





Form A (690-9-77)

Application No. S-73837

NOTICE OF BEGINNING OF CONSTRUCTION

I, MONTECUCCO FARMS, the holder of Permit No. 52049  
to appropriate the public waters of the state of Oregon, began the actual construction of the works described  
therein on the 1ST day of AUGUST, 1996.

Remarks: 8" PVC MAINLINE IS BEING INSTALLED FROM DIVERSION POINT TO  
The appropriator must state the manner of beginning of construction, the amount of work completed and the type of equipment  
N. HOLLY STREET AND THROUGH PUBLIC RIGHT-OF-WAY.  
acquired for the water system up to the date of this statement, and any additional information which shows a substantial beginning of construction as

authorized by your permit.

IN WITNESS WHEREOF, I have hereunto set my hand this 2ND day of AUGUST, 1996.  
BY: Stephen Montecucco PARTNER 4015 N. LOCUST CANBY, OR 97013  
(Signature of Applicant) (Address)

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

OK  
DSM

RECEIVED

AUG - 6 1996

WATER RESOURCES DEPT.  
SALEM, OREGON



# Mailing List for Certificate

Scheduled Mailing Date:

Application: S-73837

Permit: S-52049

Certificate: 90766

Permit/Certificate Holder:

✓ MONTECUCCO FARMS LLC  
4015 N LOCUST ST  
CANBY OR 97013

## Copies Mailed

by: FAJ  
(STAFF)

on: 10/23/15  
(DATE)

## Copies of Final Certificate to be sent to:

- ✓ 1. Watermaster District 20
- 2. ~~Data Center (include copy of map)~~
- ✓ 3. Water Availability
- ✓ 4. Vault
- ✓ 5. File

## Other persons to receive copies: (include map):

- 1. ~~LARRY W JEBOUSEK, CWRE?~~
- ✓ 2. CURRENT LANDOWNER – TAXLOT – 31E21 00200; 02300; 31E28B 01700; 02200  
MONTECUCCO RENTALS LLC  
3610 N LOCUST ST  
CANBY OREGON 97013
- ✓ 3. CURRENT LANDOWNER – TAXLOT – 31E21 02500  
PAUL A MONTECUCCO  
JANICE C MONTECUCCO  
22345 S HAINES RD  
CANBY OREGON 97013
- ✓ 4. CURRENT LANDOWNER – TAXLOT – 31E29A 00200  
BRYAN J DINTERMAN  
INGRID R DINTERMAN  
2375 NW BAKER DR  
CANBY OREGON 97013

over



5. ✓ CURRENT LANDOWNER – TAXLOT – 31E29 00102  
OREGON PARKS AND RECREATION DEPARTMENT  
725 SUMMER ST N.E. SUITE C  
SALEM OREGON 97301





# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

**Date Mailed: October 23, 2015**

### NOTICE OF CERTIFICATE ISSUANCE

The attached certificate confirms the water right established under the terms of a permit issued by this Department. The water right is now appurtenant to the specific place where the use was established as described by the certificate. The water right is limited to a specific amount of water, but not more than can be beneficially used for the purposes stated within the certificate.

The certificate is a final order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

Oregon law does not allow the Director to reissue a certificate because of a change in the ownership of the appurtenant place of use. The water must be controlled and not wasted. To change the location of the point of diversion, the character of use, or the location of use requires the advance approval of the Water Resources Director.

If any portion of this water right is not used for five or more consecutive years, that portion of the right may be subject to forfeiture according to ORS 540.610. Land enrolled in a Federal Reserve Program is not subject to forfeiture during the period of enrollment. Other exceptions to forfeiture are explained in ORS 540.610.

If you have any questions please contact Gerry Clark at 503-986-0811.



STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS LLC  
4015 N LOCUST ST  
CANBY OR 97013

confirms the right to use the waters of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER for IRRIGATION OF 100.5 ACRES AND SUPPLEMENTAL IRRIGATION of 167.84 ACRES.

This right was perfected under Permit S-52049. The date of priority is JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 324.92 ACRE-FEET EACH YEAR or its equivalent in case of rotation, measured at the point of diversion.

The period of allowed use is March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	1 E	WM	21	SW NE	8	3800 FEET NORTH AND 3410 FEET EAST FROM SW CORNER, SECTION 21

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

**NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW**

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.



A description of the place of use is as follows:

IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	1 E	WM	20	SE SW		8.1
3 S	1 E	WM	20	SW SE		1.3
3 S	1 E	WM	21	NE SW		15.6
3 S	1 E	WM	21	SE SW		23.4
3 S	1 E	WM	21	SW SE		1.0
3 S	1 E	WM	28	SW NE		19.1
3 S	1 E	WM	28	SW NW		14.8
3 S	1 E	WM	29	SE NE		17.1
3 S	1 E	WM	29	NE NW		0.1

SUPPLEMENTAL IRRIGATION						
Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
3 S	1 E	WM	20	SE SW		13.6
3 S	1 E	WM	20	SW SE		13.0
3 S	1 E	WM	28	NW NW		29.4
3 S	1 E	WM	28	SW NW		2.6
3 S	1 E	WM	29	NE NE		31.5
3 S	1 E	WM	29	NW NE		22.2
3 S	1 E	WM	29	SW NE		16.2
3 S	1 E	WM	29	SE NE		14.54
3 S	1 E	WM	29	NE NW		20.4
3 S	1 E	WM	29	SE NW		4.4

Measurement, recording and reporting conditions:

- A. The water user shall maintain the meter or other suitable measuring device approved by the Director in good working order, shall keep a complete record of the amount of water used each month, and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the water user to report general water-use information, including the place and nature of use of water under the right.
- B. The water user shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The water user shall maintain and operate fish screening and by-pass device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the diversion.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this right may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

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

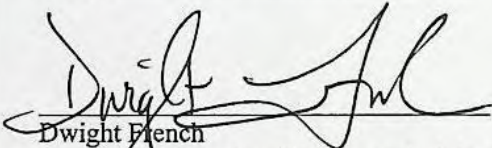
This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Issued OCT 23 2015



Dwight French  
Water Right Services Division Administrator, for  
Thomas M Byler, Director  
Oregon Water Resources Department



# Mailing List for Certificate

Scheduled Mailing Date:

Application: S-73837

Permit: S-52049

Certificate: \*\*\*\*\*

Permit/Certificate Holder:

~~MONTECUCCO FARMS LLC~~  
4015 N LOCUST ST  
CANBY OR 97013

Copies Mailed	
by:	<u>JH</u> (STAFF)
on:	<u>7/1/15</u> (DATE)

## Copies of Final Certificate to be sent to:

- ~~1. Watermaster District 20~~
- ~~2. Data Center (include copy of map)~~
- ~~3. Water Availability~~
- ~~4. Vault~~
- ~~5. File~~

# PROPOSED

## Other persons to receive copies: (include map):

1. ~~LARRY W JEBOUSEK, CWRE~~ *no address*
- ~~2. CURRENT LANDOWNER – TAXLOT – 31E21 00200; 02300; 31E28B 01700; 02200~~  
~~MONTECUCCO RENTALS LLC~~  
~~3610 N LOCUST ST~~  
~~CANBY OREGON 97013~~
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~~PAUL A MONTECUCCO~~  
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~~BRYAN J DINTERMAN~~  
~~INGRID R DINTERMAN~~  
~~2375 NW BAKER DR~~  
~~CANBY OREGON 97013~~

*more on  
reverse*



5. CURRENT LANDOWNER - TAXLOT - 31E28A 00501

LESTER J JOHNSON

GEORGENE F JOHNSON

PO BOX 387

ENTERPRISE OREGON 97828

NOT IN AREA OF USE

agree - remove  
from mailing list  
JL 7/15/15

6. CURRENT LANDOWNER - TAXLOT - 31E29 00102

OREGON PARKS AND RECREATION DEPARTMENT

725 SUMMER ST N.E. SUITE C

SALEM OREGON 97301

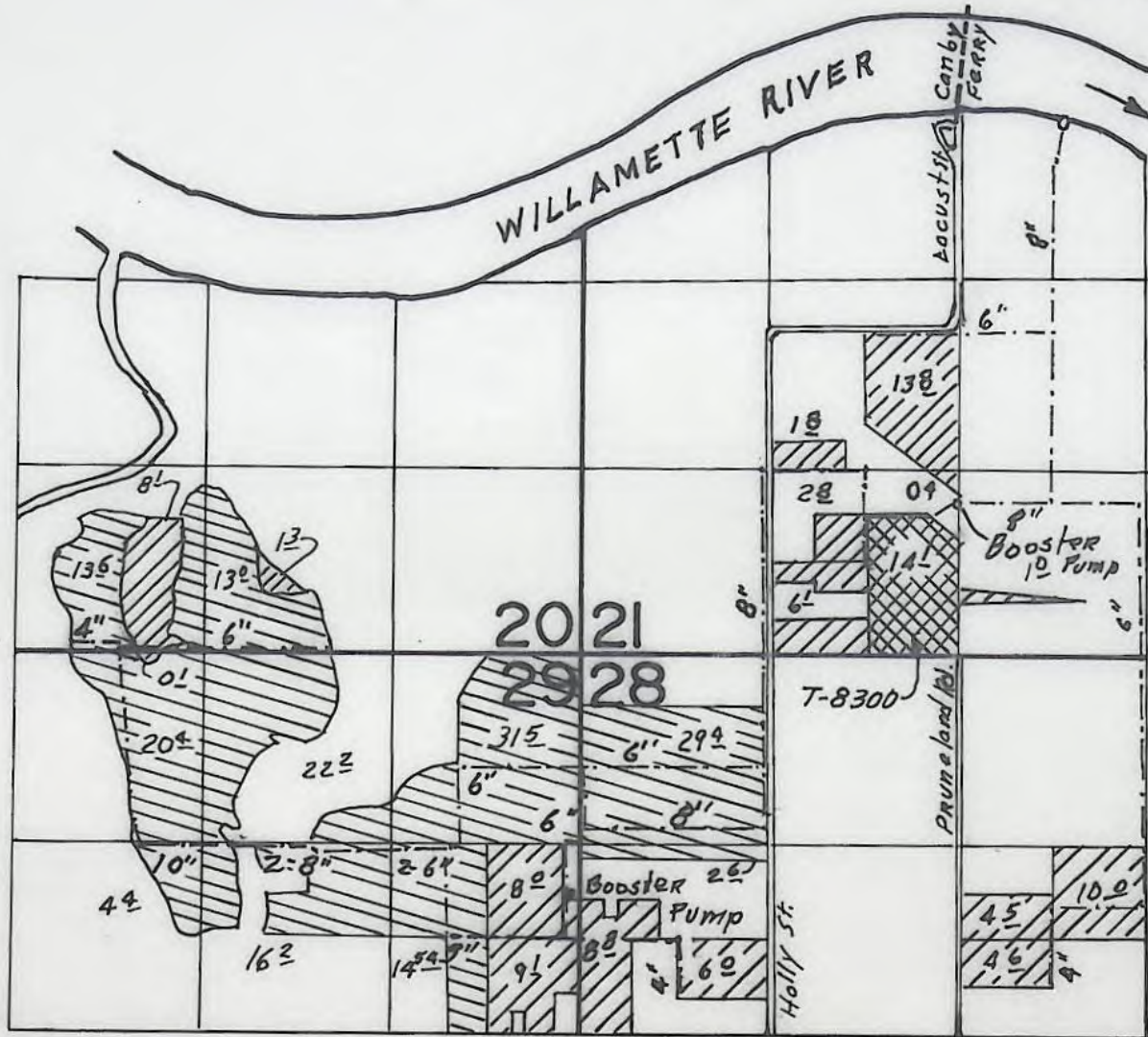


RECEIVED

NOV 12 1999

T.3 S. R.1 E., W.M.

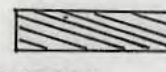
WATER RESOURCES DEPT.  
SALEM, OREGON




Scale  
4" = 1 Mi

Div. Pt. Loc. 3800' N. & 3410' E from SW Cor Sec 21

 Primary Irrig.

 Suppl. Irrig.

 Primary Irrigation

**FINAL PROOF SURVEY**  
UNDER

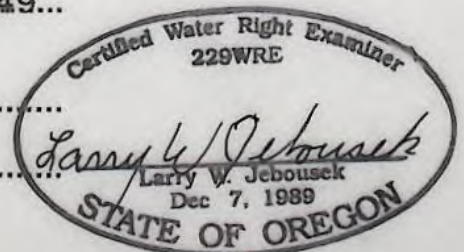
TRANSFER NO. T-8300

Application No. 73837. Permit No. 52049...  
IN NAME OF

...MONTECUCCO FARMS...

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.

Surveyed JUNE 28 1999, by  
sept 22



WAC-900R 11-104

Map Revised by WPD to reflect 14.1 AC as Primary Irrigation





# Oregon

John A. Kitzhaber, MD, Governor

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

**DATE MAILED:**

**JUL 01 2015**

**NOTICE**

Reference: Application S-73837 Permit S-52049

Enclosed is a proposed certificate of water right and map. The map and proposed certificate represent the extent water was used within the terms of the permit based upon Claims of Beneficial Use, prepared by a Certified Water Right Examiner, that either you or a previous permit holder submitted.

The certificate is the final step in the water right process. The Department encourages you to review these proposals. If you do not agree with the proposed certificate, Oregon Administrative Rule 690-330-010 (2) allows the permittee or landowner 60 days from the mailing date of this notice to request the Department to reconsider the contents of the proposed certificate.

If you agree with the proposed certificate, no response to this notice is required. Sometime after comment period, the recorded certificate of water right will be mailed to the permit holder of record.

If your name is not listed on the proposed certificate, and you are the current landowner, and would like to have the final certificate issued in your name, you may apply through the Department to have the permit assigned to you. If you have any questions about the assignment process, please contact Jerry Sauter at 503-986-0817.

If you have any questions please contact Gerry Clark at 503-986-0811.

Sincerely,

Dwight French  
Water Right Services Administrator



STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS LLC  
4015 N LOCUST ST  
CANBY OR 97013

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95166



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

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

Issued \_\_\_\_\_.

**PROPOSED**

Dwight French  
Water Right Services Division Administrator, for  
Thomas M. Byler, Director  
Oregon Water Resources Department




NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON



Scale  
4" = 1 Mi

 Suppl. Irrig.

# FINAL PROOF SURVEY

## UNDER

Application No. 7.3837. Permit No. 52.049...  
IN NAME OF

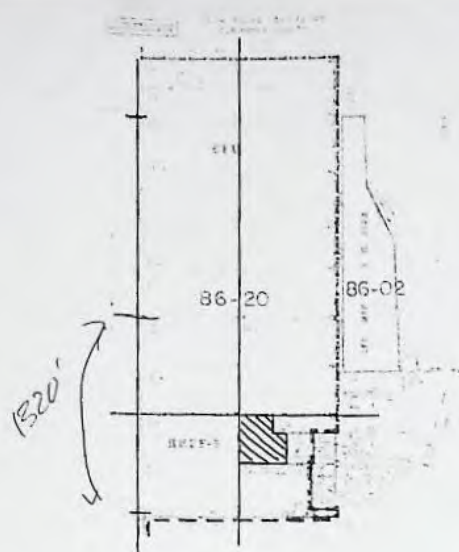
Surveyed JUNE 28 1999, by .....  
Sept 22

99...  
 Certified Water Right Examiner  
 229WRE  
 Larry W. Jebousek  
 Larry W. Jebousek  
 Dec 7, 1989  
 STATE OF OREGON

WAC-900R 11-104

6/11/15 Map Revised by WRD to reflect 14.1 AC as Primary Irrigation in SESW, sec 21. MO/WRD





# MEMO – 2014-2015 Certificate Project Proof to Satisfaction (Aug 7, 2014)

Application # <u>5-73837</u>	Permit # <u>5-52049</u>	Transfer #
WRD Reviewer <u>Jessica Joye</u>	Date <u>2/17/15</u>	
WRD Peer Reviewer <u>Mary Bjork</u>	Date <u>6-10-15</u>	

## Research

- ☒ Organize file in chronological order T-8300  
T-7075
- ☒ Pull CBU Report & Map(s), Application Map, relevant Permit, Certificate, or Transfer Order, most recent Assignments, Extension Orders, SWL Measurements, Fish Screen Certification Documents, Water Use Reports & Pump Tests
- ☒ Search for Water Right Location using Interactive Mapper. Identify Tax Lots & check for Area of Interest (AOI)
- ☒ Water Organization identified using AOI? ☒ No ☐ Yes  
If "Yes" cc: \_\_\_\_\_ & Add to Mailing List
- ☒ Print Tax Lot Map from ormap.net for the original Place of Use, and confirm Current Ownership & Address with County Assessor Clackamas Assessor's office has not responded to email  
If there is a new owner, Add to Mailing List, including the owner(s) name & tax lot number
- ☒ Print Platcard & check for Place of Use Conflict? ☐ No ☒ Yes \* See note on platcard  
If "Yes", provide copy of certificate & relevant map
- ☒ Print BLM Cadastral Survey
- ☒ Does Claim Map identify correct DLC, Gov't Lots, QQ's? ☐ No ☒ Yes  
If "No", either \_\_\_\_\_ WRD amend map OR \_\_\_\_\_ prepare Order of Certification

## Reviewing Claim

Have conditions on relevant permit, certificate, or transfer order been complied with? Yes, No, OR N/A

YES Fish Conditions  
YES Meter/measuring device  
YES Water Use Reporting  
N/A Pump Test (post December 19, 1988)  
N/A Other Conditions \_\_\_\_\_  
N/A SWL  
YES C-Date 10/1/99

YES Run Capacity Calculator and Print Findings (for pump, sprinklers, pipes, ditches, as appropriate)

## NOTES:

A - 4/18/97

B - 10/1/98

C - 10/1/99

CBU - 11/12/99  
REC'D



### Determination

\_\_\_\_ I've determined that the permit/transfer was fully developed as authorized and that a **FINAL** Certificate should be issued.

\_\_\_ I've determined that the permit/transfer was not fully developed as authorized and that a **PROPOSED** Certificate should be issued. A proposed Certificate should be issued for the following reason(s):

Total number of acres developed is less than what was permitted, Certificate to reflect reduction in acreage.

       I've determined that beneficial use was NOT made within the terms and conditions and that a **Proposed Order of Certification** (denial) should be issued. A proposed Order of Certification should be issued for the following reason(s):

## Processing

Stamp PROPOSED or Assign CERT# \_\_\_\_\_ or ORDER OF CERTIFICATION (circle one)

\_\_\_ Draft Certificates or Proposed Order of Certifications are available in the Application directory.

\_\_\_\_ Prepare Mailing List. Include Applicant(s); Receiving Landowner(s); Current Owner(s); Water Organizations; CWRE. Indicate records to be marked.

\_\_\_ Record marking: App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_  
 App \_\_\_\_\_ Permit \_\_\_\_\_ Cert \_\_\_\_\_

**NOTES:**



STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.60 ACRES	
SW 1/4 SW 1/4	<del>8.00 ACRES</del>	
SE 1/4 SW 1/4	15.40 ACRES	
SW 1/4 SE 1/4	1.00 ACRE	
SECTION 21		
SW 1/4 NE 1/4	20.00 ACRES	
NW 1/4 NW 1/4		29.40 ACRES
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES
SECTION 28		

6.1 OFF leaving 9.3 + 14.1 ?  
= 23.4



NE 1/4 NE 1/4		31.50 ACRES
NW 1/4 NE 1/4		22.20 ACRES
SW 1/4 NE 1/4		16.20 ACRES
SE 1/4 NE 1/4	17.10 ACRES	14.54 ACRES
NE 1/4 NW 1/4	0.10 ACRE	20.40 ACRES
SE 1/4 NW 1/4		4.40 ACRES

## SECTION 29

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

#### STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, April 18, 1996

*Martha O. Pagel*  
for Martha O. Pagel, Director  
Water Resources Department

AMENDED by special order


V. 53 pg. 1211

Application S-73837 Water Resources Department PERMIT 52049  
Basin 02 Volume 25 Willamette River & Misc. North 1/2 District 16  
MGMT.CODES 1BF, 1BW, 3BW, 4CF, 4CG



NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

 Suppl. Irrig.

# FINAL PROOF SURVEY

Certified Water Right Examiner  
229WRE

Larry W. Jebousek  
Dec 7, 1989

STATE OF OREGON

1/15 Map Revised by WRD to reflect 14.1 AC as Primary Irrigation in SESW, sec 21. M/WWRD

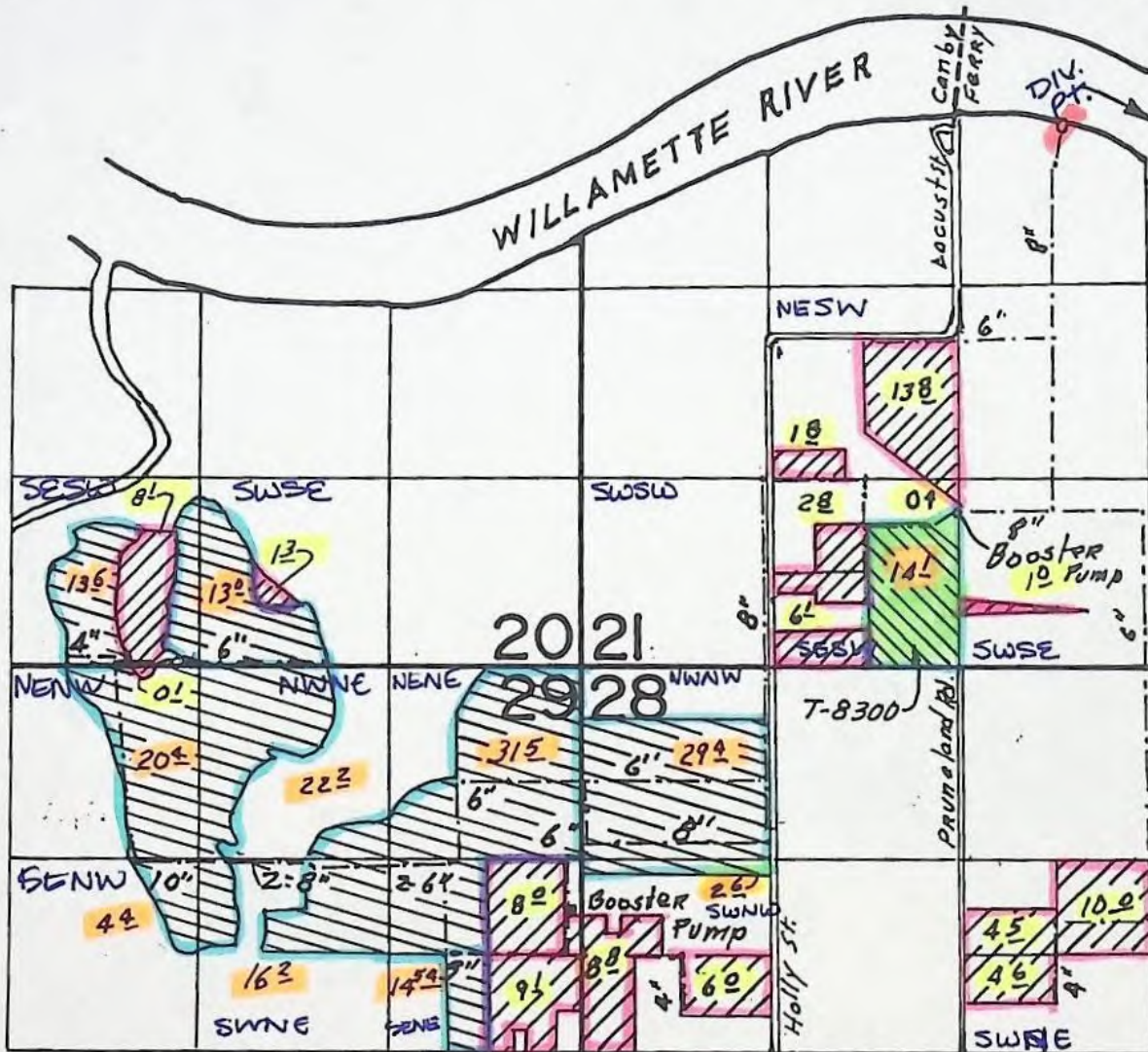


RECEIVED

NOV 12 1999

T.3 S. R.1 E., W.M.

WATER RESOURCES DEPT.  
SALEM, OREGON



Div. Pt. Loc. 3800' N. & 3410' E From SW Cor Sec 21

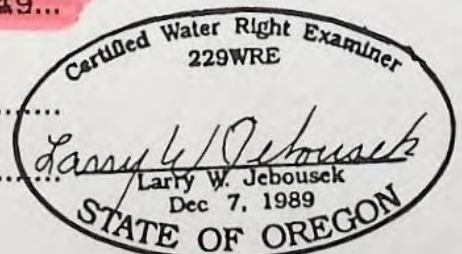
PRIMARY IRRIG. Suppl. Irrig.

# FINAL PROOF SURVEY UNDER

TRANSFER NO. T-8300  
Application No. 73837. Permit No. 52049...  
IN NAME OF

..MONTECUCCO FARMS.....

Surveyed JUNE 28 1999, by .....  
sept 22



THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.

WAC-900R 11-104



STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT 8300 submitted by

MONTECUCCO FARMS  
4120 LOCUST ROAD  
CANBY, OREGON 97013.

The permit to be modified is Permit 52049 with a date of priority of JANUARY 4, 1994, FOR 16.60 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 0.42 ACRE-FEET OF WATER. The permit allows the use of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 14.1 ACRES. The volume of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 17.02 acre-feet per year, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 S, R 1 E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2½ acre-feet for each acre irrigated during the irrigation season of each year.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

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

The authorized place of use is located as follows:

PRIMARY

SW $\frac{1}{4}$  SW $\frac{1}{4}$  8.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  6.1 ACRES  
SECTION 21

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

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

The applicant proposes to change the place of use to:

PRIMARY

SE $\frac{1}{4}$  SW $\frac{1}{4}$  14.1 ACRES  
SECTION 21

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

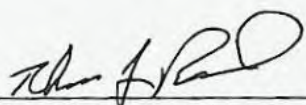
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.



Permit 52049, in the name of MONTECUCCO FARMS, is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed SEP 07 1999.

