.



SCALE 1" = 100'
or 1:1200

Plot file created: May 02, 2002
AssMap041W09DD.DWG



REEL
855

PAGE
305

AMERICAN PACIFIC TITLE 028603

After recording return to:

Lila C. Leathers
Leathers Oil Co.
22300 S.E. Stark Street
Gresham, Oregon 97030

Until further notice,
send all tax statements to:

Lila C. Leathers
Leathers Oil Co.
22300 S.E. Stark Street
Gresham, Oregon 97030

DEED

CHARLES CARL LEATHERS, JR., as the duly appointed and acting Personal Representative of the Estate of Charles Carl Leathers, deceased and as Trustee under the judgment and decree entered on December 7, 1987 in the Circuit Court of the State of Oregon for Clackamas County in Case No. 86-1-371 entitled: In the Matter of the Marriage of Charles Carl Leathers, Petitioner and Lila Carol Leathers, Respondent, Grantor, grants, bargains, sells and conveys to LILA C. LEATHERS, doing business under the assumed business name of Leathers Oil Co., Grantee, all of the Estate's and Grantor's interests in the parcels of real property described on Exhibit A attached hereto and incorporated herein (the "Property"), whether the right, title and interests of the Estate and Grantor are held in the name of Charles Carl Leathers, Charles C. Leathers, Charles Carl Leathers doing business as Leathers Oil Co., or Leathers Oil Co. a proprietorship consisting of Charles Carl Leathers, or otherwise. The interests conveyed by this deed include without limitation all of the right, title and interest which Charles Carl Leathers had in the Property at the time of his death, all the right, title and interest which the Estate of Charles Carl Leathers, deceased has by operation of law or otherwise or may have thereafter acquired in the Property, and all of the right, title and interest which Grantor has as Trustee, whether the interest is a fee interest, interest as purchaser under a real estate contract, or otherwise.

The Grantor warrants only that the Property is free of all encumbrances created or permitted by the Grantor other than with the knowledge of the Grantee.

The true consideration for this conveyance cannot be stated in terms of dollars. The consideration consists of other property and value given or promised which is the whole consideration.

THIS INSTRUMENT WILL 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

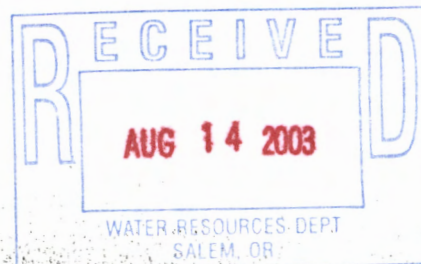


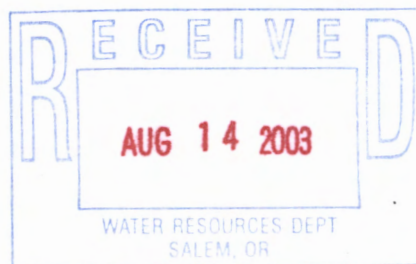
EXHIBIT A

That certain parcel of real property situated in Marion County, Oregon and described as:

Beginning at a point on the East boundary line of Block 4, Aurora, Oregon, 54.0 feet South 5°46' East from the Northeast corner of said Block, thence South 78°47' West a distance of 44.0 feet to an iron pipe; thence South 69°54' West a distance of 67.9 feet to an iron pipe; thence South 5°46' East parallel with the Easterly line of said Block 4 to the Southerly line of Lot 3 of said Block 4; thence North 84°13' East along said Southerly line of Lot 3, a distance of 11.0 feet to an iron pipe; thence South 5°46' East a distance of 40.0 feet to an intersection with the Northerly line of the Pacific Highway right of way; thence Northeasterly along said right of way line 126.1 feet to an intersection with the Easterly line of said Block 4; thence North 5°46' West along said Easterly line of Block 4, a distance of 51.0 feet to the place of beginning.

That certain irregular shaped tract of land located at the Southwest Quadrant of Interstate Highway 5 and Fargo Interchange.

A parcel of land lying in the Jacob Grim Donation Land Claim No. 46, in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, said parcel being described as follows: Beginning at a 1/2 inch iron rod on the Westerly right of way line of the Pacific Highway No. 5, a distance of 174. feet from (when measured at right angles to) the Northbound centerline station 830+10.83 point of tangent, at its intersection with the Westerly line of a tract of land described in a deed to Wade H. Arstall, et ux, by deed recorded August 7, 1967 in Volume 635, page 86, Deed Records for Marion County, Oregon; said beginning point also being South 8.30 feet and East 1167.61 feet from the one-quarter corner to Sections 9 and 16; thence from said beginning run North 0°15'30" East along the Westerly line of said Arstall Tract 1273.55 feet to a 1/2 inch iron rod on the Southerly right of way of County Market Road No. 427; thence following said Southerly right of way line North 73°07' East a distance of 638.73 feet to a 1/2 inch iron rod that is 380.38 feet from (when measured at right angles to) the Northbound centerline station 814+40.00 point of tangent; thence along the Westerly right of way line of the Pacific Highway No. 5 the following courses: South 59°34' East a distance of 110.38 feet to a 1 inch iron cap, South 20°09'50" West a distance of 365.51 feet to a 1 inch iron cap, South 27°27' West a distance of 600.60 feet to a 1 inch iron cap, South 30°24'50" West 611.14 feet to the place of beginning.



THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the undersigned has signed this deed this 1ST day of April, 1991.

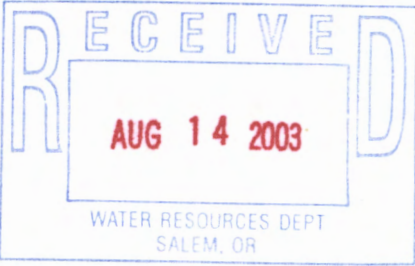
Charles Carl Leathers, Jr.
CHARLES CARL LEATHERS, JR., Personal Representative of the Estate of Charles Carl Leathers, deceased and Trustee under judgment and decree in Circuit Court of the State of Oregon for Clackamas County Case No. 86-1-371.

STATE OF OREGON)
County of Multnomah) ss.

The foregoing instrument was acknowledged before me this 1ST day of April, 1991 by CHARLES CARL LEATHERS, JR., as Personal Representative of the Estate of Charles Carl Leathers, deceased, and as Trustee under the judgment and decree entered in the Circuit Court of the State of Oregon for Clackamas County in Case No. 86-1-371.



H. Butler
Notary Public for Oregon
My Commission Expires: 3/9/92



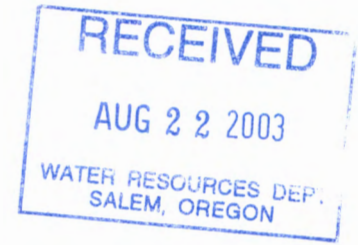


A Division of –
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ENTERPRISES,
INC.

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Throughout
Oregon**

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Culver
Prineville
Hermiston
John Day
Albany
Lebanon
Medford
Newberg
Sandy
Aurora
Oregon City

22300 S.E. STARK
GRESHAM, OREGON 97030
(503) 661-1244
F A X 661-0234



August 21, 2003

Mr. Jerry Sauter
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301

RE: Rescinding authorization to any previous third party to act on Leathers' behalf regarding the water rights for Leathers well.

Dear Jerry,

I am enclosing a statement requesting that Monteccucco, and any of his successors, be removed from making any changes to Leathers Oil Co. water rights.

I would like the portion of the water right that belongs to Leathers Oil Company returned to my name.

Thank you for your attention to this matter. Please call if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Lila C. Leathers".

Lila C. Leathers
President

LCF
Enclosure

MEMO

To: Oregon Water Resources Dept.



I, Lila Leathers, General Partner of Leathers Limited Partnership II, hereby rescind my authorization to Montecucco Farms to act on my behalf with regards to our joint water right application, G-13325.

Lila Leathers

Lila Leathers, General Partner
Leathers Limited Partnership II

August 14, 2003

Date



A Division of —
LEATHERS
ENTERPRISES, INC.

22300 S.E. STARK
GRESHAM, OREGON 97030



Mr. Jerry Sauter
Oregon Water Resources Department
158 12th Street NE
Salem, OR 97301

97301+4172





Oregon

Theodore R. Kulongoski, Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
503-378-3739
FAX 503-378-8130

April 14, 2003

Lila Leathers
Leathers Fuel
22300 SE Stark
Gresham, OR 97030

Reference: Application No. G-13325, Permit No. G-11962 - Ehlen Corporation

Dear Ms. Leathers:

Thank you for submitting a water level report describing the static water level in well no. 1 as required by the above referenced permit.

A Claim of Beneficial Use and Site Report (Report) may only be preformed by a Certified Water Right Examiner (CWRE), licensed to prepare and submit such information to the Department. The Department will provide you a list of qualified parties authorized to complete a report upon request.

Please feel free to contact me if you have any questions and I will be happy to address any concerns you may have.

Sincerely,

Steve Brown
Program Analyst
Certificate Section.

c: Mr. Boatwright, CWRE





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Medford
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Sandy
Aurora
Oregon City

22300 S.E. STARK
GRESHAM, OREGON 97030
(503) 661-1244
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RECEIVED
APR 09 2003
WATER RESOURCES DEPT.
SALEM, OREGON

April 7, 2003

Oregon Water Resources Department
158 Twelfth Street NE
Salem, OR 97310-4172

RE: Perfect my water rights by having them Certificated:

To Whom It May Concern:

I am sending a copy of the "PERMIT CONDITION WATER-LEVEL REPORTING FORM" that has been filled out by Corbey Boatwright, CWE with Boatwright Engineering, Inc. It is my understanding I needed to have this form filled out prior to having my water rights perfected.

I also was told I needed to fill out a "Beneficial Use & Site Report." Can you please send this form or the appropriate form to me at my address of 22300 SE Stark, Gresham, OR 97030? My daytime phone number is 503 661 1244. Please call if you have questions.

Please advise what else I need to do to get my water rights filed on this property.

Thank you in advance for any assistance you can provide me.

Sincerely,

A handwritten signature in cursive script that reads "Lila Leathers".

Lila Leathers
Leathers Oil Co.

LLF
Enclosure

Oregon Water Resources Department PERMIT CONDITION WATER-LEVEL REPORTING FORM

RE: Required Water Level Report for a Well on Permit G 11962 Certificate 0 Pod 1 Application G 13325

Listed on water right as: WELL 1 Well log ID (if any, in our records): MARI 391 Priority date: 3/12/1993

Location: In the SE quarter of the SE quarter of Section 9, Township 4S, Range 1W
150 FEET NORTH & 1440 FEET EAST FROM NE CORNER, J GRIM DLC 46

VIRGIL A & EVELYN MONTECUCCO Leathers Oil Co
MONTECUCCO FARMS 22300 SE Stark
4015 N LOCUST ST Gresham Oregon 97030
CANBY OR 97013

Craig 1226-01
Bokame

Our records indicate that you are the holder of a groundwater permit that requires that you maintain water levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

RECEIVED
APR 09 2003
WATER RESOURCES DEPT.
SALEM, OREGON

MEASUREMENT REPORT (Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): Carl Leathers (Leathers Oil)
Owner's well name or number (if any): Well 1
Well ID (number on tag attached to casing, if present): —
Well log startcard number (if listed on well log): —
Well depth: ~~60 feet~~ 134 Casing diameter: 6
Date drilled: 6-6-78 Driller: J W Beck well drilling

When did water use begin under this permit from this well? Date: Month/Yr. _____

Show all water rights listing this well:

Application number(s): G 13325
Permit number(s): G 11962
Certificate number(s): _____

Date of measurement: April 1 2003

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1/2" Vent Port on top of well head

Static water level above / below (circle one) measuring point: 38.0' feet, or airline pressure _____ psi
Measuring point distance above / below (circle one) land surface: 0.7 feet, or airline length _____ feet
Static water level above below (circle one) land surface: ~~47.5"~~ _____ feet
Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other(specify): _____
Water-level status when measured: Static Pumping _____ Recovering ? _____ Flowing _____
Length of time well was idle before measurement: ~~300~~ not days used known when pump shut off or on
Calculation / comments (show all work; use back or extra sheet if necessary): Pump was not on but is "call when the demand is needed (over)

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Corbey Boatwright
Signature of measurer: Corbey Boatwright
Company: Boatwright Engineering Inc
License number (CWRE, RO, PE, WWC, Pump Installer): CWRE 208
Daytime phone number: 503 365 9225 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 289, or toll-free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.

1/4/02

Talked w/ Lila Leathers.

She confirmed that Leathers Oil is
the owner of Well #1.

Their address: Lila Leathers.
Leathers Oil Co.
22300 SE Stark
Gresham 97030

She further indicated that Bill Olinger
is owner of Well #2, and that Montecucco/
Ehlen Corp has no further interest.

Bill Olinger Properties
6215 SW Sweetbriar Ct.
Portland 97221

- JH Ball



Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

August 2, 2000

Ehlen Corporation
4015 N Locust
Canby OR 97013

Reference: File G-13325

The assignment of Permit G-11962 from Montecucco Farms & Leathers Oil Company to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original assignment is enclosed.

The \$25 recording fee was an authorized deduction from Hughes & Zehntbauer LLP account with our agency.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:cap

Enclosure

cc: Watermaster #16
Data Center/OWRD
Corbey Boatwright, CWRE
Montecucco Farms, 4120 N Locust, Canby, OR 97013
Leathers Oil Company, 22300 SE Stark, Gresham, OR 97030-2654
Hughes & Zehntbauer LLP, Bank of American Financial Center, 121 SW Morrison
Suite 1020, Portland, OR 97204-3140



**Oregon Water Resources Department
PERMIT CONDITION WATER-LEVEL REPORTING FORM**

RE: Required Water Level Report for a Well on Permit G 11962 Certificate 0 Pod 1 Application G 13325

Listed on water right as: WELL 1 Well log ID (if any, in our records): MARJ 391 Priority date: 3/12/1993
 Location: In the SE quarter of the SE quarter of Section 9, Township 4S, Range 1W
 150 FEET NORTH & 1440 FEET EAST FROM NE CORNER, J GRIM DLC 46

VIRGIL A & EVELYN MONTECUCCO Leathers Oil Co
MONTECUCCO FARMS 22300 SE Stark
4015 N LOCUST ST Gresham Oregon 97030
CANBY OR 97013

Craig Bohannon 1226-01

Our records indicate that you are the holder of a groundwater permit that requires that you levels in your well(s). If you are no longer the holder of this permit or no longer have an interest in it, please contact our department. Consult your permit to determine the required times for measuring and reporting, as well as any requirements regarding who may make the measurements. We recommend that you keep a copy of all measurement reports for your records. All measurements should be made to at least the nearest tenth of a foot or the nearest inch (e.g. 10.2 feet or 10 feet 3 inches).

static water
 APR 17 2003

MEASUREMENT REPORT
 (Complete one form for each well)

Well Identification (provide as much of the following information as possible):

Original owner of well (owner name on well log): Carl Leathers (Leathers Oil)
 Owner's well name or number (if any): Well 1
 Well ID (number on tag attached to casing, if present): _____
 Well log startcard number (if listed on well log): _____
 Well depth: ~~60~~ 134 Casing diameter: 6
 Date drilled: 6-6-78 Driller: JW Beck Well Drilling

When did water use begin under this permit from this well? Date: Month/Yr. _____

Show all water rights listing this well:

Application number(s): G 13325
 Permit number(s): G 11962
 Certificate number(s): _____

Date of measurement: April 1 2003

Description of measuring point (e.g. 1 1/4" port pipe on north side): 1/2" Vent Port on top of well head

Static water level above / below (circle one) measuring point: 38.00 feet, or airline pressure _____ psi
 Measuring point distance above / below (circle one) land surface: 0.76 feet, or airline length _____ feet
 Static water level above (below) (circle one) land surface: ~~47.5~~ 38.00 - .71 = 37.29 feet
 Shut-in pressure (if flowing artesian well): _____ psi

Method of measurement: E-tape Airline _____ Other (specify): _____
 Water-level status when measured: Static Pumping _____ Recovering ? _____ Flowing _____
 Length of time well was idle before measurement: ~~not~~ daily used known when pump shut off or on
 Calculation / comments (show all work; use back or extra sheet if necessary): Pump was not on but is on call when the demand is needed (over)

I hereby certify that, to the best of my ability, the information on this report is accurate and, at the time of measurement, representative of the static water level in the aquifer.

Person making measurement (print): Corbey Boatwright
 Signature of measurer: Corbey Boatwright
 Company: Boatwright Engineering Inc
 License number (CWRE, RG, PE, WWC, Pump Installer): CWRE 208
 Daytime phone number: 503-363-9225 Email address: _____

If you have any questions about this notice, please call the Ground Water/Hydrology Section of the Department at 503- 378-8455 ext. 289, or toll-free (within Oregon only) at 1-800-624-3199. Return this Form to 158 12th St. NE, Salem, OR 97310-4172.

Additional forms can be obtained from our web sit at: <http://www.wrd.state.or.us>

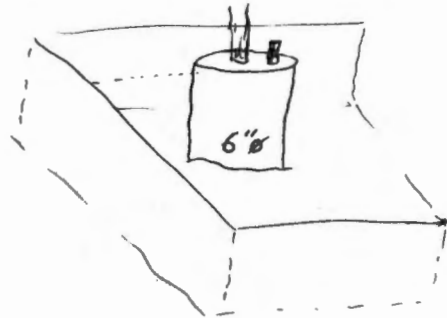
OWRD 02/12/2001 GW/RCK

See Other Side

6" well is inside locked Bldg

Top of the well is $8\frac{1}{2}$ " above gravel and $\frac{1}{2}$ " above concrete floor
it projected over hole

there is a flow meter in another building
no flow at time of visit



Well 1 is owned by Leathers Oil Co
22300 SE stark
Portland Oregon
Gresham

~~well 2 is owned by~~

well 2 is also on this permit but owned others

Oregon Water Resources Department
Water Rights Division

Water Rights Application
Number G13325

Final Order

Extension of Time for Permit Number G11962

Appeal Rights

Under the provisions of ORS 536.075, the applicant may appeal this order by filing a petition for review in the Circuit Court for Marion County or the circuit court for the county in which the applicant resides or has a principal business office. The petition for review must be filed within 60 days after the date this order is served. ORS 183.484.

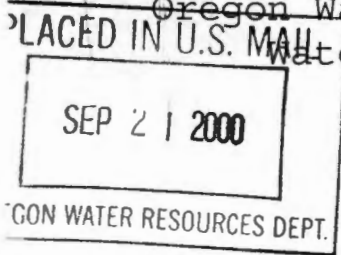
Application History

On August 20, 1999, Montecucco Farms and Leathers Oil Company submitted an application to the Department for an extension of time for permit number G11962. The Department issued Permit number G11962 on February 28, 1995. The permit called for completion of construction of the water development project by October 1, 1997 and complete application of water to the full beneficial use by October 1, 1998. In accordance with OAR 690-320-0010(8), on July 18, 2000, the Department issued a Proposed Final Order proposing to extend the time to complete development of the water development project to October 1, 2003, and/or the time to fully apply water to beneficial use to October 1, 2004. The protest period closed September 1, 2000. No protest was filed.

