

Received
JAN 31 2025

Application for a Permit to Use
Surface Water

OWRD



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

Received

MAR 21 2025

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME POWDER RIVER RANCH		PHONE (HM)	
PHONE (WK)	CELL 1-310-623-2233	FAX	
MAILING ADDRESS 26877 KEATING GRANGE LN.			
CITY BAKER CITY	STATE OR	ZIP 97814	E-MAIL *

Organization

NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME		PHONE	FAX
MAILING ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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.)

By my signature below I confirm that I understand:

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

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

Applicant Signature

Ryan J. Jeps (POA)
Print Name and Title if applicable

1-21-25
Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

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

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

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

HARRY JACOBS & SONS 27878 SKINNER LN
BAKER CITY, OR 97814

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: BALM CREEK RESERVOIR	Tributary to: POWDER RIVER
TRSQQ of POD: T.7S R.43E SECTION 7 NWSE	
Source 2:	Tributary to:
TRSQQ of POD:	

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

STORAGE CERTS: 9943, 9944, 55505 IRRIGATION CERTS: 9945, 55506, 82513

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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/

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:

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.

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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
BALM CREEK RESERVOIR	SUPPLEMENTAL IRRIGATION	JUNE 1 - OCTOBER 1	257 <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
			<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: _____ Acres

Supplemental: 388.3 Acres

Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): 75156, 74055, 74012, 89249, 74038, 68437, 74011

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 257

- 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):
☒ Other means (describe): OPEN DITCH

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

CURRENTLY WATER IS DIVERTED INTO AN OPEN DITCH THAT CARRIES WATER TO THE PLACE OF USE *WHERE FLOOD & PIVOT IRRIGATION IS USED.*

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
CURRENT METHOD OF APPLICATION IS FLOOD IRRIGATION, WHEEL LINES AND PIVOTS

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.

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THE AMOUNT OF WATER REQUESTED IS WHAT WAS AWARDED TO THIS LAND. WE WILL MEASURE THE AMOUNT OF WATER RELEASED FROM THE RESERVOIR AND ALSO MEASURE THE AMOUNT THAT IS DIVERTED INTO MY LATERAL DITCH. WE WILL IMPROVE AND MAINTAIN THE CURRENT OPEN DITCH UNTIL IT REACHES MY PROPERTY WHERE MAINLINES ARE USED.

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: WE WILL WORK WITH ODFW ON THEIR RECCOMENDATIONS FOR A SCREEN IN THIS AREA.
- ☒ 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: THE CURRENT DELIVERY SYSTEM IS IN PLACE AND NO BANK WORK WILL NEED TO BE DONE EXCEPT SOME DITCH CLEANING IN CERTAIN AREAS.
- ☒ 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: WE WILL NOT BE USING ANY EQUIPMENT IN THE WATER WAY.
- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: WE WILL MAINTAIN A GOOD, CLEAN DITCH AND NOT RUN THE DITCH OVER THE CARRYING CAPACITY.
- ☒ List other federal and state permits or contracts to be obtained, if a water right permit is granted.
NONE

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: SPRING 2025
b) Date construction will be completed: SUMMER 2025
c) Date beneficial water use will begin: SUMMER 2025

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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 LOWER POWDER IRRIGATION DIST	Address 27764 HWY 86	
City BAKER CITY	State OR	Zip 97814

SECTION 10: REMARKS

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

I AM FOLLOWING UP ON A COURT DECISION THAT WAS MADE IN 1946. THE PREVIOUS LANDOWNERS WERE AWARDED 257 AF FROM BALM CREEK RESERVOIR. THEY WERE SUPPOSED TO FILE WITH THE STATE ENGINEER TO RECEIVE A WATER RIGHT FOR THIS WATER AND IT WAS NEVER DONE. I WOULD LIKE TO DO THIS TODAY SO I HAVE A WATER RIGHT TO BE ABLE TO IRRIGATE MY GROUND LEGALLY. PLEASE SEE THE ATTACHED COURT DOCUMENTATION.

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Land Use Information Form

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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

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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**

NOTE TO LOCAL GOVERNMENTS

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.

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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 POWDER RIVER RANCH			PHONE 310-623-2233	
MAILING ADDRESS 26877 KEATING GRANGE LN.				
CITY BAKER CITY	STATE OR	ZIP 97814	EMAIL	

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:
8S	42E	24	SW 1/4	4800	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	SUPPLEMENTAL IRRIGATION
8S	42E	25	NW 1/4	4800	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	"
8S	42E	26	NE 1/4	4900	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	"
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

BAKER COUNTY

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) BALM CREEK RESERVOIR

Estimated quantity of water needed: 257 ☐ 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:

I AM APPLYING FOR A WATER RIGHT OUT OF BALM CREEK RESERVOIR. MY PROPERTY WAS AWARDED THIS WATER THROUGH A COURT DECISION BUT A WATER RIGHT WAS NEVER FILED WITH THE STATE ENGINEER. I AM DOING THIS NOW.

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.