  
Fol Martha O. Pagel, Director



APP 5-73831  
P 5-52049

County: Clackamas  
 Taxlot: 31E21 00300 ✓  
 Owner1: MONTECUCCO RENTALS LLC  
 Owner2: NULL  
 Owner Address: PAUL MONTECUCCO CANBY OR 97013  
 Site Address: 4110 N LOCUST ST CANBY OR 97013

County: Clackamas  
 Taxlot: 31E21 02300 ✓  
 Owner1: MONTECUCCO RENTALS LLC  
 Owner2: NULL  
 Owner Address: PAUL MONTECUCCO CANBY OR 97013  
 Site Address: 241 NE 37TH AVE CANBY OR 97013

County: Clackamas  
 Taxlot: 31E20 01203 ✓  
 Owner1: MONTECUCCO STEPHEN P 1/3  
 Owner2: MONTECUCCO MARILYN S 1/3  
 Owner Address: STEPHEN P MONTECUCCO CANBY OR 97013  
 Site Address: 22345 S HAINES RD CANBY OR 97013

County: Clackamas  
 Taxlot: 31E20 01001 ✓  
 Owner1: MONTECUCCO STEPHEN P 1/3  
 Owner2: MONTECUCCO MARILYN S 1/3  
 Owner Address: STEPHEN P MONTECUCCO CANBY OR 97013  
 Site Address: 22345 S HAINES RD CANBY OR 97013





APP 5-73837  
P 5-52049

County:	Clackamas
Taxlot:	31E28 01700 ✓
Owner1:	MONTECUCO RENTALS LLC
Owner2:	NULL
Owner Address:	3610 N LOCUST ST CANBY OR 97013
Site Address:	NO SITUS ADDRESS NULL

County:	Clackamas
Taxlot:	31E29 00101 ✓
Owner1:	MONTECUCO RENTALS LLC
Owner2:	NULL
Owner Address:	3610 N LOCUST ST CANBY OR 97013
Site Address:	NO SITUS ADDRESS NULL

County:	Clackamas
Taxlot:	31E29 00103 ✓
Owner1:	MONTECUCO STEPHEN P 1/3
Owner2:	MONTECUCO MARILYN S 1/3
Owner Address:	STEPHEN P MONTECUCO CANBY OR 97013

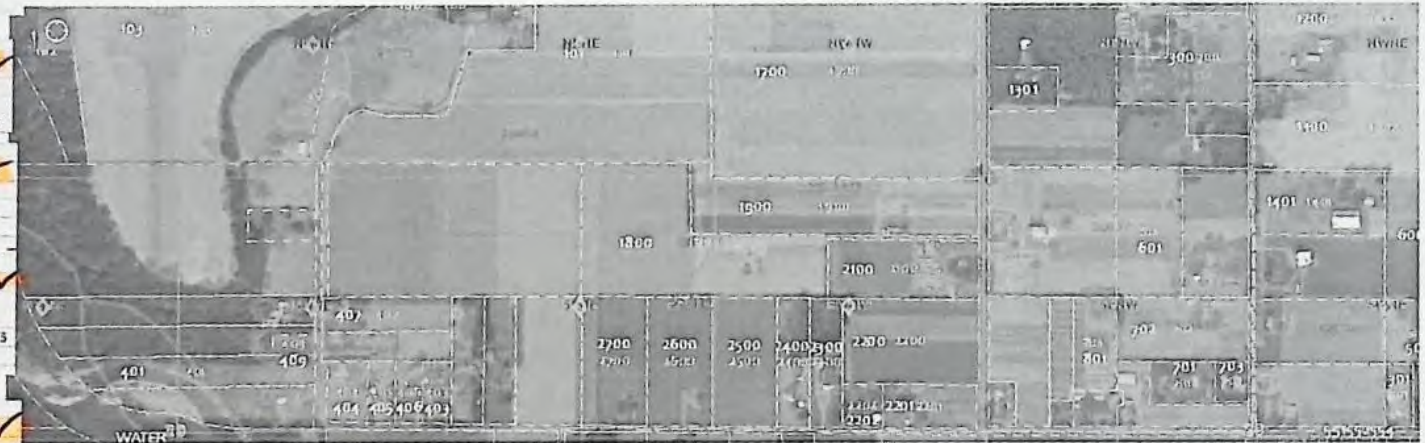
County:	Clackamas
Taxlot:	31E29 00102 ✓
Owner1:	STATE OF OREGON
Owner2:	NULL
Owner Address:	PARKS & RECREATION PORTLAND OR 97201
Site Address:	NO SITUS ADDRESS NULL

County:	Clackamas
Taxlot:	31E29A 00200 ✓
Owner1:	DINTEMAN BRYAN J & INGRID R
Owner2:	NULL
Owner Address:	2375 NW BAKER DR CANBY OR 97013
Site Address:	2375 N BAKER DR CANBY 97013
Area:	A

County:	Clackamas
Taxlot:	31E29A 00800 ✓
Owner1:	MONTECUCO RENTALS LLC
Owner2:	NULL
Owner Address:	3610 N LOCUST ST CANBY OR 97013
Site Address:	NO SITUS ADDRESS NULL

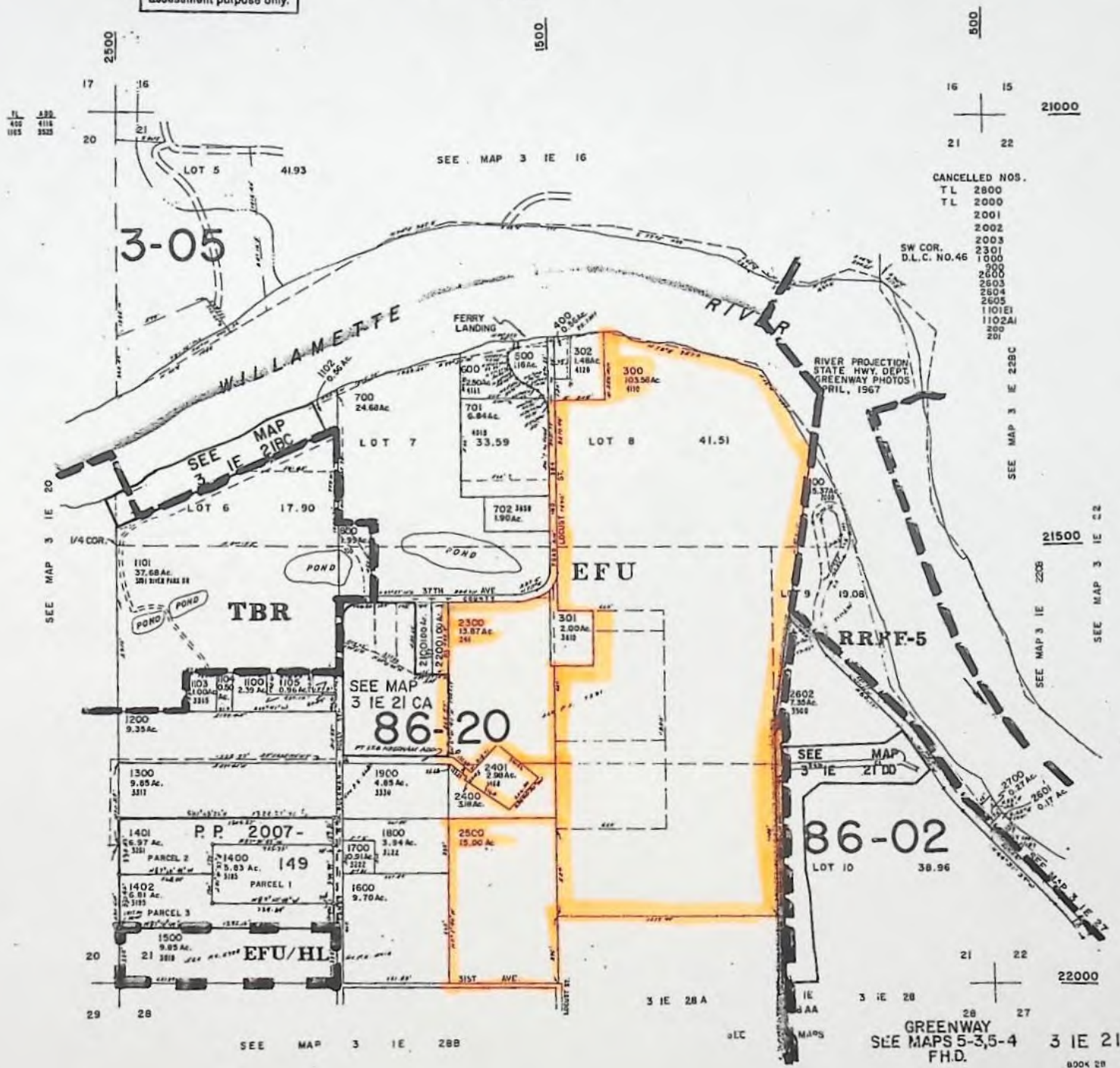
County:	Clackamas
Taxlot:	31E28 02200 ✓
Owner1:	MONTECUCO RENTALS LLC
Owner2:	NULL
Owner Address:	3610 N LOCUST ST CANBY OR 97013
Site Address:	NO SITUS ADDRESS NULL

County:	Clackamas
Taxlot:	31E28A 00501 ✓
Owner1:	JOHNSON LESTER J & GEORGENE F B
Owner2:	NULL
Owner Address:	PO BOX 387 ENTERPRISE OR 97828
Site Address:	NO SITUS ADDRESS NULL





This map was prepared for assessment purpose only.

 $I'' = 400'$ 

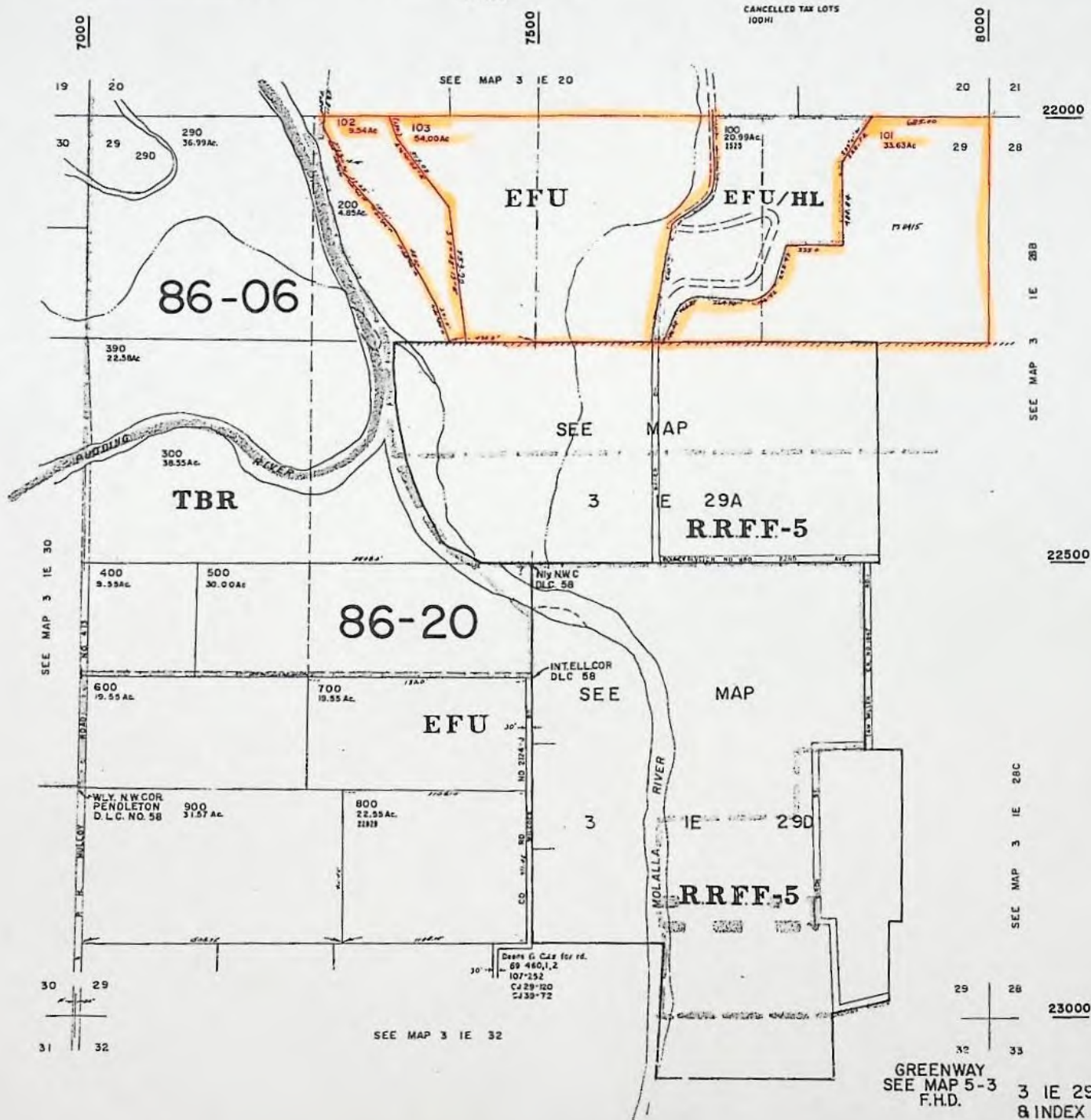


This map was prepared for  
assessment purpose only.

SECTION 29 T.3S. R.1E. W.M.  
CLACKAMAS COUNTY  
1"=400'

D.L.C.  
C. PENDLETON NO. 58

3 IE 29  
& INDEX





This map was prepared for  
assessment purpose only.

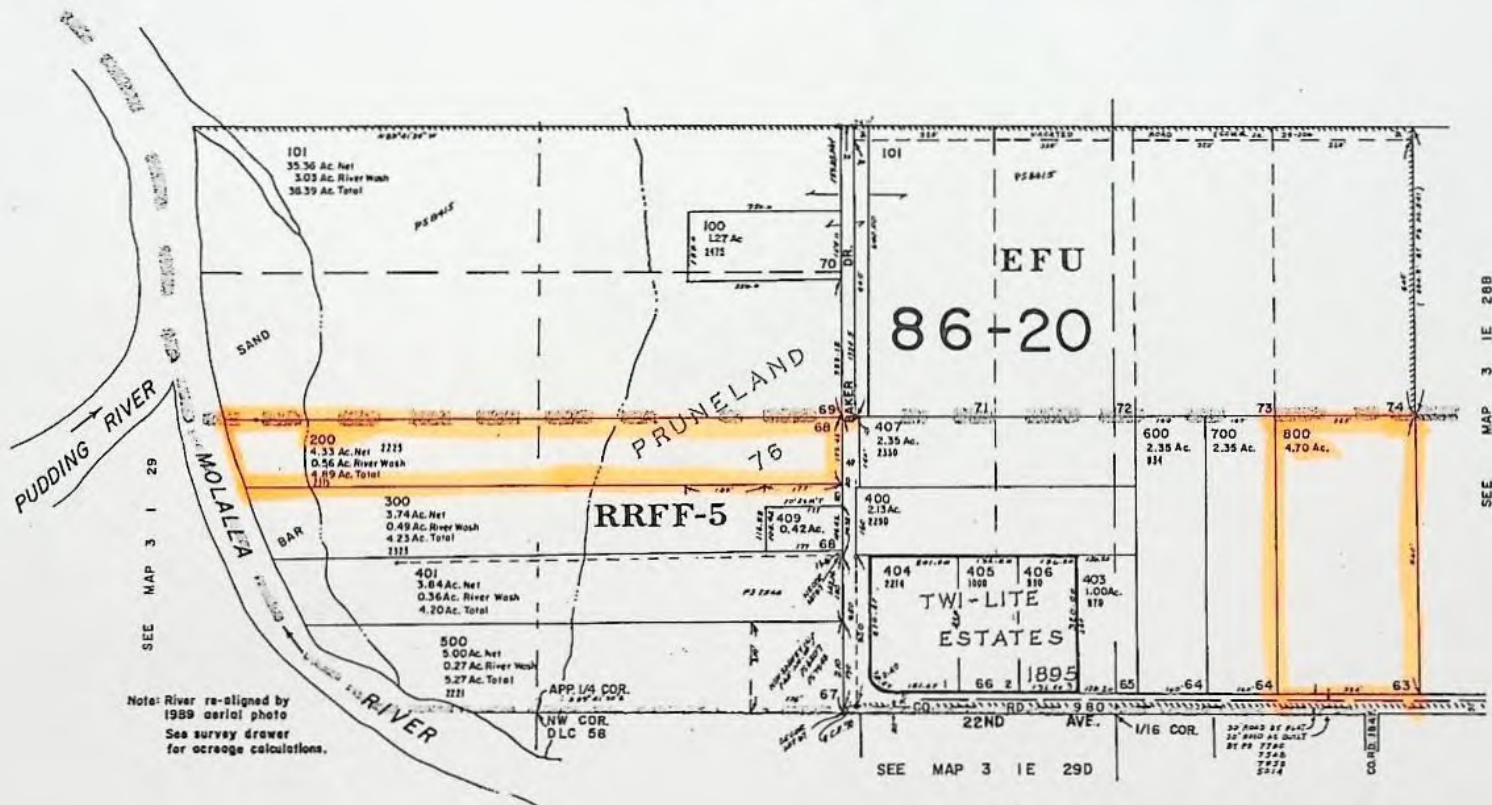
NE 1/4 SEC. 29 T3S. R1E. W.M.  
CLACKAMAS COUNTY  
1" = 200'

3 IE 29A

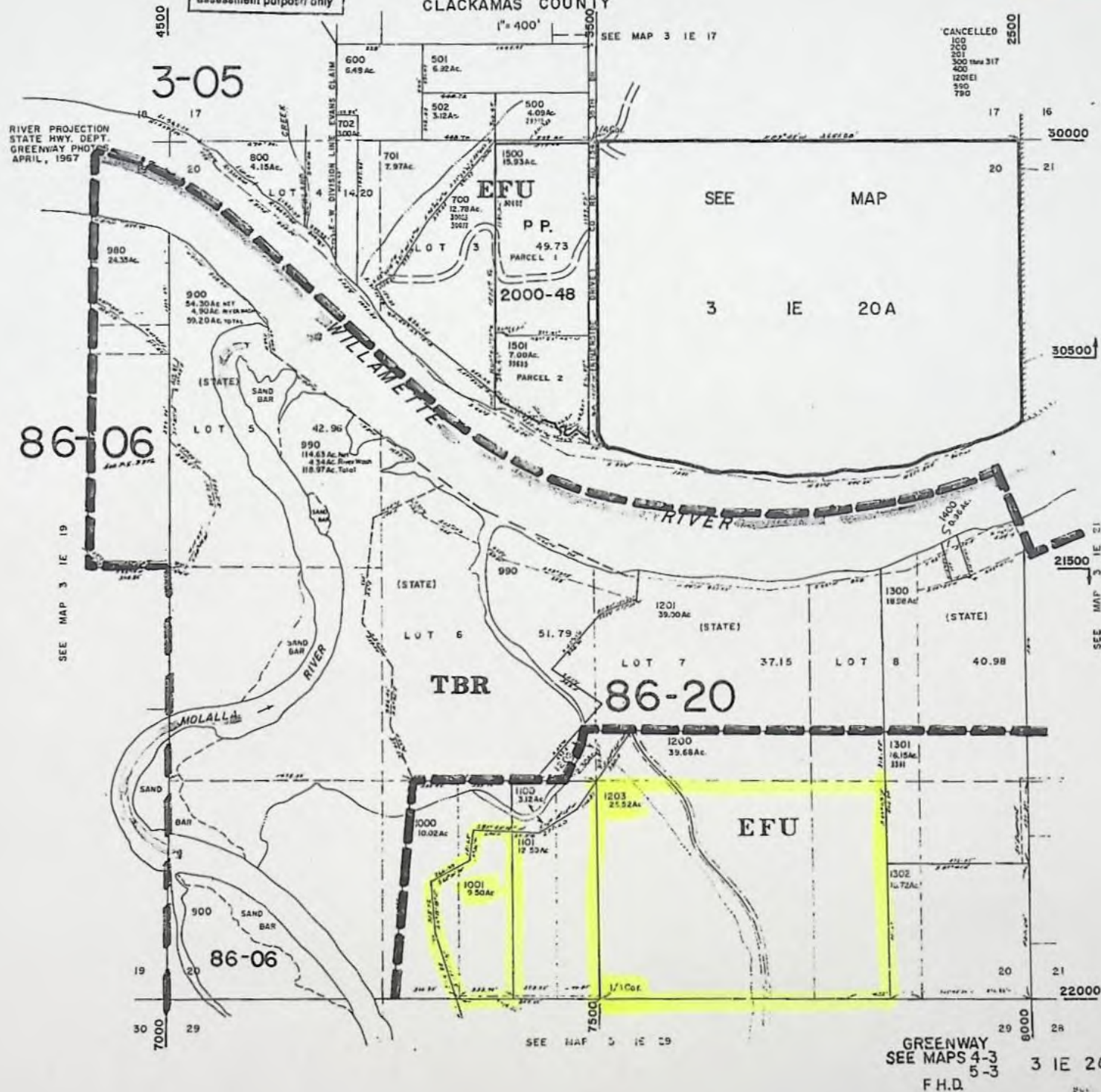


CANCELLED TL'S  
402  
408  
450

SEE MAP 3 IE 29









3 IE 28A  
CANBY

<u>FL</u>	<u>ADD</u>
201	2215
200	785

CANCELLED TL'S  
700  
800  
101  
390  
490

CANBY  
3 IE 28A  
BK 28



**This map was prepared for assessment purposes only.**

CANCELLED NOS.  
TL 2000

SEE MAP 3 1E 21

APP. 1/4 COR.

SEE MAP 3 1 E 29 A SEE 1 MAP 3 1 E 29

E.F.U.

86-20

PRUNED AND

**R.R.F.F-5**

SEE MAP 3 IE 2JC

3 1E 28B  
BOOK 28



## Water Rights Platcard Report

Meridian:  Township:  South  East  Section:  Records per Page:  SearchPlatcards Maps!  
[Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40)	QQ(100)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
Select Cert:51554 OR *		9/10/1975	FROST PROTECTION																						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G7106 Permit: G6852 Cert: 51554																									
Select Claim:GR 505 *		2/22/1950	IRRIGATION									8													
Additional Info: JAMES GOTT Claim: GR505																									
Select Claim:GR 1816 *		5/31/1954	IRRIGATION									1													
Additional Info: JACOB JOHN HAUCK Claim: GR1816																									
Select Claim:GR 2913 *		12/31/1925	IRRIGATION																					1.25	
Additional Info: EARL OLIVER Claim: GR2913																									
Select Claim:GR 3055 *		12/3/1947	IRRIGATION																					3	
Additional Info: FRED DEFOREST Claim: GR3055																									
Select Claim:GR 4019 *		12/31/1952	IRRIGATION									2.5													
Additional Info: CHARLES J SANDSNESS Claim: GR4019																									
Select Permit: S 39356 CN		8/16/1974	IRRIGATION CN																		±	2.4	±	0.6	
Additional Info: NICK GITTS App: S52324 Permit: S39356																									
Select Permit: S 50231 CN		3/22/1988	IRRIGATION CN																		±±	2.±	±±	0.±	
Additional Info: JOSEPH FLEISCHMANN App: S69562 Permit: S50231																									
Select Permit: S 51391 CN		10/23/1990	IRRIGATION CN																			9.37			
Additional Info: DANIEL L HOSTETLER App: S70792 Permit: S51391																									
Select Cert:811 OR *		12/24/1912	IRRIGATION																		14	14			
Additional Info: A R CUMMINGS App: S2712 Permit: S1619 Cert: 811																									
Select Cert:10023 OR *		6/11/1928	IRRIGATION									11													
Additional Info: ALVIN R SHELLER App: S12123 Permit: S8524 Cert: 10023																									
Select Cert:14265 OR CN		2/2/1940	IRRIGATION CN																		0.0			4.±	
Additional Info: ARTHUR W MILLER App: S18563 Permit: S14184 Cert: 14265																									
Select Cert:14472 OR *		5/15/1939	IRRIGATION																			1			
Additional Info: PAUL/GRACE RUBECK App: S18053 Permit: S13721 Cert: 14472																									
12.34																									

Acreage Legend: 12.25 Regular acreage

12.25 Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)

[12.25] Acreage has been suspended

\* Acreage is not specified



## Water Rights Platcard Report

Meridian:  Township:   Range:   Section:  Records per Page:

[Platcards Maps!](#)  
[Learn about](#) \* [View Map](#)

[illegible]

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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## Water Rights Platcard Report

Meridian: Willamette Township: 3 South Range: 1 East Section: 29 Records per Page: 13 [Search](#) [Platcards Maps!](#) [Learn about it](#) [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	Q(160)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QQ
Select Cert:56295 OR *		3/3/1982	IRRIGATION					1.8	3															
Additional Info: WALTER KURT SCHRADER App: 563378 Permit: 546746 Cert: 56295																								
Select Cert:56455 RR *		2/2/1940	IRRIGATION		58															6.8				4.1
Additional Info: ARTHUR W MILLER App: 518563 Permit: 514184 Cert: 56455																								
Select Cert:74441 RR CN		4/16/1952	IRRIGATION CN					2-4	14.6															
Additional Info: GEORGE DES BRISAY App: 527090 Permit: 521320 Cert: 74441																								
Select Cert:75773 RR *		4/16/1952	IRRIGATION					2.4	14.6															
Additional Info: GEORGE DES BRISAY App: 527090 Permit: 521320 Cert: 75773																								
Select Permit: S 52049 *		1/4/1994	IRRIGATION								17.1	0.1												
Additional Info: MONTECUCCO FARMS LLC App: 573837 Permit: 552049																								
Select Cert:89402 CF *		4/29/1965	IRRIGATION					16.3		16.2	9.3				4.4									
Additional Info: MONTECUCCO FARMS App: 540816 Permit: 530409 Cert: 89402																								
Select Cert:89403 CF *		4/16/1952	IRRIGATION						18.7			20.4												
Additional Info: MONTECUCCO FARMS App: 527090 Permit: 521320 Cert: 89403																								
Select Cert:89404 CF *		4/16/1952	IRRIGATION					15.2	3.5		5.24													
Additional Info: MONTECUCCO FARMS App: 527090 Permit: 521320 Cert: 89404																								
Select App: S 71651 WD		6/3/1991	MUNICIPAL USES	WD				A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	A	
Additional Info: TUALATIN VALLEY WATER DISTRICT App: 571651																								
Select Permit: G 5101 CN		7/14/1970	MUNICIPAL USES	CN																			40	
Additional Info: CITY OF CANBY App: G5246 Permit: G5101																								
Select Permit: S 46199 *		10/20/1980	MUNICIPAL USES																	*	*	*	*	
Additional Info: CITY OF CANBY App: S60921 Permit: S46199																								
Select Cert:44140 OR *		10/16/1969	MUNICIPAL USES																				*	
Additional Info: CITY OF CANBY App: G5018 Permit: G4784 Cert: 44140																								
Select Cert:82570 OR *		10/11/1976	MUNICIPAL USES																				*	
Additional Info: MATT MICHEL App: G7542 Permit: G7013 Cert: 82570																								

1234

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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## Water Rights Platcard Report

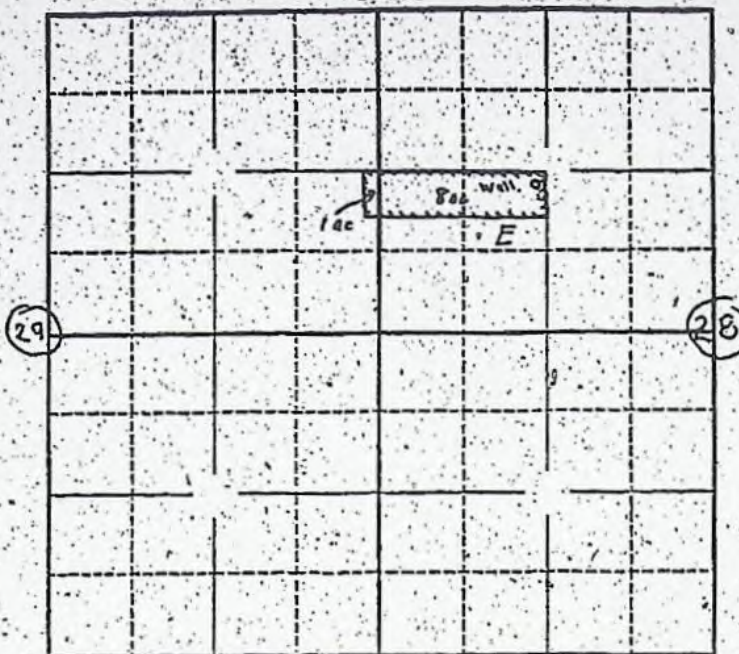
Meridian: Willamette Township: 3 South Range: 1 East Section: 29 Records per Page: 13 Search Platcards Maps Learn about \* View Map

[illegible]

Acree Legend:	12.25 Regular acree	<del>12.25</del> Acree is on a canceled right	(12.25) Acree is part of a transfer and has not been proven up on yet (inchoate)	(12.25) Acree has been suspended	* Acree is not specified
---------------	------------------------	--	--	-------------------------------------	-----------------------------



Township 35 Range 1 E W.M.  
North



Locate well and acreage of irrigated land on plat.