On July 14, 2000, Permit G-11962 was assigned to EHLEN CORPORATION by Special Order Volume 8, Page 730.

At time of issuance of the PFO the Department concluded that, based on the factors demonstrated by the applicant, the permit may be extended subject to the following conditions:

The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:



- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

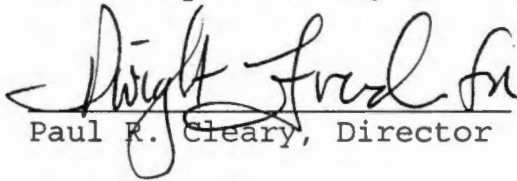
The applicant has demonstrated good cause for the permit

extension pursuant to ORS 537.230, 537.248, 537.630 and 539.010(5) (as appropriate).

Order

The extension of time for Application G13325, Permit Number G11962, therefore, is approved. The deadline for completing construction is extended to October 1, 2003. The deadline for applying water to full beneficial use is extended to October 1, 2004.

DATED September 18, 2000


Paul R. Cleary, Director

**Oregon Water Resources Department
Water Rights Division**

Water Right Permit Extension Application
for Permit Number G-11962

Water Right Application Number G-13325

Proposed Final Order

Please read this Proposed Final Order in it's entirety, it contains additional conditions, not included in the original permit.

This Proposed Final Order applies only to permit number G-11962.

Summary of Recommendation

The Department proposes to:

grant the extension for complete construction of the water system from October 1, 1997, to October 1, 2003, and

grant the extension for complete application of water from October 1, 1998, to October 1, 2004.

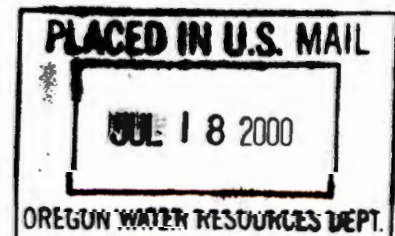
Application History

Permit no. G-11962 was granted by the Water Resources Department on February 28, 1995. The permit authorizes use of 1.0 cfs of water from well 1 and 2 for commercial use in the Pudding River basin. It specified that construction must be completed by October 1, 1997, and water applied to full beneficial use by October 1, 1998. A copy of permit no. G-11962 is attached.

On August 20, 1999, the Department received an application from Montecucco Farms and Leathers Oil Company for an extension of time to complete construction and to apply water to full beneficial use. The applicant has requested until October 1, 2003, to complete construction of the water system and until October 1, 2004, to apply water to full beneficial use. This is the first permit extension request.

Findings of Fact

ORS 537.230(2) and 537.630 (1) allows the Department to grant an extension of time to perfect a water right for good cause. In evaluating good cause, the Department has considered the written record in the permit application file in relation to the requirements

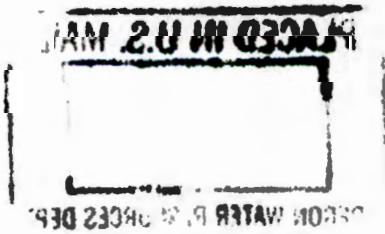


of ORS 537.230(2), ORS 537.630 (1) and ORS 539.010(5) and makes the following findings.

1. The applicant is legally entitled to apply for an extension on this permit.
2. The applicant has submitted a completed permit extension form and the required fee.
3. The water project development made to date has been accomplished in accordance with the terms and conditions contained in the permit.
4. Progress in perfecting the permit is being held up by the partitioning of the property, obtaining agreement from the county and adjacent property owners for the access road, and the permitting process for the buildings.
5. The applicant has pursued perfection of the right in good faith and with reasonable diligence.
 - a) Work on the water development project completed to date includes construction of 2 wells and beginning construction of buildings.
 - b) The applicant has invested approximately \$ 25,000 of an estimated total water system project cost of \$ 375,000.
 - c) The work remaining to be completed consists of the remaining construction of the water delivery system and complete application of water.
6. Based on the written record, the Department finds there is good cause to approve the extension request. The applicant has pursued perfection of the right in good faith and with reasonable diligence. Perfection of the permit has been delayed by the size and scope of the project, partitioning of the property, the building permit process, and obtaining approval from the county and neighbors for an access road.
7. Due to the reasons outlined above in item 4 and the water development progress to date, the Department finds that the length of time requested for completion of construction should be extended to October 1, 2003 and the length of time requested for completion of the application of water should be extended to October 1, 2004 as requested by the applicant.

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 537.230, and ORS 537.630.
2. The applicant has submitted an extension application form and the fee required by ORS 536.050(1)(L).
3. The applicant has pursued perfection of the right in good faith and prosecuted construction with reasonable diligence.
4. The applicant has shown good cause for the untimely completion of the water development project and complete application of water to full beneficial use pursuant to ORS 537.230(2), and ORS 537.630 (1).
5. The permit extension should be approved until October 1, 2003, to complete construction and until October 1, 2004, to complete the application of water.



Conditions

The permittee must submit a written progress report to the Department by October 1, 2003. The report must be received by the Department not sooner than 90 days prior to the due date. The permittee's report must describe in detail the work done each year since the last extension was granted or the last progress report submitted. The report shall include:

- a) The amount of construction completed;
- b) The amount of beneficial use of water being made, including the total volume of water used, water used relative to the specific authorizations (types of use, acres irrigated, etc.) contained in the permit, and the percent of the total allowable water use that this represents;
- c) A review of the permittee's compliance with terms and conditions of the permit and/or previous extension; and
- d) Financial investments made toward developing the beneficial water use.

The Department will review the progress report to determine whether the permittee is exercising diligence towards completion of the project and complying with the terms and conditions of the permit and extension.

Failure to submit a progress report by the due date above will result in cancellation of the undeveloped portion of the permit by the Department pursuant to ORS 537.260 or 537.410 to 537.450. Within one year after cancellation, the permittee must submit a final proof survey pursuant to ORS 537.230 and 537.250.

If the Department finds that diligence is questionable, the Department may:

- a) request the permittee to submit additional information with which to evaluate diligence;
- b) apply additional conditions and performance criteria for perfection of the right; or
- c) cancel the undeveloped portion of the permit pursuant to ORS 537.260 or 537.410 to 537.450. The Department will grant the permittee a hearing on the cancellation, if one is requested.

In determining whether the permittee has been diligent, the Department will consider information submitted to the Department by the permittee and any information submitted during the 30-day public comment period following public notice of submittal of the progress report.

If information is received through the public notice process indicating that the applicant has not been diligent toward completing the project, and if the director determines there are significant disputes related to the use of water, the Department will conduct a hearing.

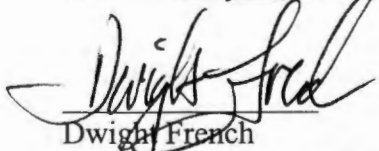
Recommendation

The Department proposes to issue an order to:

extend the permit time to complete construction from October 1, 1997, to October 1, 2003, and

extend the permit time to complete application of water from October 1, 1998, to October 1, 2004.

DATED: July 18, 2000


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 Comments

1. Under the provisions of OAR 690-320-0010(8) you have the right to protest this proposed final order. Your protest must be in writing and must include the following:
 - a) Your name, address and telephone number;
 - b) Your interest in this proposed final order, and if you claim to represent the public interest, a precise statement of the public interest represented;
 - c) A detailed description of how the action in the proposed final order would impair or be detrimental to your 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 your protest, if known; and
 - f) The \$25 protest fee required under ORS 536.050 (1)(j).
2. Each person submitting a protest shall raise all reasonably ascertainable issues and all reasonably available arguments supporting the person's position by the close of the comment period.
3. The Water Resources Department must receive written protests or written comments no later than **September 1, 2000**.
4. After the close of the comment and protest period, the Director will either issue a final order, or schedule a contested case hearing if the Director finds there are significant disputes related to the use of water.

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 272. 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 Brendalee Wilson. Her extension number is 276.

If you have other questions about the Department or any of its programs please contact our Water Rights Information Group at extension 201. Address all other correspondence to: Water Rights Section, Oregon Water Resources Department, 158 12th ST. NE Salem, OR 97310, Fax: (503)378-2496

REEL:1681

PAGE: 765

April 07, 2000, 12:51 PM.

CONTROL #: 7627

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 41.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.



NS

Leathers Limited Partnership

 Grantor's Name and Address
Bill Olinger Properties, L.L.C.

 Grantee's Name and Address
 After recording, return to (Name, Address, Zip):
Bill Olinger Properties LLC
1834 SW 58th Ave Suite 204
Portland Or 97221
 Until requested otherwise, send all tax statements to (Name, Address, Zip):
SAME AS ABOVE

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,) ss.
 County of -----
 I certify that the within instrument was received for record on the _____ day of _____, 19____, at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of said County.
 Witness my hand and seal of County affixed.

 NAME TITLE
 By _____, Deputy.

BARGAIN AND SALE DEED - STATUTORY FORM (INDIVIDUAL GRANTOR)

Leathers Limited Partnership, Grantor,
 conveys to Bill Olinger Properties, L.L.C., Grantee,
 the following real property situated in Marion County County, Oregon, to-wit:
 The parcel described in Exhibit A hereto.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE)

The true consideration for this conveyance is \$ 0 (Here, comply with the requirements of ORS 93.030.)
 This deed is given for the purpose of adjusting the lot lines between the grantor and grantee pursuant to the Bents Court Agreement.

Dated this 14 day of July, 1999. Leathers Limited Partnership
 by BRENT LEATHERS, LIMITED PARTNER
Brent Leathers

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

STATE OF OREGON, County of MULTNOMAH) ss.
 This instrument was acknowledged before me on JULY 14, 1999,
 by BRENT LEATHERS, AS LIMITED PARTNER OF LEATHERS LIMITED PARTNERSHIP

Tina D Morton
 Notary Public for Oregon



FROM : BILL OLINGER RV CENTER

PHONE NO. :

Feb. 19 1999 04:35PM P5

LEATHERS to OLINGER

Remainder on west side of Road

Beginning at a 1/2 inch iron pipe at the northwest corner of that tract of land conveyed to Leathers Limited Partnership by deed recorded in Reel 1139, Page 83 of the Marion County Deed Records, said point being on the southerly right of way line of Ehlen Road (MR-96) at a point which is South 89° 47' 40" East 2628.97 feet and South 89° 45' 30" East 320.58 feet and South 89° 32' 00" East 847.08 feet and North 00° 23' 24" East 1274.49 feet from the southwest corner of Section 9, Township 4 South, Range 1 West of the Willamette Meridian and running thence South 00° 23' 24" West 219.63 feet to the TRUE POINT OF BEGINNING; thence South 00° 23' 24" West 176.75 feet to a point; thence North 08° 50' 16" East 44.08 feet to a point; thence North 01° 53' 12" East 104.11 feet to a point; thence North 17° 09' 44" East 30.49 feet to the true point of beginning and containing 1090 square feet of land, more or less, all being situated within the southeast quarter of Section 9 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon.

As shown on Attached
Exhibit A-1



EXHIBIT "A"
DATE 08/14

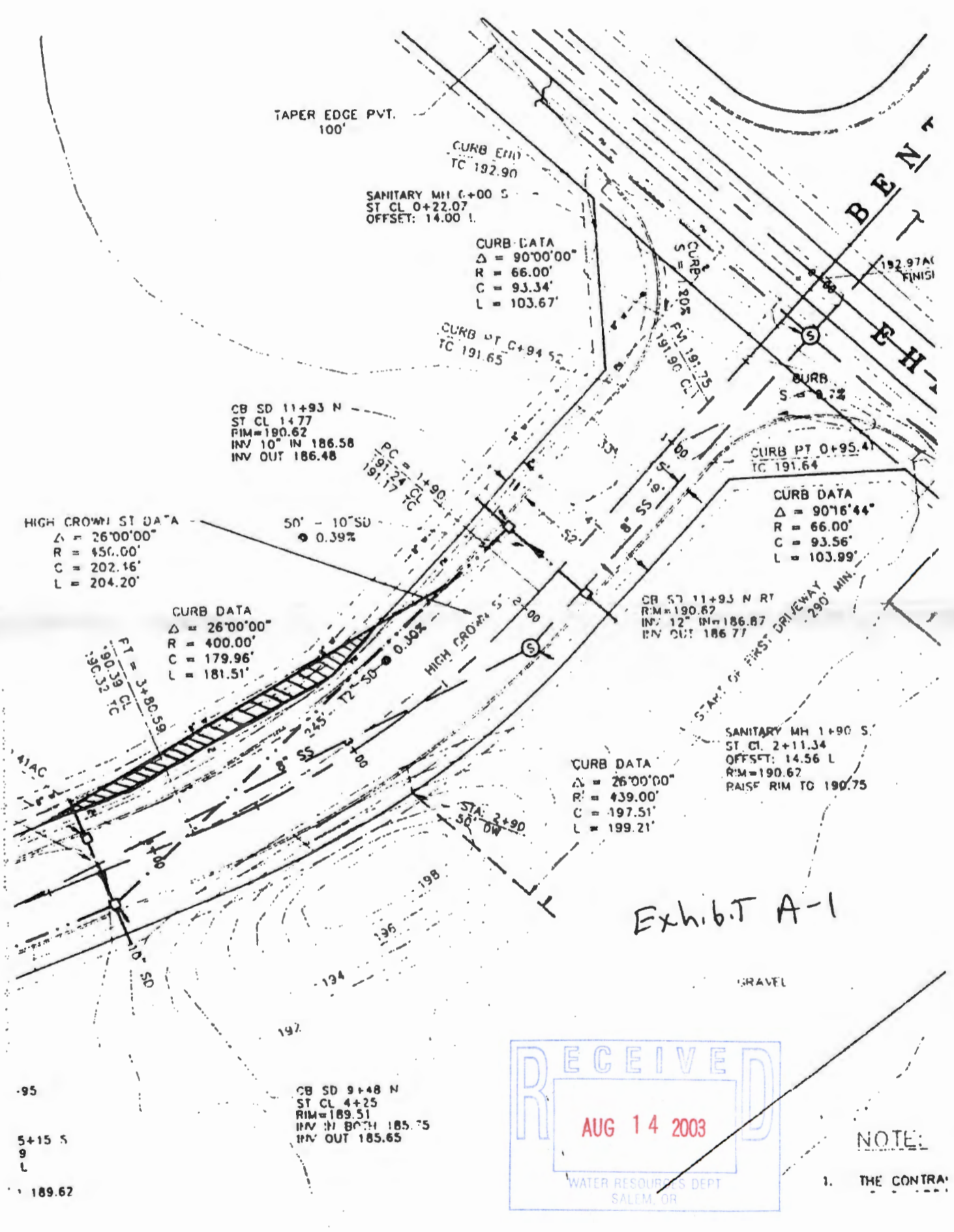


Exhibit A-1

RECEIVED
AUG 14 2003
WATER RESOURCES DEPT
SALEM, OR

NOTE:
1. THE CONTRA

95
5+15 S
9
L
189.62

CB SD 9+48 N
ST CL 4+25
RIM=189.51
INV IN BOTH 185.75
INV OUT 185.65

REEL:1616

PAGE: 192

July 15, 1999 , 10:31A

CONTROL #: 1616192

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$45.00

ALAN H DAVIDSON
COUNTY CLERK



REEL PAGE
1607 151

AFTER RECORDING RETURN TO:

Nikki C. Hatton
Schwabe, Williamson & Wyatt, P.C.
Pacwest Center, Suites 1600-1800
1211 S.W. Fifth Avenue
Portland, OR 97204-3795

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

Lila Leathers
22300 SE Stark Street
Gresham, Oregon 97030

STATUTORY WARRANTY DEED

LEATHERS LIMITED PARTNERSHIP, an Oregon limited partnership, Grantor, conveys and warrants to LEATHERS LIMITED PARTNERSHIP II, an Oregon limited partnership, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

The real property described in Exhibit "A" attached hereto.

This conveyance is made by Grantor and accepted by Grantee subject to the exceptions of record in Marion County, Oregon, to the extent valid and subsisting and affecting the property conveyed.

The true consideration for this conveyance consists of or includes other property or other value given or promised.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

Executed this 18 day of Feb, 1999.

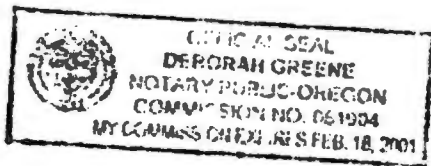
GRANTOR:
LEATHERS LIMITED PARTNERSHIP, an
Oregon limited partnership

By: Lila Leathers
Lila Leathers, president of Leathers Enterprises,
Incorporated, General Partner

STATE OF OREGON)
) ss.
County of Multnomah)

Feb This instrument was acknowledged before me this 18 day of _____, 1999, by LILA LEATHERS, President of LEATHERS ENTERPRISES, INCORPORATED, General Partner of Leathers Limited Partnership.

Deborah Greene



NOTARY PUBLIC FOR OREGON
My Commission Expires: 2/18/2001

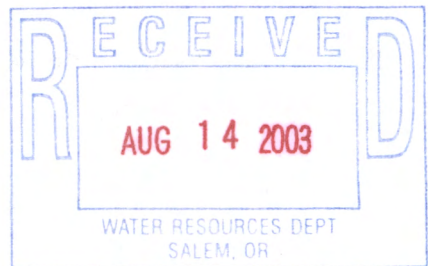


EXHIBIT A

That certain irregular shaped tract of land located at the Southwest Quadrant of Interstate Highway 5 and Fargo Interchange.

A parcel of land lying in the Jacob Grim Donation Land Claim No. 46, in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, said parcel being described as follows: Beginning at a 1/2 inch iron rod on the Westerly right of way line of the Pacific Highway No. 5, a distance of 174 feet from (when measured at right angles to) the Northbound centerline station 830+10.83 point of tangent, at its intersection with the Westerly line of a tract of land described in a deed to Wade E. Arstill, et ux, by deed recorded August 7, 1967 in Volume 635, page 86, Deed Records for Marion County, Oregon; said beginning point also being South 8.30 feet and East 1167.61 feet from the one-quarter corner to Sections 9 and 16; thence from said beginning run North 0°15'30" East along the Westerly line of said Arstill Tract 1273.55 feet to a 1/2 inch iron rod on the Southerly right of way of County Market Road No. 427; thence following said Southerly right of way line North 73°07' East a distance of 638.73 feet to a 1/2 inch iron rod that is 380.38 feet from (when measured at right angles to) the Northbound centerline station 814+40.00 point of tangent; thence along the Westerly right of way line of the Pacific Highway No. 5 the following courses: South 59°34' East a distance of 110.38 feet to a 1 inch iron cap, South 20°09'50" West a distance of 365.51 feet to a 1 inch iron cap, South 27°27' West a distance of 600.60 feet to a 1 inch iron cap, South 30°24'50" West 611.14 feet to the place of beginning.