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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): Section 40.02-A.1
- ☐ 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: Tara L. Micha Title: Jan. 8, 2025 

Signature: Tara L. Micha Date: Senior Planner 

Governmental Entity: Baker City-Co. Planning Dept. Phone: 541-523-8219

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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together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and also all her estate, right, title and interest in and to the same, including dower and claim of dower.

TO HAVE AND TO HOLD, the above described and granted premises unto the said Gladys Mae Baylis, her heirs and assigns forever. And I, grantor above named do covenant to and with the above named grantee, her heirs and assigns that I am lawfully seized in fee simple of the above granted premises, that the above granted premises are free from all incumbrances, and that I will and my heirs, executors and administrators, shall warrant and forever defend the above granted premises, and every part and parcel thereof, against the lawful claims and demands of all persons whomsoever.

IN WITNESS WHEREOF, the grantor above named, has hereunto set her hand and seal this 28th day of October, 1944.

ROSE BAYLIS (SEAL)

Executed in the Presence of: Phyllis M. Webber

STATE OF OREGON,)
County of Baker) ss. D BE IT REMEMBERED, That on this 28th day of October, A. D. 1944, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named Rose Baylis who is known to me to be the identical person described in and who executed the within instrument, and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal, the day and year last above written.

(Notarial Seal)

PHYLLIS M. WEBBER

My Commission Expires: Sept 20, 1948.

Notary Public for Oregon.

Filed for record Jan. 7, 1947 at 2:30 p.m.

LLOYD REA, County Clerk

Book 141 Page 176
Salome J. Coon, et al

- -2025- -

Ira D. Staggs et ux

THIS AGREEMENT, made and entered into in duplicate, this 31st day of October, 1946, by and between SALOME J. COON, a widow, S. H. COON and OPAL K. COON, his wife, JEWELL COON, a single woman, HELEN COON SPENCE and HARRY L. SPENCE, her husband, and DOROTHY COON TRIPP and H. H. TRIPP, her husband, hereinafter collectively referred to as the Sellers, and IRA D. STAGGS and BERNICE A. STAGGS, his wife, hereinafter collectively referred to as the Purchasers, WITNESSETH

That, whereas, the Sellers are the owners of a certain storage reservoir situate in the northwest quarter of Section 7, Township 7, South of Range 43 East 1/4 W.M., in Baker County, Oregon, together with the right to impound therein and employ for the irrigation of certain lands in Township 7 South 3/4 Range 42 East W. M. and Township 8 South, Range 43 East W. M. the waters of Bain Creek and Dry Creek in said County, as such rights are evidenced by State Engineer's Reservoir Permit # 129, and State Engineer's Water Right Certificates, Application # 222, Permit # 468, all of which rights were issued and now stand in the name of the said S. H. Coon, and which appear of record in Vol. 9 State Engineer's Records, at page 9943, 9944 and 9945 and at pages 766, 768 and 769 of Vol. 1, Record of Water Rights Certificates of Baker County, Oregon; and,

Whereas, all references herein to "said reservoir" shall at all times and for all purposes be deemed to apply to the aforesaid reservoir, as well as to any additions thereto or enlargements, reconstruction or substitution thereof; and,

Whereas, the Purchasers desire to purchase, and the Sellers desire to sell, not to exceed 257 acre feet of the waters to be annually impounded in said reservoir for use upon all or any part of the lands, now or hereafter owned or occupied by them, or their successors in interest, in Baker County, Oregon.

Now, THEREFORE, in consideration of the acts and things to be done by the parties hereto, as hereinafter

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set forth, and in consideration of the sum of \$10,000.00 in hand paid by the Purchasers to the Sellers, the receipt whereof is hereby acknowledged, it is, by and between the parties, AGREED as follows:

(1) The Sellers have this day sold to the Purchasers, and the Purchasers have this day purchased from the Sellers, a maximum of 257 acre feet of the waters annually impounded in said reservoir. It is understood by the parties that at this time the said reservoir possesses a capacity of 1320 acre feet. In each year hereafter when said reservoir shall contain, before any water shall be withdrawn therefrom, as much as 1320 acre feet, then, and as to such year, the Purchasers will be entitled to receive 257 acre feet thereof, at the point of delivery hereinafter described, and at the times hereinafter set forth; but should said reservoir, in any year, contain less than 1320 acre feet before any water shall be withdrawn therefrom, then, and as to such year, the Purchasers shall be entitled to receive only that proportion of said water as 257 bears to 1320.

(2) The Sellers will at all times put forth their best efforts to capture and impound in said reservoir all of the flood, surplus, spring run-off and other waters to which they are entitled under said rights, and under any future rights which the Sellers, or any of them, may acquire in connection with said reservoir, to the end that, at all times when reasonably possible, said reservoir shall be filled to capacity. The Sellers will at all times, at their sole cost and expense, keep said reservoir and feeder ditches and canals, and all additions thereto, enlargements thereof, or substitutions therefor, in a state of proper maintenance and repair, and shall promptly restore the same if damaged or destroyed.

(3) The Sellers will deliver said water to the Purchasers at a point immediately south of the County Road in the east half of Section 7, Township 8 South, Range 43 E. W. M., and, at their sole cost and expense, will install in their ditch at said point a suitable and substantial gate with measuring device, so that said water can be accurately measured to the Purchasers.