Scale:  $\frac{1}{4}$  inch = 1 Mile

STATE OF OREGON

County of Marion

Jacob John Hauch being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

Subscribed and sworn to before me this 26th day of June, 1958

My commission expires 12th June 1961

Wm. S. Bartholomew  
(Notary Public)

(SEAL)

### CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 26th day of June, 1958, at 11:00 o'clock A. M. and has been duly recorded in said office in Book No. 8 of Registration Statements on page GR-1757

Witness my hand this 7th day of January, 1959

Lewis A. Stanley  
(State Engineer)

By

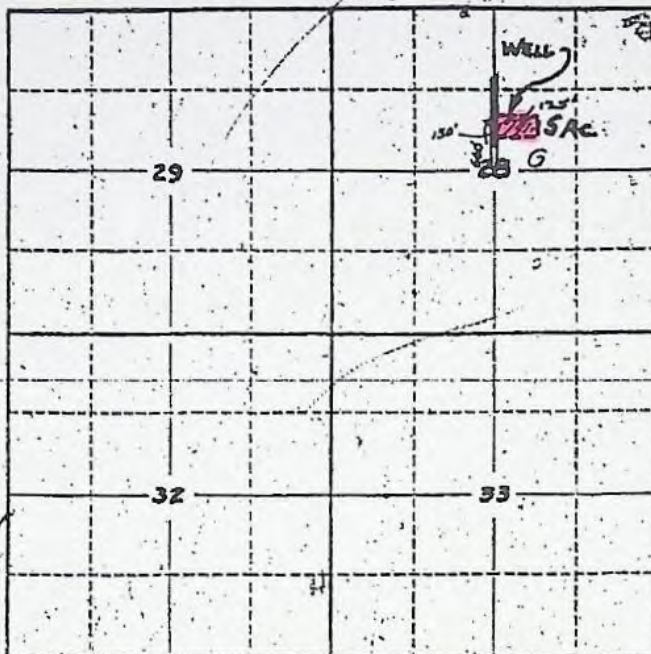
(Deputy)

GR-1757



Township 35 Range 1E W.M.

North



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of \_\_\_\_\_

I, John H. Smith, being first duly sworn, do hereby certify that I have read the foregoing Registration Statement and that all of the items therein contained are true to the best of my knowledge and belief.

(Signature of Registrant)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

My commission expires \_\_\_\_\_

(Notary Public)

(SEAL)

### CERTIFICATE OF REGISTRATION

STATE OF OREGON

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 4th day of August, 1952, at 2:00 o'clock P. M. and has been duly recorded in said office in Book No. 15 of Registration Statements on page GR-3604.

Witness my hand this 15th day of September, 1952.

(State Engineer)

By \_\_\_\_\_

(Deputy)

GR 3997

GR-3604



Scale: 2" = 1 Mile

County of \_\_\_\_\_

George and belief  
JRM c Lam Flack/Blanchard  
(Signature of Registrant)

Subscribed and sworn to before me this 1 day of August 1934

My commission expires

(SEAL)

# CERTIFICATE OF REGISTRATION

County of Marion

This is to certify that the foregoing Registration Statement was received in the office of the State Engineer on the 21 day of July, 1958, at 8:00 o'clock A.M. and has been duly recorded in said office in Book No. 16 of Registration Statements on page 68-3874

Witness my hand this 28<sup>th</sup> day of December 1959

By

(Deputy)

GR 3874



Meridian:  Township:   Range:   Section:  Records per Page:  Search

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[Learn about](#) \* [View Map](#)

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
-----------------	-----------------------	---	--	------------------------------------	----------------------------



## Water Rights Platcard Report

Meridian: **Willamette** Township: **3** South Range: **1** East Section: **20** Records per Page: **13** Search [Platcards Maps](#) [Learn about this View](#)

[illegible]

Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
-----------------	-----------------------	---	--	------------------------------------	----------------------------



## Water Rights Platcard Report

 Meridian:  Township:  South  East  Records per Page:  Search

 Platcards Maps!  
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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown	QQ
Select	Cert:74441 RR CN	4/16/1952	IRRIGATION	CN																							16.2	13.4	
Additional Info: GEORGE DES BRISAY App: S27090 Permit: S21320 Cert: 74441																													
Select	Cert:74441 RR CN	4/16/1952	IRRIGATION	CN	8																						12		
Additional Info: GEORGE DES BRISAY App: S27090 Permit: S21320 Cert: 74441																													
Select	Cert:75773 RR *	4/16/1952	IRRIGATION																								16.2	13.4	
Additional Info: GEORGE DES BRISAY App: S27090 Permit: S21320 Cert: 75773																													
Select	Cert:75773 RR *	4/16/1952	IRRIGATION		8																						2.6		
Additional Info: GEORGE DES BRISAY App: S27090 Permit: S21320 Cert: 75773																													
Select	Cert:75773 RR *	4/16/1952	IRRIGATION		7																						7.6		
Additional Info: GEORGE DES BRISAY App: S27090 Permit: S21320 Cert: 75773																													
Select	Permit: S 52049 *	1/4/1994	IRRIGATION																								8.1	1.3	
Additional Info: MONTECUCCO FARMS LLC App: S73837 Permit: S52049																													
Select	Cert:89403 CF *	4/16/1952	IRRIGATION																								13.6	13	
Additional Info: MONTECUCCO FARMS App: S27090 Permit: S21320 Cert: 89403																													
Select	Cert:16625 OR *	5/9/1938	LIVESTOCK		1			*			*																		
Additional Info: F KING App: S17320 Permit: S13035 Cert: 16625																													
Select	Cert:16625 OR *	5/9/1938	LIVESTOCK		2			*		*																			
Additional Info: F KING App: S17320 Permit: S13035 Cert: 16625																													
Select	App: S 71651 WD	6/3/1991	MUNICIPAL USES	WD				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Additional Info: TUALATIN VALLEY WATER DISTRICT App: S71651																													
Select	Cert:56189 OR *	6/1/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		1		10				5.7																		
Additional Info: PAUL WEBER App: S55199 Permit: S41611 Cert: 56189																													
Select	Permit: S 52049 *	1/4/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)																								13.6	13	
Additional Info: MONTECUCCO FARMS LLC App: S73837 Permit: S52049																													

123

123

Acreage Legend: 12.25 Regular acreage    12.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



Meridian:  Township:  South Range:  East Section:  Records per Page:

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Acreage Legend:	12.25 Regular acreage	<del>12.25</del> Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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## Water Rights Platcard Report

Meridian:  Township:   Range:   Section:  Records per Page:  Search [Platcards Maps](#) [Learn About \\* View Map](#)

Water Right	Change of Right	Priority	Use	Use Status	DLC	Gov's Loc	Q(160)	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown	QD
<a href="#">Select</a> Cert:29297 OR CN Additional Info: VICTOR HOUEL App: G997 Permit: G895 Cert: 29297	T10857	6/30/1958	IRRIGATION CN																19.5		
<a href="#">Select</a> Cert:30771 OR * Additional Info: PAUL VIRGIL MONTECUCCO App: S33106 Permit: S26170 Cert: 30771		5/18/1959	IRRIGATION				9												1		
<a href="#">Select</a> Cert:30771 OR * Additional Info: PAUL VIRGIL MONTECUCCO App: S33106 Permit: S26170 Cert: 30771		5/18/1959	IRRIGATION				8			8.5	0.9										
<a href="#">Select</a> Cert:30771 OR * Additional Info: PAUL VIRGIL MONTECUCCO App: S33106 Permit: S26170 Cert: 30771		5/18/1959	IRRIGATION																26.8	16.6	
<a href="#">Select</a> Cert:30776 OR * Additional Info: PAUL VIRGIL MONTECUCCO App: S37457 Permit: S27886 Cert: 30776		3/7/1962	IRRIGATION																14	9.6	
<a href="#">Select</a> Cert:38929 OR * Additional Info: RAYMOND G ASCHIE App: S40731 Permit: S30337 Cert: 38929		4/7/1965	IRRIGATION				2		2.7												
<a href="#">Select</a> Cert:41841 OR CN Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: G5521 Permit: G5209 Cert: 41841			IRRIGATION CN				10													8.8	
<a href="#">Select</a> Cert:43217 OR * Additional Info: GORDON ANDRUS App: G4620 Permit: G4346 Cert: 43217		10/1/1968	IRRIGATION																	6.2	
<a href="#">Select</a> Cert:44683 OR * Additional Info: HAROLD MICKELSEN App: G4827 Permit: G4546 Cert: 44683		3/27/1969	IRRIGATION												9.5						
<a href="#">Select</a> Cert:44930 RR * Additional Info: GEORGE E/MARY H FELL App: S27378 Permit: S21553 Cert: 44930		6/25/1952	IRRIGATION				3		10.4												
<a href="#">Select</a> Cert:55065 OR * Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: S54724 Permit: S40993 Cert: 55065		8/30/1976	IRRIGATION				10													8.8	
<a href="#">Select</a> Cert:75774 RR * Additional Info: GEORGE WEBB App: S19598 Permit: S15185 Cert: 75774		1/19/1942	IRRIGATION				6						2.7								
<a href="#">Select</a> Permit: S 52049 * Additional Info: MONTECUCCO FARMS LLC App: S73837 Permit: S52049		1/4/1994	IRRIGATION											15.6		23.4			1		

122

Acreage Legend: 12.25 Regular acreage    42.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



## Water Rights Platcard Report

 Meridian:  Township:  South  East  Records per Page:  Search

 Platcards Maps!  
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Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40): Q(160):	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QO
<b>Select</b> App: G 17963 *		11/19/2014	IRRIGATION																9.7					
Additional Info: KATHLEEN CUTSFORTH App: G17963																								
<b>Select</b> App: S 71651 WD		6/3/1991	MUNICIPAL USES	WD				*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Additional Info: TUALATIN VALLEY WATER DISTRICT App: S71651																								
<b>Select</b> Permit: S 46199 *		10/20/1980	MUNICIPAL USES																	*	*	*	*	
Additional Info: CITY OF CANBY App: S60921 Permit: S46199																								
<b>Select</b> Cert: 44140 OR *		10/16/1969	MUNICIPAL USES																	*	*	*	*	
Additional Info: CITY OF CANBY App: G5018 Permit: G4784 Cert: 44140																								
<b>Select</b> Permit: S 54691 *		12/27/1990	MUNICIPAL USES																	*	*	*	*	
Additional Info: CANBY UTILITY BOARD App: S71072 Permit: S54691																								
<b>Select</b> Inchoate: T 10857 CF (REG) *		6/30/1958	NURSERY USES															(19.5)						
Additional Info: DUANE WEEKS App: G997 Permit: G895																								
<b>Select</b> Cert: 55066 OR *		10/18/1976	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			10																	8.8	
Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: G7544 Permit: G6878 Cert: 55066																								
<b>Select</b> Cert: 56189 OR *		6/1/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			5							14.1	0.9										
Additional Info: PAUL WEBER App: S55199 Permit: S41611 Cert: 56189																								
<b>Select</b> Cert: 56189 OR *		6/1/1977	SUPPLEMENTAL IRRIGATION (Suppl'mtl)			4						7.1												
Additional Info: PAUL WEBER App: S55199 Permit: S41611 Cert: 56189																								
123																								

Acreage Legend: 12.25 Regular acreage    12.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



Meridian: **Willamette** Township: **3** South Range: **1** East Section: **28** Records per Page: **13** Search [Platcards Maps](#) [Learn about »](#) [View Map](#)

Acreage Legend: 12.25 Regular acreage    ~~12.25~~ Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



## Water Rights Platcard Report

Meridian:  Township:  South Range:  East Section:  Records per Page:  Search [Platcards Maps!](#) [Learn about](#) \* [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	DLC	Gov't Lot	QQ(40):	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	Unknown
<a href="#">Select</a> Claim:GR 4200 *		12/31/1927	IRRIGATION													3			14					
Additional Info: MRS MERTON G ELLIS Claim: GR4200																								
<a href="#">Select</a> Claim:GR 4273 *		2/21/1951	IRRIGATION							7														
Additional Info: ALDRICH O SOYRING Claim: GR4273																								
<a href="#">Select</a> Cert:27216 OR *		7/12/1957	IRRIGATION													13.1		2.7						
Additional Info: TOM/JOHN R DODDS App: G699 Permit: G600 Cert: 27216																								
<a href="#">Select</a> Cert:27223 OR *		9/10/1959	IRRIGATION													3.5								
Additional Info: THOMAS M/JOHN R DODDS App: G1576 Permit: G1437 Cert: 27223																								
<a href="#">Select</a> Cert:29071 OR *		8/1/1958	IRRIGATION																					2
Additional Info: KENNETH M CHRISTENSEN App: G1142 Permit: G958 Cert: 29071																								
<a href="#">Select</a> Cert:30451 OR *		4/11/1961	IRRIGATION			45																		8.7
Additional Info: ERNIE JOHN BRADTL App: G1981 Permit: G1823 Cert: 30451																								
<a href="#">Select</a> Cert:32258 OR *		3/6/1962	IRRIGATION													9								
Additional Info: PAUL MONTECUCCO App: G2251 Permit: G2070 Cert: 32258																								
<a href="#">Select</a> Cert:35104 OR *		8/25/1961	IRRIGATION			58											12.8	23.6						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G2104 Permit: G1935 Cert: 35104																								
<a href="#">Select</a> Cert:37527 OR CN		4/29/1965	IRRIGATION CN											2.6			29.4							
Additional Info: PAUL/FRANCES MONTECUCCO App: S40816 Permit: S30409 Cert: 37527																								
<a href="#">Select</a> Cert:41841 OR CN			IRRIGATION CN					9.2			11.5									8.9				
Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: G5521 Permit: G5209 Cert: 41841																								
<a href="#">Select</a> Cert:43217 OR *		10/1/1968	IRRIGATION						12.4															
Additional Info: GORDON ANDRUS App: G4620 Permit: G4346 Cert: 43217																								
<a href="#">Select</a> Cert:50657 OR *		1/27/1977	IRRIGATION													14.4								
Additional Info: LEO J GARRE App: G7665 Permit: G7252 Cert: 50657																								
<a href="#">Select</a> Cert:51555 OR *		5/3/1977	IRRIGATION			58												2.2						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G8084 Permit: G7478 Cert: 51555																								

1234

Acreage Legend: 12.25 Regular acreage

12.25 Acreage is on a canceled right

(12.25) Acreage is part of a transfer and has not been proven up on yet (Inchoate)

[12.25] Acreage has been suspended

\* Acreage is not specified



## Water Rights Platcard Report

 Meridian:  Township:   Range:   Section:  Records per Page:  Search

 Platcards Maps!  
[Learn about](#) • [View Map](#)

Water Right	Changing Xfers	Priority	Use	Use Status	PLC	Gov't Lot	Q(40) Q(100)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown QD
Select Cert:51556 OR *		6/18/1979	IRRIGATION													0.4			12					
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G9284 Permit: G8712 Cert: 51556																								
Select Cert:54682 OR *		8/19/1983	IRRIGATION			58										9.4								
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G10987 Permit: G10158 Cert: 54682																								
Select Cert:55065 OR *		8/30/1976	IRRIGATION					9.2			11.5									8.9				
Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: S54724 Permit: S40993 Cert: 55065																								
Select Cert:55384 OR *		3/19/1979	IRRIGATION													4.8								
Additional Info: ROY A/DARLENE O LOHSE App: G9170 Permit: G8495 Cert: 55384																								
ROB Select Permit: S 52049 *		1/4/1994	IRRIGATION							20				14.8										
Additional Info: MONTECUCCO FARMS LLC App: S73837 Permit: S52049																								
Select Permit: G 15911 *		11/5/2004	IRRIGATION														5							
Additional Info: NICHOLAS GITTS App: G16336 Permit: G15911																								
NCR Select Cert:89402 CF *		4/29/1965	IRRIGATION											29.4	2.6									
Additional Info: MONTECUCCO FARMS underlying right App: S40816 Permit: S30409 Cert: 89402																								
Select Cert:89685 OR *		7/6/1992	IRRIGATION						25.8															
Additional Info: GORDON ANDRUS App: G13016 Permit: G12082 Cert: 89685																								
Select Claim:GR 3994 *		12/31/1928	LIVESTOCK																					
Additional Info: C LAMB Claim: GR3994																								
Select App: S 71651 WD		6/3/1991	MUNICIPAL WD USES					*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Additional Info: TUALATIN VALLEY WATER DISTRICT App: S71651																								
Select Permit: G 5101 CN		7/14/1970	MUNICIPAL CN USES								40							40		40	40	40	40	40
Additional Info: CITY OF CANBY App: G5246 Permit: G5101																								
Select Permit: S 46199 *		10/20/1980	MUNICIPAL USES					*			*					*	*	*	*	*	*	*	*	*
Additional Info: CITY OF CANBY App: S60921 Permit: S46199																								
Select Cert:44140 OR *		10/16/1969	MUNICIPAL USES					*			*							*	*	*	*	*	*	*
Additional Info: CITY OF CANBY App: G5018 Permit: G4784 Cert: 44140																								
1234																								

Acreage Legend: 12.25 Regular acreage    12.25 Acreage is on a canceled right    (12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)    [12.25] Acreage has been suspended    \* Acreage is not specified



Meridian: Willamette Township: 3 South Range: 1 East Section: 28 Records per Page: 13 Search [Platcards Maps](#) [Learn about](#) [View Map](#)

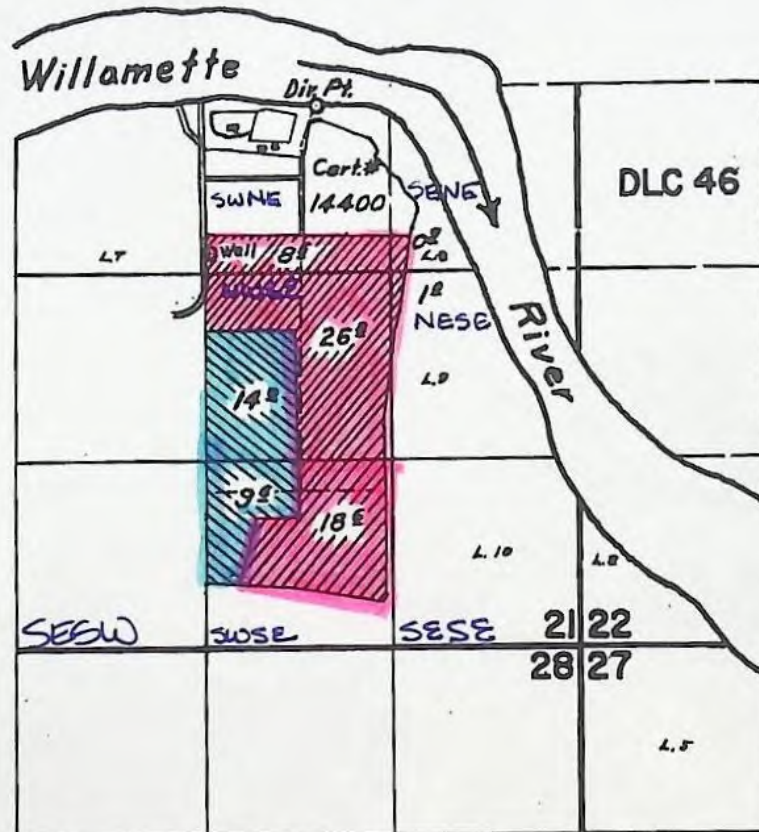
Water Right	Construction Start	Priority	Use	Use Status	DLC	Stock Lot	Q(40)	NE NE	NW NE	SW NE	SE NE	NE NW	NW NW	SW NW	SE NW	NE SW	NW SW	SW SW	SE SW	NE SE	NW SE	SW SE	SE SE	Unknown Q2
Select Cert:82570 OR *		10/11/1976	MUNICIPAL USES					*			*						*		*	*	*	*	*	
Additional Info: MATT MICHEL App: G7542 Permit: G7013 Cert: 82570																								
Select Cert:86087 OR *			MUNICIPAL USES					*			*						*	*	*	*	*	*	*	
Additional Info: CITY OF CANBY UTILITY BOARD App: 547326 Permit: S35453 Cert: 86087																								
Select Permit: S 54691 *		12/27/1990	MUNICIPAL USES					*	*	*	*						*	*	*	*	*	*	*	
Additional Info: CANBY UTILITY BOARD App: 571072 Permit: S54691																								
Select Permit: G 16004 *		5/23/2005	NURSERY USES									17.88												
Additional Info: JANICE SIMNITT App: G16465 Permit: G16004																								
Select Cert:84178 OR *		11/8/1980	NURSERY USES							3.93						9.48	16.53					15.75		
Additional Info: JANICE SIMNITT App: G11982 Permit: G11687 Cert: 84175																								
Select Cert:S1554 OR *		9/10/1975	SUPPLEMENTAL IRRIGATION (Suppl'mtl)		58												10.1	23.2						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G7106 Permit: G6852 Cert: S1554																								
Select Cert:S5066 OR *		10/18/1976	SUPPLEMENTAL IRRIGATION (Suppl'mtl)					9.2			11.5										8.9			
Additional Info: WILLAMETTE VALLEY COUNTRY CLUB App: G7544 Permit: G6878 Cert: 55066																								
Select Permit: S 52048 *		1/4/1994	SUPPLEMENTAL IRRIGATION (Suppl'mtl)											29.4	2.6									
Additional Info: MONTECUCO FARMS LLC App: 573837 Permit: S52049																								
Select Cert:35104 OR *		8/25/1961	TEMPERATURE CONTROL		58												*	*						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G2104 Permit: G1935 Cert: 35104																								
Select Cert:S1554 OR *		9/10/1975	TEMPERATURE CONTROL		58												*	*						
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G7106 Permit: G6852 Cert: S1554																								
Select Cert:S4682 OR *			TEMPERATURE CONTROL		58												*							
Additional Info: INDUSTRIAL FORESTRY ASSOCIATION App: G10987 Permit: G10158 Cert: 54682																								

1224

Acreage Legend:	12.25 Regular acreage	12.26 Acreage is on a canceled right	(12.25) Acreage is part of a transfer and has not been proven up on yet (inchoate)	[12.25] Acreage has been suspended	* Acreage is not specified
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T.3S.R1E.W.M.



# FINAL PROOF SURVEY

## UNDER

Application No. 37457 Permit No. 27886  IR  
IN NAME OF \_\_\_\_\_

Paul, Virgil & Paul S. Montecusca

Surveyed April 24 1962, by Thomas R. Lauer

CERT 30771

NCR

CERT 30776

1962-A

NCR



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

**This Is to Certify, That** PAUL, VIRGIL and PAUL S. MONTECUCCO  
of Route 3, Box 414, Canby, State of Oregon, has made proof  
to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of  
Willamette River  
a tributary of Columbia River for the purpose of  
irrigation of 55.0 acres  
under Permit No. 2-170 of the State Engineer, and that said right to the use of said waters  
has been perfected in accordance with the laws of Oregon; that the priority of the right hereby  
confirmed dates from May 18, 1959,

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

or its equivalent in case of rotation, measured at the point of diversion from the stream.  
The point of diversion is located in the Lot 8 (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ ), Section 21, T. 3 S., R. 1 E.,  
N. H.

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

and shall  
conform to such reasonable rotation system as may be ordered by the proper state officer.  
A description of the place of use under the right hereby confirmed, and to which such right is  
appurtenant, is as follows:

8.5 acres Lot 8 (SW  $\frac{1}{4}$  NE  $\frac{1}{4}$ )  
0.9 acre Lot 8 (SE  $\frac{1}{4}$  NE  $\frac{1}{4}$ )  
1.0 acre Lot 9 (NE  $\frac{1}{4}$  SE  $\frac{1}{4}$ )  
24.0 acres NW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
10.6 acres SW  $\frac{1}{4}$  SE  $\frac{1}{4}$   
Section 21  
T. 3 S., R. 1 E., N. H.

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

WITNESS the signature of the State Engineer, affixed

this date. APRIL - 1 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 22, page 30771



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

**This Is to Certify, That** PAUL, VIRGIL and PAUL S. MONTECUCCO

of Route 3, Box 411, Canby, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Willamette River  
a tributary of Columbia River for the purpose of  
irrigation of 23.6 acres

under Permit No. 27886 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from March 7, 1962,

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

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the Lot 8 (SW $\frac{1}{4}$  NE $\frac{1}{4}$ ), Section 21, T. 3 S., R. 1 E., W. M.

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

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

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

11.0 acres NW $\frac{1}{4}$  SE $\frac{1}{4}$   
9.6 acres SW $\frac{1}{4}$  SE $\frac{1}{4}$   
Section 21  
T. 3 S., R. 1 E., W. M.