REEL:1607

PAGE: 151

June 11, 1999 , 05:00P

CONTROL #: 1607151

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$45.00

ALAN H DAVIDSON
COUNTY CLERK

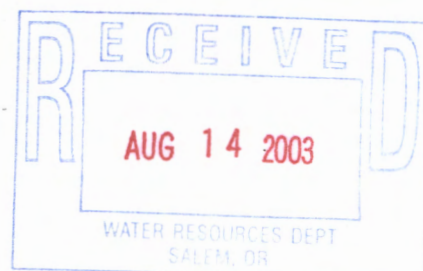




RECORDING COVER SHEET

THIS COVER SHEET HAS BEEN PREPARED BY THE PERSON PRESENTING THE ATTACHED INSTRUMENT FOR RECORDING (ORS 205.234). ANY ERRORS IN THIS COVER SHEET DO NOT AFFECT THE TRANSACTIONS CONTAINED WITHIN THE DOCUMENT.

- A. Names of the Transactions described in the attached instrument:
Permanent Road Easement
- B. Names of First Parties: **Leathers Limited Partnership II
c/o Lila Leathers
22300 SE Stark Street
Gresham, Oregon 97030**
- Names of Second Parties: **Marion County, a political
subdivision of the State of Oregon**
- C. Consideration Paid: (if applicable): **\$none**
- D. Lien or Satisfaction Amount: (if applicable): **N/A**
- E. Until a change is requested, all tax statements shall be sent to the following address:
**Exempt, Public Property
(Roadway Purposes)**
- F. Name and address of person authorized to receive the instrument after recording:
**✓ Ron Sharbono, Right of Way Agent
Marion County Department of Public Works
5155 Silverton Road NE
Salem, Oregon 97305**



PERMANENT ROAD EASEMENT

KNOW ALL PERSONS BY THESE PRESENTS, That **Leathers Limited Partnership II**, an Oregon limited partnership, hereinafter called the grantor, hereby grants, bargains, sells and conveys unto **Marion County, a political subdivision of the State of Oregon**, hereinafter called the grantee, its successors and assigns, a Permanent Road Easement, which runs with the land, for public road and right-of-way purposes in, upon, and across real property located in Marion County, State of Oregon, and more particularly described as follows.

See Exhibit "A" attached to and made a part hereof.

The following is the notice as required by Oregon law. "THIS INSTRUMENT WILL 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 RIGHTS TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930"

The true and actual consideration paid for this conveyance is none.

Dated the last day signed below.

Grantor

Lila P. Leathers
Lila Leathers, General Partner,
Leathers Limited Partnership II.

Approved and Accepted
Marion County Board of Commissioners

Michael J. DeP...
Chair
Frank...
Commissioner
Patricia...
Commissioner

Date: 4/4/00

STATE OF OREGON)
)ss.
County of Multnomah)

This instrument was acknowledged before me on 2 APRIL, 2000,
by **Lila Leathers**, President of Leathers Enterprises, Inc., General Partner of Leathers Limited Partnership II.

Terrill L. Palumbo
Notary Public for Oregon
My Commission Expires: 2/10/03

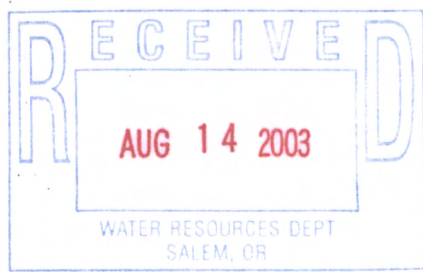


EXHIBIT "A"

PERMANENT ROAD EASEMENT

Grantor: Leathers Limited Partnership II
Grantee: Marion County
Map Tax Lot: 041W09D00600

A parcel of land for roadway purposes, being a portion of that property described in Reel 1607, Page 151, Marion County Deed Records, the said parcel being that portion of said property described as follows.

Beginning at a 1/2 inch iron pipe at the northwest corner of that tract of land conveyed to Leathers Limited Partnership II by deed recorded in Reel 1607, Page 151, of the Marion County Deed Records, said point being on the southerly right of way line of Ehlen Road (MR-96) at a point which is South 89° 47' 40" East 2,628.97 feet and South 89° 45' 30" East 320.58 feet and South 89° 32' 00" East 847.08 feet and North 00° 23' 24" East 1,274.49 feet from the southwest corner of Section 9, Township 4 South, Range 1 West of the Willamette Meridian and running thence South 00° 23' 24" West 219.63 feet to a point; thence South 17° 09' 44" East 30.49 feet to a point; thence South 01° 53' 12" West 104.11 feet to a point; thence South 08° 50' 16" West 44.08 feet to a point; thence South 00° 23' 24" West 351.59 feet to a point of curve; thence along the arc of a 450.00 foot radius curve to the left (the chord of which bears North 14° 21' 51" East 86.68 feet) a distance of 86.81 feet to a point of tangency; thence North 08° 50' 16" East 325.00 feet to a point of curve; thence along the arc of a 450.00 foot radius curve to the left (the chord of which bears North 04° 09' 44" West 202.46 feet) a distance of 204.20 feet to a point of tangency; thence North 17° 09' 44" West 94.59 feet to a point; thence North 27° 58' 38" East 77.97 feet to a point on the before said southerly right of way line of Ehlen Road, thence South 73° 07' 00" West, along said right of way line, 63.04 feet to the place of beginning and containing 33,920 square feet of land, more or less, all being situated within the southeast quarter of Section 9 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon

Marion County Surveyor review by: Robert Ray Little Date: 2-16-2000

ras G:\ROW\PROJECTS\JTBENTS\Leathers ease.txt

Leathers Easement Page 2 of 2



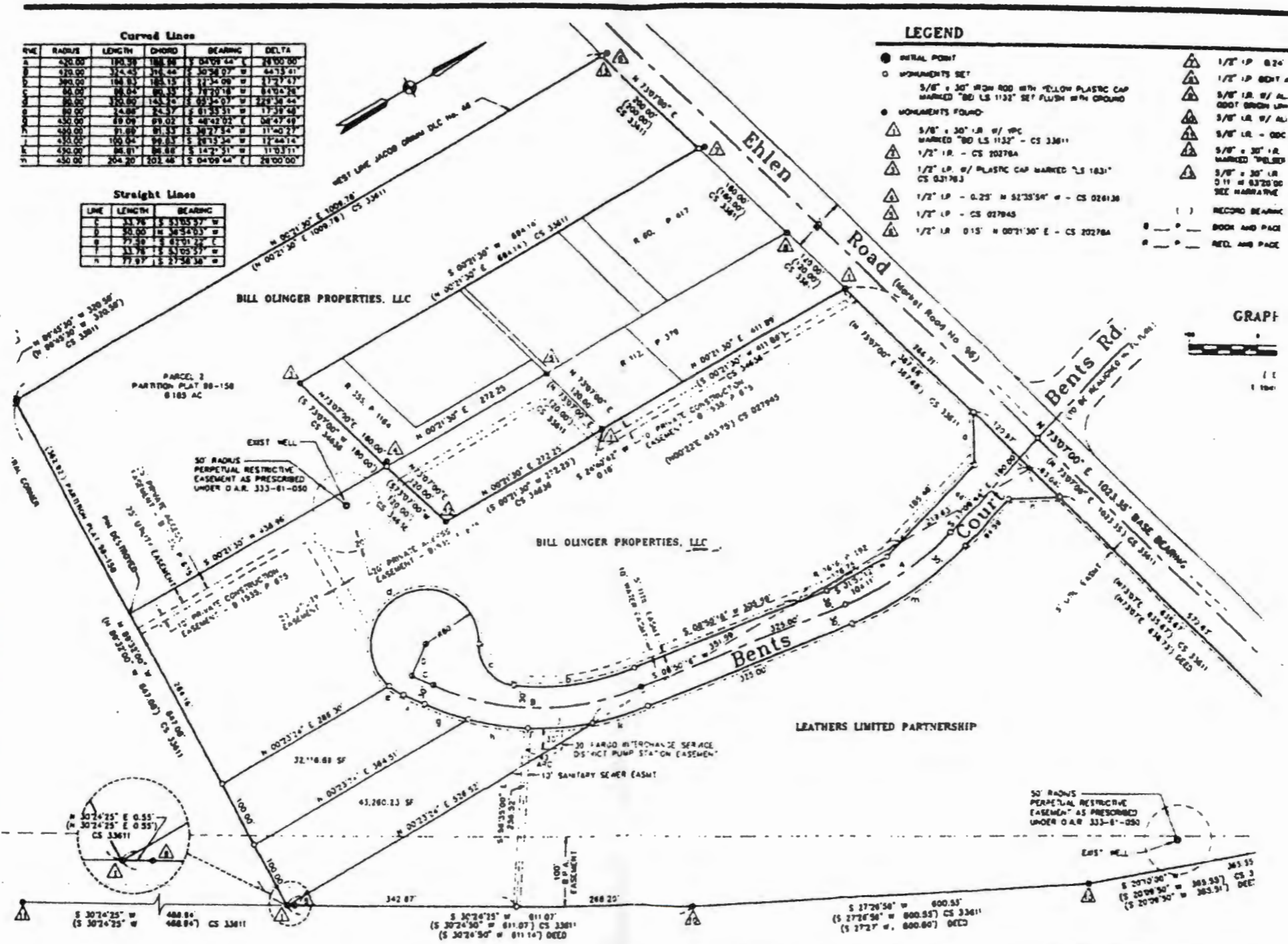
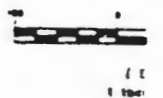
LINE	RADIUS	LENGTH	CHORD	CHORD BEARING	DELTA
A	420.00	180.39	188.88	S 84°09'44" E	28°00'00"
B	420.00	324.43	314.44	S 30°34'07" W	64°31'41"
C	380.00	184.83	188.13	S 77°34'09" W	27°27'47"
D	80.00	88.04	80.13	S 78°20'18" W	84°02'38"
E	80.00	320.00	143.10	S 02°34'07" W	22°36'44"
F	80.00	14.86	24.17	S 81°23'31" E	17°39'48"
G	430.00	89.09	89.02	S 48°42'01" E	08°47'49"
H	430.00	91.89	81.33	S 38°27'54" W	11°40'27"
I	430.00	100.04	99.83	S 28°13'34" W	17°44'14"
J	430.00	88.81	88.88	S 14°21'51" E	11°03'11"
K	430.00	204.20	203.48	S 04°09'44" E	28°00'00"

LINE	LENGTH	BEARING
C	33.78	S 53°05'57" W
D	50.00	N 34°54'03" E
E	77.38	S 81°01'22" E
F	33.78	S 53°05'57" W
G	77.07	S 27°54'30" E

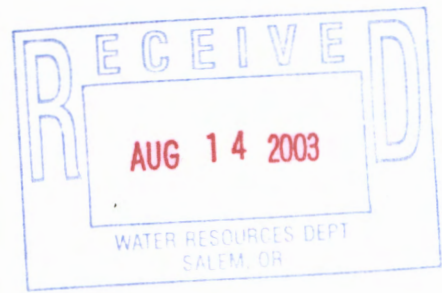
LEGEND

- METAL POINT
- MONUMENTS SET
3/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED "BE LS 1132" SET FLUSH WITH GROUND
- MONUMENTS FOUND
- △ 5/8" x 30" IR W/ IPC MARKED "BO LS 1132" - CS 33611
- △ 1/2" IR - CS 20278A
- △ 1/2" IR W/ PLASTIC CAP MARKED "LS 1831" CS 031763
- △ 1/2" IR - 0.25" N S 12°35'54" W - CS 026136
- △ 1/2" IR - CS 027845
- △ 1/2" IR 0.15" N 00°21'30" E - CS 20278A
- △ 1/2" IR 0.20"
- △ 1/2" IR 0.01"
- △ 5/8" IR W/ AL 0.001" BRONZ LIP
- △ 3/8" IR W/ AL
- △ 5/8" IR - ODC
- △ 5/8" x 30" IR MARKED "PELSED"
- △ 3/8" x 30" IR 0.11" # 832000 SEE NARRATIVE
- () RECORD BEARING
- BOOK AND PAGE
- RED. AND PAGE

GRAPH



RECEIVED
 AUG 14 2003
 WATER RESOURCES DEPT
 SALEM, OR



REEL PAGE
1139 83

AFTER RECORDING RETURN TO:
Nikki C. Hatton
Schwab, Williamson & Wyatt
1211 S.W. Fifth Avenue
Suites 1600-1800
Portland, OR 97204

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:
Leathers Enterprises, Inc., General Partner
22300 S.E. Stark Street
Gresham, OR 97030

STATUTORY WARRANTY DEED

Lila C. Leathers, doing business as Leathers Oil Co., Grantor, conveys and warrants to Leathers Limited Partnership, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

The real property described in Exhibit "A" attached hereto.

This conveyance is made by Grantor and accepted by Grantee subject to easements, covenants, restrictions and other encumbrances of record.

The actual consideration for this conveyance consists of or includes other property or value given or provided which is the whole consideration.

THIS INSTRUMENT WILL 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 AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

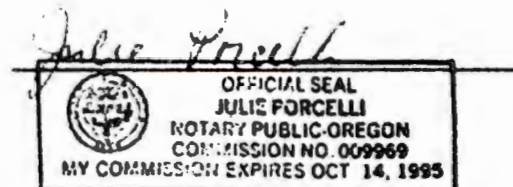
Executed this 24th day of January, 1994.

GRANTOR:

Lila C. Leathers
Lila C. Leathers

STATE OF OREGON)
County of Multnomah ss.

This instrument was acknowledged before me this 24 day of January, 1994, by Lila C. Leathers.

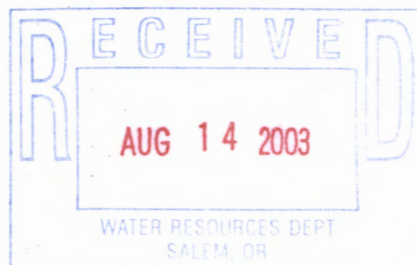


NOTARY PUBLIC FOR OREGON
My Commission Expires: 10-14-95

EXHIBIT A

That certain irregular shaped tract of land located at the Southwest Quadrant of Interstate Highway 5 and Fargo Interchange.

A parcel of land lying in the Jacob Grim Donation Land Claim No. 46, in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, said parcel being described as follows: Beginning at a 1/2 inch iron rod on the Westerly right of way line of the Pacific Highway No. 5, a distance of 174 feet from (when measured at right angles to) the Northbound centerline station 830+10.83 point of tangent, at its intersection with the Westerly line of a tract of land described in a deed to Wade H. Arstill, et ux, by deed recorded August 7, 1967 in Volume 635, page 86, Deed Records for Marion County, Oregon; said beginning point also being South 8.30 feet and East 1167.61 feet from the one-quarter corner to Sections 9 and 16; thence from said beginning run North 0°15'30" East along the Westerly line of said Arstill Tract 1273.55 feet to a 1/2 inch iron rod on the Southerly right of way of County Market Road No. 427; thence following said Southerly right of way line North 73°07' East a distance of 638.73 feet to a 1/2 inch iron rod that is 380.38 feet from (when measured at right angles to) the Northbound centerline station 814+40.00 point of tangent; thence along the Westerly right of way line of the Pacific Highway No. 5 the following courses: South 59°34' East a distance of 110.38 feet to a 1 inch iron cap, South 20°09'50" West a distance of 365.51 feet to a 1 inch iron cap, South 27°27' West a distance of 600.60 feet to a 1 inch iron cap, South 30°24'50" West 611.14 feet to the place of beginning.



REEL:1139

PAGE: 83

January 28, 1994 , 04:13P

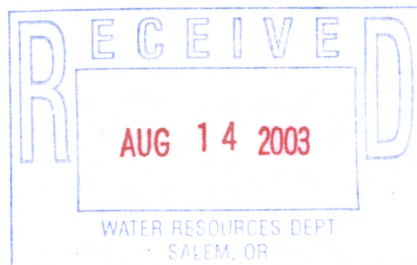
CONTROL #: 1139083

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$40.00

ALAN H DAVIDSON
COUNTY CLERK





Oregon

John A. Kitzhaber, M.D., Governor

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97301-4172
(503) 378-3739
FAX (503) 378-8130

August 2, 2000

Ehlen Corporation
4015 N Locust
Canby OR 97013

Reference: File G-13325

The assignment of Permit G-11962 from Montecucco Farms & Leathers Oil Company to you has been recorded in the records of the Water Resources Department. Our records have been changed accordingly, and the original assignment is enclosed.

The \$25 recording fee was an authorized deduction from Hughes & Zehntbauer LLP account with our agency.

Sincerely,

Dallas S. Miller
Water Rights Specialist

DSM:cap

Enclosure

cc: Watermaster #16
Data Center/OWRD
Corbey Boatwright, CWRE
Montecucco Farms, 4120 N Locust, Canby, OR 97013
Leathers Oil Company, 22300 SE Stark, Gresham, OR 97030-2654
Hughes & Zehntbauer LLP, Bank of American Financial Center, 121 SW Morrison
Suite 1020, Portland, OR 97204-3140



RECEIVED

JUL 14 2000

REQUEST FOR ASSIGNMENT

WATER RESOURCES DEPT.
SALEM, OREGON

I, (permit holder, applicant) Montecuccio Farms and Leathers Oil Company by
Montecuccio Farms (see attached)
4120 N. Locust Canby Oregon 97013 (503) 226-2260
(mailing address) (city) (state) (zip) (phone)

CHECK ONE

[X] - hereby assign all my interest in and to application/permit;

[] - hereby assign all my interest in and to a portion of application/permit (include a map showing portion of application assigned);

[] - hereby assign a portion of my interest in and to the entire application/permit;

Application # G - 13325, Permit # G - 11962;
OR GR Statement # , GR Certificate of Registration #
as filed in the office of the Water Resources Director, to:

Ehlen Corporation

(name of new owner)

4015 N. Locust Canby Oregon 97013 (503) 226-2260
(address) (city) (state) (zip) (phone)

(Note: If there are other owners of the property described in this Application, Permit or Certificate of Groundwater Registration you must attach a list of their names and addresses to this form.)

I hereby certify that I have notified all other owners of the property described in this Application, Permit or Certificate of Registration of this request for assignment.

Witness my hand this 9 day of July, 2000.

applicant/permit holder *P. V. Montecuccio* Montecuccio Farms

applicant/permit holder _____

DO NOT WRITE IN THIS BOX

STATE OF OREGON,)
) ss
County of Marion.)
I certify that the within was
received by me on the 14 day of
July, 2000, at 8 o'clock
A. m., and was recorded in the
Miscellaneous Records, Vol. 8
Page 730
Water Resources Director

The completed assignment
must be submitted to the
Water Resources
Department together
with a recording fee of
\$25. Additional pages
will cost \$5 per page.

WATER RESOURCES DEPARTMENT
158 12TH STREET NE
SALEM, OR 97301-4172

OK
DSM

Hughes & Zehntbauer, LLP

Attorneys at Law

James D. Hughes
J. David Zehntbauer

Suite 1020
Bank of America Financial Center
121 SW Morrison
Portland, Oregon 97204-3140

Tel.(503)226-2260
Fax.(503)226-4290
dzehntbauer@hzip.com

RECEIVED

JUL 14 2000

July 12, 2000

**WATER RESOURCES DEPT.
SALEM, OREGON**

Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-4172

**Re: Request for Assignment
Reference File G-13325, Permit G-11962**

Dear Water Resources Department:

Enclosed is a Request for Assignment relating to Permit No. G-11962. Also enclosed for your file (but not for recording) is a copy of the January 17, 1995 authorization from Leathers Oil Company and Leathers Enterprises granting Montecucco Farms the right and authority to act in matters regarding this Permit.