(4) The Purchasers may have delivery of such water, and the Sellers will make such delivery, at the aforesaid point, at any time over the period June 1 to October 1, of each year, in such quantities as the Purchasers shall direct; but in no event at a head greater than 2 1/2 second feet; provided, however, that except in cases of emergency when the Purchasers will give to the Sellers notice of their demand as soon as reasonably possible, the Sellers shall be entitled to receive, and the Purchasers will give to them, not less than 10 days notice of their desire to receive delivery of water hereunder.

(5) The Sellers, at no cost or expense to the Purchasers, will, upon receipt of said notice, release said water from said reservoir and cause the same to be delivered to the Purchasers at the point aforesaid; but should the Purchasers desire to receive two or more deliveries of such water in any one irrigation season, then, and in all cases where they do not receive in one delivery all the water to which they are entitled in anyone irrigation season, they shall pay to the Sellers the sum of \$10 for each additional delivery of waters by them requested and received.

(6) It is understood that the Purchasers will apply to the State Engineer of the State of Oregon for permission to employ said waters in the irrigation of all or some part of their lands, and that such applications may necessitate some showing by, or some assistance from, the Sellers. The Sellers will, as the circumstances may require, fully cooperate with and assist the Purchasers in making the necessary showing to the State Engineer, and securing the necessary water right certificates in the premises.

(7) This agreement shall be binding upon, and shall inure to the benefit of, the parties hereto, their heirs, successors, administrators and assigns. All of the obligations assumed by the Sellers hereunder shall constitute covenants running with said reservoir, feeder ditches, and canals, ~~and with the said reservoir, feeder ditches, and canals,~~ and with the said reservoir and water rights, permits and certificates, and any future rights which the Sellers, or their successors in interest, may acquire in connection with said reservoir, and shall at all times be binding upon said Sellers and their successors in interest in behalf of the said Purchasers and their successors in interest.

Received

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Book 141 Page 128

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first hereinabove written.

SALOME J. COON (SEAL)
S. H. COON (SEAL)
OPAL K. COON (SEAL)
HELEN C. SPENCE (SEAL)
HARRY L. SPENCE (SEAL)
DOROTHY COON TRIPP ..
H. H. TRIPP (SEAL)
JEWELL COON (SEAL)
SELLERS

IRA D. STAGGS (SEAL)
BERNICE A. STAGGS (SEAL)

Purchasers.

STATE OF OREGON,)
County of Baker)

ss.

BE IT REMEMBERED, That on this 21st day of October,
A. D. 1946, before me, the undersigned, a notary public in and

for said county and state personally appeared the within named S. H. Coon and Opal K. Coon, his wife, and Ira D. Staggs and Bernice A. Staggs, his wife, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

(Notarial Seal)

My Commission October 1st, 1948.

BLAINE HALLOCK

Notary Public for Oregon.

STATE OF CALIFORNIA)
County of Los Angeles)

ss.

BE IT REMEMBERED, That on this 23rd day of October,
A. D. 1946, before me, the undersigned, a notary public in and

for said county and state, personally appeared the within named Jewell Coon, a single woman, who is known to me to be the identical individual described in and who executed the within instrument and acknowledged to me that she executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

(SEAL)

My Commission Expires: Oct. 11, 1948.

WAYNE B. CONNER

Notary Public for California
Residing at Los Angeles County.

STATE OF IDAHO,)
County of Adams)

ss.

BE IT REMEMBERED, That on this 29th day of October
A. D. 1946, before me, the undersigned, a Notary Public in and

for said County and State, personally appeared the within named Salome J. Coon, a widow, Helen Coon Spence and Harry L. Spence, her husband, who are known to me to be the identical individuals described in and who executed the within instrument and acknowledged to me that they executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and notarial seal the day and year last above written.

(Notarial Seal)

My Commission Expires: April 7, 1948.

CARL H. SWANSTROM

Notary Public for Idaho, residing
at Council in Adams County, Idaho.

