

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME MICHAEL SEVEREID			PHONE (HM)
PHONE (WK) (503) 858-7865	CELL		FAX
MAILING ADDRESS 21810 NE NORTH VALLEY RD.			
CITY NEWBERG	STATE OR	ZIP 97132	E-MAIL * MICHAEL@HAZELNUTNURSERY.COM

### Organization

NAME FLYING FEATHER ORHCARDS INC.			PHONE (503) 858-7865	FAX
MAILING ADDRESS 21810 NE NORTH VALLEY RD.			CELL	
CITY NEWBERG	STATE OR	ZIP 97132	E-MAIL * MICHAEL@HAZELNUTNURSERY.COM	

**Agent** – The agent is authorized to represent the applicant in all matters relating to this application.

AGENT / BUSINESS NAME WILL MCGILL SURVEYING, LLC			PHONE (503) 931-0210	FAX
MAILING ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026	
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.COM	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.

Salem, OR

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

Applicant Signature

Michael Severeid, President

Print Name and Title if applicable

Date

3/13/2025

Applicant Signature

Print Name and Title if applicable

Date

**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

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

**SECTION 3: SOURCE OF WATER****A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Carlton Reservoir 1	Tributary to:
TRSQQ of POD: T3S, R4W, Sec. 25, SWNW	
Source 2: Carlton Reservoir 2	Tributary to:
TRSQQ of POD: T3S, R4W, Sec. 25, SWNW	

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

Permit R-15544 and Permit R-15545

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**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in Section 3A above?

☒ Yes. ☐ No. (Enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which should have been mailed or delivered to the operator.)

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

#### SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_features/)

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

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

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

☐ Yes ☒ No

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

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If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

☒ Yes ☐ No

If yes, you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

If yes, provide the following information (the information must be provided with the application to be considered complete).

☐ Yes ☒ No The proposed use is for more than one cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:

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

Is the POD located in an area where the Statewide rules apply?

☒ Yes ☐ No

If yes, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve "no loss of essential habitat of threatened and endangered (T&E) fish species," or "no net loss of essential habitat of sensitive (S) fish species." If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

**SECTION 5: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Carlton Reservoir 1	Irrigation	Apr. 1 - Sep. 30	40 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Carlton Reservoir 2	Irrigation	Apr. 1 - Sep. 30	15 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: 159.3 Acres

Supplemental: \_\_\_\_\_ Acres

Nursery Use: \_\_\_\_ Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 55

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

**SECTION 6: WATER MANAGEMENT****A. Diversion and Conveyance**

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

☒ Pump (give horsepower and type): 25 HP Centrifugal

☐ Other means (describe):

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

Centrifugal pump delivers water to place of use through buried PVC mainline and water is applied by drip.

**B. Application Method**

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

Drip

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is needed for crop irrigation. The irrigation system will be maintained in good operating condition and will be equipped with a water use measuring device. Crops will be rotated around, so the limited volume can still be used beneficially on all acres.



**SECTION 7: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources:

- ☒ Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: The proposed irrigation will be from the two permitted on farm reservoirs. If ODFW requires screening, it will be done per their specifications.
- ☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: No additional permits should be required. Pump site is at the existing two adjacent on farm reservoirs.
- ☒ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: No equipment should be required to operate in water.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: The irrigation system will be maintained and kept in good operating condition.
- ☒ List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
N/A

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**SECTION 8: PROJECT SCHEDULE**

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- a) Date construction will begin: Upon permit issuance
- b) Date construction will be completed: Request standard 5-year completion time
- c) Date beneficial water use will begin: Upon permit issuance and irrigation system is constructed

**SECTION 9: WITHIN A DISTRICT**

- ☐ Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

The reservoirs are tied together by pipe with one flowing to the other, so one pump at POD can deliver water from both reservoirs.

## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

### Include the following additional items:

- ☒ Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☒ Fees - Amount enclosed: \$2,089.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- ☒ Map that includes the following items:

- ☒ Permanent quality and drawn in ink
- ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☒ North Directional Symbol
- ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☒ Reference corner on map
- ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
- ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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# Land Use Information Form



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

## NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
  - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b. The application involves a change in place of use only;
  - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses: **and**

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## NOTE TO LOCAL GOVERNMENTS

Salem, OR

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or [WRD\\_DL\\_customerservice@water.oregon.gov](mailto:WRD_DL_customerservice@water.oregon.gov).