Please process the enclosed Request for Assignment. Please deduct the \$25.00 recording fee from the Hughes & Zehntbauer, LLP account at your agency; and contact me if you have any questions, comments, or concerns.

Very truly yours,

HUGHES & ZEHNTBAUER, LLP

J. David Zehntbauer
J. David Zehntbauer

JDZ:ms

CC: Montecucco Farms (w/o enclosures)

Enclosures

G:\Client Files\m\Montecucco 846-7-a Water Rights, Continuing Olinger matters\7-12-00 LT Water Resources.wpd



Technology Serving You

RECEIVED

JAN 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

January 17, 1995

RECEIVED

JUL 14 2000

State of Oregon
Water Resources Department

WATER RESOURCES DEPT.
SALEM, OREGON

RE: Groundwater Use Application No. G13325

To Whom it Concerns:

Groundwater Use Application No. G13325 is a joint application involving multiple property owners. One of the subject parcels included in the application is owned by Leathers Enterprises, Inc., and operated by Leathers Oil Company. This letter is to serve as notice that Paul Montecucco, part owner of another parcel that is party to the application, is hereby authorized to act as the agent for Leathers Enterprises, Inc. and Leathers Oil Company in matters regarding the Groundwater Use Application No. G13325.

If there are any questions regarding this matter, please feel free to contact either of us at (503) 661-1244.

Sincerely,

Lila Leathers-Fitz
CEO, Leathers Oil Company
President, Leathers Enterprises, Inc.

Brent Leathers
General Manager, Leathers Oil Company
Vice-President, Leathers Enterprises, Inc.

COPY

Hughes & Zehntbauer, LLP

Attorneys at Law

Suite 1020

Bank of America Financial Center

121 SW Morrison

Portland, Oregon 97204-3140

*Request
Assignment
Front counter
Dallas*

*file pulled
G 13325
card*

no money

Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-4172



97310/4172



OREGON WATER RESOURCES DEPARTMENT
ACCOUNT ACTIVITY RECORD

Account Name: HUGHES & ZENNTBAUER, LLP.

Activity Date: MON 7-31-2000

Please complete and place in the Account Activity Record bin in the downstairs customer service area, or route to Cory.

Transaction Description	Number of items or hours	Customer contact name	Department personnel providing service	Amount of Activity
Deposit to account				\$.
Copying				\$.
Faxing				\$.
Research				\$.
Other: <u>ASSIGN FEES</u>	①	DAVID ZENNTBAUER	RJM	\$ 25.00
Other: _____				\$.

Notes:

RECEIVED

AUG 20 1999

WATER RESOURCES DIVISION
SALEM, OREGON

APPLICATION FOR EXTENSION OF TIME

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Montecucco Farms and Leathers Oil Company by Montecucco Farms

<u>4120 N. Locust</u>	<u>Canby</u>	<u>Oregon</u>	<u>97013</u>	<u>(503) 263-6066</u>
ADDRESS	CITY	STATE	ZIP	PHONE

record owner of application No. G-13325 permit No. G-11962, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1998, be extended to October 1, 2003, and/or the time in which to

accomplish beneficial use of water to the full extent under the terms of the permit, which time, now expires on October 1, 1999, be extended to October 1, 2004.

The extension of time requested should be long enough to finish the project. Should this request be approved, it will be the Department's expectation that you will complete your project within the new time period allowed. Future extensions may not be granted.

1-Did water system construction/well drilling begin within the time specified in the permit [yes/no]? Yes - Well drilling and pumping system installed. New pumping system engineering also now complete.

2-Have you put any water to use under this permit [yes/no]? No
If yes, has that use been made consistent with the terms and conditions of the permit [yes/no]? N/A If no, please explain.
Which terms and/or conditions have not been completely fulfilled at this time. _____

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

(a) within past year See Attachment

(b) prior to this past year See Attachment

db ✓

(c) and have accomplished beneficial use of water to the extent of (amount of water used or acres irrigated) N/A

4-Cost of project to date \$25,000 Projected cost for completion of project \$350,000 *. * Cost of water project alone - does not include additional costs of construction.

5-Have there been any unforeseen events which delayed development of water system? First, a partition of the property had to be obtained from Marion County - this was successful. Next, obtaining agreement from Marion County and the adjacent property owners to allow a new road for access to and development of property have delayed construction of the commercial improvements and installation of the new, improved water system.

6-Have there been any significant government requirements that have delayed the completion of construction or application of water? (please explain) As stated in number 5 above, both the partition and the need to obtain additional access to the property have delayed both construction and application of the water. Building permits, partition, and access have now been approved.

7-What reasons was the project not completed within permit time limits? See Attachment.

8-Has there been any change in the demand for water or power since permit was issued (please explain) Once construction of commercial improvements is complete and the newly designed pumping system is in place, point of water diversion will be limited to Well 2.

9-Has there been any change in the market for water or power since the permit was issued? (please explain) Market for water has changed for nearby aquifer (i.e. water shortages in Wilsonville). However, the market for water from this aquifer seems unchanged at this time.

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AUG 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

10-Will the income or use from this project provide reasonable returns against the investment in this project? (please explain)
Yes. Now that the road and development have been approved, 7 acres are currently

under construction for an approved use in this Interchange District. Income from servicing the traveling public will provide returns sufficient to offset investment in the project and to provide an eventual profit.

11-If the extension request is denied, is the current level of water use economically feasible? (please explain)

No. See answer to number 12 below.

12-Is there an alternative source of water available (yes/no please explain)? No. Although this permit is to supplement use under

Transfer 6921, this permit will be the ONLY source that will allow year-round use of commercial water as necessary for the planned commercial development.

13-Has the use of water under the permit caused an adverse impact on the surface/groundwater resource in the area? (please explain)

N/A at this time.

All items must be completed or the application will be returned. Please feel free to provide the Department with any additional information you might have that would aid us in making our decision. Please use an additional sheet of paper, if needed.

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 By: Paul Montecucco, Partner in Montecucco Farms Date 8/19/99

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 TO:
WATER RIGHT PERMIT EXTENSIONS
WATER RESOURCES
158 12TH ST NE
SALEM, OR 97310

RECEIVED

AUG 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Attachment to Application for Extension of Time

Permit No. G-11962

Initial Comments:

A prior, timely Application for Extension of Time was filed by Montecucco Farms and the fee of \$100 was previously paid. Consideration of this application was halted due to the development and implementation of new rules. (See attached letter from Dallas Miller dated September 29, 1997). Now that the rule making process is complete, the applicant renews its early request for extension of time as modified and enhanced through the submission of this new application documentation.

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

(A&B) Within AND Prior to the past year.

- a. The property was transferred to Bill Olinger Properties, LLC ("Olinger") on or around January 9, 1998. Montecucco Farms retained an express easement allowing ingress and egress to the Well and allowing Montecucco Farms continued use of and access to the Well and the water rights associated with the Well.
- b. Since the transfer of the property to Olinger and the Express Easement retention by Montecucco Farms, Olinger (on behalf of the applicant) has diligently pursued the commercial development of the property.
- c. A Well and pumping system is installed on the Property.
- d. Olinger has legally partitioned the property to allow for commercial development. Plans for the development have been approved by Marion County and construction of newly permitted access and commercial improvements on the Property began on or around June 1999.
- e. Olinger has paid \$25,000 for the engineering of a new pumping system to replace the existing pumping system to provide for commercial use of the property and water.
- f. Olinger has expended substantial funds to begin construction of the new pumping system which will better allow commercial use of the water from the well pursuant to Permit G-11962.

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AUG 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

2. "7. For what reasons was the project not completed within permit time limits?"

Despite the diligent efforts of Montecucco Farms and now Olinger, the beneficial use of the water under this permit could not have been completed because of delays by Marion County attendant to obtaining first the Partition and then the authorization to provide a new access point to the property. The permits have now been issued and construction has begun, but the time needed to complete the project (including a complete upgrade of the existing and installed pumping system) and make beneficial use of the water pursuant to Permit No. G-11962 needs to be extended until the new commercial development is completed.

Final Comments:

If the requested Extension of Time is granted, Applicant through Olinger will:

- a. Complete in a diligent manner the new private commercial improvements which have now begun on the property.
- b. Complete the construction of the new pumping system and replace the existing pump with this newly constructed and superior commercial pumping system.

Work toward completing the perfection of the right through beneficial use of the water has been diligent and ongoing, and the applicant respectfully requests that the time for completion of the new construction be extended to October 1, 2003 and accomplishment of beneficial use to the full extent under the terms of the permit be extended to October 1, 2004.



Oregon

John A. Kitzhaber, M.D., Governor

September 29, 1997

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AUG 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Water Resources Department

Commerce Building

158 12th Street NE

Salem, OR 97310-0210

(503) 378-3739

FAX (503) 378-8130

MONTECUCCO FARMS
4120 N LOCUST
CANBY, OR 97013

Reference File G 13325, Permit G 11962

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We anticipate that the rules will be adopted in March 1998.

If you must have an extension of time before that date, we may be able to process it if you can provide a statement that you can complete the project within one year.

Your patience is appreciated and we will process your request as soon as possible.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller

Natural Resource Specialist 2

Watermaster Dist 16

Application for Extension of Time

TO THE WATER RESOURCES DIRECTOR OF OREGON

I, Montecucco Farms & Leathers Oil Company
Name
 c/o Montecucco Farms 4120 N. Locust
Mailing Address
Canby Oregon 97013
City State Zip

record owner of water permit No. G-11962, do hereby request that the time in which to:

complete the construction of works and/or purchase and installation of the equipment necessary to the use of water, which time now expires on October 1, 1997, be extended to October 1, 1998; and/or the time in which to

accomplish beneficial use of water to the full extent now intended under the terms of said permit, which time now expires on October 1, 1998, be extended to October 1, 1999.

I have accomplished the following described works and/or purchase and installation of equipment necessary to the use of water under said permit:

(1) within the past year Constructed Sanitary Sewer System

NOTE: The subdivision approval has been appealed to LUBA and this has held up our ability to plat and construct the subdivision.

(2) prior to this past year Constructed Well

(3) and have accomplished beneficial use of water to the extent of (IF FOR IRRIGATION, STATE HOW MANY ACRES HAVE BEEN IRRIGATED) N/A

(If additional space is required, attach separate sheet)

RECEIVED

SEP 29 1997

WATER RESOURCES DEPT.
SALEM, OREGON

Paul M. Montecucco Ellen Corp President
(If signing for a corporation please identify your title)

Dated _____

MAIL COMPLETED APPLICATION AND STATUTORY FEE OF \$100.00 FOR EACH PERMIT TO:

Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

Russ Klassen, 03:16 PM 7/6/00 -, Static water level measurement

X-Sender: klasserw@mailhub.wrd.state.or.us
X-Mailer: QUALCOMM Windows Eudora Light Version 3.0.6 (32)
Date: Thu, 06 Jul 2000 15:16:27 -0700
To: Ron.C.KOHANEK@wrd.state.or.us
From: Russ Klassen <Russell.W.KLASSEN@wrd.state.or.us>
Subject: Static water level measurements

I am processing an application for extension for Montecucco Farms and Leathers Oil Co. A condition of their permit is to measure and submit static water levels. Do you have any record of static water level measurements being submitted for application G-13325, permit G-11962. Additionally, do you have any knowledge as to whether I should be concerned about whether they have exceeded the 25 foot static water level decline limitation or not?

Thanks,

Russ



Technology Serving You

RECEIVED

JAN 17 1995

WATER RESOURCES DEPT.
SALEM, OREGON

January 17, 1995

State of Oregon
Water Resources Department

RE: Groundwater Use Application No. G13325

To Whom it Concerns:

Groundwater Use Application No. G13325 is a joint application involving multiple property owners. One of the subject parcels included in the application is owned by Leathers Enterprises, Inc., and operated by Leathers Oil Company. This letter is to serve as notice that Paul Montecucco, part owner of another parcel that is party to the application, is hereby authorized to act as the agent for Leathers Enterprises, Inc. and Leathers Oil Company in matters regarding the Groundwater Use Application No. G13325.

If there are any questions regarding this matter, please feel free to contact either of us at (503) 661-1244.

Sincerely,

A handwritten signature in cursive script that reads "Lila Leathers-Fitz".

Lila Leathers-Fitz
CEO, Leathers Oil Company
President, Leathers Enterprises, Inc.

A handwritten signature in cursive script that reads "Brent Leathers".

Brent Leathers
General Manager, Leathers Oil Company
Vice-President, Leathers Enterprises, Inc.

NOTICE TO WATER WELL CONTRACTOR
The original and first copy of this report
are to be filed with the

WATER RESOURCES DEPARTMENT
SALEM, OREGON 97310
within 30 days from the date
of well completion.

RECEIVED WATER WELL REPORT
STATE OF OREGON
Permit No. 391
MAY 1 1978
5-25 WATER RESOURCES DEPT

613325
State Well No. 451W-9da
State Permit No. #1

(1) OWNER: SALEM, OREGON
Name Cori Leathers Leathers Oil
Address Aurora Ore.

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

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

CASING INSTALLED:
6" Diam. from 0 ft. to 134 ft. Gage 250
" Diam. from " ft. to " ft. Gage "
" Diam. from " ft. to " ft. Gage "

PERFORATIONS: Perforated? Yes No.
Type of perforator used _____
Size of perforations in. by in.
perforations from " ft. to " ft.
perforations from " ft. to " ft.
perforations from " ft. to " ft.

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

(8) WELL TESTS: Drawdown is amount water level is lowered below static level
Was a pump test made? Yes No If yes, by whom?
Yield: gal./min. with ft. drawdown after hrs.
" " " " " "
" " " " " "
Bailer test 40 gal./min. with ft. drawdown after / hrs.
Artesian flow g.p.m.
Temperature of water Depth artesian flow encountered _____ ft.

(9) CONSTRUCTION:
Well seal—Material used cement
Well sealed from land surface to 23 ft.
Diameter of well bore to bottom of seal 7+ in.
Diameter of well bore below seal 6 in.
Number of sacks of cement used in well seal 10 sacks
How was cement grout placed? top
Was a drive shoe used? Yes No Plugs _____ Size: location _____ ft.
Did any strata contain unusable water? Yes No
Type of water? depth of strata _____
Method of sealing strata off _____
Was well gravel packed? Yes No Size of gravel: _____
Gravel placed from _____ ft. to _____ ft.

(10) LOCATION OF WELL:
County Marion Driller's well number _____
NE 1/4 SE 1/4 Section 9 T. 49 R. 1W W.M.
Bearing and distance from section or subdivision corner _____
SALEM, OREGON

(11) WATER LEVEL: Completed well.
Depth at which water was first found 72 ft.
Static level 34 ft. below land surface. Date 6-6-78
Artesian pressure lbs. per square inch. Date _____

(12) WELL LOG: Diameter of well below casing _____
Depth drilled 134 ft. Depth of completed well 134 ft.
Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated, with at least one entry for each change of formation. Report each change in position of Static Water Level and indicate principal water-bearing strata.

MATERIAL	From	To	SWL
Black soil	0	2	
Brown clay	2	24	
Gray clay	24	34	
Blue clay (silt)	34	55	
Dark Blue clay (stick)	55	72	
Brown sand Fudargreen	72	82	
Light Brown clay (sandy)	82	102	
Brown sand	102	227	
Brown sand & gravel	127	134	

Work started 6-2 1978 Completed 6-6 1978
Date well drilling machine moved off of well 6-6 1978

Drilling Machine Operator's Certification:
This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief.
[Signed] John W Beck Date 6-6, 1978
(Drilling Machine Operator)
Drilling Machine Operator's License No. 1437

Water Well Contractor's Certification:
This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief.
Name J.W. Beck well drilling (Person, firm or corporation) (Type or print)
Address 24187 S Skyline Dr Canby Ore
[Signed] John W Beck (Water Well Contractor)
Contractor's License No. 1449 Date 6-6, 1978



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

October 29, 1998

FILE#: G 13325
MONTECUCCO FARMS AND LEATHERS OIL CO.
4120 N LOCUST
CANBY, OR 97013

Dear Water Right Permit Extension Applicant:

The Water Resources Commission has adopted new administrative rules that govern the processing of permit extension requests. New rules were necessary to make the permit extension process consistent with advice received from the Attorney General's office last summer. Many permit holders held their extension requests until the new rules are in place. Because of the Attorney General's advice, extensions will no longer be limited to one year in length for most permits and five years for municipalities and irrigation districts. You should request to extend your permit for the amount of time necessary to fully complete your project and put the water to beneficial use. Should the permit extension be approved, it is the Department's expectation that it will be the last extension granted.

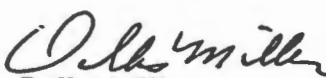
In order to help staff to complete the processing of your extension application, we will need you to fill out the enclosed form. The new rules require that the Department consider this information when determining whether or not to approve an extension request. It is important for you to complete a response to all items on the form. If additional space is needed for your responses, please use a separate sheet of paper.

Please send the completed form at your earliest convenience to the following address:

Dallas Miller
Water Right Permit Extensions
Water Resources Department
158 12th Street NE
Salem, Oregon 97310

I would be happy to send you a copy of the new permit extension rules, upon request. If you have any questions, please contact me at 1-800-624-3199 extension 272. If I am not available, you may contact either Pat Lee (ext. 276) or Dwight French (ext 268).

Sincerely,


Dallas Miller
Water Rights Specialist



Oregon

John A. Kitzhaber, M.D., Governor

September 29, 1997

Water Resources Department

Commerce Building
158 12th Street NE
Salem, OR 97310-0210
(503) 378-3739
FAX (503) 378-8130

MONTECUCCO FARMS
4120 N LOCUST
CANBY, OR 97013

Reference File G 13325, Permit G 11962

Dear Extension Applicant:

We have received your request for extension of time limits under your permit.

Because of action taken by the Oregon Attorney Generals Office the Water Resources Department is working on new administrative rules affecting the extension process. Anticipating this change in the rules, we will hold your application until the new rules are in effect. We feel that processing your request under the new rules may be to your advantage. We anticipate that the rules will be adopted in March 1998.

If you must have an extension of time before that date, we may be able to process it if you can provide a statement that you can complete the project within one year.

Your patience is appreciated and we will process your request as soon as possible.

If you have questions please contact me at the address below or phone 1-800-624-3199 ext. 272.