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8 42 5700 5-25				OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY COUNTY ASSESSOR'S OFFICE				
TRP.	DATE	AREA	VAL	PARCEL NUMBER	TYPE	SECT.	CODE AREA NUMBER	
VAC LOT NUMBER								
FORMERLY PART OF								
Index stands on shown in this plan				DESCRIPTION AND RECORD OF CHANGE		Date of entry in this record	Cost Record Vol. & Pgs.	Area Remarks
T&M B&E W								
Dist 23 SW 1/4, NW 1/4						88.00		
A.Ao:								
Bump 553 ft N of SE cor ad sec;								
th N to SE cor SW 1/4;								
th W to NW cor SW 1/4;								
th S to a pt 833 ft N of NW cor SW 1/4;						36.00		
th Nly to job								
Dist 24 SW 1/4						160.00		
25 NW 1/4						160.00	157 538	438.00
Except:								
T.L. 6000				12.80				
T.L. 6100				2.82				413.54
Co. 28.				8.84				
						4/11/66	66-3-045	WellRae
						4/25/66	66-3-074	WellRae
1. Stagg & Weber				11359		11/17/70	UC 7 364	Contract
X Phillips Ranch Inc CP*						"	UC 7 367	"
X Hamilton, C Griffin								
2. Phillips Ranch Inc				18949		10/29/74	74-11-033	WD
						"	74-11-033	WD
3. Griffin, Hamilton C				18949		10/29/74	74-11-060	WD
4. Steadfast Ranches Inc 2/3 int & J L & Nina J Gilbert 1/30 on				18971		"	74-11-067	WD
5. Gilbert, Joseph L.				19110		11/25/74	74-14-035	D/S
						6/11/76	76-23-015	
X Green, Clarence E CP*				27299		12/20/70	70-16-017	1/S
						"	70-16-026	DC
X Habb, Donald H & Flora H CP*				33633		9/2/81	81-52-048	H/S
X Habb, Donald H & Flora H & Jaffe, George W & Christian 1/4 CP*				34822		2/11/82	82-53-033	H/S
						2/10/87	87-04-023	D/S
						2/10/87	87-04-026	D/S
						"	87-04-029	WD

- [illegible]

PREPARED BY:

811-914

EXHIBIT "A"

57 04 021

१५२

5700

5800

In Twp. 8 S., R. 42 E., W.M.:

Sec. 23: S₄SE₄, NW₄SE₄, SW₄NE₄.

Sec. 24: SWK.

Sec. 25: W3NW4.

EXCEPTING THEREFROM the following two parcels:

Parcel No. 1: Beginning at a point on the East-West center line of said section, said point being 1500 feet East of the West quarter corner of said section;

thence North 100 feet to the South right of way line
of the County Road;

thence N. 40° 22' E. 262.5 feet along said South
right of way line;

thence N. $68^{\circ} 45'$ E. 386.4 feet;

thence S. 24° 27' W. 483.3 feet to said East-West
center line;

thence West along said line 330 feet to the point of beginning.

Parcel No. 2: Beginning at the Southeast corner of
the SE $\frac{1}{4}$ NW $\frac{1}{4}$;

thence North 1541 feet, more or less, along the East line of the NW1/4;

thence S. 37° 07' W. 175 feet along the South right of way line of the County Road to a point 30 feet

East of center line of the Phillips Ditch;

thence Southerly, parallel to and 30 feet Easterly
of said center line to the South line of the NW $\frac{1}{4}$;

thence East along said South line 796 feet, more or less, to the point of beginning.

~~sec. 26: NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.~~

NWkSEk. EXCEPTING THEREFROM the following two parcels:

~~Parcel No. 1? Road right of way conveyed to Baker County,
recorded Oct. 10, 1974, Deed 74 41 066.~~

Parcel No. 2: Road right of way conveyed to Baker County,
recorded June 23, 1977, Deed 77 23 028.

1: Twp. 9 S., R. 42 E., N.H. 1

Sec. 14: SW ~~1/4~~ SE 1/4 NW 1/4.

Sec. 15: ~~SECRET~~

Sec. 11: NE4NE4.

SEC. 23: NW 1/4 NW 1/4.

942
700

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2 of 2

150-303-050 (3-87)

Exc.:

Sec. 23 All that portion of the S¹/₂SE¹/₄
as follows:

Commence at the SE cor of sd Sec 23;
th W alg the S li of sd Sec 23, 2640 ft
to the SW cor of the SE¹/₄ of sd Sec 23;
th N along the W li of sd SE¹/₄ 833 ft;
th Ely to a pt on the E li of sd Sec 23,
553 ft N of the pob;
th S alg the E li of sd Sec 23, 553 ft
to the pob.

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TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER
MAP NUMBER					REAL PROP.			
TAX LOT NUMBER					FORMERLY PART OF			

OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE

Indent each new course to this point	Ref. 07598	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record Vol. PG.	Acres Remaining
		842-4800			
		T8S R42E WM			
		Sec 23 SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$			80.00
		Also:			
		Baap 553 ft N of SE cor sd sec;			
		th N to NE cor SE $\frac{1}{4}$ SE $\frac{1}{4}$;			
		th W to NW cor SW $\frac{1}{4}$ SE $\frac{1}{4}$;			
		th S to a pt 833 ft N of SW cor SW $\frac{1}{4}$ SE $\frac{1}{4}$;			
		th SEly to pob			38.00
		Sec 24 SW $\frac{1}{4}$			160.00
		25 NW $\frac{1}{4}$			160.00
		Except:			
		T.L. 6000			12.80
		T.L. 6100			2.82
		Co.Rd.			8.84
					413.54
			4/11/66	66-13-085	UtilEas
			4/25/66	66-15-074	UtilEas
		1. Staggs & Weber			
		% Phillips Ranch Inc CP*	11359	11/17/70	UC # 364 Contract
		% Hamilton, C Griffin	"	"	UC # 367 "
		2. Phillips Ranch Inc	18969	10/29/74	74-41-053 WD
			"	"	74-41-055 WD
		3. Griffin, Hamilton C	18969	10/29/74	74-41-060 WD
		4. Stoddart Ranches Inc 2/5 int &			
		J L & Nina J Gilbert 3/10 ea	18971	"	74-41-067 WD
		5. Gilbert, Joseph L	19110	11/25/74	74-44-035 B/S
				6/11/76	76-22-015
		% Green, Clarence E CP*	27199	12/20/78	78-46-077 I/S
			"	"	78-46-076 DC
		% Hubbs, Donald H & Flora M CP*	33655	9/2/81	81-32-068 N/S
		% Hubbs, Donald H & Flora M $\frac{1}{2}$;			
		Jeffs, George W & Christina $\frac{1}{2}$ CP*	34822	2/11/82	82-03-033 M/S
				2/10/87	87-04-023 B/S
				2/10/87	87-04-026 B/S
				"	87-04-029 WD
		6. Green, Clarence E	48562	02/01/90	87-04-029 WD
		7. Hubbs, Donald H & Flora M	48562	02/01/90	87-04-026 B/S
		(Over)			