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# Land Use Information Form



## Attachment 2: Land Use Information Form

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

NAME Flying Feather Orchards Inc./Michael Severeid			PHONE (503) 858-7865	
MAILING ADDRESS 21810 NE North Valley Rd.				
CITY Newberg	STATE OR	ZIP 97132	EMAIL michael@hazelnutnursery.com	

### A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
3S	4W	25	SWNW	600	EFU	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
3S	4W	25	SENW NWSW	600	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
3S	4W	26	NENE SENE NESE	600	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
3S	4W	25	SWNW SENW NESW NWSW	700	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
3S	4W	26	NESE	700	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
3S	4W	26	NESE NWSE SWSE SESE	500	EFU	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming

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

Yamhill

**NOTE:** A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

### B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 55    ☐ cubic feet per second    ☐ gallons per minute    ☒ acre-feet

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

Briefly describe:

This application is being made to authorize irrigation from two existing on-farm permitted reservoirs (Carlton Reservoir 1 constructed under Permit R-15544 for 40 AF and Carlton Reservoir 2 constructed under Permit R-15545 for 15 AF).

**Note to applicant:** For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 5 →

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## For Local Government Use Only

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

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

- ☒ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): YC20 402.02
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

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

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

Name: Tiffanie Willis Title: Associate Planner

Signature: Tiffanie Willis Date: 3/13/2025

Governmental Entity: Yamhill County Phone: 503-434-7516

### Receipt Acknowledging Request for Land Use Information

**Note to Local Government Representative:**

Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: \_\_\_\_\_

Staff Name: \_\_\_\_\_ Title: \_\_\_\_\_

Staff Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Governmental Entity: \_\_\_\_\_ Phone: \_\_\_\_\_

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# Northwest Title Company

THIS SPACE RESERVED FOR RECORDER'S USE

Title Order No. 68029  
Escrow No. 21833

After Recording Return to:

FLYING FEATHER ORCHARDS, INC.  
14875 NE Tangen Rd.  
Newberg, OR 97132

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

FLYING FEATHER ORCHARDS, INC.  
14875 NE Tangen Rd.  
Newberg OR 97132

Recorded in Yamhill County, Oregon  
CHARLES STERN, COUNTY CLERK  
40.00  
199824705 1:07pm 12/15/98  
001 882298 00 00 880200  
1 0 D00 2 10.00 10.00 20.00 0.00 0.00 0.00

## STATUTORY WARRANTY DEED

E & M PEKKOLA FAMILY LIMITED PARTNERSHIP dated April 26, 1996, Grantor, conveys and  
warrants to, FLYING FEATHER ORCHARDS, INC., an Oregon Corporation Grantee, the following  
described property free of liens and encumbrances, except as specifically set forth herein:

See Exhibit "A" Attached

NORTHWEST TITLE COMPANY

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.

This property is free of liens and encumbrances, EXCEPT: Zoning for farm use, property may be subject to  
additional taxes or penalties and interest if disqualified for such use; Rights of the public to roads and  
highways; Easement recorded in Book 165 Page 259

The true consideration for this conveyance is \$ 570,000.00 AS PAID TO AN ACCOMMODATOR  
PURSUANT TO AN IRC SECTION 1031 EXCHANGE.

Dated this 14th day of December, 1998

*Eric Pekkola by Dennis R. Pekkola*  
*his attorney in fact*  
ERIC PEKKOLA by DENNIS R. PEKKOLA  
his Attorney in Fact

*Mary Pekkola by Dennis R. Pekkola*  
*her attorney in fact*  
MARY PEKKOLA by DENNIS R. PEKKOLA  
her Attorney in Fact

STATE OF OREGON, COUNTY OF YAMHILL ss.

The foregoing instrument was acknowledged before me this 14th day of December, 1998 by Dennis R.  
Pekkola as Attorney in fact for ERIC E. PEKKOLA and DENNIS R. PEKKOLA as Attorney in fact for MARY E.  
PEKKOLA



Notary Public for Oregon  
My Commission Expires: Nov. 4th, 2002

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12-15-98

## EXHIBIT "A"

PARCEL I:

Beginning at the Northwest corner of the Eli Perkins Donation Land Claim No. 73, Notification No. 1545 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon; thence South along the West side of said Donation Land Claim 1476.5 feet; thence East 2594 feet; thence North 1042.5 feet to the center of the County Road; thence North along the center of said County Road 89°30' West 2633 feet to the place of beginning.

PARCEL XII:

Part of the Ruel Olds Donation Land Claim No. 70 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of the South half of said Ruel Olds Claim, which said point is also the Southeast corner of tract conveyed to Carl and Ronald Hurner, by deed recorded August 18, 1952 in Book 166, Page 636, Deed Records; thence South along the East line of said Ruel Olds Claim, 9.15 chains to the Northeast corner of tract conveyed to Leonard R. and Bessie O. Jernstedt, by deed recorded September 15, 1947 in Book 144, Page 714, Deed Records; thence West along the North line of said Jernstedt tract 20.765 chains; thence North 9.15 chains to the South line of said Hurner tract; thence East along the South line of said Hurner tract, 20.765 chains to the place of beginning.