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

WITNESS the signature of the State Engineer, affixed

this date. APRIL - 1 1963

CHRIS L. WHEELER

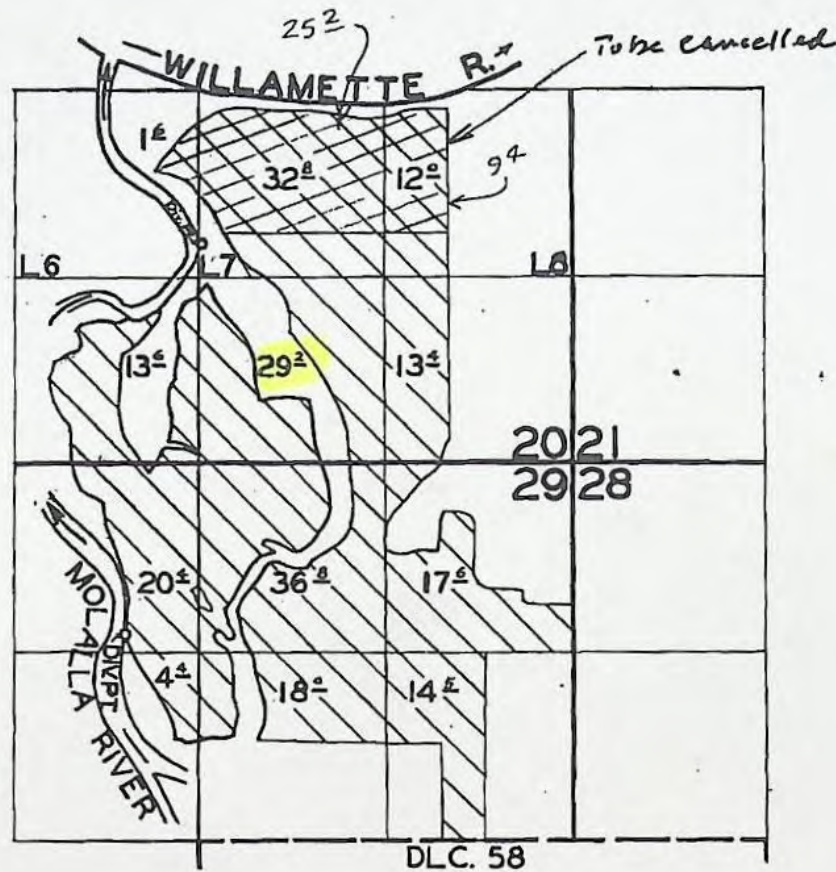
State Engineer



DFK-2LL-141 LHN



T. 3S. R. 1E. W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 27090 Permit No. 21320  
IN NAME OF

G. E. GILMORE JR.

Surveyed 14 MAY 1956, by R. D. BEST

CERT 75773

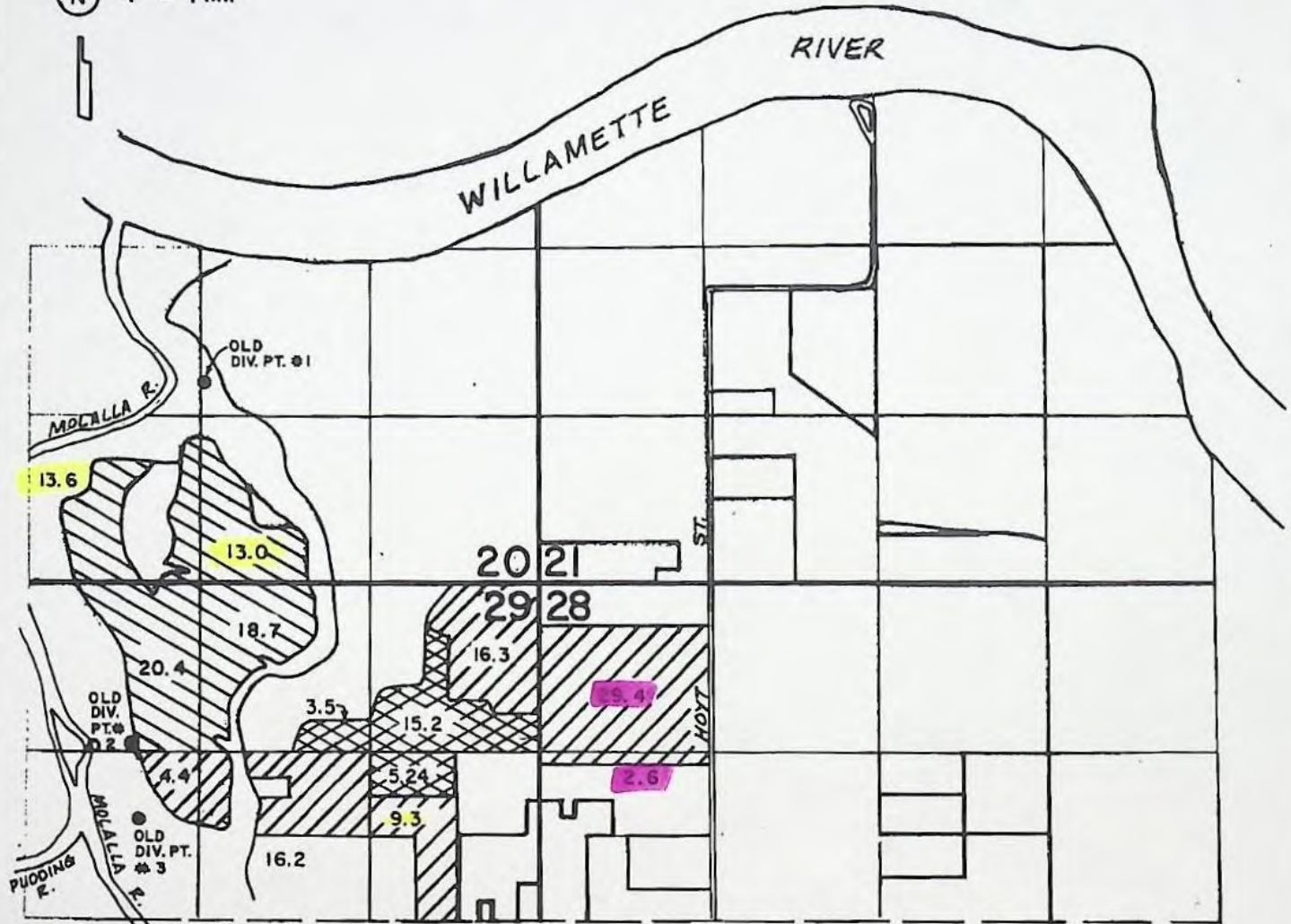
DFK-3D-54




Photo



T.3 S. R.1 E. W.M.

N 4" = 1 MI.



-  C-37650
-  C-40849
-  C-37527

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

OLD DIV. PT. LOC. ●

#1 - 1580' N. & 2600' W. FROM  
NE COR. SEC. 29

#2 - 1250' S. & 3160' W. FROM  
NE COR. SEC. 29

#3 - 1850' S. & 3090' W. FROM  
NE COR. SEC. 29

NEW DIV. PT. LOC. ●

1260' S. & 3420' W. FROM  
NE COR. SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

BY:

*[Signature]*

CERT 89404, 89403, 89402



## STATE OF OREGON

## COUNTY OF CLACKAMAS

## CERTIFICATE OF WATER RIGHT

## THIS CERTIFICATE ISSUED TO

MONTECUCCO FARMS  
4120 N LOCUST ST  
CANBY OR 97013

confirms the right to use the waters of MOLALLA RIVER, tributary to WILLAMETTE RIVER, for IRRIGATION of 65.7 ACRES.

This right was perfected under Permit S-21320. The date of priority is APRIL 16, 1952. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.82 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion.

The point of diversion is located as follows:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
3 S	1 E	WM	29	NE NW	1260 FEET SOUTH AND 3420 FEET WEST FROM NE CORNER, SECTION 29

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second, or its equivalent for each acre irrigated, and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year.

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

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	Acres
3 S	1 E	WM	20	SE SW	13.6
3 S	1 E	WM	20	SW SE	13.0
3 S	1 E	WM	29	NW NE	18.7
3 S	1 E	WM	29	NE NW	20.4

The quantity of water diverted at the new point of diversion, together with that diverted at the old points of diversion, shall not exceed the quantity of water available from the original points of diversion described as follows:

Twp	Rng	Mer	Sec	Q-Q	GLot	Measured Distances
3 S	1 E	WM	20	NW SE	7	4200 FEET NORTH AND 2610 FEET WEST FROM E ¼ CORNER, SECTION 29
3 S	1 E	WM	29	NE NW		1450 FEET NORTH AND 3160 FEET WEST FROM E ¼ CORNER, SECTION 29

## NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.



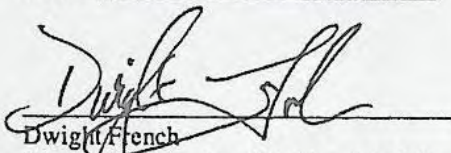
When required by the Department, the water user shall install and maintain a headgate, an in-line flow meter, weir, or other suitable device for measuring and recording the quantity of water diverted. The type and plans of the headgate and measuring device must be approved by the Department prior to beginning construction and shall be installed under the general supervision of the Department.

Water shall be acquired from the same surface source as the original point of diversion.

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

This certificate is issued to confirm a change in POINT OF DIVERSION approved by an order of the Water Resources Director entered MAY 15, 1997, at Special Order Volume 51, Page 454, approving Transfer Application 7075, together with Certificate 74441, supercedes Certificate 37650, State record of Water Right Certificates.

Issued AUG 08 2014

A handwritten signature in dark ink, appearing to read "Dwight French", is written over a horizontal line.

Dwight French  
Water Right Services Division Administrator, for  
Director  
Oregon Water Resources Department



STATE OF OREGON  
COUNTY OF CLACKAMAS  
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

GEORGE DES BRISAY  
CANBY, OREGON 97013

confirms the right to use the waters of the MOLALLA RIVER, a tributary of the WILLAMETTE RIVER, for IRRIGATION OF 56.8 ACRES.

This right was perfected under Permit 21320. The date of priority is APRIL 16, 1952. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.71 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

LOT 7 (NW¼ SE¼), SECTION 20; NE¼ NW¼, SECTION 29, T 3 S, R 1 E, WM; 4200 FEET NORTH AND 2610 FEET WEST; 1450 FEET NORTH AND 3160 FEET WEST, BOTH FROM THE E¼ CORNER, SECTION 29.

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

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

A description of the place of use to which this right is appurtenant is as follows:

LOT 8 (NE¼ SE¼)	2.6 ACRES	NE¼ NE¼	2.4 ACRES
LOT 7 (NW¼ SE¼)	7.6 ACRES	NW¼ NE¼	14.6 ACRES
SW¼ SE¼	16.2 ACRES	SECTION 29	
SE¼ SE¼	13.4 ACRES		
SECTION 20			

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 74441, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered OCT 23 1998, canceling a portion of said water right.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director, affixed OCT 23 1998

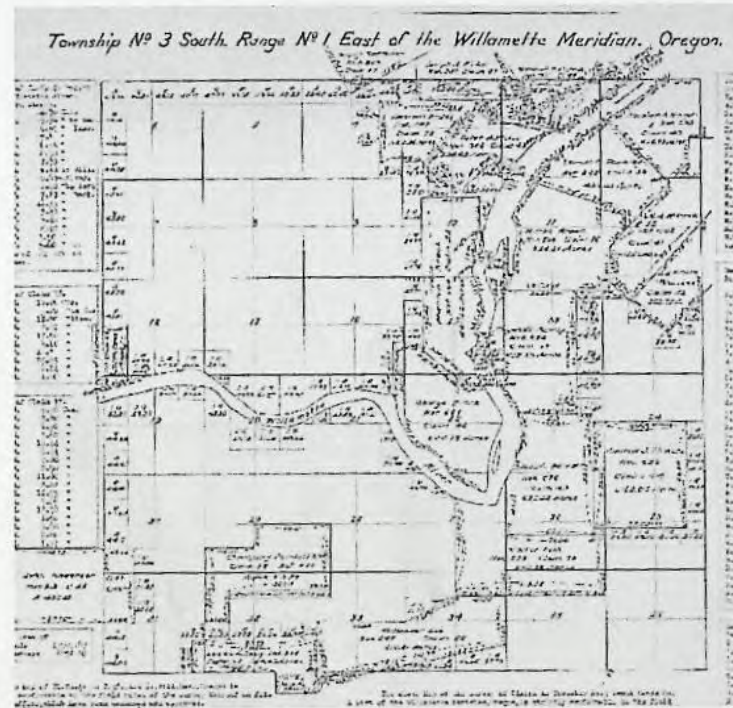
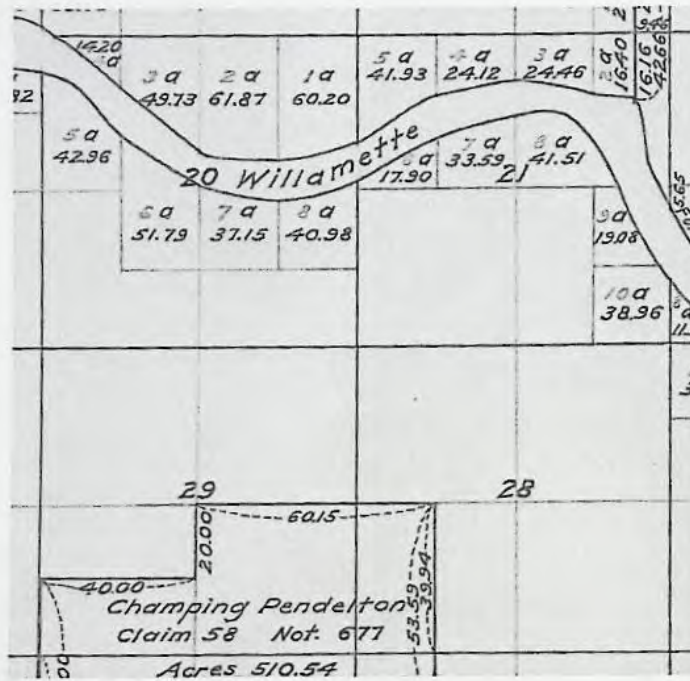
/s/ Tom Paul (for)  
Martha O. Pagel, Director

27090.GLB

Recorded in State Record of Water Right Certificates numbered 75773.



APP S-73837  
P S-52049





STATE OF OREGON  
COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF <sup>26.4</sup>~~101.4~~ ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE ~~NE~~ <sup>SW</sup> CORNER OF SECTION ~~29~~ <sup>21</sup>

GLD 8  
The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

$(86.4 \text{ ACRES}) / (2.5 \text{ A.F./AC}) = 216 \text{ A.F.}$   $(167.84 \text{ ACRES}) / (2.5 \text{ A.F.}) = 419.6 \text{ ACRES}$   
THE PLACE OF USE IS LOCATED AS FOLLOWS:  $= 635.6 \text{ A.F.}$

	PRIMARY	SUPPLEMENTAL	DLC
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES	
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES	
SECTION 20			
NE 1/4 SW 1/4	15.60 ACRES		
T-8300 ← SW 1/4 SW 1/4	8.00 ACRES		
SE 1/4 SW 1/4	15.40 ACRES	9.3	
SW 1/4 SE 1/4	1.00 ACRE		
SECTION 21			
SW 1/4 NE 1/4	20.00 ACRES	9.1	
NW 1/4 NW 1/4		29.40 ACRES	
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES	58
SECTION 28			

Application S-73837 Water Resources Department

PERMIT 52049

T-8300

BOR = 269.24 ACRES 324.92 A.F.  
CLAIM = 254.24 ACRES



NE 1/4 NE 1/4	31.50 ACRES
NW 1/4 NE 1/4	22.20 ACRES
SW 1/4 NE 1/4	16.20 ACRES
SE 1/4 NE 1/4	17.10 ACRES
NE 1/4 NW 1/4	0.10 ACRE
SE 1/4 NW 1/4	4.40 ACRES

## SECTION 29

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

= 86.4 Acres      167.84 AC

- YES
- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

YES

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

ODFW LETTER

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

#### STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

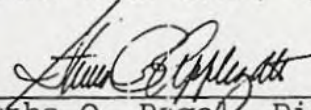
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, April 18, 1996

  
for Martha O. Pagel, Director  
Water Resources Department

AMENDED by special order

v. 5.3 pg. 1211

Application S-73837 Water Resources Department PERMIT 52049  
Basin 02 Volume 25 Willamette River & Misc. North 1/2 District 16  
MGMT.CODES 1BF, 1BW, 3BW, 4CF, 4CG



STATE OF OREGON

COUNTY OF CLACKAMAS

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT 8300 submitted by

MONTECUCCO FARMS  
4120 LOCUST ROAD  
CANBY, OREGON 97013.

P.O.D. The permit to be modified is Permit 52049 with a date of priority of JANUARY 4, 1994, FOR 16.60 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 0.42 ACRE-FEET OF WATER. The permit allows the use of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 14.1 ACRES. The volume of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 17.02 acre-feet per year if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 S, R 1 E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2½ acre-feet for each acre irrigated during the irrigation season of each year.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.

T-8300.PKS

Special Order Volume 53, Page 211.



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

The authorized place of use is located as follows:

PRIMARY

SW $\frac{1}{4}$  SW $\frac{1}{4}$  8.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  6.1 ACRES  
SECTION 21

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

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

The applicant proposes to change the place of use to:

PRIMARY

SE $\frac{1}{4}$  SW $\frac{1}{4}$  14.1 ACRES  
SECTION 21

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

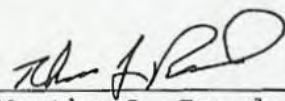
THIS CHANGE TO AN EXISTING WATER PERMIT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.



Permit 52049, in the name of MONTECUCCO FARMS, is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed SEP 07 1999.

  
\_\_\_\_\_  
For Martha O. Pagel, Director



RECEIVED

NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM OF BENEFICIAL USE  
AND SITE REPORT  
FOR**

Application #73837      Permit #52049  
Transfer #T-8300      Special Order Volume 53 page 1211

by

Montecucco Farms  
4120 North Locust Road  
Canby, Oregon 97013  
(503)263-6066

**INFORMATION:** Stephen Montecucco, Partner  
4015 North Locust Road  
Canby, Oregon 97013  
Cell Phone (503)516-7312

**SOURCE:** Willamette Basin Project Reservoirs, constructed under Permits  
#R-1625 and R-5363, tributaries to the Willamette River.

**DIVERSION**

**POINT:**

Portable pumps are located on the south bank of the Willamette River. These pumps are removed at the end of the irrigation seasons.



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WATER RESOURCES DEPT.  
SALEM, OREGON

**PUMPING  
UNITS:**

Number 1 - Marathon 50 hp electric motor at 3550 rpm, Model #2F 324 TTDP8610BBL.

PACO 3" x 4" centrifugal pump Model # P3 3-95.

The suction pipe is 8" with ODF & W approved fish screen.

Number 2 - Century 30 hp electric motor at 3500 rpm.

Berkeley 2 1/2" x 3" centrifugal pump, Model #2 1/2 2P 30.

The suction pipe is 6" with ODF & W approved fish screen.

Both pumping units pump into an 8" buried PVC mainline.

A Micrometer Flowmeter #95 1191 8 is installed, has been read monthly and reported annually to the Bureau of Reclamation. Copies of these reports are attached.

**Quantity Calculations:**

$$Q_{\text{pump 1}} = \frac{6.61 \times 50 \text{ hp}}{60' \text{ lift} + 115.5' (50 \text{ psi})} = \frac{330.5}{175.5} = 1.88 \text{ cfs}$$

$$Q_{\text{pump 2}} = \frac{6.61 \times 30 \text{ hp}}{60' \text{ lift} + 115.5' (50 \text{ psi})} = \frac{198.3}{175.5} = 1.13 \text{ cfs}$$

**TOTAL 3.01 cfs**



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NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

**BOOSTER  
PUMPS:**

Motor - 25 hp electric at 3525 rpm.

Pump - Berkeley 3" x 4" centrifugal, Model #B3ZPL.

**PIPE:**

The network of buried PVC mainline is shown on the proof survey map.

**Used east of Holly Street:**

27,340' x 3" Aluminum lateral with 697 Rainbird's #30 with 3/16" nozzles.✓

1 Reink Maxi Gator linear at 600 gpm. =  $(600)/(448.8) = 1.33 \text{ cfs}$

**Used west of Holly Street:**

2,180' x 6" Aluminum mainline 520' x 4".

28,860' x 3" Aluminum lateral with 339 Rainbird's #30 heads with 3/16" nozzles.✓

19,940' x 2" Aluminum lateral with 508 Rainbird's #20 heads with 1/8" nozzle.✓

Wheel lines: 3,480' x 4" Aluminum with 87 Rainbird's #30 heads with 3/16" nozzles.✓

1 Reinke Mini Max linear rated at 361 gpm  $(361)/(448.8) = 0.80 \text{ cfs}$

1 Reinke Pivot with a 15 hp booster pump rated at 350 gpm. =  $0.78 \text{ cfs}$

3 acres of drip irrigation in Rhubarb. (unknown gpd/cfs)

SEE Calc. Sheets



RECEIVED

NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

**USE:** Irrigation of a variety of vegetables for the fresh market including Rhubarb, Sweet Corn, Squash, Beans, Cucumbers, etc.

**LIFT:** 80' from USGS Canby Quad Map.

**SURVEY**

**TIE:** Used previous final proof survey maps which tie to the corner common to sections 20, 21, 28, and 29 T3S R1E.

**SPECIAL**

**CONDITIONS:**

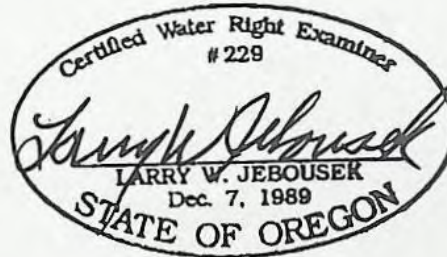
OK { The metering requirements have been met. ✓ The fish screens are installed and approved by ODF & W. ✓ This water has been used within the terms and conditions of contract #5-07-10-W1027 with the Bureau of Reclamation and Permit #52049. ✓

*ALL CONDITIONS met.*

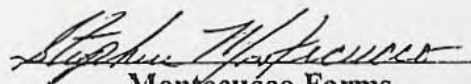


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NOV 12 1999  
WATER RESOURCES DEPT.  
SALEM, OREGON

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit #52049 and Transfer #T-8300 was completed by me on June 28 and September 22, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



I, Stephen Montecucco, Partner, Montecucco Farms agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of our Permit #52049.

  
Montecucco Farms

November 9, 1999



APP S-73837  
P S-52049

**Pump Capacity Calculator** Pump 1  
using Department designed formula:

---

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

**Data Entry (fill in underlined blanks)**

---

HP = 50  
Efficiency = 6.61  
Lift = 60  
PSI = 50

**Results Calculated**

---

$(hp)(\text{efficiency}) = 330.5$   
Head based on psi = 127.0  
Total dynamic head = 187.0  
(head + lift)

Pump Capacity = 1.767 cubic feet per second → CBU = 1.88 cfs



**Pump Capacity Calculator** *Pump 2*  
using Department designed formula:

---

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

**Data Entry (fill in underlined blanks)**

---

HP = 30  
Efficiency = 6.61  
Lift = 60  
PSI = 50

**Results Calculated**

---

$(hp)(\text{efficiency}) = 198.3$   
Head based on psi = 127.0  
Total dynamic head = 187.0  
(head + lift)

**Pump Capacity =** 1.060 cubic feet per second *CBU = 1.13 cfs ✓*



**Pump Capacity Calculator** *Booster Pump*  
using Department designed formula:

---

$(hp)(\text{efficiency}) / (\text{lift} + \text{psi head}) = \text{capacity in cfs}$

Efficiency:

Centrifugal = 6.61

Turbine = 7.04

---

**Data Entry (fill in underlined blanks)**

---

HP = 25  
Efficiency = 6.61  
Lift = 60  
PSI = 50

**Results Calculated**

---

$(hp)(\text{efficiency}) = 165.25$   
Head based on psi = 127.0  
Total dynamic head = 187.0  
(head + lift)

**Pump Capacity = 0.884 cubic feet per second**



## Sprinkler Capacity Calculator

### Data Entry (fill in underlined blanks)

Sprinkler group 1	Nozzle size = <u>3/16</u> inch	(type an apostrophe before the size)
	Pressure = <u>50</u> PSI	
	Number of heads = <u>697</u>	
Sprinkler group 2 (if applicable)	Nozzle size = <u>3/16</u> inch	(type an apostrophe before the size)
	Pressure = <u>50</u> PSI	
	Number of heads = <u>339</u>	
Sprinkler group 3 (if applicable)	Nozzle size = <u>1/8</u> inch	(type an apostrophe before the size)
	Pressure = <u>50</u> PSI	
	Number of heads = <u>508</u>	

### Results calculated

Sprinkler group 1 capacity =	5018.4 gpm, or	11.181 cfs
Sprinkler group 2 capacity =	2440.8 gpm, or	5.438 cfs
Sprinkler group 3 capacity =	1625.6 gpm, or	3.622 cfs

**Total sprinkler capacity = 9084.8 gpm, or 20.241 cfs**

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)

1 Reink Maxi Gator @ 600gpm (1.33cfs)

1 " " " @ 361 gpm (0.80cfs)

1 Reink Pivot w/15hp booster @ 350gpm (0.78cfs)

Total Delivery System Capacity = 23.151 cfs  
+ 1.396 cfs

**24.547 cfs**



Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16



## Sprinkler Capacity Calculator

### Data Entry (fill in underlined blanks)

Sprinkler group 1      Nozzle size = 3/16 inch      (type an apostrophe before the size)  
   Pressure = 50 PSI  
   Number of heads = 87

Sprinkler group 2      Nozzle size = \_\_\_\_\_ inch      (type an apostrophe before the size)  
(if applicable)      Pressure = \_\_\_\_\_ PSI  
   Number of heads = \_\_\_\_\_

Sprinkler group 3      Nozzle size = \_\_\_\_\_ inch      (type an apostrophe before the size)  
(if applicable)      Pressure = \_\_\_\_\_ PSI  
   Number of heads = \_\_\_\_\_

### Results calculated

Sprinkler group 1 capacity =                      626.4 gpm, or                      1.396 cfs  
Sprinkler group 2 capacity =                      0 gpm, or                      0.000 cfs  
Sprinkler group 3 capacity =                      0 gpm, or                      0.000 cfs

**Total sprinkler capacity =                      626.4 gpm, or                      1.396 cfs**

Note: If entered values return a result of 0 gpm or "#N/A", then the sprinkler capacity chart does not contain a rate for that nozzle size and PSI.

A rough alternate calculation can be made using this formula:

$28.93 \times (\text{orifice size in decimal, squared}) \times (\text{square root of pressure})$

(Source: rainbird.com)



# Rainbird Nozzle Size Reference

<u>Nozzle #</u>	<u>Size (in)</u>
4	1/16
5	5/64
6	3/32
7	7/64
8	1/8
9	9/64
10	5/32
11	11/64
12	3/16
13	13/64
14	7/32
15	15/64
16	1/4
17	17/64
18	9/32
20	5/16
22	11/32
24	3/8
26	13/32
28	7/16
30	15/32
32	1/2
34	17/32
36	9/16
40	5/8
44	11/16



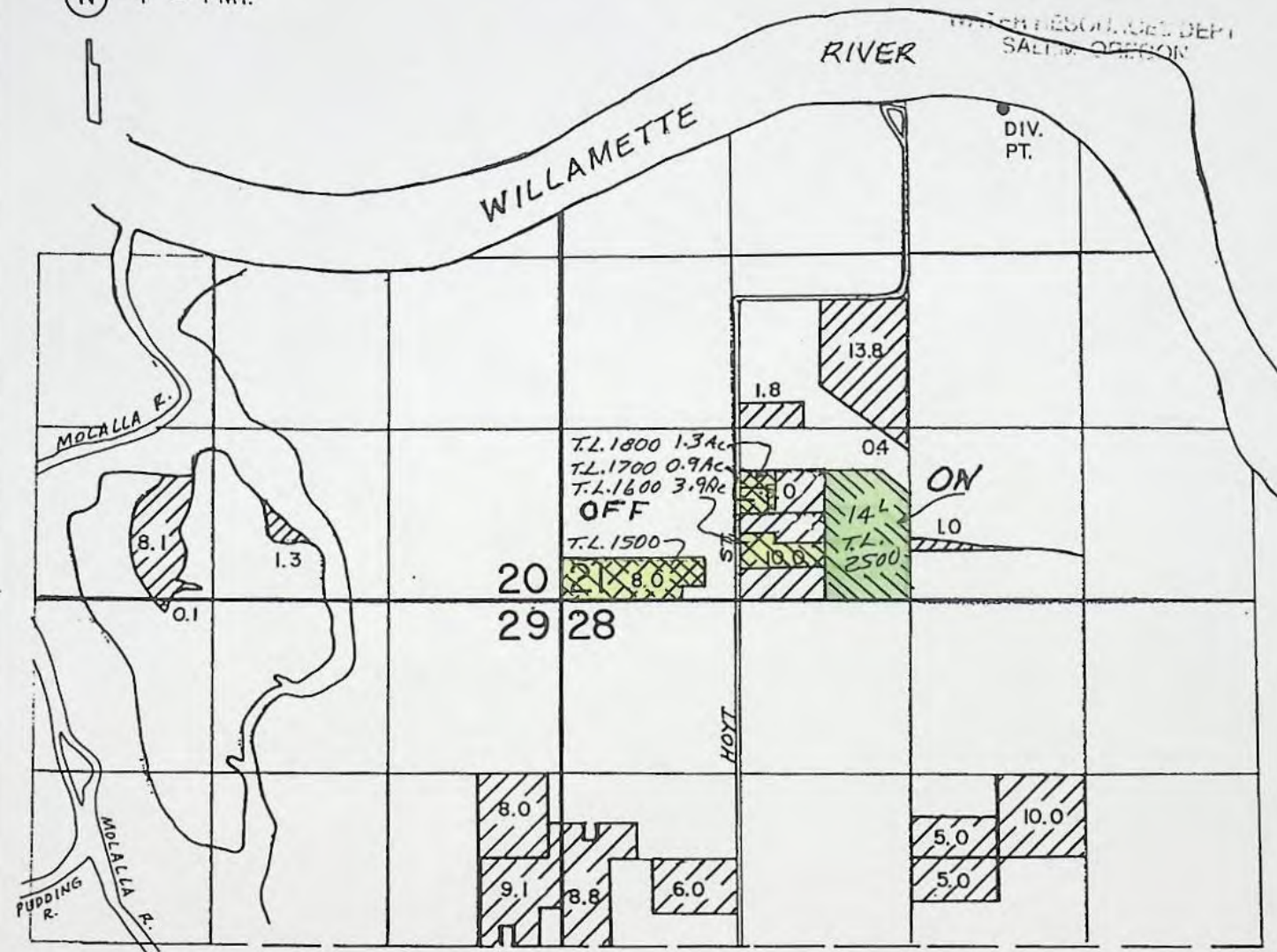


N 4" = 1 MI.