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TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER
MAP NUMBER					REAL PROP.			
TAX LOT NUMBER								

**OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE**

FORMERLY PART OF _____

Indent each new course to this point	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record		Acres Remaining
			Vol.	PG.	
1.	Hubbs, Donald H & Flora M $\frac{1}{2}$ & Jeffs, George W & Christina $\frac{1}{2}$	48562	02/01/90	87-04-026	B/S
		48562	02/01/90	87-04-023	B/S

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PARCEL RECORD - Cartographic Unit

Page 1 of 3

Code Area 5-14 5-25	Township 8	Range 42	Section	1/4	1/16	Parcel Number 4900	Type	Number	Formerly part of _____
Map Number						Special Interest			
Tax Lot Number						History of Parcel			
History of Parcel Prior to Re-mapping Ref 07599						Exceptions/Additions			
Previous Account Number						Date of Entry/ Acquisition			
Previous Tax Lot Number 5800						Deed Record			
						Volume			
						Page			
						Acres Remaining			

TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Sec. Int. in	CODE AREA NUMBER	FORMERLY PART OF
8	42				5800			5-25	
OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY COUNTY ASSESSOR'S OFFICE									
TAX LOT NUMBER									
Insert each new course to this parcel Ref 07599									
DESCRIPTION AND RECORD OF CHANGE									
TBS 842E WM									
Sec 26 NE1/4, E1/2NW1/4, NW1/4SE1/4 280.00									
23 All that portion of the S1/2SE1/4 as follows:									
Comm at the SE cor of sd Sec 23;									
th W alg the S 11 of sd Sec 23, 2640 ft									
to the SW cor of the SE1/4 of sd Sec 23;									
th N along the W 11 of sd SE1/4 833 ft;									
th Ely to a pt on the E 11 of sd Sec 23,									
553 ft N of the pob;									
th S alg the E 11 of sd Sec 23, 553 ft									
to the pob. 42.00									
Except:									
Co. Rd. 6.97									
4/17/64 74-41-046 315.03									
171 1473 Contract									
174 587									
10/29/74 74-41-059 WD									
1. Griffin, Hamilton C & Harriet E 18970									
2. Stoddart Ranches Inc 2/5 int & Gilbert, J L & Mina J 3/10 int ea 18971									
11/25/74 74-44-075 B/S									
3. Gilbert, Joseph L & Mina J 19110									
Except:									
Re-located Co.Rd. 0.78									
24499 6/20/77 77-23-078 314.25									
27199 12/20/78 78-46-076 DC									
11/4/81 81-32-048 I/S									
4. Gilbert, Joseph L 36022									
I Green, Clarence E CP*									
I Hubbs, Donald B & Flora M									
I Hubbs, Donald B & Flora M 1/2; Jeffs, George W & Christina 1/2 CP* 34822									
12/11/82 82-03-093 M/S									
2/10/87 87-04-023 B/S									
2/10/87 87-04-076 B/S									
2/10/87 87-04-029 WD									
WD									
Except:									
Parcel 5801 1.29									
47796 10/09/89 89-35-027 312.96									
48562 02/01/90 87-04-029 WD									
48562 02/01/90 87-04-025 B/S									
5. Green, Clarence E									
6. Hubbs, Donald B & Flora M									
7. Hubbs, Donald B & Flora M 1/2 & Jeffs, George W & Christina 1/2									
48562 02/01/90 87-04-028 B/S									

Remarks

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EXHIBIT "A"

57 04 021

Green

842

5705
5200

Land in Baker County, Oregon, as follows:

In Twp. 8 S., R. 42 E., W.M.:

Sec. 23: S4SE4, ~~and S4SE4, and S4SE4.~~

~~Sec. 24: S4SE4, and S4SE4, and S4SE4.~~

~~S4NW4, EXCEPTING THEREFROM the following two parcels:~~

~~Parcel No. 1: Beginning at a point on the East-West center line of said section, said point being 1500 feet East of the West quarter corner of said section;~~

~~thence North 100 feet to the South right of way line of the County Road;~~

~~thence N. 40° 22' E. 262.5 feet along said South right of way line;~~

~~thence N. 60° 45' E. 386.4 feet;~~

~~thence S. 24° 07' W. 483.3 feet to said East-West center line;~~

~~thence West along said line 330 feet to the point of beginning.~~

~~Parcel No. 2: Beginning at the Southeast corner of the S4NW4;~~

~~thence North 1541 feet, more or less, along the East line of the NW4;~~

~~thence S. 37° 07' W. 175 feet along the South right of way line of the County Road to a point 30 feet East of center line of the Phillip Ditch;~~

~~thence Southerly, parallel to and 30 feet Easterly of said center line to the South line of the NW4;~~

~~thence East along said South line 790 feet, more or less, to the point of beginning.~~

Sec. 26: NE4, S4NW4.