Sincerely,

Dallas Miller
Natural Resource Specialist 2

Watermaster Dist 16

Hughes & Zehntbauer, LLP

Attorneys at Law

Suite 1020

Bank of America Financial Center

121 SW Morrison

Portland, Oregon 97204-3140



Mr. Dallas Miller, Natural Resource Specialist
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-0210

97310+0210



RECEIVED

AUG 20 1999

WATER RESOURCES DEPT.
SALEM, OREGON

Hughes & Zehntbauer, LLP

Attorneys at Law

James D. Hughes
J. David Zehntbauer

Suite 1020
Bank of America Financial Center
121 SW Morrison
Portland, Oregon 97204-3140

Tel.(503)226-2260
Fax.(503)226-4290

August 19, 1999

Mr. Dallas Miller, Natural Resource Specialist
Water Resources Department
Commerce Building
158 12th Street N.E.
Salem, OR 97310-0210

**Re: Application for Extension of Time
Reference File G-13325, Permit G-11962**

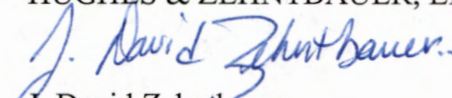
Dear Mr. Miller:

Enclosed is an Application for Extension of Time relating to Permit No. G-11962. It is my understanding that a previous timely request to extend time under this permit was made prior to the new administrative rules now controlling the extension process. It is also my understanding that the \$100.00 fee was paid at that time.

Please process the enclosed Application for Extension of Time and contact me if you have any questions, comments, or concerns.

Very truly yours,

HUGHES & ZEHNTBAUER, LLP


J. David Zehntbauer

JDZ:pb

CC: Montecucco Farms (w/o enclosures)
Bill Olinger Properties, LLC (w/enclosures)

Enclosures

G:\Client Files\m\Montecucco 846-7-a Water Rights, Continuing Olinger matters\8-19-99 LT D. Miller.wpd

Application No. G13325

RECEIVED

MAR 12 1993

State of Oregon
WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT.
SALEM, OREGON

Application for a Permit to Appropriate Ground Water

Applicant(s) Montecucco Farms and Leather's Oil Co.

(Please print or type - use dark ink)

Mailing Address: %Montecucco Farms 4120 N. Locust
Canby Oregon 97013 263-6066
City State Zip Daytime Phone No.

I (We) make application for a permit to appropriate the following described ground waters of the State of Oregon:

- 1. **THE DEVELOPMENT** (number of wells, tile lines, infiltration galleries, etc.): 2 Wells
 - Well 1 - Leather's Oil Co.
 - Well 2 - Montecucco Farms

If development is less than one mile from a natural stream, give the following:

Distance from development to stream: Well 1 - 3000'
Well 2 - 2000'
Elevation difference between streambed and development: Well 1 - 60'
Well 2 - 50'

NOTE: 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 driller's log with this application, and skip to Section 2 below.

Diameter of well: Well 1 6"dia Well 2 12"d Depth in feet: _____

Type and size of well casing: _____ No. of feet: _____

Estimated depth to water: _____

Type of access port or measuring device: _____

Wells to be drilled by: _____

Address: _____

If the water well is flowing artesian, describe your water control and conservation works: _____

- 2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 1.0 cubic feet per second, OR _____ gallons per minute. If water is to be used from more than one ground water source, give the quantity of water from each: 1 cfs from well 1

1 cfs from well 2 Not to exceed a total of 1 cfs - see remarks.
One well will be used as a alternate well. PAM

3. **INTENDED USE(s) OF WATER:** Commercial Use

If for more than one use, give the quantity of water from each source for each use; _____

If for DOMESTIC use, state the number of households to be supplied; _____

If for MUNICIPAL OR QUASI-MUNICIPAL use, state the present population to be served, and an estimate of the future requirements; (List population projections, water needs, anticipated areas to be provided water.)

If for MINING use, state the nature (gold, silver, etc.) of the mines to be served; _____

If for IRRIGATION, or other land area use, state the TOTAL number of acres to be developed under each use;

Irrigation _____

Other (describe) _____

4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** *Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).*

The system will be designed to meet Health Div. standards and should consist of 6" & 8" PVC mainlines with on pump running and the other as backup. The system will be designed at a later time.

5. **PROJECT SCHEDULE:** *(List month and year)*

Proposed date construction work will begin Late 1993

Proposed date construction work will be completed 3 years after permit is issued

Proposed date water use will be completed 5 years after permit is issued

NOTE: *A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.*

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

 Applicant XX CWRE Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? Yes No ¹⁻¹⁷⁻⁹⁵ If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development.

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

REMARKS:

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge.

See attached Sheet.

NOTE: The permit, when issued, is for the beneficial use of water without waste. 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. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

Paul G. Montecucco
Signature of Applicant

3-12-93
Date

General Partner Paul G. Montecucco
Signature of Co-Applicant, if any

1-17-94
Date

FOR WATER RESOURCES DEPARTMENT USE ONLY

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

_____, 19____.

WITNESS my hand this _____ day of _____, 19____.

Water Resources Director

By: _____

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 12th day of March, 19 93, at 3.55 o'clock, P. M.

APPLICATION NO: G 13325

Application No. *C-13325*
Permit No.

REEL PAGE
998 100

SPECIAL WARRANTY DEED

AFTER RECORDING SEND TO: Reif & Reif, Attorneys
273 North Grant Street, Canby, Oregon 97013

SEND TAX STATEMENTS TO: No Change

KNOW ALL MEN BY THESE PRESENTS, that NORMAN L. YERGEN and HELEN D. YERGEN, husband and wife, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto VIRGIL A. MONTECUCCO and EVELYN L. MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; PAUL S. MONTECUCCO and R. FRANCES MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; EDWARD V. MONTECUCCO and MARILYN MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety; and PAUL A. MONTECUCCO and JAN MONTECUCCO, husband and wife, an undivided one-quarter interest as tenants by the entirety, hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

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

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And the GRANTOR hereby covenants to and with the said GRANTEE and GRANTEE'S heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by GRANTOR and that GRANTOR will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

THIS INSTRUMENT WILL 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.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$192,000.00.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 12 day of October, 1992.

Norman L. Yergen
NORMAN L. YERGEN - Grantor
Helen D. Yergen
HELEN D. YERGEN - Grantor

STATE OF OREGON)
County of Clackamas) ss.

Oct. 12, 1992

Before me personally appeared the above named NORMAN L. YERGEN and HELEN D. YERGEN, husband and wife, and acknowledged the foregoing instrument to be their voluntary act and deed.

Carol A. Heidt
Notary Public for Oregon
My Commission Expires: 8-6-93



RECEIVED
MAR 12 1993
WATER RESOURCES DEPT.
SALEM, OREGON

130
200
30
400
500
600
700
800
900
1000

EXHIBIT "A"

SPECIAL WARR. DEED

YERGEN, et ux, to MONTECUCCO, et al

That part of the hereinafter described real property which lies West of Interstate Highway I-5 (which said highway bisects the hereinafter described premises):

PARCEL 1: Beginning at a point in the South line of the Donation Land Claim of Jacob Grimm and wife in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 23.88 chains East from the most Westerly Southwest corner of said Donation Land Claim and from thence running North 8.76 chains; thence South 77° 15' West 12.24 chains, thence North 33.01 chains to the North boundary of said Jacob Grimm Donation Land Claim; thence South 72° 45' West along the North boundary of the said Claim 12.50 chains to the Northwest corner of the same; thence South 35.36 chains to the most Westerly Southwest corner of the said Claim; thence East 23.88 chains to the place of beginning.

ALSO: Beginning on the North boundary of and 12.50 chains North 72° 45' East of the Northwest corner of the Donation Land Claim of Jacob Grimm and wife, same being Claim #46, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence running South 33.01 chains; thence North 77° 15' East 93 links; thence North 33.08 chains to the North boundary of said Claim #46;

thence South 72° 45' West 95 links to the place of beginning.

ALSO: Beginning at the quarter section corner between Sections 9 and 16 in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence East 4.86 chains to the West line of the Jacob Grimm Donation Land Claim; thence South 19.48 chains to the Southwest corner of said Grimm Claim; thence East 35.23 chains to Section line between Sections 15 and 16; thence South 15.38 chains to the most Easterly Northeast corner of the W.H. Rees Donation Land Claim; thence North 71° 25' West 42.18 chains along the North line of said Rees Donation Land Claim to a point due South of the quarter section corner between Sections 9 and 16; thence North 21.00 chains to the place of beginning.

SAVE AND EXCEPT: That portion conveyed to the State of Oregon by and through its State Highway Commission, in Book 456, Page 119 and Book 701, Page 32, Deed Records for Marion County, Oregon.

ALSO SAVE AND EXCEPT that portion conveyed to Marion County, Oregon in Book 574, Page 341, Book 575, Page 642, Deed Records for Marion County, Oregon.

STATE OF OREGON

County of Marion

I hereby certify that
the within was received
and duly recorded by
me in Marion County
records:

Fee \$ 40-

Hand Returned

REEL PAGE
998 100

OCT 20 10 07 AM '92

ALAN H. DAVIDSON
MARION COUNTY CLERK
BY HQ DEPUTY

G73325



OREGON TITLE INSURANCE COMPANY

STATUTORY SPECIAL WARRANTY DEED (Individual or Corporation)

REEL 638 PAGE 79

HARRY BATES, KATHLEEN M. ANDERSON, W.R. BATES and JAMES CORDNER, co-venturers, doing business as CFM Grantor, conveys and specially warrants to LEO E. AGUILERA and CAROL A. AGUILERA, husband and wife Grantee, the following described real property in the County of Marion and State of Oregon, free of encumbrances created or suffered by the grantor except as specifically set forth herein:

Beginning at a point which is North 89°47'40" West 290.40 feet and North 00°22'00" East 608.27 feet from the Southeast corner of the Donation Land Claim of Pascaal Bisconnott, Notification No. 44, in Township 4 South, Range 1 West, of the Willamette Meridian in Marion County, Oregon; thence North 00°22'00" East 311.91 feet to the South line of County Road No. 427; thence North 73°07'00" East along the South line of the road 244.08 feet; thence South 16°53'00" East 58.34 feet; thence South 00°22'00" West 327.65 feet; thence North 09°47'40" West 250.40 feet to the place of beginning.

This property is free of liens and encumbrances, EXCEPT: Covenants and conditions as recorded June 17, 1980 in Reel 215, Page 1453.

This deed is given in fulfillment of that contract, recorded June 17, 1980 in Reel 215, Page 1453, and all warranties implied or expressed herein are construed to be as of that date.

The true consideration for this conveyance is \$ 48,000.00 (Here comply with the requirements of ORS 93.030*)

THIS INSTRUMENT WILL 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.

DATED this 11th day of July 19 88... If a corporate grantor, it has caused its name to be signed by resolution of its board of directors.

Harry Bates

Kathleen M. Anderson

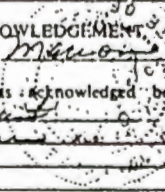
W.R. Bates

James Cordner

STATE OF OREGON, County of Marion ss. STATE OF OREGON, County of Marion ss.

The foregoing instrument was acknowledged before me this 11th day of July 19 88 by Harry Bates, Kathleen M. Anderson, W.R. Bates and John Cordner

The foregoing instrument was acknowledged before me this 11th day of August 19 88 by Leo E. Aguilera and Carol A. Aguilera of a corporation, on behalf of the corporation.



Notary Public for Oregon My commission expires:

Notary Public for Oregon My commission expires: 11/2/90

*If the consideration consists of or includes other property or value, add the following: "The actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which)."

Order No. 105470/18-18850

After recording return to: Leo E. Aguilera, Carol A. Aguilera, Rt. 4, Box 246M, Sherwood, OR 97140

Leo E. Aguilera 40330-570, Carol A. Aguilera X61450, Rt. 4, Box 246M, Sherwood, OR 97140

THIS SPACE RESERVED FOR RECORDER'S USE RECEIVED MAR 12 1993 WATER RESOURCES SALEM, OREGON

098818-18850

CAT. NO. NN00627
TO 1944 CA (9-84)

TICOR TITLE INSURANCE

(Individual)

STATE OF CALIFORNIA }
COUNTY OF Los Angeles } ss.

On July 22, 1988 before me, the undersigned, a Notary Public in and for
said State personally appeared Jane S. Gardner

_____, personally known to me or
proved to me on the basis of satisfactory evidence to be
the person whose name is subscribed to the
within instrument and acknowledged that he exe-
cuted the same.

WITNESS my hand and official seal.

Signature Cindy A. Noonan



(This area for official notarial seal)

State of Washington
County of Yakima

On July 29, 1988 before me, the undersigned, a Notary Public in and
for the State personally appeared Kathicen Andersen, personally know
to me or proved to me on the basis of satisfactory evidence by the
person whose name is subscribed to the within instrument, and
acknowledged that she executed the same.
Witness my hand and official seal.

Signature Thayne Williams



Application No. *6-13325* 10419
Permit No.

REEL 310 PAGE 1271

BARGAIN AND SALE DEED

WARREN W. MARR, Grantor, conveys to KATHLEEN M. ANDERSON, Grantee, all of his undivided interest as a cotenant in the following described real property situated in Marion County, Oregon:

Beginning at the Southeast corner of the Donation Land Claim of Pascal Bisconot, Notification No. rr, which is a fir post 4 1/2 feet long, 4 inches square, 25 inches in the ground marked C 44, Township 4 South, Range 1 West; whence a red fir 6 inches in diameter bears North 38°30' West 30 1/2 links distant marked C 44, Township 4 South, Range 1 West, S 9 B.T.; thence South 89°48' West along the South boundary line of Claim No. 44 and line between Sections 9 and 16, 290.40 foot to an iron pipe; thence North 0°22' East along the West line of a tract of land conveyed to Fern Bair by Deed Recorded in Volume 345, Page 106, Deed Records for Marion County, Oregon, 920.18 foot to the South line of County Road No. 427; thence North 73°02' East along the South line of the Road 304.08 feet to the East line of said Claim No. 44; thence South along the East boundary of Claim No. 44, 1009.62 to the place of beginning.

The true consideration for this transfer is \$1,000, however, the actual consideration includes other value given which is part of the consideration.

25 DATED this *Apr* day of *April*, 1983
Warren W. Marr
Warren W. Marr

STATE OF OREGON)
County of Multnomah) ss.

On this *25* day of *April*, 1983, personally appeared before me the above-named WARREN W. MARR, and acknowledged the foregoing Bargain and Sale Deed to be his voluntary act and deed.

Alvin O. ...
Notary Public for Oregon
My Commission Expires:

Until further notice, tax statements should be sent to the following address: CBM, c/o Harry Bates, Route 1, Box 26A, Aurora, Oregon 97002.

RECEIVED
MAR 12 1993
WATER SALES, OREGON EPT. SON

10419

REEL PAGE
310 1272

STATE OF OREGON

County of Marion

I hereby certify
that the within was
received and duly
recorded by me
in Marion County
records:

10419

MAY 16 9 08 AM '83

EDWIN P. MORGAN
MARION COUNTY CLERK

BY [Signature] DEPUTY
500

Reel 310 Page 1271

Please forward the document to:

Kathy M. Andersen
15104 N.E. 7th St.
Vancouver, Washington 98664

1-1-74

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That DENNIS F. METTEER

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by GUNTHER MAX KLIESE hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of and State of Oregon, described as follows, to-wit:

See attached.

Application No. G-13325
Permit No.

RECEIVED
MAR 12 1993
WATER RESOURCES DEPT.
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

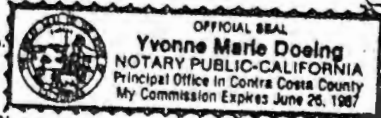
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances,

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 12,500.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 12th day of June, 1984. If a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.



DENNIS F. METTEER

STATE OF OREGON,

County of

County of Contra Costa, Calif.

June 12th 1984

Personally appeared Dennis F. Metteer and

Personally appeared the above named

who, being duly sworn, each for himself and not one for the other, did say that the for... is the president and that the latter is the secretary of

and acknowledged the foregoing instrument to be voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Before me: Notary Public for Oregon My commission expires:

Before me: Yvonne Marie Doering Notary Public for Calif. My commission expires:

Dennis F. Metteer

GRANTOR'S NAME AND ADDRESS
Gunther Max Kliese
10650 S.W. Wilsonville Road
Wilsonville, OR 97070

GRANTEE'S NAME AND ADDRESS
Gunther Max Kliese
10650 S.W. Wilsonville Road
Wilsonville, OR 97070

Until a change is requested all tax statements shall be sent to the following address:
GUNTHER MAX KLIESE
10650 S.W. WILSONVILLE ROAD
WILSONVILLE, OR 97070

STATE OF OREGON,

County of

I certify that the within instrument was received for record on the day of 19

at o'clock M., and recorded in book/reel/volume No. on page or as document/tee/file/instrument/microfilm No.

Record of Deeds of said county.

Witness my hand and seal of County affixed.

By Deputy

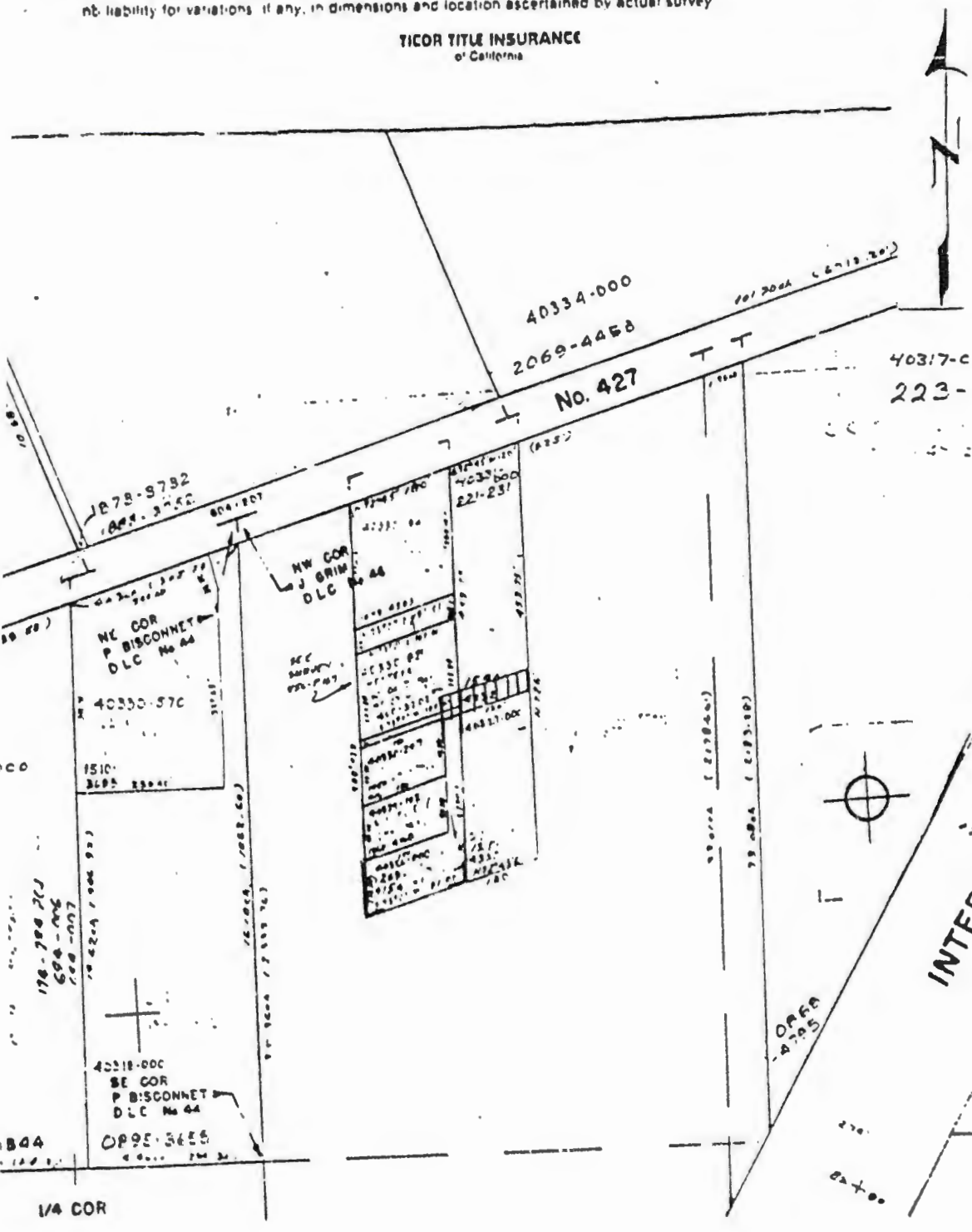
TICOR 800-550-71

Beginning at a point that is 120.00 feet South 73° 07' West of a point 500.00 feet North 73° 07' East and 453.75 feet South 00° 22' West from the Northwest corner of the Jacob Grim Donation Land Claim No. 46 in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence South 00° 22' West along the East line of a tract of land as described in deed recorded in Reel 60, Page 417, Marion County Records, a distance of 272.25 feet to the Southeast corner thereof; thence South 73° 07' West along the South line of said tract of land 180.00 feet; thence North 00° 22' East 93.34 feet to the Southwestern corner of land conveyed to Gunther Max Kliese in deed recorded in Reel 294, Page 1486, Marion County Records; thence North 73° 07' East along the southerly line of that tract a distance of 150.00 feet to the Southeast corner thereof; thence North 00° 22' East along the East line of said tract a distance of 93.33 feet and continuing along the East line of the tract of land conveyed to Gunther Max Kliese as recorded in Reel 292, Page 466, Marion County Records to the Northeast corner thereof a distance of 93.33 feet; thence North 73° 07' East 30 feet to the point of beginning.