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PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

T-8300

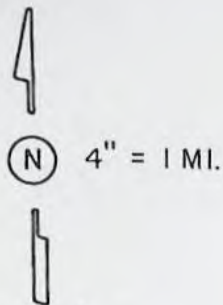
MONTECUCCO FARMS

surveyed June 28, 1999



THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.





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WATER RESOURCES DEPT  
SALEM, OREGON

RIVER

DIV.  
PT.

WILLAMETTE

MOLALLA R.

1.3

0.1

20

29 28

T.L. 1800 1.3 Ac  
T.L. 1700 0.9 Ac  
T.L. 1600 3.9 Ac  
OFF  
T.L. 1500

HOYT

ON

10

PUDDING  
R.  
MOLALLA R.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

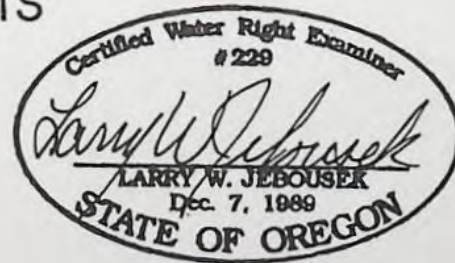
WATER RIGHT MAP FOR

T-8300

MONTECUCCO FARMS

Surveyed June 28, 1999

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TION OF A WATER RIGHT ONLY AND IS  
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TY OWNERSHIP LINES.





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WATER RESOURCES DEPT.  
SALEM, OREGON

**CLAIM OF BENEFICIAL USE  
AND SITE REPORT  
FOR**

Application #73837      Permit #52049  
Transfer #T-8300      Special Order Volume 53 page 1211

by

Montecucco Farms  
4120 North Locust Road  
Canby, Oregon 97013  
(503)263-6066

**INFORMATION:** Stephen Montecucco, Partner  
4015 North Locust Road  
Canby, Oregon 97013  
Cell Phone (503)516-7312

**SOURCE:** Willamette Basin Project Reservoirs, constructed under Permits  
#R-1625 and R-5363, tributaries to the Willamette River.

**DIVERSION  
POINT:** Portable pumps are located on the south bank of the Willamette  
River. These pumps are removed at the end of the irrigation seasons.



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**PUMPING  
UNITS:**

Number 1 - Marathon 50 hp electric motor at 3550 rpm, Model #2F 324 TTDP8610BBL.

PACO 3" x 4" centrifugal pump Model # P3 3-95.

The suction pipe is 8" with ODF & W approved fish screen.

Number 2 - Century 30 hp electric motor at 3500 rpm.

Berkeley 2 1/2" x 3" centrifugal pump, Model #2 1/2 2P 30.

The suction pipe is 6" with ODF & W approved fish screen.

Both pumping units pump into an 8" buried PVC mainline.

A Micrometer Flowmeter #95 1191 8 is installed, has been read monthly and reported annually to the Bureau of Reclamation. Copies of these reports are attached.

**Quantity Calculations:**

$$Q_{\text{pump 1}} = \frac{6.61 \times 50 \text{ hp}}{60' \text{ lift} + 115.5' (50 \text{ psi})} = \frac{330.5}{175.5} = 1.88 \text{ cfs}$$

$$Q_{\text{pump 2}} = \frac{6.61 \times 30 \text{ hp}}{60' \text{ lift} + 115.5' (50 \text{ psi})} = \frac{198.3}{175.5} = 1.13 \text{ cfs}$$

TOTAL 3.01 cfs



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WATER RESOURCES DEPT.  
SALEM, OREGON

**BOOSTER  
PUMPS:**

Motor - 25 hp electric at 3525 rpm.  
Pump - Berkeley 3" x 4" centrifugal, Model #B3ZPL.

**PIPE:**

The network of buried PVC mainline is shown on the proof survey map.

**Used east of Holly Street:**

27,340' x 3" Aluminum lateral with 697 Rainbird's #30 with 3/16" nozzles.

1 Reink Maxi Gator linear at 600 gpm.

**Used west of Holly Street:**

2,180' x 6" Aluminum mainline 520' x 4".

28,860' x 3" Aluminum lateral with 339 Rainbird's #30 heads with 3/16" nozzles.

19,940' x 2" Aluminum lateral with 508 Rainbird's #20 heads with 1/8" nozzle.

Wheel lines: 3,480' x 4" Aluminum with 87 Rainbird's #30 heads with 3/16" nozzles.

1 Reinke Mini Max linear rated at 361 gpm

1 Reinke Pivot with a 15 hp booster pump rated at 350 gpm.

3 acres of drip irrigation in Rhubarb.



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**WATER RESOURCES DEPT.  
SALEM, OREGON**

**USE:** Irrigation of a variety of vegetables for the fresh market including Rhubarb, Sweet Corn, Squash, Beans, Cucumbers, etc.

**LIFT:** 80' from USGS Canby Quad Map.

**SURVEY**

**TIE:** Used previous final proof survey maps which tie to the corner common to sections 20, 21, 28, and 29 T3S R1E.

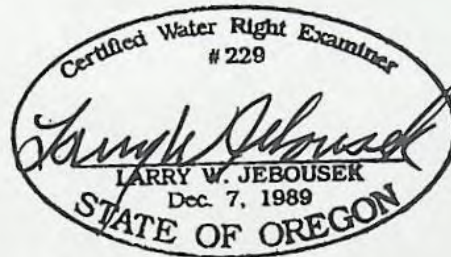
**SPECIAL**

**CONDITIONS:** The metering requirements have been met. The fish screens are installed and approved by ODF & W. This water has been used within the terms and conditions of contract #5-07-10-W1027 with the Bureau of Reclamation and Permit #52049.



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WATER RESOURCES DEPT.  
SALEM, OREGON

The final proof survey and inspection of the use as found to be completed under the terms and conditions of Permit #52049 and Transfer #T-8300 was completed by me on June 28 and September 22, 1999, and the facts contained in this report and accompanying final proof map are correct to the best of my knowledge.



I, Stephen Montecucco, Partner, Montecucco Farms agree to the findings of the CWRE and do submit this site report and map as my Claim of Beneficial Use of the water as provided under the terms and conditions of our Permit #52049.

Stephen Montecucco  
Montecucco Farms

November 9, 1999

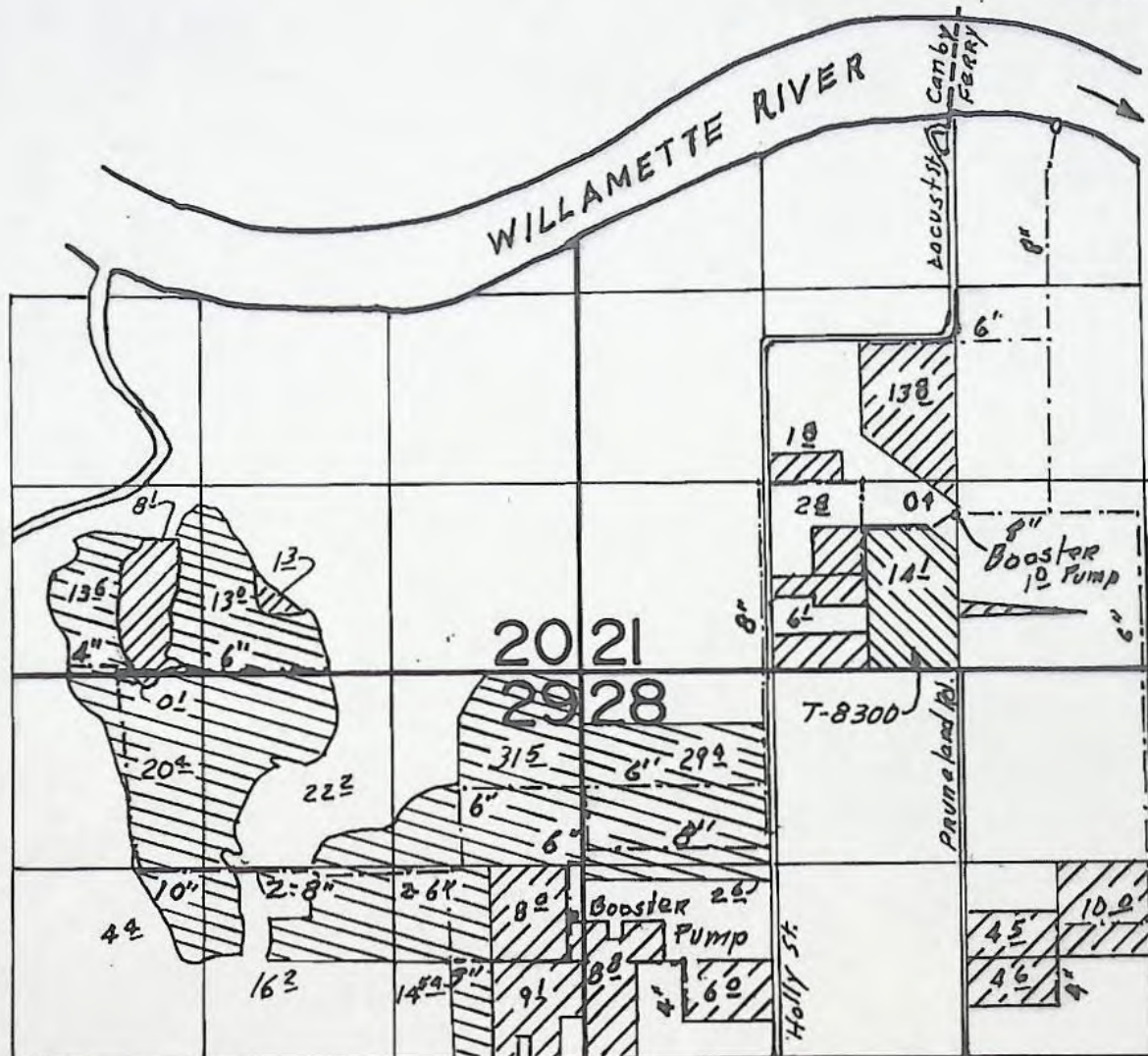


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WATER RESOURCES DEPT.  
SALEM, OREGON



Scale  
4" = 1 Mi

Div. Pt. Loc. 3800' N. & 3410' E From SW Cor Sec 21

Primary Irrig.

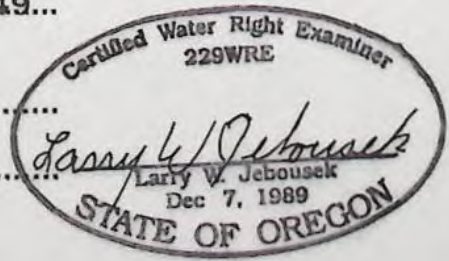
Suppl. Irrig.

FINAL PROOF SURVEY  
UNDER

TRANSFER NO. T-8300  
Application No. 73837. Permit No. 52049...  
IN NAME OF

MONTECUCCO FARMS

Surveyed JUNE 28 1999, by  
Sept 22



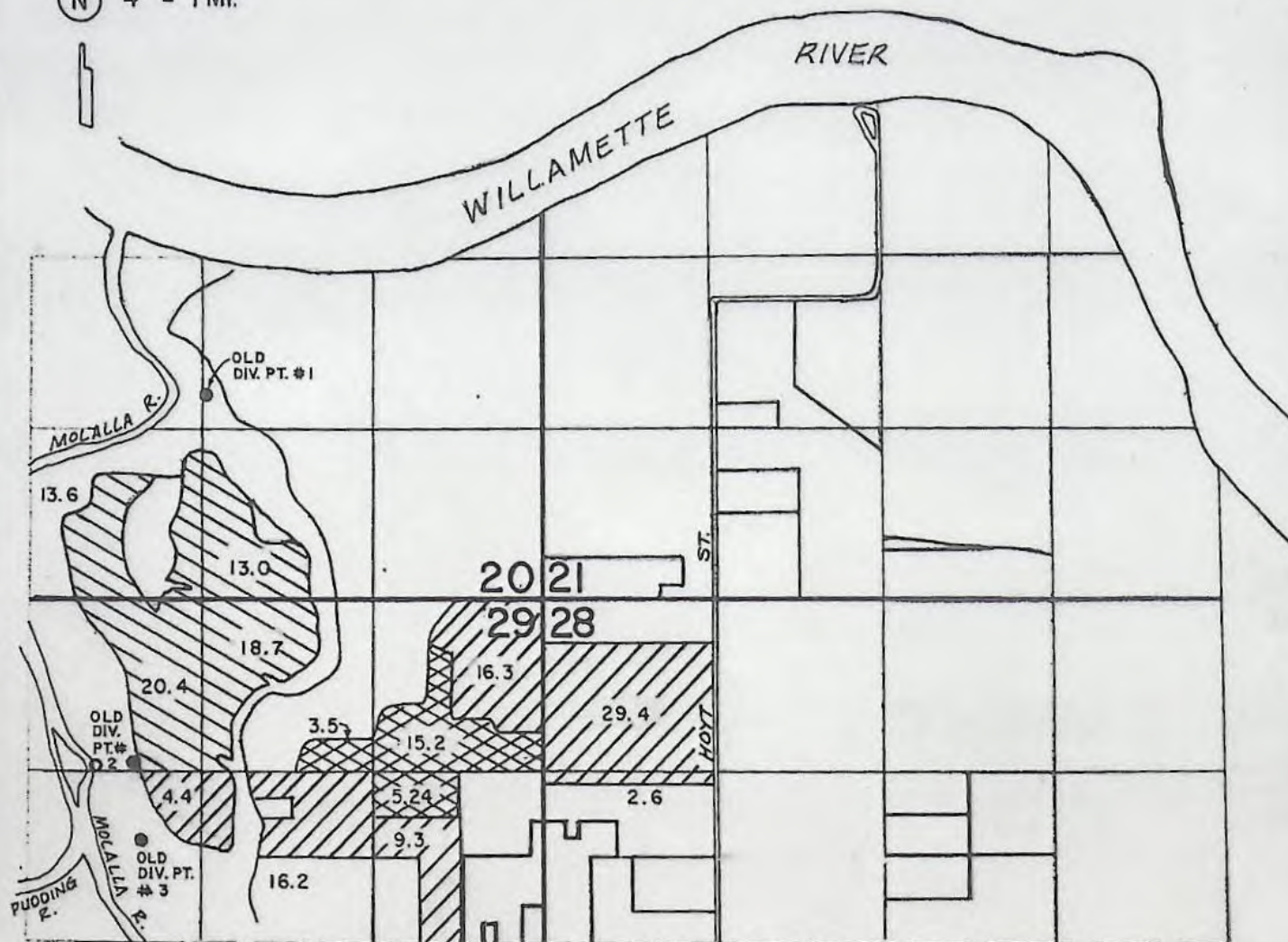
THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.




WAC-900R 11-104



T.3 S. R.1 E. W.M.

N 4" = 1 MI.



-  C-37650
-  C-40849
-  C-37527

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

OLD DIV. PT. LOC. ●

#1 - 1580' N. & 2600' W. FROM  
NE COR. SEC. 29

#2 - 1250' S. & 3160' W. FROM  
NE COR. SEC. 29

#3 - 1850' S. & 3090' W. FROM  
NE COR. SEC. 29

NEW DIV. PT. LOC. ○

1260' S. & 3420' W. FROM  
NE COR. SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

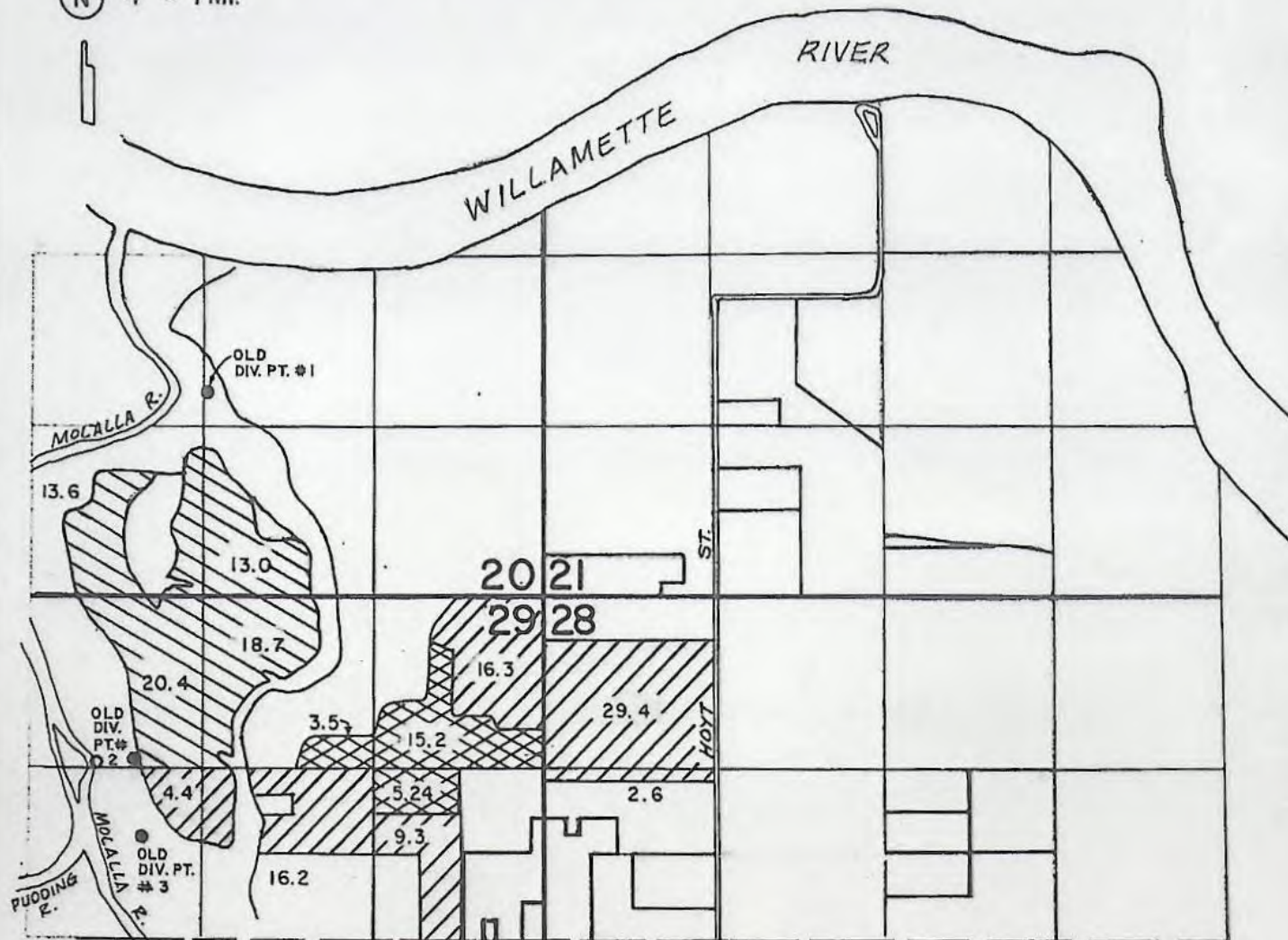
BY:








T.3 S. R.1 E. W.M.

N 4" = 1 MI.



-  C-37650
-  C-40849
-  C-37527

THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

OLD DIV. PT. LOC. ●

#1 - 1580' N. & 2600' W. FROM  
NE COR. SEC. 29

#2 - 1250' S. & 3160' W. FROM  
NE COR. SEC. 29

#3 - 1850' S. & 3090' W. FROM  
NE COR. SEC. 29

NEW DIV. PT. LOC. ○

1260' S. & 3420' W. FROM  
NE COR. SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

BY:





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T. 3 S. R. 1 E. W. M.

AUG 17 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

N 4" = 1 MI.



PRIMARY FROM RIVER

Application No. 73837

Permit No. 52049

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

BY:

*Tanya J. Reboise*

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.

Map shows  
PRIMARY ONLY



12051  
6/29/94 rme

T.3 S. R.I.E. W.M.

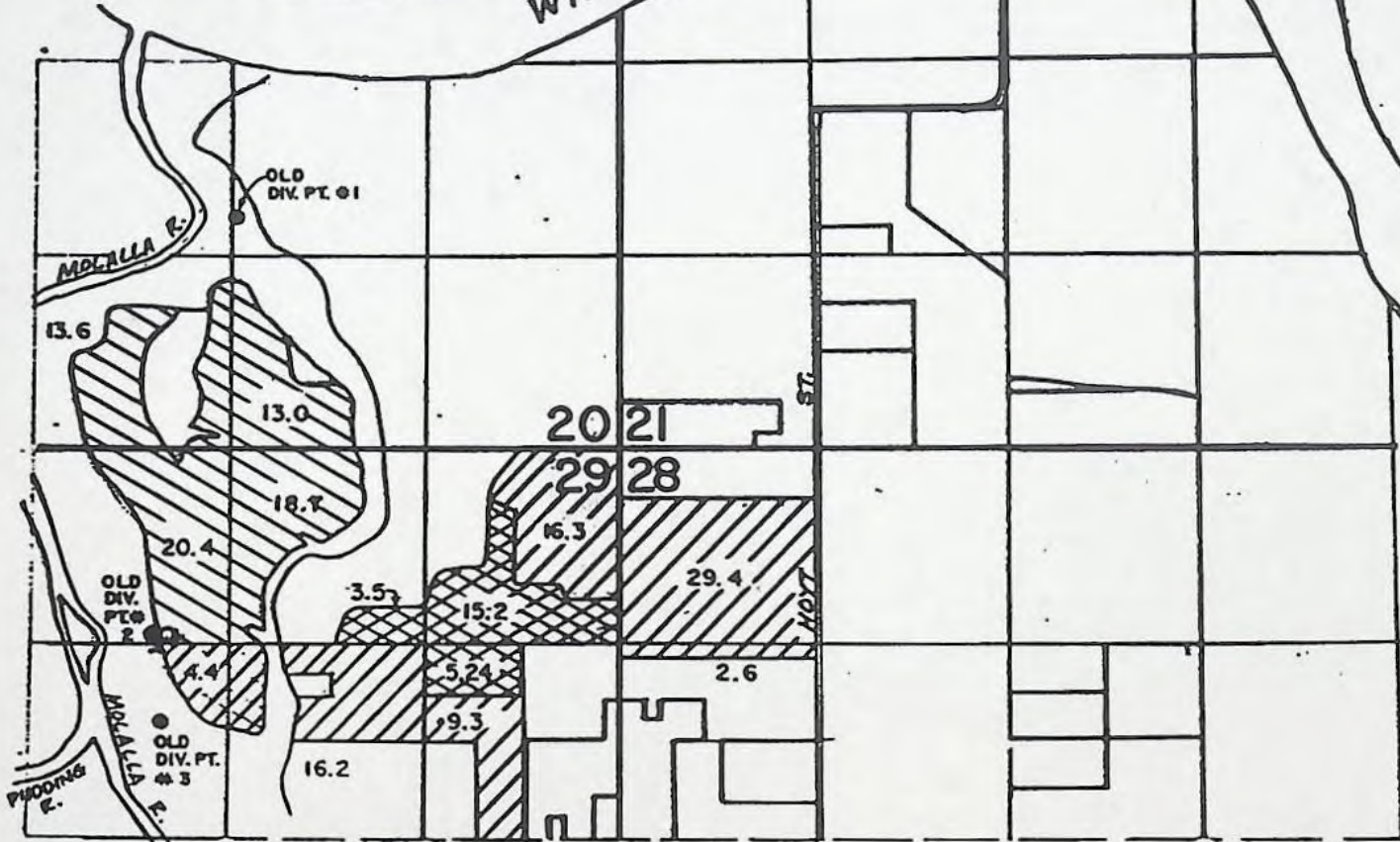
App# 573837

Permit#

52049

N 4" = 1 MI.