NW4SE4, EXCEPTING THEREFROM the following two parcels:

Parcel No. 1: Road right of way conveyed to Baker County, recorded Oct. 10, 1974, Deed 74 41 066.

Parcel No. 2: Road right of way conveyed to Baker County, recorded June 7, 1977, Deed 77 23 028.

942
700

~~In Twp. 9 S., R. 42 E., W.M.:~~

~~Sec. 14: NW4, S4NW4.~~

~~Sec. 15: S4SE4.~~

~~Sec. 22: NE4NW4.~~

~~Sec. 23: NW4NW4.~~

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PARCEL RECORD - Cartographic Unit

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Code Area 5-14 5-25	Township 8	Range 42	Section	1/4	1/16	Parcel Number 4900	Type	Number	Formerly part of	
Map Number						Special Interest				
Tax Lot Number						History of Parcel				
History of Parcel Prior to Re-mapping Ref 07599						Exceptions/Additions		Date of Entry/ Acquisition	Deed Record Volume Page	Acres Remaining
Previous Account Number						Previous Tax Lot Number 5800				

8.42	5800	OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTY COUNTY ASSESSOR'S OFFICE					
TWP.	RGE.	SEC.	1/4	1/16	PARCEL	TAX	CODE
MAP	NUMBER	NUMBER	REAL	PROP.	NUMBER	AREA	NUMBER
FORMERLY PART OF							
Incident each new course to this block		DESCRIPTION AND RECORD OF CHANGE		Date of entry on this card	Deed Record Vol. PG.	Acres Remaining	
Also:						317.73	
T8S R42E W4							
Beg at the SE cor of the sd S1/4SW1/4;							
th N 0°24'14"E alg the E li of the sd S1/4SW1/4 a							
distance of 1150 ft;							
th S 17°49'10"W, 1207.85 ft to the S li of the sd							
S1/4SW1/4;							
th S 89°59'22" E, a distance of 361.52 ft alg the							
sd S li to the pob. 4.77							
7. Hubbs, Donald H & Flora M &		48563		02/01/90	89-35-030 WD		
Jeffs, George W & Christina M		"		02/01/90	90-02AF cons req		
Remarks							

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ALSO: 89 35 030

WARRANTY DEED

Record No. _____

KNOW ALL MEN BY THESE PRESENTS, That Sundance ~~Company~~ Co., a California corporation

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by Donald H. Hubbs, Flora M. Hubbs, George W. Jeffs and Christina Jeffs, as joint owners, 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 Baker and State of Oregon, described as follows, to-wit:

The below described parcel contains 4.77 acres of land.

A parcel of land lying in the SE 1/4 SW 1/4 of Section 23, T. 8 S., R. 42 E., W.M., described as follows:

Beginning at the Southeast corner of the said SE 1/4 SW 1/4;

thence N. 0 degrees 24' 14" E., along the East line of the said SE 1/4 SW 1/4 a distance of 1150 feet;

thence S. 17 degrees 49' 10" W.. 1207.85 feet to the South line of the said SE 1/4 SW 1/4;

thence S. 89 degrees 59' 22" E., a distance of 361.52 feet along the said South line to the point of beginning.

(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

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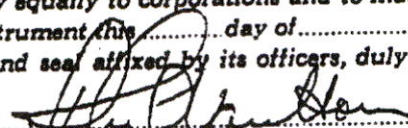
and that grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomever, except those claiming under the above described encumbrances.

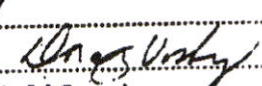
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). (The sentence between the symbols Ⓞ, if not applicable, 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 _____ day of _____, 19____; 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.

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.

 President

 Secretary

STATE OF OREGON, } ss.
County of _____, 19____

STATE OF ~~Oregon~~ California, County of _____, 19____

Personally appeared the above named _____

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 _____ 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.

Before me:

Before me:

(OFFICIAL SEAL)

(OFFICIAL SEAL)

Notary Public for Oregon

Notary Public for Oregon California

My commission expires:

My commission expires:

(If executed by a corporation, affix corporate seal)

Sundance ~~Company~~ Co. Fred L. T. Inc

STATE OF OREGON,

PARCEL RECORD - Cartographic Unit

Page 3 of 3

Code Area 5-14 5-25	Township 8	Range 42	Section	1/4	1/16	Parcel Number 4900	Type	Number	Formerly part of _____	
Map Number						Special Interest				
Tax Lot Number						History of Parcel				
History of Parcel Prior to Re-mapping Ref 07599						Exceptions/Additions		Date of Entry/ Acquisition	Deed Record Volume Page	Acres Remaining
Previous Account Number						Previous Tax Lot Number 5800				
<p>Received MAR 21 2025 OWRD</p>										
<p>Received JAN 31 2025 OWRD</p>										

FTL.P.O.