The intent of this deed is to convey Tract 7 as shown on the attached sketch and merge the 30-foot easement due East of tracts 5, 6 and 7 on the attached sketch into ownership of those tracts. This deed shall have no effect on those easements North and Northeast of tracts 5, 6 and 7 granted in prior deeds as noted above.

The sketch below is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations if any, in dimensions and location ascertained by actual survey

TICOR TITLE INSURANCE
of California



1-1-74

GRANT AND SALE DEED



KNOW ALL MEN BY THESE PRESENTS, That JERRY DONALD DODD

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto RIC. E. NOFZINGER, grantee, an undivided one-half interest in the following described property, it being, the grantors intention to create hereby a tenancy in common between himself and the grantee, each with an undivided one-half interest.

COUNTY OF MARION, STATE OF OREGON

Beginning at a point in the center of County Road No. 427, which point is 500 feet North 72°45' East from the Northwest Corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence South 72°45' West 120 feet to a point which is North 72°45' East 380 feet from the Northwest corner of said Jacob Grim Donation Land Claim; thence South parallel with the West line of the Jacob Grim Donation Land Claim 453.75 feet; thence North 72°45' East parallel with the center line of County Road No. 427 to a point South of the point of beginning; thence North parallel with the West line of said Jacob Grim Donation Land Claim to the point of beginning.

RECEIVED

MAR 12 1993

WATER RESOURCES DEPARTMENT SALEM, OREGON

Application No. 6-13325 Permit No.

177912

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this day of February, 1978; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

Jerry Donald Dodd (Signature)

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Clackamas, February 19 1978

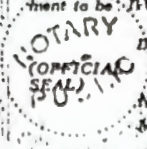
STATE OF OREGON, County of ... 19 ...

Personally appeared ... who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of ...

Personally appeared the above named JERRY DONALD DODD

and acknowledged the foregoing instrument to be his voluntary act and deed.

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.



Cluckey Adamsen (Signature), Notary Public for Oregon, My commission expires 5-18-81

Notary Public for Oregon, My commission expires: (OFFICIAL SEAL)

JERRY DONALD DODD

STATE OF OREGON,

GRANTOR'S NAME AND ADDRESS RIC. E. NOFZINGER

GRANTEE'S NAME AND ADDRESS After recording return to: Canby Union Bank, P.O. Box 190, Canby, Or 97013

Until a change is requested all tax statements shall be sent to the following address: Jerry D. Dodd, Rt. 1, Box 281, Curvay, Or 97007

03968 STATE OF OREGON County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Reel 112 Page 379

FEB 7 12 29 PM '78

EDWIN P. MORGAN MARION COUNTY CLERK

BY [Signature] DEPUTY

18-5542

23921

REEL 325 PAGE 291

BARGAIN AND SALE DEED - STATUTORY FORM
(Individual or Corporation)

..... JERRY, DONALD, DORR AND, RIC. E. HOFFMANN

Grantor, conveys to DENNIS F. METTEER

Grantee, the following described real property:

PARCEL I

4-1-9

PA-23

Beginning at a point which is 500.00 feet North 73° 07' East and 416.00 South 00° 22' West from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being on the East line of a tract of land as described in deed recorded in Reel 92, Page 1447, Marion County Records; thence South 73° 07' West parallel to the South line of said tract of land, 120.00 feet to the West line of said tract of land; thence North 00° 22' East 100.00 feet along the West line; thence North 73° 07' East 120.00 feet to the East line of said tract of land; thence South 00° 22' West 100.00 feet to the point of beginning.

PARCEL II:

Beginning at a point which is 500.00 feet North 73° 07' East and 453.75 feet South 00° 22' West from the Northwest corner of the Jacob Grim Donation Land Claim No. 46, in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being the Southeast corner of a tract of land as described in deed recorded in Reel 92, Page 1447, Marion County Records; thence South 73° 07' West 120.00 feet to the Southwest corner of said tract of land; thence South 00° 22' West along the East line of a tract of land as described in deed recorded in Reel 60, Page 417, Marion County Records, a distance of 272.25 feet to the Southeast corner thereof; thence South 73° 07' West along the South line of said tract of land, 30.00 feet; thence North 00° 22' East 310.00 feet; thence North 73° 07' East 150.00 feet to a point on the East line of a tract of land described in deed recorded in Reel 92, Page 1447, Marion County Records; thence South 00° 22' West 37.75 feet to the point of beginning.

RECEIVED

MAR 1 2 1993

WATER RESOURCES DIV.
SALEM, OREGON

Application No. *G-13925*
Permit No.

OUTCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That PAUL T. BAILEY, J/b/a PAUL BAILEY ENTERPRISES, and JESSE A. BELL hereinafter called grantor, for the consideration hereinafter stated, does hereby remise, release and quitclaim unto DENNIS F. METTEER and SUSAN A. METTEER, husband & wife, hereinafter called grantees, and unto grantees's heirs, successors and assigns all of the grantor's right, title and interest in that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in any-wise appertaining, situated in the County of Marion, State of Oregon, described as follows, to-wit:

Beginning at a point in the center of County Road No. 427, which point is North 72° 45' East 200 feet from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West, Willumette Meridian, Marion County, Oregon; thence North 72° 45' East along the center of said road 180 feet; thence South parallel with the West line of said Jacob Grim Donation Land Claim 726 feet; thence South 72° 45' West parallel with the center line of said County Road No. 427, 180 feet to a point South of the point of beginning; thence North parallel with the West line of said Jacob Grim Donation Land Claim to the point of beginning.

Application No. G-13520
Permit No.

MAR 1 2 1993

WATER RESOURCES DEPT
SALEM, OREGON

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)
To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ -none-
However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)
In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.
In Witness Whereof, the grantor has executed this instrument this 7th day of October, 1976; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, with corporate seal)

JESSE A. BELL
PAUL T. BAILEY J/b/a
PAUL BAILEY ENTERPRISES

STATE OF OREGON, County of Multnomah, 19 76

STATE OF OREGON, County of _____, 19 ____
Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Personally appeared the above named JESSE A. BELL and PAUL T. BAILEY J/b/a PAUL BAILEY ENTERPRISES and acknowledged the foregoing instrument as their voluntary act and deed.

Notary Public for Oregon
My commission expires: 4-16-80
Cassie Motter

Notary Public for Oregon
My commission expires: _____ (SEAL)

Grantors:
PAUL T. BAILEY - 14635 S. W. Uplands Drive, Lake Oswego, Ore. 97034; JESSE A. BELL - 813 S.W. Alder, Portland, Ore. 97205 (c/o Amalgamated Clothing Workers)
Grantees:
Dennis F. & Susan A. METTEER - Rt. 1, Box 29, Aurora, Oregon 97002

After recording return to:
DENNIS F. & SUSAN A. METTEER - Rt. 1, Box 29, Aurora, Oregon 97002

DEPARTMENT OF VETERANS GENERAL SERVICES BUILDING SALEM, OR. 97310 Ln. M53423

STATE OF OREGON, County of _____
I certify that the within instru-

26800
STATE OF OREGON
County of Marion
I hereby certify that the within was received and duly recorded by me in Marion County records:
Reel 60 Page 418
Oct 15 3 30 PM '76
T. HAROLD TOMLINSON
MARION COUNTY CLERK
BY [Signature] DEPUTY

171024

w

RECEIVED

300

Application No. 613345
Permit No.

MAR 12 1993

REEL PAGE
707 144

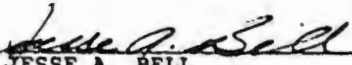
STATUTORY
SPECIAL WARRANTY DEED


JESSE A. BELL, who acquired a portion of the property as JESS BELL, as to an undivided one-half interest, and SENTA E. BAILEY of PAUL BAILEY ENTERPRISES, an Oregon partnership, on dissolution of such partnership, as to an undivided one-half interest, Grantor, conveys and specially warrants to VIRGIL MONTECUCCO and EVELYN MONTECUCCO, husband and wife, an undivided one-fourth interest as tenants by the entirety, PAUL A. MONTECUCCO and JAN MONTECUCCO, husband and wife, an undivided one-fourth interest as tenants by the entirety, PAUL S. MONTECUCCO and ROSE FRANCIS MONTECUCCO, husband and wife, an undivided one-fourth interest as tenants by the entirety, and EDWARD MONTECUCCO and MARILYN MONTECUCCO, husband and wife, an undivided one-fourth interest as tenants by the entirety, Grantee, the real property described on the attached Exhibit A, free of encumbrances created or suffered by the Grantor except as specifically set forth therein.

The true consideration for this conveyance is \$500,000 (the purchase price for such property under the contract of sale described below). This deed is given in fulfillment of a Contract of Sale between Grantor and Grantee dated August 2, 1982, a memorandum (or the original) of which was recorded on July 30, 1982 in Reel 287, Page 997, or as Instrument No. 15973, Deed Records of Marion County, Oregon (the "Contract").

THIS INSTRUMENT WILL 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.

DATED this 3rd day of August, 1989.


JESSE A. BELL
(who acquired title also
as JESS BELL)


SENTA E. BAILEY,
of PAUL BAILEY ENTERPRISES

Return Until a change is requested, all tax statements shall be sent to the following address: Virgil Montecucco, 4120 N. Locust, Canby, Oregon 97013

EXHIBIT A

PROPERTY DESCRIPTION AND ENCUMBRANCES

That part of the hereinafter described real property which lies West of Interstate Highway I-5 (which highway divides the hereinafter described premises):

Parcel 1

Beginning at a point in the South line of the Donation Land Claim of Jacob Grimm and wife in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said point of beginning being 23.88 chains East from the most Westerly Southwest corner of said Donation Land Claim; and from thence running North 8.76 chains; thence South 77° 15' West 12.24 chains; thence North 33.01 chains to the North boundary of said Jacob Grimm Donation Land Claim; thence South 72° 45' West along the North boundary of the said Claim, 12.50 chains to the Northwest corner of the same; thence South 35.36 chains to the most Westerly Southwest corner of the said Claim; thence East 23.88 chains to the place of beginning.

Also: Beginning on the North boundary line of and 12.50 chains North 72° 45' East of the Northwest corner of the Donation Land Claim of Jacob Grimm and wife, same being Claim No. 46, Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; thence running South 33.01 chains; thence North 77° 15' East 93 links; thence North 33.08 chains to the North boundary of said Claim No. 46; thence South 72° 45' West 95 links to the place of beginning.

Parcel 2

Beginning at the 1/4 section corner between Sections 9 and 16 in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; and running thence East 4.86 chains to the West line of the Jacob Grimm Donation Land Claim; thence South 19.48 chains to the Southwest corner of said Grimm Claim; thence East 35.23 chains to the Section line between Sections 15 and 16; thence South 15.38 chains to the most Easterly Northeast corner of the W. H. Rees Donation Land Claim; thence North 71° 25' West 42.18 chains along the North line of said Rees Donation Land Claim to a point due South of the 1/4 section corner between Sections 9 and 16; thence North 21.00 chains to the place of beginning.

Save and except that portion conveyed to the State of Oregon by and through its State Highway Commission, in Book 456, Page 119 and Book 701, Page 32, Deed Records for Marion County, Oregon.

Also save and except that portion conveyed to Marion County, Oregon in Book 574, Page 341, and Book 575, Page 642, Deed Records for Marion County, Oregon.

Also save and except: Beginning at a point that is located in the center of County Road No. 427, said point being North 73° 07' East 200.00 feet from the Northwest corner of the Jacob Grimm Donation Land Claim No. 46, in Section 9, Township 4 South, Range 1 West of the Willamette Meridian, in Marion County, Oregon; thence running South 00° 22' West a distance of 726.00 feet to a point; thence running North 73° 07' East a distance of 300.00 feet to a point; thence running North 00° 22' East a distance of 726.00 feet to a point in the center of the above mentioned County Road; thence running South 73° 07' West a distance of 300.00 feet to the place of beginning.

Parcel 3

Beginning at a point that is located 500.00 feet North 72° 45' East and 453.75 feet South 00° 22' West from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence trotting South 73° 07' West a distance of 120.00 feet; thence trotting South 00° 22' West a distance of 272.25 feet; thence trotting North 73° 07' East a distance of 120.00 feet; thence trotting North 00° 22' East a distance of 272.25 feet to the place of beginning.

KNOW ALL MEN BY THESE PRESENTS, That DENNIS F. METTEER

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by GUNTHER MAX KLIESE

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of MARION and State of Oregon, described as follows, to-wit: Beginning at a point which is 200.00 feet North 73° 07' East and 632.66 feet South 00° 22' West from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West of the Willamette Meridian in Marion County, Oregon, said beginning point being on the West boundary line of a tract of land as described in deed recorded in Reel 60, Page 417, Marion County Records; thence North 00° 22' East along the West line of said tract of Land, 93.33 feet; thence North 73° 07' East 150.00 feet; thence South 00° 22' West 93.33 feet; thence South 73° 07' West, 150.00 feet to the point of beginning.

*** 30 foot easement as described in Barnes Survey Job #79-11-320 is attached and considered part of this deed for permanent ingress and egress, as per attached document.

Application No. 613325
Permit No.

RECEIVED

MAR 1 8 1993

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE) To have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances none

RECORDS DEPARTMENT OF OREGON

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$12,500.00

However, the actual consideration consists of or includes other property or value given or promised which is part of the consideration (indicate which) (The sentence between the symbols (1) and (2), if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 5th day of November, 1982; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

[Signature]

(If executed by a corporation, affix corporate seal)

STATE OF OREGON, County of Clackamas, November 5, 1982

STATE OF OREGON, County of _____, 1982

Personally appeared the above named Dennis F. Metteer

Personally appeared _____ and _____ who, being duly sworn, each for himself and not one for the other, did say that the former is the president and that the latter is the secretary of _____

and acknowledged the foregoing instrument to be his voluntary act and deed.

_____ a corporation, and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

Notary Public for Oregon My commission expires: 12-18-84

Notary Public for Oregon My commission expires:

(OFFICIAL SEAL)

GRANTOR'S NAME AND ADDRESS: Guntner Max Kliene, 10650 N. W. Wilsonville Road, Wilsonville, Or 97070

STATE OF OREGON, County of _____ I certify that the within instrument was received for record on the _____ day of _____, 19____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ or as document/fee/file/instrument/microfilm No. _____ Record of Deeds of said county. Witness my hand and seal of County affixed.

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That NORMAN L. YERGEN and HELEN D. YERGEN, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by DENNIS F. METTEER and SUSAN A. METTEER, husband and wife, hereinafter called the grantees, does hereby grant, bargain, sell and convey unto the said grantees and grantees's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of MARION and State of Oregon, described as follows, to-wit:

Beginning at a point in the center of County Road No. 427, which point is North 72° 45' East 200 feet from the Northwest corner of the Jacob Grim Donation Land Claim in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon; thence North 72° 45' East along the center of said road 180 feet; thence South parallel with the West line of said Jacob Grim Donation Land Claim 726 feet; thence South 72° 45' West parallel with the center line of said County Road No. 427, 180 feet to a point South of the point of beginning; thence North parallel with the West line of said Jacob Grim Donation Land Claim to the point of beginning.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantees and grantees's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantees and grantees's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 35,000

However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See O.R.S. §3.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 14th day of October, 1976; if a corporate grantor, it has caused its name to be signed and sealed by its officers, duly authorized thereto by order of its board of directors.

(If executed by a corporation, affix corporate seal)

Notary Public for Oregon, Helene D. Yergen WA - SI

STATE OF OREGON, County of Clatsop, October 14, 1976

STATE OF OREGON, County of Marion, ss.

Personally appeared Norman L. Yergen and Helen D. Yergen

Personally appeared the above named Norman L. Yergen and Helen D. Yergen

and that the seal affixed to the foregoing instrument is the corporate seal of said corporation and that said instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

and acknowledged the foregoing instrument to be their voluntary act and deed.

Notary Public for Oregon, My commission expires: 1-29-77

Notary Public for Oregon, My commission expires:

Norman L./Helen D. Yergen

STATE OF OREGON, ss.

GRANTOR'S NAME AND ADDRESS Dennis F./Susan A. Metteer

After recording return to: Dennis J. Maden, P.O. Box 29, Astoria, Ore. 97103

Until a change is requested all tax statements shall be sent to the following address: Attn: Dept. Veterans Affairs, General Services Bldg, Salem, Ore 97310

26799

STATE OF OREGON, County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records:

Reel 60 Page 417

Oct 15 3 30 PM '76 T. HAROLD TOMLINSON MARION COUNTY CLERK BY [Signature] DEPUTY

309

11/10/76 11/14/76 10-1-76

1993

REGS. OREGON

Application No. G-13325
Permit No.