PARCEL XIII:

Part of the Eli Perkins Donation Land Claim No. 73 in Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at a point on the West line of and 1476.5 feet South of the Northwest corner of said Eli Perkins Claim; thence South along the West line of said Eli Perkins Claim, 1173.5 feet to the Northwest corner of tract conveyed to Ernest F. and Miriam Irene Jernstedt, by deed recorded February 26, 1927 in Book 96, Page 202, Deed Records of Yamhill County, Oregon; thence South 89°26' East along the North line of said Ernest F. Jernstedt tract, 2594 feet; thence North 1199.5 feet; thence West 2594 feet to the place of beginning.

12-15-98

7/1

Received by OWRD

MAR 19 2025

Salem, OR



OFFICIAL YAMHILL COUNTY RECORDS  
CHARLES STERN, COUNTY CLERK



**\$31.00**

200102093

2:23:02 PM 2/13/2001

DMR-DDMR Cnt=1 Stn=2 ANITA  
\$10.00 \$10.00 \$11.00

SPACE RESERVED  
FOR  
RECORDER'S USE

No. \_\_\_\_\_, Records of said County.

Witness my hand and seal of County affixed.

**Grantor's Name and Address**

**Grantee's Name and Address**

After recording, return to (Name, Address, Zip):

Ben Mitchell  
14875 NE Tangen Rd  
Newberg, OR 97132

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

FLYING FEATHER ORCHARDS, INC.  
14875 NE Tangen Road  
Newberg, OR 97132

NAME	TITLE
------	-------

By \_\_\_\_\_, Deputy.

## BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that FLYING FEATHER ORCHARDS, INC., an Oregon Corporation, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto FLYING FEATHER ORCHARDS, INC., an Oregon Corporation 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 Yamhill County, State of Oregon, described as follows, to-wit:

See Attached Exhibit "A"

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

(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 \$ none ~~XXXXXXXXXX~~

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00.

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 on February 13, 2001; 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.

FLYING FEATHER ORCHARDS, INC.

By: Benson C Mitchell III

Received by OWRD

MAR 19 2025

Salem, OR

STATE OF OREGON, County of Oregon ) ss.

This instrument was acknowledged before me on .

by \_\_\_\_\_

This instrument was acknowledged before me on February 13, 2001

by Benson C. Mitchell III

as President  
Elving Feather Orchards, Inc.

*Kathleen Bick*



Notary Public for Oregon

My commission expires 5-5-2003

1/2

Matt Dunckel & Assoc.  
3765 Riverside Drive  
McMinnville, Oregon. 97128  
Phone: 472-7904  
Fax : 472-0367

Date: 5 Jan. 2001

FLYING FEATHER ORCHARDS - Legal Description of TL 700

A tract of land in Sections 25 & 26, Township 3 South, Range 4 West of the Willamette Meridian in Yamhill County, Oregon, being more particularly described as follows:

Beginning on west line the Eli Perkins Donation Land Claim No. 73 at the northwest corner of that tract of land described in deed from ANN JERNSTEDT ET. AL. to ERNEST F. & MIRIAM IRENE JERNSTEDT and recorded February 26, 1927 in Book 96 Page 202, Yamhill County Deed Records; thence North 400 feet along the west line of said Perkins DLC; thence South 89°26' East 915 feet more or less parallel with the north line of said JERNSTEDT tract to the center of a creek; thence northeasterly along the center of said creek to the east line Parcel 1 of that tract of land described in deed from E & M PEKKOLA FAMILY LIMITED PARTNERSHIP to FLYING FEATHER ORCHARDS, INC. and recorded December 15, 1998 in Instrument No. 199824705; thence South 1416 feet more or less along the east line of Parcels 1 and 3 of said FLYING FEATHER ORCHARDS, INC. tract to the southeast corner of said Parcel 3 and the north line of said JERNSTEDT tract; thence North 89°26' West 2594.0 feet along said north line to the point of beginning.

Received by OWRD

MAR 19 2025

Salem, OR

2/2



Received by OWRD

MAR 19 2025

Salem, OR

Date Received (Date Stamp Here)

## OWRD Over-the-Counter Submission Receipt

Applicant Name(s) & Address: Michael Severeid  
21810 NE North Valley Rd, Newberg OR 97132  
Transaction Type: Surface Water  
Fees Received: \$ 2089.00

☐ Cash, ☒ Check: Check No. 2376  
Name(s) on Check: Will McGill Surveying

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

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

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

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

Sincerely,

OWRD Customer Service Staff

Submission received by: Corie Lorrain  
(Name of OWRD staff)

### Instructions for OWRD staff:

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