EXC:

T8S R42E W4

A parcel of land lying the NE $\frac{1}{4}$ of Sec 26 desc as follows:

beg on the N li of the sd Sec 26 at a pt which bears N 89Deg59'22"W, 314.45 ft from the NE (NW) cor of the sd NE $\frac{1}{4}$;

th S 7 Deg47'48"W 57.76 ft;

th N 89Deg45'40"W, approximately 1,009.8 ft the W li of the sd NE $\frac{1}{4}$;

th N 53.20 to the NW cor of the sd NE $\frac{1}{4}$;

th S 89Deg59'22"E, 1,017.63 ft alg the N li of the sd NE $\frac{1}{4}$ to the pob.

Also:

A conditional easement beg at the Southeracor of the Ely li of Sec 23, T8S R42E W4 and extending over a NWly path over an existing roadway to a fence gate located approximately 1,300' S of the cen of Sec 23, all being situated in T8S R42E W4 Baker County, Oregon

Sd easement shall be solely for the purpose of ingress and egress to maintain, repair, service ore replace irrigation equipment and facilities located in the SW $\frac{1}{4}$ of Sec 23, T8S R42E W4

(Note: POB determined to be from the NE cor not the NW cor of the NE $\frac{1}{4}$ of Sec 26 so bearings & supplemental calls are in agreement.)

ALSO EXC:

Sec.23

Beap 553 ft N of SE cor sd sec;

th N to NE cor SE $\frac{1}{4}$ SE $\frac{1}{4}$;

th W to NW cor SW $\frac{1}{4}$ SE $\frac{1}{4}$;

th S to a pt 833 ft N of SW cor SW $\frac{1}{4}$ SE $\frac{1}{4}$;

th SEly to pob

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OF REAL PROPERTY												
COUNTY ASSESSOR'S OFFICE												
TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER	FORMERLY PART OF			
MAP NUMBER					PARCEL NUMBER	REAL PROP.						
TAX LOT NUMBER												
Indent each new course to this point					DESCRIPTION AND RECORD OF CHANGE				Date of entry on this card	Deed Vol.	Record PG.	Acres Remaining
Ref. 07599					842-4900							
T8S R42E WM												
Sec 26 NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$					280.00							
23 All that portion of the S $\frac{1}{2}$ SE $\frac{1}{4}$ as follows:												
Comm at the SE cor of sd Sec 23;												
th W alg the S li of sd Sec 23, 2640 ft												
to the SW cor of the SE $\frac{1}{4}$ of sd Sec 23;												
th N along the W li of sd SE $\frac{1}{4}$ 833 ft;												
th Ely to a pt on the E li of sd Sec 23, 553 ft N of the pob;												
th S alg the E li of sd Sec 23, 553 ft to the pob.					42.00					140	643	322.00
Except:												
Co. Rd. 6.97												
									74-41-066	315.03		
					4/17/64				171	1473	Contract	
					"				174	587		
1. Griffin, Hamilton C & Harriet E					18970 10/29/74				74-41-059	WD		
2. Stoddart Ranches Inc 2/5 int & Gilbert, J L & Nina J 3/10 int ea					18971 "				74-41-067			
3. Gilbert, Joseph L & Nina J					19110 11/25/74				74-44-035	B/S		
Except:												
Relocated Co. Rd. 0.78					24499 6/20/77				77-23-028	314.25		
4. Gilbert, Joseph L					27199 12/20/78				78-46-076	DC		
% Green, Clarence E CP*					"				78-46-077	I/S		
% Hubbs, Donald H & Flora M					34022 11/4/81				81-32-068			
% Hubbs, Donald H & Flora M $\frac{1}{2}$;												
Jeffs, George W & Christina $\frac{1}{2}$ CP*					34822 12/11/82				82-03-033	M/S		
					2/10/87				87-04-023	B/S		
					2/10/87				87-04-026	B/S		
					2/10/87				87-04-029	WD		
Except:												
Parcel 5801 1.29					47796 10/09/89				89-35-027	312.96		
5. Green, Clarence E					48562 02/01/90				87-04-029	WD		
6. Hubbs, Donald H & Flora M					48562 02/01/90				87-04-026	B/S		
7. Hubbs, Donald H & Flora M $\frac{1}{2}$ & Jeffs, George W & Christina $\frac{1}{2}$					48562 02/01/90				87-04-023	B/S		

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TWP.	RGE.	SEC.	1/4	1/16	PARCEL NUMBER	Type	Spec. Int. In	CODE AREA NUMBER
MAP NUMBER					REAL PROP.			
TAX LOT NUMBER								