RECEIVED

MAR 1 2 1993

WATER RESOURCES DEPT.
SALEM, OREGON

EXHIBIT A

That certain parcel of real property situated in Marion County, Oregon and described as:

Beginning at a point on the East boundary line of Block 4, Aurora, Oregon, 54.0 feet South 5°46' East from the Northeast corner of said Block, thence South 78°47' West a distance of 44.0 feet to an iron pipe; thence South 69°54' West a distance of 67.9 feet to an iron pipe; thence South 5°46' East parallel with the Easterly line of said Block 4 to the Southerly line of Lot 3 of said Block 4; thence North 84°15' East along said Southerly line of Lot 3, a distance of 11.0 feet to an iron pipe; thence South 5°46' East a distance of 40.0 feet to an intersection with the Northerly line of the Pacific Highway right of way; thence Northeasterly along said right of way line 126.1 feet to an intersection with the Easterly line of said Block 4; thence North 5°46' West along said Easterly line of Block 4, a distance of 51.0 feet to the place of beginning.

That certain irregular shaped tract of land located at the Southwest Quadrant of Interstate Highway 5 and Fargo Interchange.

A parcel of land lying in the Jacob Grim Donation Land Claim No. 46, in Township 4 South, Range 1 West, Willamette Meridian, Marion County, Oregon, said parcel being described as follows: Beginning at a 1/2 inch iron rod on the Westerly right of way line of the Pacific Highway No. 5, a distance of 174 feet from (when measured at right angles to) the Northbound centerline station 830+10.83 point of tangent, at its intersection with the Westerly line of a tract of land described in a deed to Wade H. Arstill, et ux, by deed recorded August 7, 1967 in Volume 635, page 86, Deed Records for Marion County, Oregon; said beginning point also being South 8.30 feet and East 1167.61 feet from the one-quarter corner to Sections 9 and 16; thence from said beginning run North 0°15'30" East along the Westerly line of said Arstill Tract 1273.55 feet to a 1/2 inch iron rod on the Southerly right of way of County Market Road No. 427; thence following said Southerly right of way line North 73°07' East a distance of 638.73 feet to a 1/2 inch iron rod that is 380.38 feet from (when measured at right angles to) the Northbound centerline station 814+40.00 point of tangent; thence along the Westerly right of way line of the Pacific Highway No. 5 the following courses: South 59°34' East a distance of 110.38 feet to a 1 inch iron cap, South 20°09'50" West a distance of 365.51 feet to a 1 inch iron cap, South 27°27' West a distance of 600.60 feet to a 1 inch iron cap, South 30°24'50" West 611.14 feet to the place of beginning.

THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

IN WITNESS WHEREOF, the undersigned has signed this deed this 1st day of April, 1991.

Charles Carl Leathers, Jr.
CHARLES CARL LEATHERS, JR., Personal Representative of the Estate of Charles Carl Leathers, deceased and Trustee under judgment and decree in Circuit Court of the State of Oregon for Clackamas County Case No. 86-1-371.

STATE OF OREGON)
) ss.
County of Multnomah)

The foregoing instrument was acknowledged before me this 1st day of April, 1991 by CHARLES CARL LEATHERS, JR., as Personal Representative of the Estate of Charles Carl Leathers, deceased, and as Trustee under the judgment and decree entered in the Circuit Court of the State of Oregon for Clackamas County in Case No. 86-1-371.



H. Butcher
Notary Public for Oregon
My Commission Expires: 3/9/92

AMERICAN PACIFIC TITLE 028603

After recording return to:

Lila C. Leathers
Leathers Oil Co.
22300 S.E. Stark Street
Gresham, Oregon 97030

Until further notice,
send all tax statements to:

Lila C. Leathers
Leathers Oil Co.
22300 S.E. Stark Street
Gresham, Oregon 97030

D E E D

CHARLES CARL LEATHERS, JR., as the duly appointed and acting Personal Representative of the Estate of Charles Carl Leathers, deceased and as Trustee under the judgment and decree entered on December 7, 1987 in the Circuit Court of the State of Oregon for Clackamas County in Case No. 86-1-371 entitled: In the Matter of the Marriage of Charles Carl Leathers, Petitioner and Lila Carol Leathers, Respondent, Grantor, grants, bargains, sells and conveys to LILA C. LEATHERS, doing business under the assumed business name of Leathers Oil Co., Grantee, all of the Estate's and Grantor's interests in the parcels of real property described on Exhibit A attached hereto and incorporated herein (the "Property"), whether the right, title and interests of the Estate and Grantor are held in the name of Charles Carl Leathers, Charles C. Leathers, Charles Carl Leathers doing business as Leathers Oil Co., or Leathers Oil Co. a proprietorship consisting of Charles Carl Leathers, or otherwise. The interests conveyed by this deed include without limitation all of the right, title and interest which Charles Carl Leathers had in the Property at the time of his death, all the right, title and interest which the Estate of Charles Carl Leathers, deceased has by operation of law or otherwise or may have thereafter acquired in the Property, and all of the right, title and interest which Grantor has as Trustee, whether the interest is a fee interest, interest as purchaser under a real estate contract, or otherwise.

The Grantor warrants only that the Property is free of all encumbrances created or permitted by the Grantor other than with the knowledge of the Grantee.

The true consideration for this conveyance cannot be stated in terms of dollars. The consideration consists of other property and value given or promised which is the whole consideration.

THIS INSTRUMENT WILL 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

PUBLIC INTEREST REVIEW

The proposed water use described in Application #G-13325 has been evaluated according to the public interest standards set out in ORS 537.170 and OAR 690-11-195.

The Application requested the use of 1.0 CFS from TWO WELLS tributary to the PUDDING RIVER BASIN for the purpose(s) of COMMERCIAL USE. The Technical Review Report limits the proposed use to 1.0 CFS YEAR ROUND.

The proposed use described in Application #G-13325 is not within a category required to be submitted to the Commission.

The Director of the Water Resources Department has evaluated the Application for the proposed water use and made the following public interest determination.

TECHNICAL REVIEW

Water use Application #G-13325 received a Satisfactory Report of Technical Review.

The Technical Review revealed that the proposed water use:

- a)-is not prohibited by statute or scenic waterway criteria;
- b)-is a classified use under the applicable basin program or an application for the use has been filed under ORS 536.295 and OAR 690 Division 82;
- c)-is consistent with conditions previously imposed by the Commission on appropriations from the same source;
- d)-will not conflict with (an) existing water right(s);
- e)-is supported by an available source of water.

**PUBLIC INTEREST REVIEW
CHECKLIST**

The Director of the Water Resources Department has evaluated the proposed water use, as described in Application #G-13325, in light of current and planned uses and reasonably anticipated future demands for water from the water source as established in the record.

The evaluation has recognized known beneficial uses of water, including but not limited to the categories described in OAR 690-11-195(3)(a)-(d).

The Director has reviewed the elements of the proposed water use and has based the public interest determination on evidence in the record which included the following:

I. Existing claims to water from the same source.

✓ There are no conflicts with existing claims to water from the same source as is documented in the Report of Technical Review.

II. Land use matters.

✓ The local government where the proposed water use is located has acknowledged receipt of the Land Use Information Form and has filed no objections to the proposed appropriation.

✓ Public notice of the proposed water use was sent to all local governments which have requested such notice and none of those local governments have filed objections to the proposed water use.

✓ There is nothing in the record to indicate the proposed water use is incompatible with Statewide Planning Goals or local comprehensive plans.

✓ If local government approval has not been granted, there is nothing in the record to indicate conditions cannot be placed on the proposed water use to require local land use approval prior to initiation of the use.

✓ An applicant for municipal water use has submitted information showing the proposed water use is compatible with comprehensive plan policies concerning urban services, urban growth boundaries, and Public Facilities Plans.

III. Identified environmental concerns.

- ✓ The proposed water use does not appropriate water from any water body listed to receive Total Maximum Daily Loads and therefore, the water body has not been defined as water quality limited according to Section 303(d)(1) of the federal Clean Water Act according to the information supplied by the Oregon Department of Environmental Quality.

IV. The character and extent of other natural resources which are present in the water source basin.

- ✓ The Oregon Department of Fish and Wildlife (ODFW) has been notified of the proposed water use and has made no objections regarding fish and other aquatic and wildlife species and populations.
- ✓ There are no listed threatened or endangered species in the water source according to the information supplied by the Oregon Department of Fish and Wildlife.

V. Riparian characteristics.

- ✓ There is nothing in the record to indicate the proposed use is likely to be detrimental to the riparian characteristics of the water source. This riparian review is not applicable to groundwater sources.

VI. Recreational use and potential of the water source and its basin area.

- ✓ There is nothing in the record to indicate a conflict with known or reasonably anticipated recreational use.

VII. Agricultural potential of the area.

- ✓ There is nothing in the record to indicate the proposed water use will conflict with known or reasonably anticipated agricultural practices.

VIII. Designated historic, cultural, or natural resource protection areas.

- ✓ There is nothing in the record to indicate any conflict with any known or reasonably anticipated historic, cultural, or natural resource designations.

IX. Identified health or safety requirements.

- ✓ There nothing in the record to indicate any identified health and safety requirements.

**PUBLIC INTEREST REVIEW
FINDINGS AND CONCLUSIONS**

This public interest determination has considered the following standards as set out in ORS 537.170(5):

- a) The conservation of the highest use of the water for all purposes, including irrigation, domestic use, municipal water supply, power development, public recreation, protection of commercial and game fishing and wildlife, fire protection, mining, industrial purposes, navigation, scenic attraction or any other beneficial use to which the water may be applied for which it may have a special value to the public.
- b) The maximum economic development of the waters involved.
- c) The control of the waters of this state for all beneficial purposes, including drainage, sanitation and flood control.
- d) The amount of waters available for appropriation for beneficial use.
- e) The prevention of wasteful, uneconomic, impracticable or unreasonable use of the waters involved.
- f) All vested and inchoate rights to the waters of this state or to the use of the waters of this state, and the means necessary to protect such rights.
- g) The state water resources policy formulated under ORS 536.295 to 536.350 and 537.505 to 537.525.

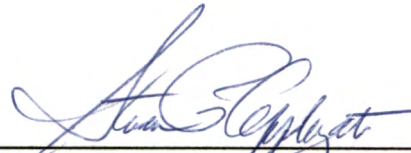
The Director of the Water Resources Department, pursuant to OAR 690-11-185(4), has considered the facts set forth in the Application and its supporting data, the Director's Report of Technical Review and any objections which met the requirements of OAR 690-11-170(1).

The Director of the Water Resources Department has evaluated the proposed water use with respect to the information in the record of the Department and has made the following public interest determination.

The Director has determined that the proposed water use described in Application # G-13325 :

WILL IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director hereby proposes rejection of the application and shall schedule a contested case hearing.

WILL NOT IMPAIR OR BE DETRIMENTAL TO THE PUBLIC INTEREST and therefore, the Director shall issue a water use permit with appropriate conditions.



Steve Applegate, Administrator
Water Rights Adjudication Division
Water Resources Department

Dated : _____

November 24, 1993

MONTECUCCO FARMS AND LEATHERS OIL CO
% MONTECUCCO FARMS
4120 N LOCUST
CANBY, OR 97013

Reference: File G 13325

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION OF YOUR APPLICATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

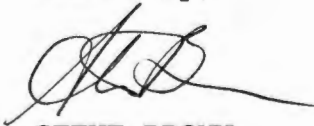
All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before February 2, 1994 or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 3850 Portland Road, Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



STEVE BROWN
Manager
Water Rights Division

Enclosures

Report Date: November 24, 1993

OREGON WATER RESOURCES DEPARTMENT
SATISFACTORY REPORT OF TECHNICAL REVIEW
FOR WATER USE PERMIT(S)

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 3850 PORTLAND ROAD N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: February 2, 1994

1. APPLICATION FILE NUMBER - G 13325
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

MONTECUCCO FARMS AND LEATHERS OIL CO
% MONTECUCCO FARMS
4120 N LOCUST
CANBY, OR 97013
MARION COUNTY 503-263-6066

Date application received for filing and/or tentative date of priority: MARCH 12, 1993

SOURCE: 2 WELLS IN THE PUDDING RIVER BASIN

Purpose and/or use: COMMERCIAL USE

Flow: 1.0 CFS

Point of Diversion Location:

WELL 1 - SE 1/4 SE 1/4, SECTION 9, T 4 S, R 1 W, W.M.;
150 FEET NORTH AND 1440 FEET EAST OF THE NE CORNER OF J.
GRIM DLC 46

WELL 2 - NW 1/4 SE 1/4, SECTION 9, T 4 S, R 1 W, W.M.;
700 FEET SOUTH AND 400 FEET EAST OF THE NE CORNER OF J. GRIM
DLC 46.

Place of use:

NE 1/4 SE 1/4 1.2 ACRES
NW 1/4 SE 1/4 0.2 ACRE
SW 1/4 SE 1/4 34.1 ACRES
SE 1/4 SE 1/4 8.7 ACRES
ALL AS PROJECTED WITHIN DLC 46
SECTION 9
TOWNSHIP 4 SOUTH, RANGE 1 WEST, W.M.

GROUNDWATER AVAILABILITY

This is an application for use of groundwater. The Groundwater/Hydrology Section report indicates that:

Pursuant to OAR 690-09-040, the proposed groundwater withdrawal **will not** have the potential to cause substantial interference with surface water.

In addition, the Groundwater/Hydrology Section has reported that groundwater for the proposed use **can, if properly conditioned**, avoid injury to existing rights or to the groundwater resource.

CONFLICTS WITH OTHER WATER RIGHTS:

There **are no** existing rights from this point of diversion.

There **are no** existing water rights appurtenant to the lands described in the application.

REPORT CONCLUSIONS:

Water in the amount of 1.00 cfs is likely available for 12 months of the 12 months normal period of use. Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.

PROPOSED PERMIT CONDITIONS

Application: G 13325

The following conditions will apply to water use under the permit, and will appear in the permit.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: Year around.
3. Rate of use: 1.0 cfs total at anytime from both wells
4. Water use development requirements:
 - A. Begin construction by (one year from issuance of permit).
 - B. Complete construction by October 1, 1996.
 - C. Completely apply the water to beneficial use by October 1, 1997.
5. 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.

6. Failure to comply with any of the provisions of the permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.
7. The 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.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. The well 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 of water shall be limited when it interferes with any prior surface or ground water rights.
10. 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.
11. The permittee shall obtain a static water-level measurement for each well during March of each year and report the measurement to the Department within thirty days. The measurement shall be made by a certified water-rights examiner, registered professional geologist, or professional engineer. Water levels shall be reported as depth-to-water below ground level and shall be accompanied by supporting calculations. If a well listed on this permit displays a total static water-level decline of 25 or more feet over any period of years, as compared to the reference level, then the permittee shall discontinue use of, or reduce the rate or volume of withdrawal from, the well(s). Such action shall be taken until the water level recovers to above the 25-foot decline level or until the Department determines, based on the permittee's 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 reference level for water-level declines shall be the second annual measurement taken after water use begins under the terms of this permit. The permittee shall in no instance allow excessive decline to occur within the aquifer as a result of use under this permit.

STEVE BROWN
378-8130

MONTECUCCO FARMS & LEATHER'S OIL CO.

GROUND WATER APPLICATION

OWNERSHIP LIST

- 1) DODD, JERRY DONALD ETAL
% RIC NOFZINGER
12174 EHLEN RD NE
AURORA OR 97002
- 2) KLIESE, GUNTHER MAX
10650 SW WILSONVILLE RD
WILSONVILLE OR 97070
- 3) METTEER, DENNIS F
10181 MOUNT VERNON RD
AUBURN CA 95603
- 4) METTEER, DENNIS F & SUSAN A
RTE 1 BOX 29
AURORA OR 97002
- 5) LEATHERS, LILA C
22300 SE STARK
GRESHAM OR 97030
- 6) AGUILERA, LEO E & CAROL A
19410 SW CONZELMANN RD
SHERWOOD OR 97140
- 7) C B M DBA
13313 EHLEN ROAD NE
AURORA OR 97002

This application originally included Tax Lots with the adjoining (←) ownerships. The application was modified and map so as to only cover the Montecucco and Leathers. properties.

Jeanne M. Boatwright
1-18-1995

RECEIVED

JAN 18 1995

WATER RESOURCES DEPT.
SALEM, OREGON

Application No. G-13325
Permit No. MONTECUCCO FARMS & LEATHER'S OIL CO.

GROUND WATER APPLICATION

REMARKS

RECEIVED
MAR 12 1993
WATER RESOURCES DEPT.
SALEM, OREGON

The lands covered by this application, as well as others in the immediate area, are zoned for commercial use for freeway related uses under Marion County's Interchange District Zoning and are acknowledged as such by the County's acknowledged Comprehensive Plan. According to D.E.Q. sewage lagoons serving the Union Oil Truck Stop, to the northeast, are leaking with the contamination flowing down gradient to the northeast and away from the wells identified under this application. D.E.Q. has encouraged the Interchange District developers to service the entire area and the Fargo Interchange Service District is being formed under the auspices of Marion County as a County Service District. Boatwright Engineering has been contracted to provide engineering services to design the sewage collection system and the force main piping to the treatment facilities at Donald, Oregon. It is expected that with the availability of sewage services more of the commercially zoned properties will be developed.

It is expected that these 2 wells will be hooked into a common piping system and the supply will be alternated between them. The total C.F.S. from both will not exceed 1.0, however, the portion from each has not been determined at this time.

This water usage will be supplemental to the recent transfer application submitted by Montecucco Farms, T-6921

SUPERSEDED

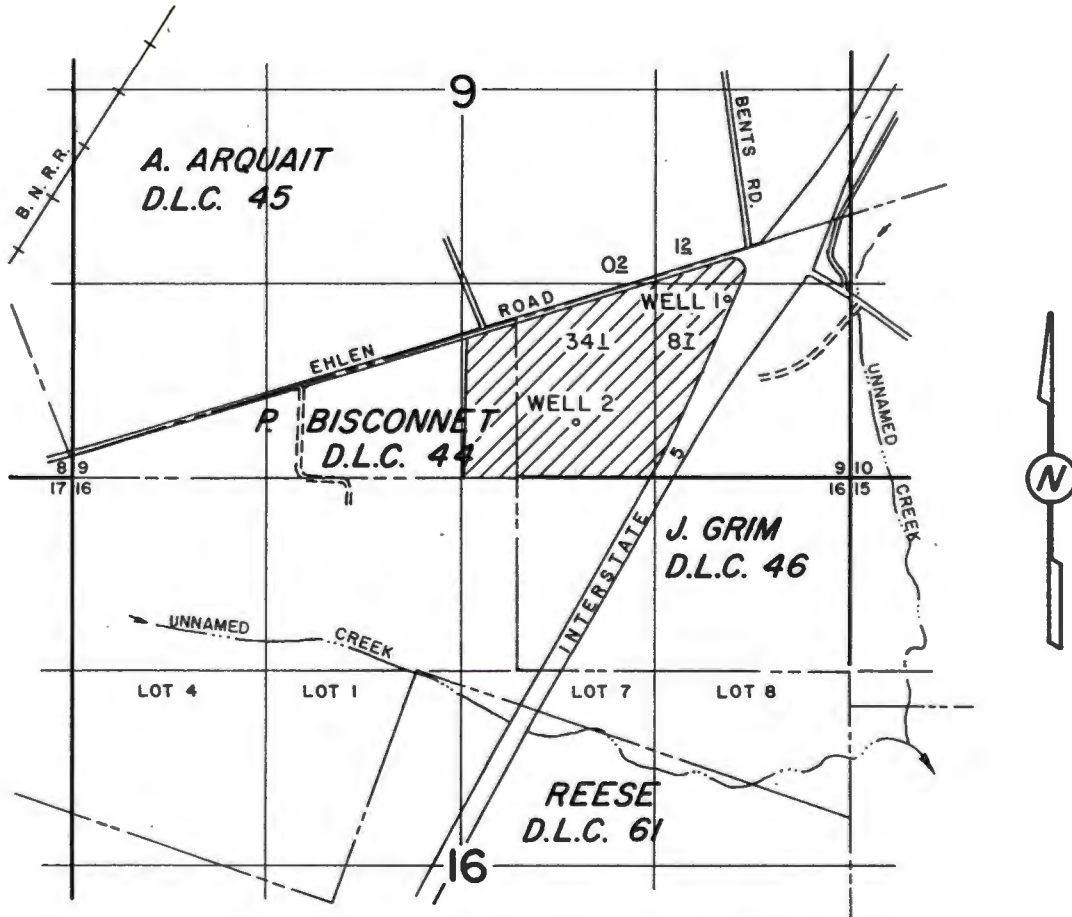
RECEIVED

JAN 18 1995

T.4S. , R.1W. , W.M.