WILLAMETTE RIVER



C-37650

C-40849

C-37527

OLD DIV. PT. LOC. ●

#1 - 1580' N. & 2600' W. FROM  
NE COR. SEC. 29

#2 - 1250' S. & 3160' W. FROM  
NE COR. SEC. 29

#3 - 1850' S. & 3090' W. FROM  
NE COR. SEC. 29

NEW DIV. PT. LOC. ○

1260' S. & 3120' W. FROM  
NE COR. SEC. 29

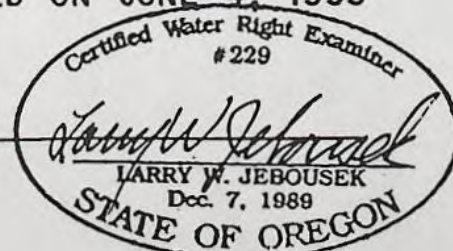
T-7075

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

BY:





# Water Use Report Based on Water Right



Permit: S 52049 \*

MONTECUCCO FARMS LLC 4015 N LOCUST ST CANBY, OR 97013

Records per page: 

## Acre-feet (AF) of Water Used

Water Year	Report ID	Facility	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Total Water Used	Irrigated Acres
2014	<u>51228</u>	WILLAMETTE							14.50	23.80	28.40	34.20	28.90	26.50	156.30	400.00
2013	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	14.14	22.77	23.27	24.94	3.72	88.84	
2012	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	37.54	2.99	4.45	30.75	23.83	7.80	107.36	
2009	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	20.24	23.34	33.69	20.78	98.05	
2008	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	61.60	52.86	24.23	17.87	156.56	
2006	<u>51228</u>	WILLAMETTE							28.00	32.57	49.43	35.90	3.99		149.89	
2005	<u>51228</u>	WILLAMETTE							5.27	22.63	44.46	58.26	5.47		136.09	
2004	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	27.99	31.57	50.63	35.73	3.97	149.89	
2003	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	9.71	28.40	55.60	34.00	23.40	151.11	
2002	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	7.71	11.01	22.02	28.46	9.44	78.64	
2001	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	12.47	14.66	42.00	29.97	10.28	109.38	
2000	<u>51228</u>	WILLAMETTE	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	22.53	36.26	39.81	10.68	109.27	

- Water use is reported by point of diversion (POD), rather than by water right.
- If a POD is shared with multiple water rights, it is not feasible to separate out the amount used under the water right being queried from water used by other rights using this same POD.
- Monthly amounts indicate:
  - For diverted rights, the total amount diverted during the month;
  - For storage rights, the amount generally stored in the reservoir/pond during the month, as represented by the volume of water impounded on approximately the same day each month.
- Water Use amounts have all been converted to "acre-feet" (AF), regardless of the original measurement unit reported. One AF is the volume of water that will cover an acre of ground one foot deep = 325,850 gallons.
- Zeroes indicate that a report was received, stating that no water was used during those months; if a year is not listed, no report of water use was received for that year.



2002

Oregon Water Resources Department  
October 2002 through September 2003  
Annual Water Use - Monthly Quantities Form

USER-ID 10910

2003



Facility	Willamette				
POD-ID	51228 /				
October - 2002					
November - 2002					
December - 2002					
January - 2003					
February - 2003					
March - 2003					
April - 2003					
May - 2003	9.71 AF				
June - 2003	28.41 AF				
July - 2003	55.6 AF				
August - 2003	34.0 AF				
September - 2003	23.4 AF				
TOTAL *	151.11 AF				

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WATER RESOURCES DEPT  
SALEM, OREGON

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

Describe method of measuring the water used: Flow Meter. If use is irrigation, total number acres irrigated 93

I certify this information is true and accurate to the best of my knowledge.

Steve Montecucco  
Signature

Partner  
Title

Montecucco Farms LLC  
Reporting Entity

12-22-03  
Date

Steve Montecucco  
Name - Please Print

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





## OREGON WATER RESOURCES DEPARTMENT SUMMARY OF WATER RIGHTS FOR WATER USE REPORT

Dear Water User: Water year 2003 has ended! All water use reports for October 2002 to September 2003 are requested to be submitted. We are a little late this year due to our efforts to develop a website from which you may submit your data, if you so choose. If you would like to test the new site go to the web address listed below. You will not need to mail in this completed form. This information is important for water management in Oregon. Please, complete the form on the reverse side for the water rights listed below by March 1, 2004. If you have questions, or need more time please, contact me at 503-986-0833. Thank you for your attention to this matter.  
Mary Grainey



### MONTECUCCO

<http://stamp.wrd.state.or.us/apps/wr/wateruse/wateruse.php>

MONTECUCCO FARMS

User-ID 10910

4015 N LOCUST ST

Password: 10910

CANBY

OR 97013

51228 WILLAMETTE	0 S 52049 S 73837	1/4/1994 IC L	3 S	1 E 21 SWNE	324.92 A C WILLAMETTE PROJECT	WILLAMETTE R
51228 WILLAMETTE	0 S 52049 T 8300	1/4/1994 IC L	3 S	1 E 21 SWNE	324.92 A C WILLAMETTE PROJECT	WILLAMETTE R

USER-ID

10910



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WATER RESOURCES DEPT.  
SALEM, OREGON

MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OR 97013

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
May 1, 1998	07,580,700 Gal.
June 2, 1998	13,256,000 Gal.
July 10, 1998	29,359,900 Gal.
August 11, 1998	41,196,200 Gal.
September 30, 1998	45,244,000 Gal.



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

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WATER RESOURCES DEPT.  
SALEM, OREGON

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1998

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre ft./ Field
A-6	1.0	0.28	17	0.39	0.39
A-7	13.8	0.28	33	0.77	10.63
A-10	1.8	0.28	43	1.00	1.81
B-3	6.0	0.34	22.5	0.95	5.7
B-4	5.0	0.28	33.5	0.78	3.91
B-5	4.9	0.28	24	0.56	2.74
B-6	3.5	0.34	39.5	1.12	3.92
B-7	4.5	0.19	45	0.71	3.21
B-8	8.0	0.19	45	0.71	5.7
B-13	9.5	0.28	44.5	1.04	9.86
B-20	8.0	0.28	0	0.00	0.00
F-1	10.0	0.28	47	1.10	10.97
F-2	10.0	0.28	24	0.56	<u>5.60</u>
TOTAL					64.44



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OR 97013

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WATER RESOURCES DEPT.  
SALEM, OREGON

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
May 1, 1997	72,827,700 Gal.
June 17, 1997	80,095,900 Gal.
July 17, 1997	89,080,500 Gal.
August 21, 1997	105,334,000 Gal.
September 30, 1997	107,581,000 Gal.

MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

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WATER RESOURCES DEPT.  
SALEM, OREGON

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1997

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre ft./ Field
A-6	1.0	0.28	26	0.60	0.60
A-7	13.8	0.28	35	0.82	11.27
A-10	1.8	0.28	48	1.12	2.02
B-3	6.0	0.34	55	1.56	9.35
B-4	5.0	0.28	34	0.79	3.96
B-5	4.9	0.28	61	1.42	6.97
B-6	3.5	0.34	57	1.61	5.65
B-7	4.5	0.19	43	0.68	3.06
B-8	8.0	0.19	43	0.68	5.44
B-13	9.5	0.28	43	1.00	9.53
B-20	8.0	0.28	0	0.00	0.00
F-1	10.0	0.28	31	0.72	7.23
F-2	10.0	0.28	26	0.60	<u>6.06</u>
			TOTAL		71.14



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OR 97013

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WATER RESOURCES DEPT.  
SALEM, OREGON

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
May 1, 1996	33,920,500 Gal.
July 7, 1996	43,374,000 Gal.
August 5, 1996	55,264,700 Gal.
September 30, 1996	72,833,200 Gal.

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MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

WATER RESOURCES DEPT.  
SALEM, OREGON

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1996

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre ft./ Field
A-6	1.0	0.28	41	0.96	0.96
A-7	13.8	0.28	62	1.45	19.96
A-10	1.8	0.28	80	1.87	3.36
B-3	6.0	0.34	36	1.02	6.12
B-4	5.0	0.28	29	0.68	3.38
B-5	4.9	0.28	35	0.82	4.00
B-6	3.5	0.34	40	1.13	3.97
B-7	4.5	0.19	89	1.41	6.34
B-8	8.0	0.19	92	1.46	11.65
B-13	9.5	0.28	57	1.19	12.64
B-20	8.0	0.28	52.5	1.23	9.80
F-1	10.0	0.28	48	1.12	11.20
F-2	10.0	0.28	60.5	1.41	14.12
TOTAL					107.50



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WATER RESOURCES DEPT.  
SALEM, OREGON

**MONTECUCCO FARMS**  
**4120 N. LOCUST**  
**CANBY, OR 97013**

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
August 11, 1995	23,659,000 Gal.
September 9, 1995	30,312,300 Gal.
September 30, 1995	33,920,500 Gal.

MONTECUCCO FARMS  
4120 N. LOCUST  
CANBY, OREGON 97013

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NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1995

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre ft./ Field
A-6	1.0	0.28	18	0.42	0.42
A-7	13.8	0.28	27	0.63	8.69
A-10	1.8	0.28	56	1.31	2.35
B-3	6.0	0.34	61	1.72	10.37
B-4	5.0	0.28	55	1.28	6.42
B-5	4.9	0.28	59	1.37	6.75
B-6	3.5	0.34	67	1.90	6.64
B-7	4.5	0.19	45	1.48	3.21
B-8	8.0	0.19	59	0.93	7.47
B-13	9.5	0.28	16	0.37	3.55
B-20	8.0	0.28	41	0.96	7.65
F-1	10.0	0.28	38	0.89	8.86
F-2	10.0	0.28	25	0.58	<u>5.83</u>
			<b>TOTAL</b>		<b>78.21</b>

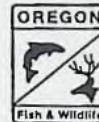




# Oregon

John A. Kitzhaber, M.D., Governor

Department of Fish and Wildlife  
Northwest Regional Office  
7118 NE Vandenberg Ave.  
Corvallis, OR 97330-9446  
(541) 757-4186  
FAX (541) 757-4252



November 1, 1999

Oregon Water Resources Department  
Commerce Building  
158 - 12<sup>th</sup> Street NE  
Salem, OR 97310-0210

RECEIVED

NOV 12 1999

WATER RESOURCES DEPT.  
SALEM, OREGON

Dear Water Resources Personnel:

This letter constitutes approval of two pump screens (Clemons self cleaning) at the Willamette River diversion (Permit No. 52049) of:

Steve Montecucco  
MONTECUCCO FARMS  
4015 N. Locust  
Canby, OR 97013

Please contact me if you have any questions.

Sincerely,

Bernie Kepshire  
Fish Screening Specialist/Coordinator

bmh

encl - Final Proof Survey, Montecucco Farms, Permit No. 52049

c Steve Montecucco

L-MONTECUCCO.doc



# Water Rights Examiner

Larry W. Jebousek, P.E., C.W.R.E.

Water Resource Department  
Mike Mattick  
Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210

August 17, 1994

RECEIVED

AUG 17 1994

Re: Application 73837

Dear Mike;

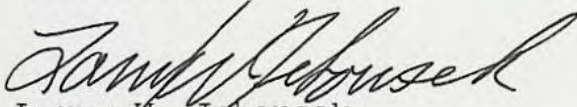
WATER RESOURCES DEPT.  
SALEM, OREGON

Enclosed is a superseding map for Montecucco Farms Application #73837 showing the location of an additional 8.0 acres in the NE $\frac{1}{4}$  SE $\frac{1}{4}$  NE $\frac{1}{4}$  Sec. 29, T3S, R1E.

This 8.0 acres is covered by GR-505 in the name of James E. Gott. This well has been used and test pumped recently.

However, the Bureau of Reclamation water will be used as primary for this land in the interest of conserving the groundwater resource. Montecucco Farms does not waive the right to claim this use at the time of groundwater adjudications.

Sincerely,

  
Larry W. Jebousek

cc: Montecucco Farms

Larry Parsons  
Bureau of Reclamation  
Boise, ID



Application No.

73837

RECEIVED

JAN 04 1994

State of Oregon

WATER RESOURCES DEPARTMENT

WATER RESOURCES DEPT  
SALEM, OREGON

## Application for a Permit to Appropriate Surface Water

Applicant(s) Montecucco Farms

(Please print or type - use dark ink)

Mailing Address: 4120 Locust Rd.

Canby,

City

OR

State

97013

Zip

503-263-6066

Daytime Phone No.

I (We) make application for a permit to appropriate the following described waters of the State of Oregon:

1. **SOURCE OF WATER** for the proposed use: Willamette Project Storage,  
a tributary of Willamette River.

2. **TOTAL AMOUNT OF WATER** to be applied to beneficial use: 316.92 acre-feet  
~~#####~~ ~~OR~~ ~~#####~~ If water is to be used from more than one source,  
give the quantity of water from each: Being 233 A.F. Primary Irrigation and  
83.92 A.F. Supplemental Irrigation.

3. **INTENDED USE(s) OF WATER:** Irrigation

If for more than one use, give the quantity of water from each source for each use; \_\_\_\_\_

If for **DOMESTIC** use, state the number of households to be supplied; \_\_\_\_\_

If for **MUNICIPAL OR QUASI-MUNICIPAL** use, state the present population to be served,  
and an estimate of the future requirements; (List population projections, water needs, anticipated areas  
to be provided water.)

If for **MINING** use, state the nature (gold, silver, etc.) of the mines to be served; \_\_\_\_\_

If for **IRRIGATION**, or other land area use, state the **TOTAL** number of acres to be developed  
under each use;

Irrigation

93.2 Acres Primary

Other (describe)

167.84 Acres Supplemental

261.04 Acres



4. **DESCRIPTION OF WATER DELIVERY SYSTEM:** Include dimensions and type of construction of diversion works, length and dimensions of supply ditches or pipelines, size and type of pump and motor. If for irrigation, describe the type of system (i.e., flood, wheel line, hand line, drip, other).

The system described in final proof surveys for Applications #16923 and #33106 will be re-designed and enlarged when the permit is issued

5. **PROJECT SCHEDULE:** (List month and year)

Proposed date construction work will begin 1 year from permit

Proposed date construction work will be completed 2 years from permit

Proposed date water use will be completed 3 years from permit

NOTE: A map prepared by a Certified Water Right Examiner (CWRE) and a complete legal description of the subject property are required under ORS 537.140 and OAR 690 as a part of your application. The legal description may be copied from your deed, title insurance policy, or land sales contract.

6. a) In the event any deficiencies are noted involving the application map enclosed herein, please return the map with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

- b) In the event any deficiencies are noted involving the application, please return the application with instructions for correction to (check one):

       Applicant        X   CWRE             Other (Identify in REMARKS section)

7. Are all lands involved (including the proposed diversion site, place of use, and access for conveying the water) under your ownership? No. If not, list in the REMARKS section below, or on an attached sheet, the names and mailing addresses of the legal owners of all property involved in the proposed development. To be submitted.



REMARKS: Legal Description and Easements to be submitted after  
technical review.

This application prepared by

Tony Wehner

I/We certify that the information I have provided in this application is an accurate representation of the proposed water use and is true and correct to the best of my knowledge:

X Stephen Montecinos

Signature

Date

1-4-94

Signature

Date

NOTE: The permit, when issued, is for the beneficial use of water without waste. By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan. It is possible the land use you propose may not be allowed if it is not in keeping with the goals and acknowledged plan. Your city or county planning agency can advise you about the land-use plan in your area.

X Stephen Montecinos

Signature of Applicant

Date

1-4-94

Signature of Co-Applicant, if any

Date

RECEIVED

JAN 04 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

-----  
**FOR WATER RESOURCES DEPARTMENT USE ONLY**

Dear Applicant:

I certify that I have examined the foregoing application, together with the accompanying information, and am returning it to you for:

\_\_\_\_\_

\_\_\_\_\_

In order to retain its tentative priority, this application must be returned with the requested corrections or additions on or before:

\_\_\_\_\_, 19\_\_\_\_.

WITNESS my hand this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
*Water Resources Director*

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

This instrument was first received in the office of the Water Resources Director at Salem, Oregon, on the 4 day of January, 1994, at 2:15 o'clock, P M.

APPLICATION NO: 73837

PERMIT NO: \_\_\_\_\_



STATE OF OREGON  
WATER RESOURCES DEPARTMENT  
WATER RIGHTS DIVISION

Before the Director Water Resources Department

In the matter of	)	PROPOSED
Surface Water Application	)	FINAL
S-73837 submitted by	)	ORDER
MONTECUCCO FARMS		

**FINDINGS OF FACT**

*Water Use Request*

1. MONTECUCCO FARMS requested use of 324.92 ACRE-FEET of water from WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-1625 AND R-5363, TRIBUTARY TO THE WILLAMETTE RIVER, for IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES, within the Willamette Basin.
2. The area of proposed use is in Clackamas County within SECTION 20, SECTION 21, SECTION 28, AND SECTION 29, TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.
3. The water delivery system is described by the applicant as THE SYSTEM DESCRIBED IN THE FINAL PROOF SURVEY FOR APPLICATIONS #16923 AND #33106. THE SYSTEM WILL BE RE-DESIGNED AND ENLARGED WHEN THE PERMIT IS ISSUED.
4. The original request was made in Application S-73837 which was received by the Water Resources Department on January 4, 1994, to use 316.92 Acre-Feet of water for Irrigation of 93.4 acres and Supplemental Irrigation of 167.84 acres. AN AMENDMENT TO THIS APPLICATION WAS RECEIVED ON AUGUST 17, 1994, TO ADD AN ADDITIONAL 8.0 ACRES OF IRRIGATION. ANOTHER AMENDMENT TO THE APPLICATION WAS RECEIVED ON MARCH 10, 1995, TO INCREASE THE AMOUNT OF STORED WATER REQUESTED FROM 316.92 ACRE-FEET TO 324.92 ACRE-FEET.

*Affected Waters*

1. THE POINT OF DIVERSION ON THE WILLAMETTE RIVER, TRIBUTARY TO THE COLUMBIA RIVER, is not within or above a State Scenic Waterway.
2. THE OREGON DEPARTMENT OF FISH AND WILDLIFE (ODFW) has not informed the Department of the presence of game fish at the described point of diversion.
3. There are senior water rights on WILLAMETTE BASIN PROJECT RESERVOIRS, TRIBUTARY TO THE WILLAMETTE RIVER or on downstream waters.

*Department Actions*

1. The application was determined to be complete and not defective.



2. A technical review of the application was completed and a report of the results of that review was mailed to the applicant on June 15, 1994.
3. The technical review determined:
  - a. IRRIGATION AND SUPPLEMENTAL IRRIGATION ARE allowed under the Willamette Basin Program FROM STORED WATER.
  - b. The use is not prohibited by Statute.
  - c. Water is available for further appropriation (at an 80 percent exceedance probability) for the period MARCH 1 THROUGH OCTOBER 31.
  - d. The use would not injure existing water rights.
4. The report of technical review listed these determinations and disclosed a number of conditions and restrictions that would likely be included in the permit if issued. These conditions and restrictions are listed in the attached draft permit.

#### *Assessment*

1. In proceeding with evaluation of Application S-73837, the following criteria were found to be relevant by the Department.
  - a. The Willamette Basin Program (OAR Chapter 690, Division 502)
  - b. The Clackamas County Comprehensive Plan and Zoning Ordinance
  - c. The amount of water available in WILLAMETTE RIVER, A TRIBUTARY OF THE COLUMBIA RIVER
  - d. The established rate and duty for the proposed use
  - e. Pending, senior applications and existing water rights of record
  - f. Additional Public Interest Standards for New Appropriations (OAR Chapter 690, Div. 33)
  - g. BUREAU OF RECLAMATION CONTRACT NUMBER 5-07-10-W1027
  - h. TRANSFER APPLICATION NUMBER T-7075
  - i. Comments received

#### **CONCLUSIONS OF LAW**

1. Based upon continued evaluation, the Department finds the determinations of the technical review require modification. THE PERIOD OF ALLOWED USE WAS NOT CORRECTLY IDENTIFIED IN THE TECHNICAL REVIEW.
2. Based on comments and data received, the Department has determined that THE AMENDMENT TO THE APPLICATION REQUESTING ADDITIONAL WATER WAS SUBMITTED AFTER THE EFFECTIVE DATE OF OAR DIVISION 33 RULES WHICH PROVIDE ADDITIONAL RESOURCE PROTECTION RESTRICTIONS TO PROTECT COLUMBIA RIVER SYSTEM FISHERIES. The Department has further determined that, to protect the resource, additional conditions on the proposed water use are necessary. The conditions, as further described on the attached draft permit, would require FISH SCREENS, THAT THE RIPARIAN AREA BE RESTORED IF IT IS DAMAGED WHILE DEVELOPING THE POINT OF DIVERSION, AND THAT THE USE BE RESTRICTED IF EXISTING



STATE AND FEDERAL WATER QUALITY STANDARDS ARE NOT BEING MET IN THE WILLAMETTE RIVER.

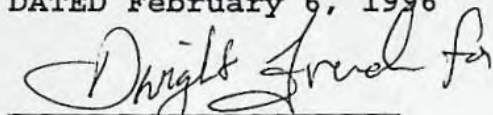
3. THE NUMBER OF ACRES IDENTIFIED FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION IN THE BUREAU OF RECLAMATION (BOR) CONTRACT AND ON THE APPLICATION MAP DO NOT MATCH. THERE ARE A TOTAL OF 269.24 ACRES IDENTIFIED ON THE APPLICATION MAPS FOR IRRIGATION. THE BOR CONTRACT IDENTIFIES 269.04 ACRES TO BE IRRIGATED. ALSO, THE QUARTER QUARTER DESCRIPTION, IN THE CONTRACT, OF THE LANDS TO BE IRRIGATED INCLUDES AN ADDITIONAL 8.0 ACRES OVER THE REQUESTED 269.04 ACRES. SEVERAL OF THE ACRES TO BE IRRIGATED ARE ALSO LISTED IN THE WRONG QUARTER QUARTER SECTIONS IN THE BOR CONTRACT. A REVISED BUREAU OF RECLAMATION CONTRACT AND APPLICATION MAP NEED TO BE RECEIVED BY THE DEPARTMENT PRIOR TO THE PROTEST DEADLINE, MARCH 22, 1996, OR THE APPLICATION MAY BE REJECTED. THE MOST RECENT APPLICATION MAPS, PRIMARY IRRIGATION MAP RECEIVED AUGUST 17, 1994, AND SUPPLEMENTAL MAP RECEIVED JUNE 29, 1994, WERE USED TO IDENTIFY THE LANDS TO BE IRRIGATED IN EACH QUARTER QUARTER SECTION.
4. The period of allowed use is APRIL 1 THROUGH SEPTEMBER 30 BY CONTRACT FOR STORED WATER.
5. The Department finds that no more than 673.1 ACRE-FEET OF STORED WATER would be necessary for the proposed use. The amount of water requested, 324.92 ACRE-FEET, is allowable.
6. Clackamas County Planning Department staff completed the Department's Land Use Information Form and indicated thereon that the land use associated with the proposed use is compatible with the Clackamas County Comprehensive Land Use Plan.
7. The proposed use would not conflict with existing water rights, and, if exercised in accordance with law, rule, and the proposed conditions would not result in injury to existing water users.
8. The proposed use complies with all other rules of the Commission.
9. Pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly, and given the findings listed above, a rebuttable presumption has been established that the use will not impair or be detrimental to the public interest if exercised in the manner described in the attached draft permit.
10. Therefore, the proposed use, as conditioned, and described in the attached draft permit, would not impair or be detrimental to the public interest.



PROPOSED ORDER

IT IS PROPOSED that Application S-73837 in the name of MONTECUCCO FARMS be approved for IRRIGATION AND SUPPLEMENTAL IRRIGATION as provided in the attached draft permit.

DATED February 6, 1996



Steven P. Applegate  
Administrator  
Water Rights and Adjudications Division

**NOTICE:**

This Proposed Final Order is issued by the Department pursuant to Chapter 416, Oregon laws, 1995, enacted by the 68th Oregon Legislative Assembly.

To seek changes in this proposed final order, you must file a formal protest.

Formal protests to this proposed final order must be made in proper form and accompanied by the statutory fee in the amount of \$200. Note: The applicant is not subject to this fee.

For other than the applicant, if you agree with the findings in this proposed order, but wish to maintain your right to participate in any contested case proceeding or judicial review, you must file a written request for standing. Requests for standing in proceedings relating to this application must be made in the proper form and accompanied by the statutory fee in the amount of \$50.

Protests or requests for standing, along with the appropriate fees must be received by the Water Resources Department in Salem, Oregon by 5:00 pm on March 22, 1996.

Only the applicant and any persons who timely file a protest or request for standing may participate in further proceedings before the Department or the Commission which deal with this Application.



DRAFT  
STATE OF OREGON

## COUNTY OF CLACKAMAS

## DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARY TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: APRIL 1 THROUGH SEPTEMBER 30 BY CONTRACT

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH &amp; 3410 FEET EAST FROM NE CORNER, SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	PRIMARY	SUPPLEMENTAL
SE 1/4 SW 1/4	8.1 ACRES	13.6 ACRES
SW 1/4 SE 1/4	1.3 ACRE	13.0 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.6 ACRES	
SW 1/4 SW 1/4	8.0 ACRES	
SE 1/4 SW 1/4	15.4 ACRES	
SW 1/4 SE 1/4	1.0 ACRE	
SECTION 21		



SW 1/4 NE 1/4	20.0 ACRES	
NW 1/4 NW 1/4		29.4 ACRES
SW 1/4 NW 1/4	14.8 ACRES	2.6 ACRES
SECTION 28		
NE 1/4 NE 1/4		31.5 ACRES
NW 1/4 NE 1/4		22.2 ACRES
SE 1/4 NE 1/4	17.1 ACRES	14.54 ACRES
SW 1/4 NE 1/4		16.2 ACRES
NE 1/4 NW 1/4	0.1 ACRE	20.4 ACRES
SE 1/4 NW 1/4		4.4 ACRES
SECTION 29		
TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.		

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year (rate/duty).

#### STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued \_\_\_\_\_, 199\_

DRAFT

Water Resources Department  
Director

Application S-73837      Water Resources Department      PERMIT DRAFT  
Basin 02      Volume 25 Willamette River & Misc. North 1/2      District 16  
LKS      MGMT.CODE





IN REPLY  
REFER TO:

# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

RECEIVED

MAY 17 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

PN-3323  
WTR-4.00

MAY 15 1996

Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310

Subject: Amendment of Willamette Basin Project Water Service Contract No. 5-07-10-W1027

Dear Ladies and Gentlemen:

This is sent in regard to the subject contract which provides Montecucco Farms with an irrigation water supply from the Willamette Basin Project.

Enclosed for your records is a copy of our letter, signed by Reclamation and the Contractor, changing the description of acres in the subject contract and the language regarding the length of the irrigation season (and the date annual payments are due) to accord with issuance of the permit by the State of Oregon, along with a copy of pages 2 and 3 of the contract which reflect these changes. Please attach these enclosures to your copy of the contract (reference application file no. S-73837).

Copies of this letter and the enclosures are being sent to all appropriate Federal offices.

Sincerely,

Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosures

cc: US Army Corps of Engineers  
Attention: CENPP-PE-HR  
PO Box 2946  
Portland OR 97208  
(w/cy of encl)





IN REPLY  
REFER TO:

PN-3323  
WTR-4.00

# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

RECEIVED

MAY 17 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

MAR 12 1996

Montecucco Farms  
4120 Locust Road  
Canby OR 97013

Subject: Amendment of Willamette Basin Project Water Service Contract  
No. 5-07-10-W1027

Dear Ladies and Gentlemen:

This is sent in response to a February 20, 1996 letter from Larry W. Jebousek with enclosures which identify discrepancies between the description of acres in the subject contract and your map and application for a permit with the Oregon Water Resources Department (OWRD File No. S-73837).

We concur with the proposal to resolve this situation by amending the subject contract to match the proposed permit. We have also changed the language regarding the length of the irrigation season (and the date annual payments are due) to accord with issuance of your permit by the State of Oregon.

The following changes to the contract are needed:

Article 4 on page 2 of the contract needs to be changed to read as follows:

"Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from March 1 to October 31, inclusive, stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

21.7	acres, SE1/4 SW1/4, Sec. 20, T. 3 S., R. 1 E., W.M.
14.3	acres, SW1/4 SE1/4, Sec. 20, T. 3 S., R. 1 E., W.M.
15.6	acres, NE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.
8.0	acres, SW1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.
15.4	acres, SE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.
1.0	acres, SW1/4 SE1/4, Sec. 21, T. 3 S., R. 1 E., W.M.
20.0	acres, SW1/4 NE1/4, Sec. 28, T. 3 S., R. 1 E., W.M.
29.4	acres, NW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.
2.6	acres, SW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.
14.8	acres, SW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.
31.5	acres, NE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.
22.2	acres, NW1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.
22.34	acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.
20.5	acres, NE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.