**OFFICIAL RECORD OF DESCRIPTIONS
OF REAL PROPERTY
COUNTY ASSESSOR'S OFFICE**

FORMERLY PART OF _____

Indent each new course to this point	DESCRIPTION AND RECORD OF CHANGE	Date of entry on this card	Deed Record Vol. PG.	Acres Remaining
Also:				
T8S R42E WM				
Beg at the SE cor of the sd SE $\frac{1}{4}$ SW $\frac{1}{4}$;				
th N 0*24'14"E alg the E li of the sd SE $\frac{1}{4}$ SE $\frac{1}{4}$ a				
distance of 1150 ft;				
th S 17*49'10"W, 1207.85 ft to the S li of the sd				
SE $\frac{1}{4}$ SW $\frac{1}{4}$;				
th S 89*59'22" E, a distance of 361.52 ft alg the				
sd S li to the pob.	4.77			317.73
7. Hubbs, Donald H & Flora M $\frac{1}{2}$ &				
Jeffs, George W & Christina $\frac{1}{2}$	48563	02/01/90	89-35-030	WD
	"	02/01/90	90-02AF	cons req

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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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: \$2371.80
See the Department's Fee Schedule at 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)

Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

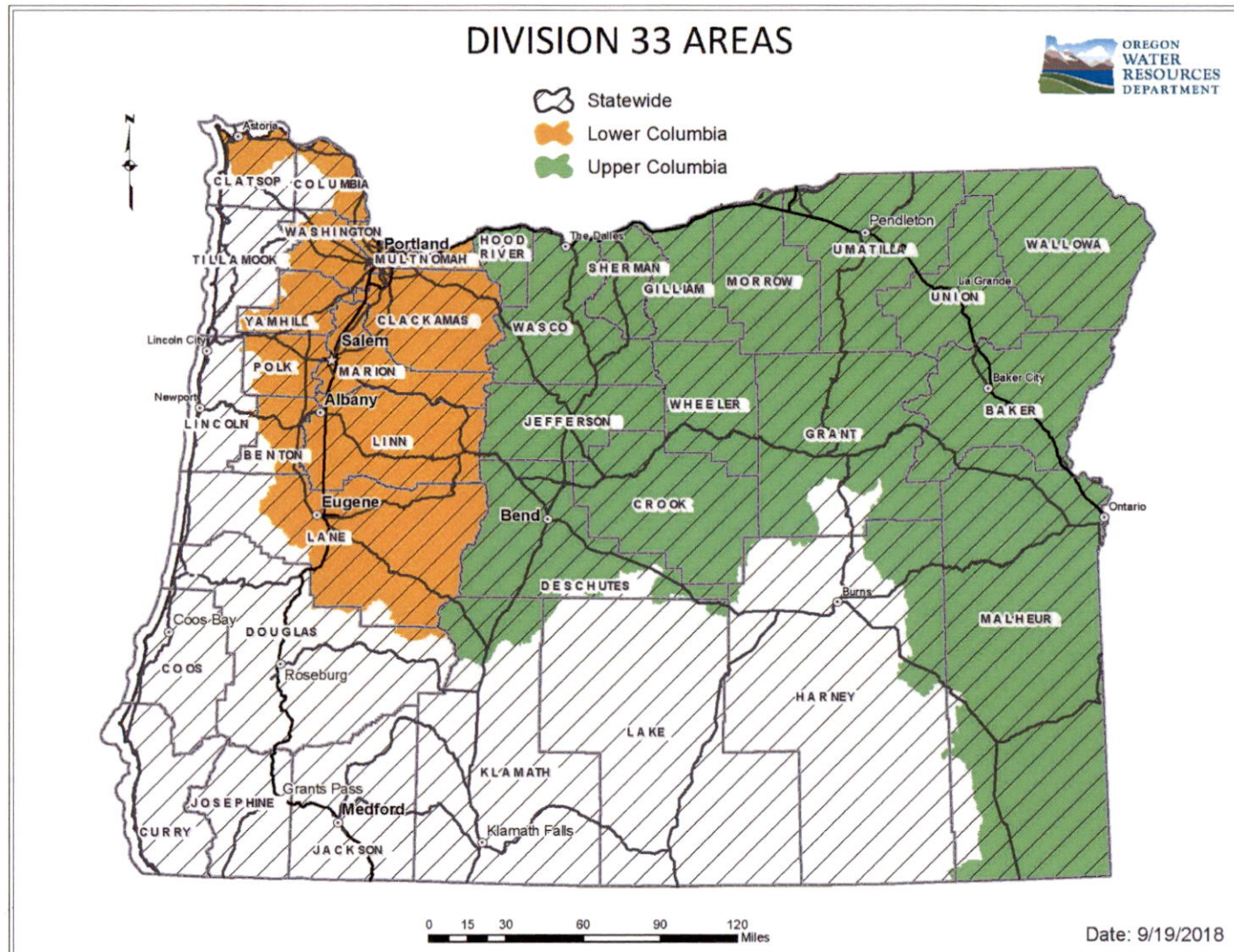
If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

For Department Use: App. Number: _____

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Figure 1: Map of Division 33 Areas



For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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