MARION COUNTY

WATER RESOURCES DEPT.
SALEM, OREGON



WELL 1 LOCATION: 150' N. & 1440' E. OF THE NE CORNER OF J. GRIM DLC 46.
 WELL 2 LOCATION: 700' S. & 400' E. OF THE NE CORNER OF J. GRIM DLC 46.
 WELL 2 IS UNDER TRANSFER-SUBJECT TO APPROVAL. T-6921

APPLICATION TO APPROPRIATE GROUND WATER

Application No. G-13325 Permit No. _____

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993
SCALE: 1"=1320'

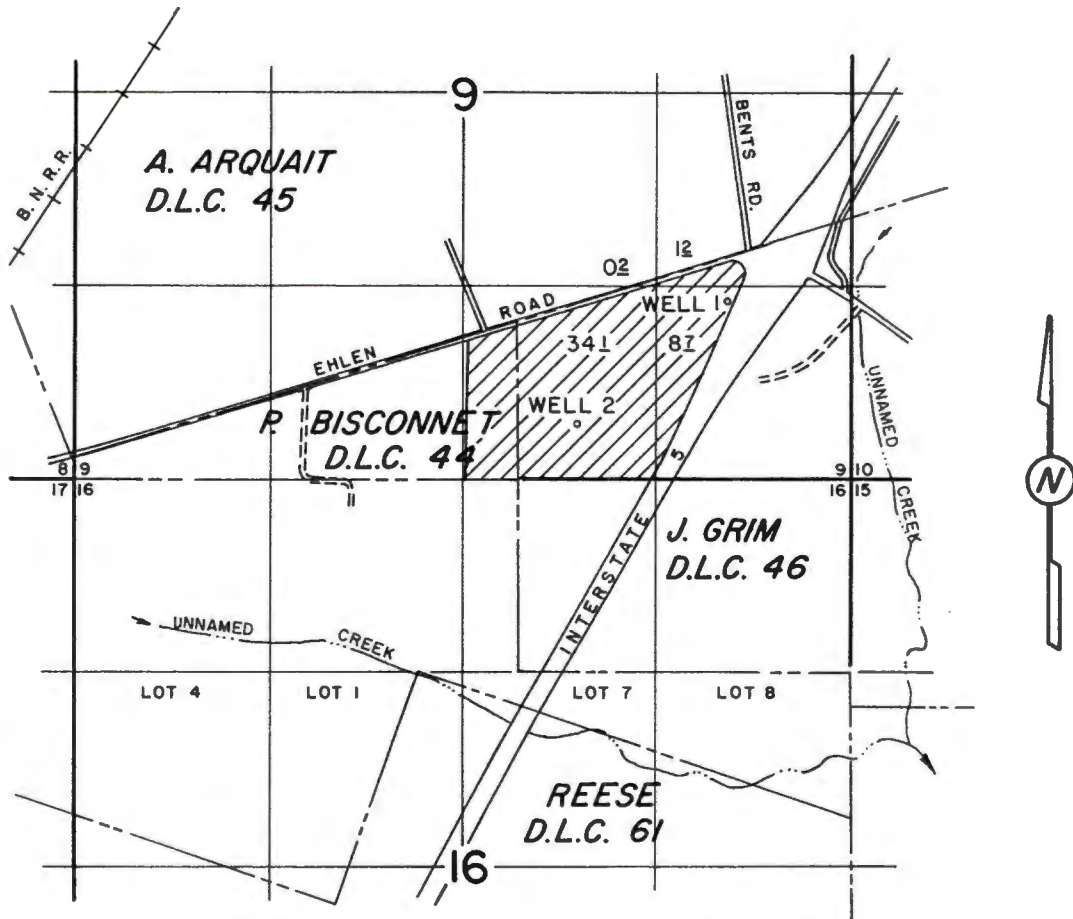
NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



SUPERSEDED

T.4S., R.1E., W.M.
MARION COUNTY

RECEIVED
MAR 12 1993
WATER RESOURCES DEPT.
SALEM, OREGON



WELL 1 LOCATION: 150' N. & 1440' E. OF THE NE CORNER OF J. GRIM DLC 46.
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 WELL 2 IS UNDER TRANSFER-SUBJECT TO APPROVAL. T-6921

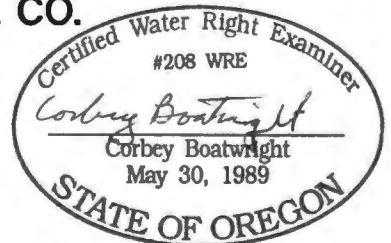
APPLICATION TO APPROPRIATE GROUND WATER

Application No. _____ Permit No. _____

MONTECUCCO FARMS & LEATHERS OIL CO.

MARCH 12, 1993
SCALE: 1"=1320'

NOTE: This map is for the purpose of identifying the location of water rights and has no intent to dimension or locate property ownership lines.



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # G-13325

WATERWATCH

ODF&W

WATERMASTER # 16 ✓

REGIONAL MANAGER - NW ✓

CWRE - Boatwright

OTHER ADDRESSES:

Steve Schneider 21881 River Rd NE St. Paul OR 97137

K Stahr ✓

DEQ ✓

DUB
CASEWORKER

TOWNSHIP 4S RANGE 1W W. M. SECTION 9

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																12	G-1045	
																	G-1045	
																	G-2910	G-2089
																		CANCELED
																	G-3871	G-3580
																	G-4006	G-3758
																	G-4992	G-4710
																	G-6369	G-5189
																	G-10856	G-15008
																	G-11322	G-10449
																	G-13381	
																	G-13691	
																	G-3871	G-3580
																	T-6963	(C-42111)

Handwritten notes and corrections on the table grid:

- Section 12: G-1045
- Section 13: G-1045
- Section 14: G-2910, G-2089, CANCELED
- Section 15: G-3871, G-3580, 4244
- Section 16: G-4006, G-3758, 43076
- Section 17: G-4992, G-4710, 42315
- Section 18: G-6369, G-5189, 53469
- Section 19: G-10856, G-15008
- Section 20: G-11322, G-10449, 65974
- Section 21: G-13381
- Section 22: G-13691
- Section 23: G-3871, G-3580, 68383
- Section 24: T-6963 (C-42111)

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: Montecurco Farms & Leathers Oil Co % Montecurco
 Address: 4120 N Locust
 City: Canby State: OR Zip: 97013 Day Phone: 263-6066

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
SEE ATTACHED	FD Interchange District			

RECEIVED

DEC 7 1993
WATER RESOURCES DEPT
SALEM, OREGON

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

For Local Government Use Only

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

413538
70935
70936

land uses to be served by proposed water uses (including proposed construction) allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 150.030. Go to section b) on reverse side.

land uses to be served by proposed water uses (including proposed construction) and discretionary land use approvals as listed in the table below. **Note:** Please provide documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

Receipt for Request for Land Use Information

WRD Applicant Name: _____

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: _____

Staff Contact: _____ Phone: _____

Signature: _____ Date of Information Request: _____

Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in Addition to Classified Uses

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, and/or used only on federal lands.

Applicant's Name: Montecucco Farms & Leathers Oil Co of Montecucco
 Address: 4120 N Locust
 City: Canby State: OR Zip: 97013 Day Phone: 263-6066

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (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.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
SEE ATTACHED	FD Interchange District			

RECEIVED

DEC 7 1993
WATER RESOURCES DEPT
SALEM, OREGON

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

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a) 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): 150.030. Go to section b) on reverse side.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. **Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
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(over)

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City or County: _____

Staff Contact: _____ Phone: _____

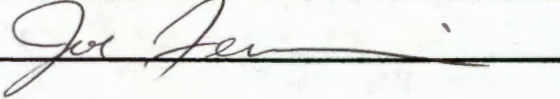
Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Joe Fennimore
Title: ASST. PLANNER

Date: 12-7-93
Phone: 503-5038

Signature: 

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.

Additional Comments:

Approved only for those uses identified in
Section 150.030 of the Marion County
Rural Zoning Ordinance

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Joe Fennimore
Title: ASST. PLANNER

Date: 12-7-93
Phone: 503-5038

Signature: *Joe Fennimore*

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Additional Comments:

Approved only for those uses identified in
Section 150.030 of the Marion County
Rural Zoning Ordinance

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Montecucco Farms and Leathers Oil Co.
 Address: c/o Montecucco Farms
4120 N. Locust
Canby Oregon 97013
 Phone: 263-6066

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- Irrigation (crop type, golf course, nursery or greenhouse): _____
- Livestock (type of livestock, feedlot, slaughterhouse): _____
- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
- Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): Uses not yet determined, but only those allowed under Marion Co. Interchange Dist. Zoning.
- Industrial (i.e., factory, pulp mill, research and development, processing, etc.): _____
- Institutional (i.e., school, library, etc.): _____
- Mining (aggregate, metal, open pit, placer, etc.): _____
- Recreation (park, campsite, pond, etc.): _____
- Fish and Wildlife (pond, hatchery, etc.): _____
- Hydropower (dam, reservoir, power generating or transmitting facilities): _____
- Other (Name and list key characteristics): _____

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input type="checkbox"/> Surface Water Name sources: _____ _____ _____	<u>1.0</u> Cubic feet per second. _____ Gallons per minute. _____ Acre-Feet
<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

RECEIVED
 DEC 7 1993
 WATER RESOURCES DEPT
 SALEM, OREGON

RECEIVED

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, and/or used only on federal lands.

WATER RESOURCES DEPT.
SALEM, OREGON

Applicant's Name: Montecucco Farms and Leathers Oil Co. of Montecucco Farms
Address: 4120 N. Locust
City: Canby **State:** OR **Zip:** 97013 **Day Phone:** 263-6066

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Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
	<u>FD / FD</u>			
	<u>Subdivided Use</u>			

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used. Marion

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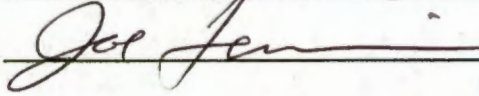
Signature: _____ Date of Information Request: _____

(For Local Use Continued)

b) Please provide printed name and written signature.

Name: Joe Fennimore
Title: ASST. DRAWER

Date: 3-12-92
Phone: 508-5038

Signature: 

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.

Additional Comments:

Lined area for additional comments.

Description of Water Use

Note to Applicant: This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

Note to Local Planning Officials: Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

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Canby, Oregon 97013
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- Residential (# units, single or multi-family, # lots if partition or subdivision): _____
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- Mining (aggregate, metal, open pit, placer, etc.): _____
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<input type="checkbox"/> Reservoir or pond	
<input checked="" type="checkbox"/> Ground Water	

TECHNICAL REVIEW CHECKLIST

Application: G-13325

Review Date: 11/16/93

- S indicates information was completed or adequately addressed.
- U indicates information is needed, or incomplete, or inadequately addressed
- N/A indicates Not Applicable

SUMMARY	
<u>S</u>	Completeness <i>LAND USE FORM VERIFICATION</i>
<u>U</u> <i>ok</i>	Land Use <i>SENT IN Dec. 7, 1993</i> <i>11/19/95</i>
<u>S</u> <i>CONDITIONAL w/ 4G SUGGESTED</i>	GW Interference (if potential interference with surface water, see results of water availability analysis)
<u>S</u>	Conflicts <i>NO Conflicts</i>
<u>S</u>	Water Availability

S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

N/A No oath is required because application was filed before June 5, 1992.

S Application fees:

Examination fee:	\$ 200.00
Recording fee:	\$ 100.00
TOTAL REQUIRED	\$ 300.00
TOTAL SUBMITTED	\$ 300.00
AMOUNT DUE prior to issuance of permit	\$ 0.00
AMOUNT OVERPAID refund due applicant	\$ <u>0</u>

S Proposed dates of beginning and completion of construction, and complete application of water.

S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3).

S

A CWRE map is not required for applications filed before November 9, 1987.

S

A written copy of the legal description of the property on which the water is to be used.

- S

A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.

N/A

No statement of ownership was required for applications filed before August, 1990.

S

The proposed use is not restricted or prohibited by statute.

S

The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.

S

COMMERCIAL use(s) is/are classified uses(s) under the WREC Basin Program, OAR 690 - 502 - 160

U

The application, map and supporting data are complete and free of defects. *LAND USE FORM INDICATES NEITHER APPROVING OR DIS-APPROVING*

Land Use Compatibility:

As expressed by the Planning Department of Marion Co.

N/A

The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section _____).

N/A

The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.

S

The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

For ground water applications:

S

A copy of the constructor's log, if available, for any well already constructed, or required information regarding actual or anticipated construction.

~~N/A~~ S

The report from groundwater section has been received → 9/93

For reservoir applications:

N/A

Plans, specifications and supporting information for the dam and impoundment area.

RECEIVED

3/25/93

MAR 29 1993

COMMENT FORM

WATER RESOURCES DEPT
SALEM, OREGON

Please list below the Application Number of the water use application(s) that are of interest to you. When the technical is completed a report of the technical review of these applications will be delivered to you.

Application #s G13325 G13330 G13331 G13324 _____

Send to: Steve Schneider
21881 River Road NE
St. Paul, OR 97137

Please include specific comments or concerns. Use additional sheets if necessary.

Return to:
Oregon Water Resources Department
3850 Portland Road N.E.
Salem, Oregon 97310

This Comment corresponds to the MAR/24/1993 Public Notice.

WaterWatch

O F O R E G O N

RECEIVED

MAR 30 1993

WATER RESOURCES DEPT
SALEM, OREGON

March 28, 1993

Water Resources Department
3850 Portland Rd. N. E.
Salem, OR 97310

RE: Application for Permit #G13325, Montecucco Farms
Gribble Cr. Basin, Marion Co., Commercial Use

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions and concerns:

Is there unappropriated water available for this proposed use? How will the Department determine water availability for this proposed use? What will be the cumulative effect of this proposed use, in combination with other, already existing uses of the aquifer?

Is the groundwater source in question in hydraulic connection with surrounding surface waters? If so, what is the amount of surface water depletion and what effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation and a health aquatic system? We oppose any application which in any way reduces surface water flows needed for the public uses that are served by any instream water right.

Given the importance of this groundwater resource, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and record water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources in Oregon for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5)

Will this proposed use be compatible with Goal 5 elements in the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. OAR 690-410-060(1) Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

We request copies of the draft permit and the Department's technical review of this application.

Sincerely,

Jim Myron

bc:

RECEIPT # **97878**

STATE OF OREGON
WATER RESOURCES DEPARTMENT
3850 PORTLAND ROAD NE
SALEM, OR 97310
378-8455/378-8130 (FAX)

**RECEIVED
OVER THE COUNTER**

RECEIVED FROM: Fargo Center
BY: _____

APPLICATION	3-13325
PERMIT	
TRANSFER	

CASH: CHECK: # 24-22 OTHER: (IDENTIFY)

TOTAL REC'D \$ 300.00

01-00-0 WRD MISC CASH ACCT

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS/MAPS	\$
830.650	PARKING FEES Name/month	\$
_____	OTHER: (IDENTIFY)	\$

REDUCTION OF EXPENSE

_____	CASH ACCT.	\$
_____	VOUCHER #	

03-00-0 WRD OPERATING ACCT

MISCELLANEOUS:

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6): (IDENTIFY)	\$

WATER RIGHTS:		EXAM FEE	RECORD FEE
842.001	SURFACE WATER	\$	\$
842.003	GROUND WATER	\$ <u>200.00</u>	\$ <u>100.00</u>
842.005	TRANSFER	\$	\$
WELL CONSTRUCTION		EXAM FEE	LICENSE FEE
842.022	WELL DRILL CONSTRUCTOR	\$	\$
842.016	WELL DRILL OPERATOR	\$	\$
_____	LANDOWNER'S PERMIT		\$

06-00-0 WELL CONST START FEE

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

45-00-0 LOTTERY PROCEEDS

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

07-00-0 HYDRO ACTIVITY

		LIC NUMBER	
842.011	POWER LICENSE FEE(FW/WRD)		\$
842.115	HYDRO LICENSE FEE(FW/WRD)		\$
_____	HYDRO APPLICATION		\$

RECEIPT # **97878**

DATED: 3/12/93

BY: Cory Engel

**STATE OF OREGON
WATER RESOURCES DEPARTMENT**

RECEIPT # **16282**

158 12TH ST. N.E.
SALEM, OR 97310-0210
378-8455 / 378-8130 (FAX)

INVOICE # _____

RECEIVED FROM: Ehlen Corporation
BY: _____

APPLICATION	G/3325
PERMIT	11962
TRANSFER	

CASH: CHECK: # 62-15 OTHER: (IDENTIFY)

TOTAL REC'D \$ 200.

0417 WRD MISC CASH ACCT

**RECEIVED
OVER THE COUNTER**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY) _____	\$
OTHER: (IDENTIFY) _____	\$

REDUCTION OF EXPENSE

CASH ACCT. \$ _____
VOUCHER # _____

0427 WRD OPERATING ACCT

PCA 66111

MISCELLANEOUS

0407 COPY & TAPE FEES <u>see 16283</u>	\$
0410 RESEARCH FEES	\$
0408 MISC REVENUE: (IDENTIFY) <u>Extensions</u>	\$ <u>100.</u>
TC165 DEPOSIT LIAB. (IDENTIFY)	\$

WATER RIGHTS:

	EXAM FEE		RECORD FEE
0201 SURFACE WATER	\$	0202	\$
0203 GROUND WATER	\$	0204	\$
0205 TRANSFER	\$	0206	\$
	EXAM FEE		LICENSE FEE
0218 WELL DRILL CONSTRUCTOR	\$	0219	\$
LANDOWNER'S PERMIT		0220	\$
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	\$
-----------------------	----

0467 HYDRO ACTIVITY

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

RECEIPT # **16282**

DATED: 9-29-97

BY: D. Buschell