RECEIVED

2

MAY 17 1996

4.4 acres, SE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
16.2 acres, SW1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
9.3 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
8.0 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.

WATER RESOURCES DEPT.  
SALEM, OREGON

Of the land described, not more than 269.24 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 324.92 acre-feet of stored water annually, measured at the point of delivery of said water."

Article 5(a) on pages 2 and 3 needs to be changed to read as follows:

"Payments for Water

5. (a) An annual payment of \$2,599.36 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$2,599.36 will be due on or before March 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 324.92 acre-feet of stored water, hereinafter referred to as the base entitlement, for irrigation of the lands described in Article 4 of this contract. The Contracting Officer will consider adjusting the water service payment downward or upward from the base entitlement based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of water and stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amounts of water and stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted or added to the payment for the next year by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received by the Contracting Officer by December 1 of that year."

If you concur with the above changes, please have an authorized official of Montecucco Farms sign in the spaces provided on page 3 and return this letter to this office. At the time we receive your concurrence, we will advise all appropriate state and Federal offices that the change has been made. Due to the circumstances of this case we will waive charging a \$100 fee for preparation of the contract amendment.

Enclosed for your records is a duplicate copy of this letter along with a copy of pages two and three of the contract which reflect the above changes.



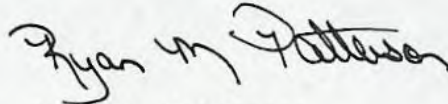
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3

MAY 17 1996

If you should have any questions, please contact Larry Parsons of this office at (208) 378-5346.

RESOURCES DEPT.  
SALEM, OREGON

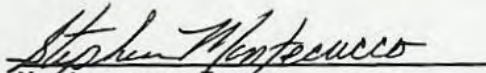
Sincerely,



Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosures

I Concur:

  
Montecucco Farms

3-15-96  
Date

cc: Mr. Larry W. Jebousek, 4682 Cascade Hwy. SE., Sublimity OR 97385  
(w/enclosure)

RECEIVED

MAY 17 1996

NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

WATER RESOURCES DEPT.  
SALEM, OREGON

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from March 1 to October 31, inclusive, stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

21.7 acres, SE1/4 SW1/4, Sec. 20, T. 3 S., R. 1 E., W.M.  
14.3 acres, SW1/4 SE1/4, Sec. 20, T. 3 S., R. 1 E., W.M.  
15.6 acres, NE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.  
8.0 acres, SW1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.  
15.4 acres, SE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.  
1.0 acres, SW1/4 SE1/4, Sec. 21, T. 3 S., R. 1 E., W.M.  
20.0 acres, SW1/4 NE1/4, Sec. 28, T. 3 S., R. 1 E., W.M.  
29.4 acres, NW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.  
2.6 acres, SW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.  
14.8 acres, SW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.  
31.5 acres, NE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
22.2 acres, NW1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
22.34 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
20.5 acres, NE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
4.4 acres, SE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
16.2 acres, SW1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
9.3 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.  
8.0 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.

Of the land described, not more than 269.24 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 324.92 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$2,599.36 for the first irrigation season shall be made to the United States at the time of executing this contract, and



RECEIVED  
MAY 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

subsequent annual payments of \$2,599.36 will be due on or before March 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 324.92 acre-feet of stored water, hereinafter referred to as the base entitlement, for irrigation of the lands described in Article 4 of this contract. The Contracting Officer will consider adjusting the water service payment downward or upward from the base entitlement based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of water and stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amounts of water and stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted or added to the payment for the next year by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received by the Contracting Officer by December 1 of that year.

(b) The annual payment set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such annual payment shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Willamette Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.





IN REPLY  
REFER TO

73837  
United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

PN-3323  
WTR-4.00

MAR 10 1995

Montecucco Farms  
4120 Locust Road  
Canby OR 97013

Subject: Willamette Basin Project Water Service Contract No. 5-07-10-W1027

Dear Ladies and Gentlemen:

Enclosed for your records is a conformed original of the fully executed subject contract, which provides for the use of stored water for irrigation use from the Willamette Basin Project commencing with the 1995 irrigation season.

If you have not yet contacted the Oregon Water Resources Department for your permits to divert, we suggest you do so. We are furnishing that agency a conformed copy of the contract so they will be in a position to proceed with issuing the required permit to divert stored water.

Sincerely,

Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosure

cc: Oregon Water Resources Department, 158 12th Street NE,  
Salem OR 97310 (w/cy of contract)  
OWRD Reference File No. 73837  
OWRD Reference File No. GR-505

U. S. Army Corps of Engineers, Attention: CENPP-PE-HR, PO Box 2946,  
Portland OR 97208 (w/cy of contract)



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF RECLAMATION

Willamette Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 1st day of March, 1995, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and Montecucco Farms, 4120 Locust Road, Canby, Oregon 97013, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

Explanatory Recitals

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette Basin, Oregon, herein styled the Willamette Basin Project, from which there is a flow of stored water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

3. WHEREAS, the Contractor owns land hereinafter described, for which a water supply is desired to be secured from the United States; and



NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to September 30, inclusive, stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

21.7 acres, SE1/4 SW1/4, Sec. 20, T. 3 S., R. 1 E., W.M.  
14.3 acres, SW1/4 SE1/4, Sec. 20, T. 3 S., R. 1 E., W.M.  
15.6 acres, NE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.  
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Of the land described, not more than 269.04 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 324.92 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$2,599.36 for the first irrigation season shall be made to the United States at the time of executing this contract, and



subsequent annual payments of \$2,599.36 will be due on or before April 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive not to exceed 324.92 acre-feet of stored water, hereinafter referred to as the base entitlement, for irrigation of the lands described in Article 4 of this contract. The Contracting Officer will consider adjusting the water service payment downward or upward from the base entitlement based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of water and stored water delivered each month to the Contractor during the irrigation season and on other factors in addition to the amounts of water and stored water actually delivered, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted or added to the payment for the next year by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of water and stored water delivered each month must be received by the Contracting Officer by December 1 of that year.

(b) The annual payment set forth in (a) above is based on an initial rate of \$8 per acre-foot of stored water; Provided, that such annual payment shall as a minimum be the greater of either the product of \$2 multiplied by the number of acres described in Article 4 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the United States for the irrigation water marketing program of the Willamette Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.



(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 14 of this contract.

#### Contract Preparation Assignment Fee

6. (a) Upon execution of this contract, a \$100 fee for the preparation of this contract is due and payable by the Contractor to the United States.

(b) All future contract actions, including new contracts, contract amendments, supplements, and assignments will be charged a \$100 fee: Provided, That the fee shall be reviewed by the Contracting Officer and revised from time to time to cover costs to the United States.

#### Charges for Delinquent Payments

7. (a) The Contractor shall be subject to interest, administrative and penalty charges on delinquent installments or payments. When a payment is not received by the due date, the Contractor shall pay an interest charge for each day the payment is delinquent beyond the due date. When a payment becomes 60 days delinquent, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. When a payment is delinquent 90 days or more, the Contractor shall pay an additional penalty charge of 6 percent per year for each day the payment is delinquent beyond the due date. Further, the Contractor shall pay any fees incurred for debt collection services associated with a delinquent payment.

(b) The interest charge rate shall be the greater of the rate prescribed quarterly in the Federal Register by the Department of the Treasury for application to overdue payments, or the interest rate of 0.5 percent per month prescribed by section 6 of the Reclamation Project Act of 1939 (Public Law 76-260). The interest charge rate shall be determined as of the due date and remain fixed for the duration of the delinquent period.

(c) When a partial payment on a delinquent account is received, the amount received shall be applied, first to the penalty, second to the



administrative charges, third to the accrued interest, and finally to the overdue payment.

#### Furnishing of Water

8. (a) Upon payment of the annual payment specified in subarticle 5(a) above, the United States will furnish water to the Contractor from the Willamette Basin Project pursuant to this contract. No water shall be furnished if the Contractor is delinquent in payment of the required annual payment.

(b) Water for the purposes hereof shall be made available and measured at the following point(s) of diversion:

3800 feet north and 3410 feet east of the northeast corner of  
Sec. 29, T. 3 S., R. 1 E., W.M.

The Contractor shall receive said water at the point of diversion and shall be wholly responsible for securing said water at that point and diverting, conveying, and utilizing it. The water to be delivered hereunder shall be measured by means of measuring or controlling devices satisfactory to the Contracting Officer. Such devices shall be furnished, installed, and maintained by and at the expense of the Contractor, but they shall be and remain at all times available for reading and monitoring by the United States or an appropriate State-appointed watermaster whose representative may at all times have access to them over any lands of the Contractor. All losses of water from seepage, evaporation, or other cause, below said point of measurement, shall be borne by the Contractor.

(c) The Contractor shall, to the extent practicable, submit to the Contracting Officer an advance schedule as to the time of water deliveries. Changes in such schedule may be made only upon sufficient advance notice to the Contracting Officer to allow him to adjust releases to meet the new schedules. Upon the appointment of a State watermaster to govern diversions from the stream



concerned, the Contractor shall be required to conform its diversions and releases to the control of the stream as established by the watermaster.

(d) The Contractor and all other entities heretofore or hereafter contracting with the United States for a right to use water from the Willamette Basin Project shall, to the extent of their base entitlement, have equal priority to the use of water from such project so far as that may be physically practicable and legally possible, without regard to the date of their respective contracts.

#### Special Conditions

9. (a) It is the responsibility of the Contractor to comply with the laws of the State of Oregon regarding the obtaining and perfecting of permits to divert water to the lands described in Article 4. Prior to executing this contract, the Contractor shall secure any easements from the Corps of Engineers which may be required for constructing facilities to divert and convey the stored water and provide written verification of such agreements to the Contracting Officer. The obligation of the United States to deliver water under this contract is subject to an operating plan for the Willamette Basin Project determined in accordance with the law governing the project.

(b) In the event the Contractor is not now a member of an irrigation district, water supply company, or other water user organization, this contract shall be terminated and water service hereunder shall cease automatically when stored water is made available to the lands described in Article 4 by such an organization to serve these and other lands presently irrigated or planned for irrigation in future years from the Willamette Basin Project.



(c) In the interest of conservation and protection of environmental resources, from time to time, but not less often than once every 5 years, this contract shall be reviewed by the Contracting Officer. The terms and conditions of this contract may be modified, if deemed necessary by the Contracting Officer, to avoid or minimize impacts to candidate, listed or proposed threatened and endangered species, or other valuable natural resources. Any modification by the Contracting Officer shall be announced by written notice to the Contractor.

#### Term of Contract

10. This contract shall become effective as of the date first above written and will continue in force for 5 years unless sooner terminated in accordance with Articles 9 or 11 or by agreement of the parties hereto. Either the Contracting Officer or the Contractor may terminate this contract unilaterally by providing a five-year advance notice in writing to the other party; Provided, that unless such notice is provided, on January 1 of each year, the contract shall be automatically renewed for 5 years.

#### Termination of Contract

11. This contract may be terminated and water service hereunder shall cease at the option of the United States at any time if the Contractor is delinquent in payment of the water service payment for a period of 30 days or upon failure of the Contractor to abide by any notice, order, rule, or regulation of the United States or the State of Oregon now or hereafter established affecting water service hereunder.

#### United States Not Liable for Water Shortages--Adjustments

12. On account of drought or uncontrollable forces, there may occur a shortage in the total quantity of water available for furnishing to the



Contractor by the United States pursuant to this contract. In no event shall any liability accrue against the United States or any of its officers, agents, or employees for any damage direct or indirect arising from such shortages. If such a shortage occurs, the United States will apportion the available water supply among the Contractor and others entitled by existing and future contracts to receive water from the Willamette Basin Project.

#### Disclaimer

13. No provision of this contract, nor of any renewal thereof, nor the furnishing of water hereunder will be construed to bind the United States after the expiration of this contract as the basis of a permanent water right. Because of possible fluctuations in reservoir surface elevations and downstream flows associated with the Willamette Basin Project, the United States does not guarantee the availability of water at the point of the Contractor's diversion facilities as they may now be constructed or constructed hereafter. Further, the United States will not be held responsible for any acts or omissions of the Contractor's agents or of persons to whom water is furnished.

#### Notices

14. Any notice, demand, or request authorized or required by this contract shall be deemed to have been given, on behalf of the Contractor, when mailed, postage prepaid, or delivered to the Group Leader, Lands and Repayment, Pacific Northwest Region, Bureau of Reclamation, 1150 N. Curtis Road, Boise, Idaho 83706-1234, and on behalf of the United States, when mailed, postage prepaid, or delivered to Montecucco Farms, 4120 Locust Road, Canby OR 97013. The designation of the addressee or the address may be changed by notice given in the same manner as provided in this article for other notices.

General Provisions

15. The general provisions applicable to this contract are listed below. The full text of these general provisions is attached as Exhibit A and is hereby made a part of this contract.

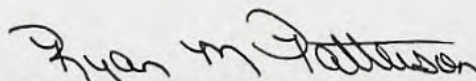
- a. CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS
- b. WATER AND AIR POLLUTION CONTROL
- c. QUALITY OF WATER
- d. EQUAL OPPORTUNITY
- e. COMPLIANCE WITH RECLAMATION LAWS
- f. ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED
- g. OFFICIALS NOT TO BENEFIT
- h. WATER CONSERVATION
- i. HAZARDOUS MATERIALS

IN WITNESS WHEREOF, the parties hereto have signed their names the day and year first above written.

CONTRACTOR

  
\_\_\_\_\_  
MONTECUCCO FARMS

UNITED STATES OF AMERICA

  
\_\_\_\_\_  
Program Manager, ~~Group Leader~~ Lands and Repayment  
PN Region  
Bureau of Reclamation  
1150 N. Curtis Road  
Boise ID 83706-1234



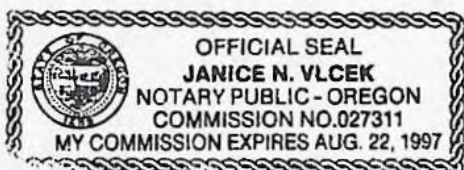
STATE OF OREGON )  
 : SS  
County of ~~CLACKAMAS~~

On this 31<sup>st</sup> day of OCTOBER, 1994, before me,

JANICE N. VLCEK, a Notary Public, personally appeared

STEPHEN MONTECALLO, known to me to be the person(s) whose name(s) is subscribed to the within instrument and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.



(SEAL)

Janice N. Vlcek  
Notary Public in and for the  
State of Oregon  
Residing at: Aurora  
My commission expires: 8-22-97

\*\*\*\*\*

STATE OF IDAHO )  
 : SS  
County of Ada )

On this 1<sup>st</sup> day of March, 1995, personally appeared

before me Ryan M. Patterson, to me known to be the official of the United States of America that executed the within and foregoing instrument and acknowledged said instrument to be the free and voluntary act and deed of said United States, for the uses and purposes therein mentioned, and on oath stated that he was authorized to execute said instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal as of the day and year first above written.

(SEAL)

Diana L. Jacobs  
Notary Public in and for the  
State of IDAHO  
Residing at: Boise

My commission expires: 5-23-2000



STANDARD PROVISIONS --- WILLAMETTE BASIN PROJECT

CONTINGENT ON APPROPRIATION OR ALLOTMENT OF FUNDS

a. The expenditure or advance of any money or the performance of any obligation of the United States under this contract shall be contingent upon appropriation or allotment of funds. Absence of appropriation or allotment of funds shall not relieve the Contractor from any obligations under this contract. No liability shall accrue to the United States in case such funds are not appropriated or allotted.

WATER AND AIR POLLUTION CONTROL

b. The Contractor, in carrying out this contract, shall comply with all applicable water and air pollution laws and regulations of the United States and the State of Oregon, and shall obtain all required permits or licenses from the appropriate Federal, State, or local authorities.

QUALITY OF WATER

c. The operation and maintenance of project facilities shall be performed in such manner as is practicable to maintain the quality of raw water made available through such facilities at the highest level reasonably attainable, as determined by the Contracting Officer. The United States does not warrant the quality of water and is under no obligation to construct or furnish water treatment facilities to maintain or better the quality of water.

EQUAL OPPORTUNITY

d. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor will not discriminate against any employee or applicant for employment because of race, color, religion, sex, or national origin. The Contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship. The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the Contracting Officer setting forth the provisions of this nondiscrimination clause.

(2) The Contractor will, in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without discrimination because of race, color, religion, sex, or national origin.

(3) The Contractor will send to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the Contracting Officer, advising the said labor union or workers' representative of the Contractor's commitments under Section 202 of Executive Order 11246 of September 24, 1965, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

(4) The Contractor will comply with all provisions of Executive Order No. 11246 of September 24, 1965, as amended, and of the rules, regulations, and relevant orders of the Secretary of Labor.

(5) The Contractor will furnish all information and reports required by said amended Executive Order and by the rules, regulations, and orders of the Secretary of Labor, or pursuant thereto, and will permit access to its books, records, and accounts by the Contracting Officer and the Secretary of Labor for purposes of investigation to ascertain compliance with such rules, regulations, and orders.

(6) In the event of the Contractor's noncompliance with the nondiscrimination clauses of this contract or with any of the such rules, regulations, or orders, this contract may be canceled, terminated, or suspended, in whole or in part, and the Contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in said amended Executive Order, and such other sanctions may be imposed and remedies invoked as provided in said Executive Order, or by rule, regulation, or order of the Secretary of Labor, or as otherwise provided by law.



(7) The Contractor will include the provisions of paragraphs (1) through (7) in every subcontract or purchase order unless exempted by the rules, regulations, or orders of the Secretary of Labor issued pursuant to Section 204 of said amended Executive Order, so that such provisions will be binding upon each subcontractor or vendor. The Contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions, including sanctions for noncompliance: Provided, however, That in the event the Contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the Contractor may request the United States to enter into such litigation to protect the interests of the United States.

#### COMPLIANCE WITH RECLAMATION LAWS

e. The parties agree that the delivery of irrigation water or the use of Federal facilities pursuant to this contract is subject to Reclamation law, as amended and supplemented, including, but not limited to, the Reclamation Reform Act of 1982 (Public Law 97-293).

#### ASSIGNMENT LIMITED--SUCCESSORS AND ASSIGNS OBLIGATED

f. The provisions of this contract shall apply to and bind the successors and assigns of the parties hereto, but no assignment or transfer of this contract or any right or interest therein shall be valid until approved in writing by the Contracting Officer.

#### OFFICIALS NOT TO BENEFIT

g. No Member of or Delegate to Congress, Resident Commissioner or official of the Contractor shall benefit from this contract other than as a water user or landowner in the same manner as other water users or landowners.

#### WATER CONSERVATION

h. Prior to the delivery of water provided from or conveyed through federally constructed or federally financed facilities pursuant to this contract, the Contractor shall develop an effective water conservation program acceptable to the Contracting Officer. The water conservation program shall contain definite water conservation objectives, appropriate economically feasible water conservation measures, and time schedules for meeting those objectives. At subsequent 5-year intervals, the Contractor shall submit a report on the results of the program to the Contracting Officer for review. Based on the conclusions of the review, the Contracting Officer and the Contractor shall consult and agree to continue or to revise the existing water conservation program.

#### HAZARDOUS MATERIALS

i. During the performance of this contract, the Contractor agrees as follows:

(1) The Contractor shall comply with all applicable Federal, State, and local laws and regulations, and Reclamation policies and instructions, existing or hereafter enacted or promulgated, concerning any hazardous material that will be used, produced, transported, stored or disposed of on or in lands, waters or facilities owned by the United States or administered by Reclamation.

(2) "Hazardous material" means any substance, pollutant or contaminant listed as hazardous under the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended, 42 U.S.C. § 9601, et seq., and the regulations promulgated pursuant to that Act.

(3) The Contractor may not allow contamination of lands, waters or facilities owned by the United States or administered by Reclamation by hazardous materials, thermal pollution, refuse, garbage, sewage, effluent, industrial waste, petroleum products, mine tailings, mineral salts, pesticides (including, but not limited to, the misuse of pesticides), pesticide containers or any other pollutants.

(4) The Contractor shall report to Reclamation, within 24 hours of its occurrence, any event which may or does result in pollution or contamination adversely affecting lands, water or facilities owned by the United States or administered by Reclamation.

(5) Violation of any of the provisions of this Article shall constitute grounds for immediate termination of this contract and shall make the Contractor liable for the cost of full and complete remediation and/or restoration of any Federal resources or facilities that are adversely affected as a result of the violation.

(6) The Contractor agrees to include the provision contained in paragraphs (1) through (5) of this Article in any subcontract or third party contract it may enter into pursuant to this contract.

(7) Reclamation agrees to provide information necessary for the Contractor, using reasonable diligence, to comply with the provision of this Article.





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

July 20, 1999

Montecucco Farms  
4120 Locust Road  
Canby, OR 97013

REFERENCE: Permit Amendment T-8300

On 07-08-99, we received your request for permit amendment for change in POU of water from Willamette Project Reservoirs. The request was accompanied by fees of \$200.00. Our receipt 31084 was given at that time.

By copy of this letter, we are asking the Watermaster for his usual report regarding the potential for injury to existing water rights which may be caused by the change.

We will notify you if additional information or corrections to the application or map are required.

You may not use the water at the new place of use or from the new point of [DIVERSION] until 60 days after we received your notice.

If you have any questions, please call the Transfer Section at, (800) 624-3199 or (503) 378-8455, ext #309.

cc: Watermaster #16, Bill Ferber  
CWRE #229, Larry W. Jebousek

enclosure







# Oregon

John A. Kitzharter, M.D., Governor

Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

## INTEROFFICE MEMO

TO: TRANSFER SECTION DATE: 7-26-99

FROM: X WATERMASTER, DISTRICT # 16  
GROUNDWATER SECTION

(SIGNATURE) Gregory L. Nelson Asst WM, Dist 16

SUBJECT: PERMIT AMENDMENT # 8300

A change in: POU POD POA of water.

In the name(s) of Montecueco Farms

In my opinion (assuming the right is valid), the proposed change

MAY BE MADE WITHOUT INJURY WOULD RESULT IN INJURY\* to an existing water right.

\*The approval of this transfer application would result in injury to other water rights because \_\_\_\_\_

The existing right may not be valid because \_\_\_\_\_

Headgate notices HAVE HAVE NOT Been issued for diversion from the source(s) which serve(s) this right.

If for change in point of diversion, is there any intervening point(s) for diversion between the authorized and proposed points of diversion? (Yes or No) \_\_\_\_\_

In my opinion, the order approving the subject transfer application should include the following in regard to the appropriator installing suitable measuring devices in the diversion works:

\_\_\_\_\_ (1) PRIOR to the diverting of water at the new point of diversion . . .

✓ (2) WHEN IN the judgement of the watermaster it becomes necessary . . .

The enclosed copy of the transfer application and map(s) is for your records.





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

July 20, 1999

Dave Liscia  
Oregon Department of Fish and Wildlife  
17330 S.E. Evelyn St.  
Clackamas, OR 97015

Reference: Transfer # 8300

Enclosed for your review is a copy of a water right transfer application from **Willamette Project Reservoirs**, tributary of **Willamette River**.

Consistent with the Oregon Plan, we are soliciting your input on whether the proposed transfer would injure an instream water right or any other water right in which ODFW has an interest. If you believe that the transfer would injure a water right, please describe the nature of the injury and provide any supporting information which you have available.

This transfer is not for a permanent or historic change in a point of diversion. Therefore, the provisions of ORS 540.525 and 540.532 related to requirements for fish screens or by-pass devices do not apply.

We must receive your response in our Salem office

Attention: Kelly Starnes  
Water Resources Department  
158 12TH ST NE  
SALEM OR 97310

**by August 21, 1999** in order to consider it in our decision on the application and to include the appropriate conditions in any approval order. We will presume that you do not have comments and do not intend to request fish screens or by-pass devices if we do not receive a response.

If you have questions, please call (503)378-3739 ext 309.

Enclosure

cc: Wm # 16, Bill Ferber  
Applicant



COPY

T-8300



State of Oregon  
**Water Resources Department**  
 158 12th Street NE, Salem, OR 97310  
 (503)378-8455 • (800)624-3199  
 www.wrd.state.or.us

RECEIVED

JUL 08 1999

# Application for Water Right Transfer

WATER RESOURCES DEPT.

SALEM, OREGON

Please type or print in dark ink. If your application is found to be incomplete or inaccurate, we will return it to you. If any requested information does not apply to your application, insert "n/a." Please read and refer to the instructions when completing your application. Thank you.

## APPLICATION FOR:

Please check one

- ☐ Water Right Transfer     
 ☐ Temporary Transfer     
 ☒ Permit Amendment  
☐ Historic Point of Diversion Change     
 ☐ Government Action Point of Diversion

## 1. APPLICANT INFORMATION

Name: Montecucco Farms  
First Last

Address: 4120 Locust Rd  
Canby OR 97013  
City State Zip

Phone: (503) 263-6066  
Home Work Other

\*Fax: \_\_\_\_\_ \*E-Mail address: \_\_\_\_\_

\*Optional information

## 2. TYPE OF CHANGE

- ☐ Use     
 ☒ Place of Use     
 ☐ Point of Diversion     
 ☐ Point of Appropriation

Reason for change: Land no longer leased or irrigated

Is the land within an irrigation or other water district? ☐ Yes ☒ No

If yes, include district name: \_\_\_\_\_

For Department Use

App. No. \_\_\_\_\_ Permit No. \_\_\_\_\_ Date \_\_\_\_\_



### 3. CURRENT WATER RIGHT INFORMATION

Name on Permit, Certificate, or Decree: Montecucco Farms

Decree: \_\_\_\_\_

☒ Not applicable

Permit Number: 52049 Certificate Number: \_\_\_\_\_

☐ Not applicable

☒ Not applicable

Priority Date: 1-4-1994 Authorized Use: Irrigation

Source of Water: Buf. of Re. stored water County: Clackamas

Are there other sources listed on the water right? ☐ Yes ☐ No

#### Location of Authorized Point of Diversion or Point of Appropriation:

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range
<u>2800'N &amp; 3410'E from NE</u>	<u>SW NE</u>	<u>21</u>	<u>3S</u>	<u>1E</u>
<u>cor. Sec. 29</u>				

#### Location of Authorized Place of Use:

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
<u>3S</u>	<u>1E</u>	<u>21</u>		<u>SWSW</u>	<u>1500</u>	<u>8.0</u>
				<u>SE SW</u>	<u>1600</u>	<u>3.9</u>
				<u>SE SW</u>	<u>1800</u>	<u>1.3</u>
				<u>SE SW</u>	<u>1700</u>	<u>0.9</u>
						<u>14.1</u>

Are there other lands described in the water right? ☒ Yes ☐ No

Are there other water rights or permits associated with this land? ☒ Yes ☐ No  
If yes, include a copy of all rights or permits.

Description of general delivery system (ditch measurements, pump size, number of sprinklers, etc.):

① 50 hp motor with 3" x 4" cent. pump & ② 30 hp motor with 2 1/2" x 3" cent pump into 8" buried PVC + much portable equip.  

$$Q_{pump} = \frac{6.61 \times (50 \text{ hp} + 30 \text{ hp})}{60' \text{ lift} + 184.8' (80 \text{ ft})} = \frac{5288}{244.8} = 2.16 \text{ cfs}$$

System capacity (in cfs): 2.16 cfs



#### 4. PROPOSED CHANGES TO THE WATER RIGHT

☐ **Change in Use:**

Proposed use: \_\_\_\_\_

☐ **Change in Point of Diversion or Point of Appropriation:**

☐ **Change**

Old point of diversion or point of appropriation will not be used for this portion of the water right.

☐ **Additional**

Both old and new points of diversion or points of appropriation will be used for this portion of the water right.

**Location of Proposed Point of Diversion or Point of Appropriation**

Coordinates (from recognized survey corner)	1/4 1/4 Section	Section	Township	Range

☒ **Change in Place of Use:**

**Location of Proposed Place of Use**

Township	Range	Section	Government Lot or DIC	1/4 1/4 Section	Tax Lot Number	Acres (if appropriate)
3S	1E	21		SE SW	2500	14.1

Remarks: This

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## 5. LAND OWNERSHIP

N/A

Answer only  
if for change  
in **Use** or  
**Place of Use**.

### Use/Place of Use

Are the lands free of encumbrances? ☐ Yes ☐ No

If no, name of encumbrance holder: \_\_\_\_\_

If no, application must include written permission for the transfer from the encumbrance holder.

Answer only  
if applicant  
is **not** the  
landowner.

### Landowners

N/A

*This section does not apply to water delivery entities authorized to act on behalf of their members, making permit amendment requests, or requests for changes in point of diversion or point of appropriation only.*

Landowners: \_\_\_\_\_  
(List all landowners shown on deed.)

Address(es): \_\_\_\_\_

City

State

Zip

Application must include notarized statements from all landowners shown on deed giving permission for the transfer. Use an extra sheet if necessary.

Answer only  
if the receiving  
landowner is  
**not** the original  
landowner or  
the applicant.

### Receiving Landowner

N/A

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

Address: \_\_\_\_\_

City

State

Zip

- ☐ The Department's records should be changed to show this landowner is responsible for completion of the changes. All notices and correspondence should be sent to this landowner.
- ☐ Applicant will remain responsible for completion of changes. Notices and correspondence should continue to be sent to applicant.



## 6. EXHIBITS

*Application may be rejected if all appropriate exhibits are not enclosed.*

### Land Use Information Form:

- ☒ Enclosed
- ☐ Not needed: (must meet the following four requirements)
- ① In EFU zone or irrigation district.
  - ② Change in place of use only. ✓
  - ③ No structural changes needed, including diversion works, delivery facilities, other structures. ✓
  - ④ Irrigation only. ✓
- ☐ List all affected governments (city, county, state, tribal, federal):
- \_\_\_\_\_
- \_\_\_\_\_

### Map:

- ☒ Water Right Transfer: *Must be prepared by a Certified Water Right Examiner.*
- ☐ All others: *Need not be prepared by a Certified Water Right Examiner.*

### Deed:

- ☐ Must accompany all applications, except permit amendment requests.

### Evidence of use within last five years, or not subject to forfeiture:

- ☐ Best evidence is an affidavit from a knowledgeable person describing the water use. Statements saying water was delivered or assessments/fees were paid are insufficient. Evidence must show actual use of the water for the authorized purpose, in the authorized place of use.

### Water Well Reports:

- ☐ If application is for a change in point of appropriation or change from surface water to ground water, attach copies of all water well reports. If reports are not available, describe construction details including well depth, static water level, and information necessary to establish the ground water body developed or proposed to be developed.

### Fees:

- ☐ Amount enclosed \$ 200.00

*See instruction book for fee schedule.*

## 7. SIGNATURE

I (we) swear that I (we) have read the above application and the statements made are true and accurate.

Stephen Montecucco for Montecucco Farms 7-8-99  
applicant signature name (print) date

Stephen Montecucco for Montecucco Farms  
applicant signature name (print) date

### Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included the necessary exhibits.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount.



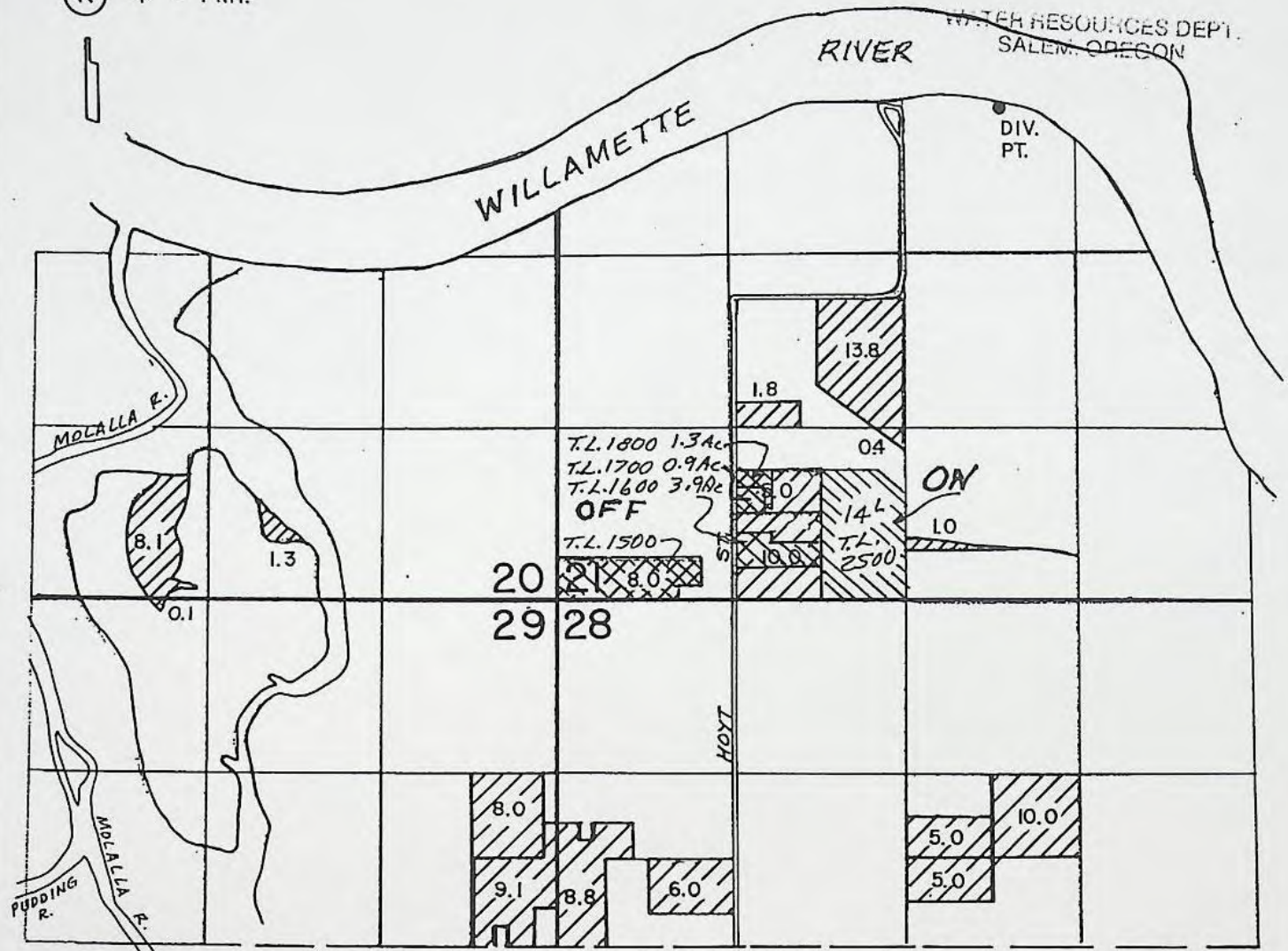
T.3 S. R.1 E. W.M.

RECEIVED

JUL 08 1999

N 4" = 1 MI.

WATER RESOURCES DEPT.  
SALEM, OREGON



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

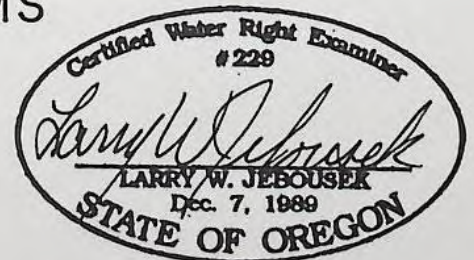
WATER RIGHT MAP FOR

T-8300

MONTECUCCO FARMS

surveyed June 28, 1999

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.



COPY CHECK-OFF SHEET FOR TECHNICAL REVIEWS

CC: FILE # 73837

WATERWATCH

ODF&W

WATERMASTER # 16

REGIONAL MANAGER - P.W.

CWRE - Larry Jabousek

DEQ

OREGON ASSOCIATION OF NURSERYMEN INC.

KEN STAHR

OTHER ADDRESSES:

CASEWORKER MM

ORIGINAL TO APPLICANT 2/03/94





# United States Department of the Interior



IN REPLY REFER TO:

PN-3324  
WTR-4.00

BUREAU OF RECLAMATION  
Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234

JAN 06 2012

RECEIVED

JAN 09 2012

Oregon Water Resources Department  
Water Rights Division  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

WATER RESOURCES DEPT  
SALEM, OREGON

Subject: Stored Water Deliveries, Willamette River Basin Project and Rogue River Basin Project

Ladies and Gentlemen:

Below is a table of summary information compiled from water use reports from long-term contractors under Willamette River Basin Project and Rogue River Basin Project water service contracts during the 2011 irrigation season. The original written reports are on file with this office and available by request.

Under the Payments for Water article in some contracts, the Bureau of Reclamation may adjust the water service payment for the next year based on information received by the contractor, the State of Oregon, or other reliable sources as to the actual amounts of stored water delivered that year.

	Willamette Contractor	Contract No.	Entitlement acre-feet	Claimed Amount of 2010 Stored Water Deliveries acre-feet
5-80124	Brabham, Larry	6-07-10-W1104	94.75	0
73414	Bush, Dwayne and Barbara	7-07-10-W1176	326.75	44.67
151969	Byler, Scott	9-07-10-W1259	69.25	32.2
73279	Carlton Plants, LLC	5-07-10-W1030	724.0	211.0
86158	Carlton Plants, LLC	119E101737	78.5	4.0
86158	Carlton Plants, LLC	119E101739	36.62	14.0
5-86157	Chintimini Land, Inc	119E101750	187.50	0
81953	Clark, Dennis	119E101745	56	0
86701	Downey, Dixie	119E101742	145.0	0
5-85978	Ellison, Barbara	119E101747	465.5	121.5
81915	Funke, Richard	7-07-10-W1142	336	19.77
5-73006	Gray, Warren S. and Janice L.	5-07-10-W1078	111.5	33.56
	Greenberry Irrigation District	119E101735	7,500	845.8
5-80143	Hathaway, Ronald	7-07-10-W1134	100.0	9.71
71257	Hayworth Farms, Inc.	7-07-10-W1168	236.25	0
55494	Heyden, Roger	7-07-10-W1130	103.5	0
	Hubbard Farms, Inc.	5-07-10-W1035	236	22.25
2146	Hubbard Farms, Inc.	7-07-10-W1131	828	47.57
71790	Inman, Ben W.	8-07-10-W1187	39.0	4.33
22952	Junction City Water Control District	119E101744	7,892.5	1,919.0
7752	Klupenger's Nursery	6-07-10-W1110	144	0
80145				



JAN 09 2012

WATER RESOURCES DEPT<sup>2</sup>  
SALEM, OREGON

72252	Koos, George and Cory	5-07-10-W1054	182.5	0
86494	KNG, Inc.	119E101743	75	7.6
72569	Krautmann, Mark & Jolly	7-07-10-W1146	282.63	65.51
73246	Louise Keen Trust	5-07-10-W1044	247.0	40.0
87540	McKenzie River Ranch	129E101770	100	0
72636	Miller Forests, Inc.	5-07-10-W1052	197.45	67.08
79614	Miller Forests, Inc.	6-07-10-W1112	32.4	16.58
72493	Miller, Patricia R.	8-07-10-W1193	340.75	0
127357 75204	Mission Lane Farms	5-07-10-W1022	265.0	126.0
73837	Montecucco Farms	5-07-10-W1027	324.92	139.74
72635	Miller, Walter R.	5-07-10-W1045	21.25	21.25
73389	Mt. Jefferson Farms, Inc.	5-07-10-W1046	171.15	147.733
866752	Mt. Jefferson Farms, Inc.	6-07-10-W1113	49.9	0
87531	Morningstar 2006, LLC	119E101740	429.25	0
	Norpac Foods, Inc.	7-07-10-W1173	130.0	4.4
69751	Norpac Foods, Inc.	8-07-10-W1202	200.0	18.1
	Norpac Foods, Inc. (Leroy Fery)	8-07-10-W1203	100.0	1.9
71731	Palmer Creek Water District	119E101760	12,250.0	0
	Patterson, Rita	119E101746	40	0
70773	Shelburne, James C.	7-07-10-W1141	150	0
72048	Spada, Arthur and Mary B.	7-07-10-W1140	380.75	0
70574	Sidney Irrigation Coop.	7-07-10-W1167	2,233.60	1,422.7
73297	Stockwell, Kent and Deanna	5-07-10-W1069	115.0	3.8
91412	Vanasche, Tom	5-07-10-W1024	42.0	0
87540	Whitewater Ranch, LLC	129E101769	136.6	0

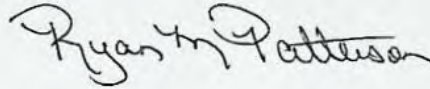
Lost Creek Contractor	Contract No.	Entitlement <i>acre-feet</i>	Claimed Amount of 2011 Stored Water Deliveries <i>acre-feet</i>
Boswell, Larry	9-07-10-W1238	34.0	18.76
Eatinger, Al	2-07-10-W0936	30.0	0.79
Malcolm Beech Investments	039E101364	990.0	282.74
Celestial, LLC	089E101635	58.77	0
Fort Vannoy Farms, Inc.	009E101272	600.0	0
Roberts, Stephen and Susan	029E101346	10.0	2.5
Rogue River Estates, LLC	079E101579	256.0	26.3
Shady Cove Water Works, LLC	029E101352	900	1
Stuart, Roy and Judy	9-07-10-W1236	36	3

Applegate Contractor	Contract No.	Entitlement <i>acre-feet</i>	Claimed Amount of 2011 Stored Water Deliveries <i>acre-feet</i>
Atkins, John	059E101456	20.0	0
Combes, Clyde C. and David Bud	049E101431	58.8	0
Glasser, Steve and Sara Robinson-	119E101757	13.5	0
Holstrom, Richard	089E101678	111.0	5.32
Hyde, Joe	019E101316	36.0	0



If you have information that differs from the table, or if you have any questions, please contact Mr. Bill Parks at the above address or at 208-378-5344, by January 30, 2012.

Sincerely,



Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation

cc: Mr. Bruce Sund  
District 14 Watermaster  
942 SW 6th Street, Suite E  
Grants Pass, OR 97526

Mr. Larry Menteer  
District 13 Watermaster  
10 S. Oakdale, Room 106  
Medford, OR 97501

Mr. Mitch Lewis  
District 19 Watermaster  
290 N. Central Street  
Coos County Courthouse Annex  
Coquille, OR 97423

Ms. Sabrina M. White-Scarver  
District 20 Watermaster  
1678 S. Beavercreek Road, Suite L  
Oregon City, OR 97045

Mr. Mike McCord  
District 16 Watermaster  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Mr. Michael Mattick  
District 2 Watermaster  
Central Lane Justice Court  
220 N. Fifth  
Springfield, OR 97477



73837

MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

CONTROL NO

6398

8194

November 28, 2000

BUREAU OF RECLAMATION OFFICIAL FILE COPY		
TO	INIT	DATE
3322	mc	12/5/00
FILE		

WTR-4.00-  
GF  
Willamette

United States Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

Subject: Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

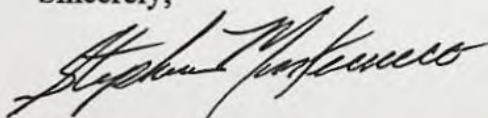
Dear Sir or Madam:

For the irrigation season ending September 30, 2000, Montecucco Farms used 83.86 acre feet of the contracted Willamette Basin water. The meter shows a total of 109.27 acre feet used in 2000, but 25.41 acre feet were from direct flow water rights. Because of a wet growing season this year, supplemental water was not needed.

Attached you will find charts showing the meter readings at various dates, amounts of water applied to each field and a map showing the location of each field.

I hope you find everything in order. If you have any questions or require more information, please contact me at (503) 263-6066 or Larry Jebousek, P.E., C.W.R.E. at (503) 769-6628.

Sincerely,



Stephen Montecucco  
Partner

Cc: Larry Jebousek, P.E., C.W.R.E.,  
4682 Cascade Hwy. S.E.  
Sublimity, Oregon 97385

Attach. - 3

RECEIVED

DEC 18 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

IRRIGATION RECORD - ENDING SEPTEMBER 30, 2000

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre Ft/ Field
A-6	1.00	0.28	17	0.39	0.39
A-7	13.80	0.28	29	0.67	9.34
A-10	1.80	0.28	33	0.77	1.38
B-3	6.00	0.34	47	1.33	7.99
B-4	5.00	0.28	44	1.02	5.13
B-5	4.90	0.28	75	1.75	8.57
B-6	3.50	0.34	52	1.47	5.16
B-7	4.50	0.19	58	0.92	4.13
B-8	8.00	0.19	75	1.19	9.50
B-13	9.50	0.28	34	0.79	7.54
F-1	10.00	0.28	55	1.28	12.83
F-2	10.00	0.28	51	1.19	11.90
TOTAL					83.86

RECEIVED

DEC 18 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OR 97013

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
May 1, 2000	85,902,900 Gal.
June 1, 2000	85,902,900 Gal.
July 1, 2000	93,243,000 Gal.
August 2, 2000	105,057,300 Gal.
September 1, 2000	118,030,400 Gal.
October 1, 2000	121,508,900 Gal.

**RECEIVED**

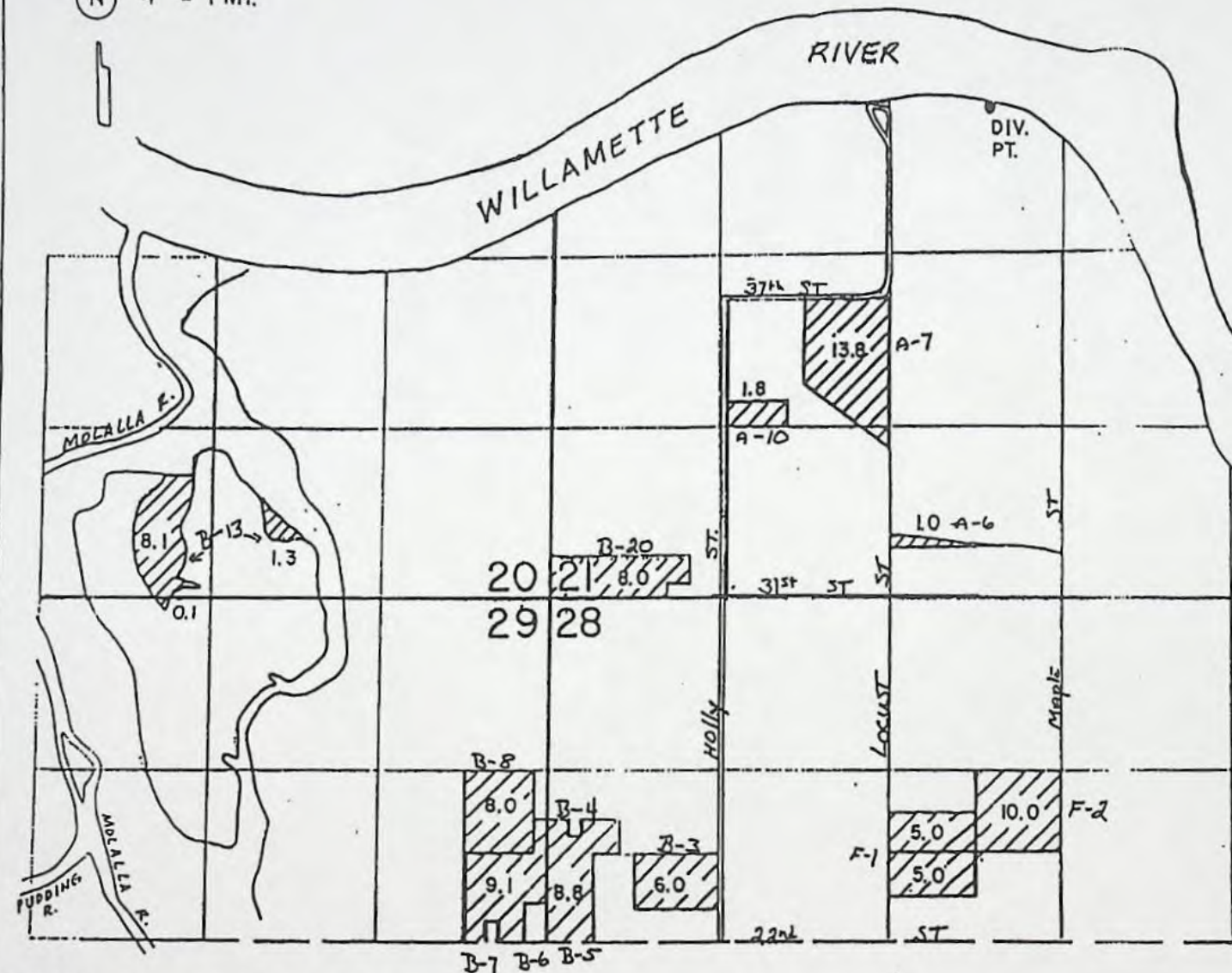
DEC 18 2000

WATER RESOURCES DEPT.  
SALEM, OREGON



T.3 S. R.1 E. W.M.

N 4" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

# WATER RIGHT MAP FOR MONTECUCCO FARMS

SURVEYED ON LINE 1, 1993

BY: *Handwritten signature*

RECEIVED

DEC 18 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.





# United States Department of the Interior

BUREAU OF RECLAMATION  
Pacific Northwest Region  
1150 North Curtis Road, Suite 100  
Boise, Idaho 83706-1234

IN REPLY  
REFER TO:

PN-3322  
WTR-4.00

DEC 14 2000

RECEIVED

DEC 18 2000

WATER RESOURCES DEPT  
SALEM, OREGON

Oregon Water Resources Department  
Water Rights Division  
158 12th Street NE  
Salem OR 97310

Subject: Stored Water Deliveries, Willamette Basin Project

Dear Ladies and Gentlemen:

Enclosed are copies of 21 requests for adjustment of the annual payments to be charged by the Bureau of Reclamation (Reclamation) in 2001 under Willamette Basin Project water service contracts.

Under the Payments for Water article in contracts executed during 1995-2000, Reclamation may adjust the water service payment for the next year based on information received by the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of stored water delivered that year.

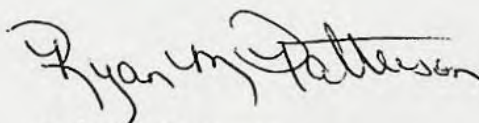
We ask that prior to February 1, 2001, you notify Mike Cobell of this office at the above address or at (208) 378-5223 if you have information that differs from that enclosed.

A summary of pertinent information related to the enclosed requests follows:

<u>Willamette Contractor</u>	<u>Contract No.</u>	<u>Entitlement</u> <i>acre-feet</i>	<u>Claimed Amount of 2000</u> <u>Stored Water Deliveries</u> <i>acre-feet</i>
Briggs, David R. S-73537	9-07-10-W1235	63.75	0
Bush, Dwayne N/F	7-07-10-W1176	326.75	23.83
Carlton Plants N/F	5-07-10-W1030	742.5	182
Fery, Leroy and Eileen N/F	8-07-10-W1203	100	53.4
Fery, Randy S-74278	5-07-10-W1056	118.8	36.54
First Baptist Church N/F	5-07-10-W1058	169.8	38.3
Funke, Richard M. S-81915	7-07-10-W1142	336	118.25
Hathaway, Ronald S-8143	7-07-10-W1134	100	0
Heyden, Roger N/F	7-07-10-W1130	103.5	0

<u>Willamette Contractor</u>	<u>Contract No.</u>	<u>Entitlement</u> <i>acre-feet</i>	<u>Claimed Amount of 2000</u> <u>Stored Water Deliveries</u> <i>acre-feet</i>
Inman, Ben W. N/F	8-07-10-W1187	39	4.33
Louise Keen Trust 5-73240	5-07-10-W1044	247	41
Krautmann, Mark 5-72569	7-07-10-W1146	282.63	28.34
Lindseth, Chris N/F	5-07-10-W1055	170	0
McKenzie River Dairy N/F	8-07-10-W1213	131.25	40.49
Miller Forests, Inc. 73973	5-07-10-W1050	84.2	6.22
Miller Forests, Inc. 14263	5-07-10-W1051	108	10.84
Miller Forests, Inc. N/F	5-07-10-W1052	197.45	86.88
Miller Forests, Inc. 79614	6-07-10-W1112	32.4	0
Miller, Patricia R. N/F	8-07-10-W1193	340.75	0
Mission Lane Farms 75206	5-07-10-W1022	265	120.69
Montecucco Farms 73837	5-07-10-W1027	324.92	83.86
Norpac Foods, Inc. N/F	7-07-10-W1173	130	23.8
Norpac Foods, Inc. N/F	8-07-10-W1202	200	90.3
Roseburg Paving Co. N/F	9-07-10-W1267	519.75	5
70576 Sidney Irrigation Coop.	7-07-10-W1167	2,233.6	1,010.2
Weber, Nanette E. N/F	7-07-10-W1138	139	0

Sincerely,



Ryan M. Patterson  
Program Manager  
Lands and Repayment

Enclosures

RECEIVED

DEC 18 2000

WATER RESOURCES DEPT  
SALEM, OREGON



FILE NO. 99-4926

WTR-4.03  
WAP

BUREAU OF RECLAMATION OFFICIAL FILE COPY			ACTION MADE BY
NOV 29 '99			
TO	INIT	DATE	
3323	LP	11/29	
F			

FOLDER ID. 17655

MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

November 24, 1999

United States Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

Subject: Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

**RECEIVED**

FEB - 2 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

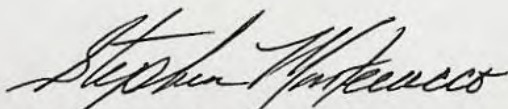
Dear Sir or Madam:

For the irrigation season ending September 30, 1999, Montecucco Farms used 83.05 acre feet of the contracted Willamette Basin water. The meter shows a total of 116.6 acre feet used in 1999, but 33.55 acre feet were from direct flow water rights. Because of a wet growing season this year, supplemental water was not needed.

Attached you will find charts showing the meter readings at various dates, amounts of water applied to each field and a map showing the location of each field.

I hope you find everything in order. If you have any questions or require more information, please contact me at (503) 263-6066 or Larry Jebousek, P.E., C.W.R.E. at (503) 769-6628.

Sincerely,



Stephen Montecucco  
Partner

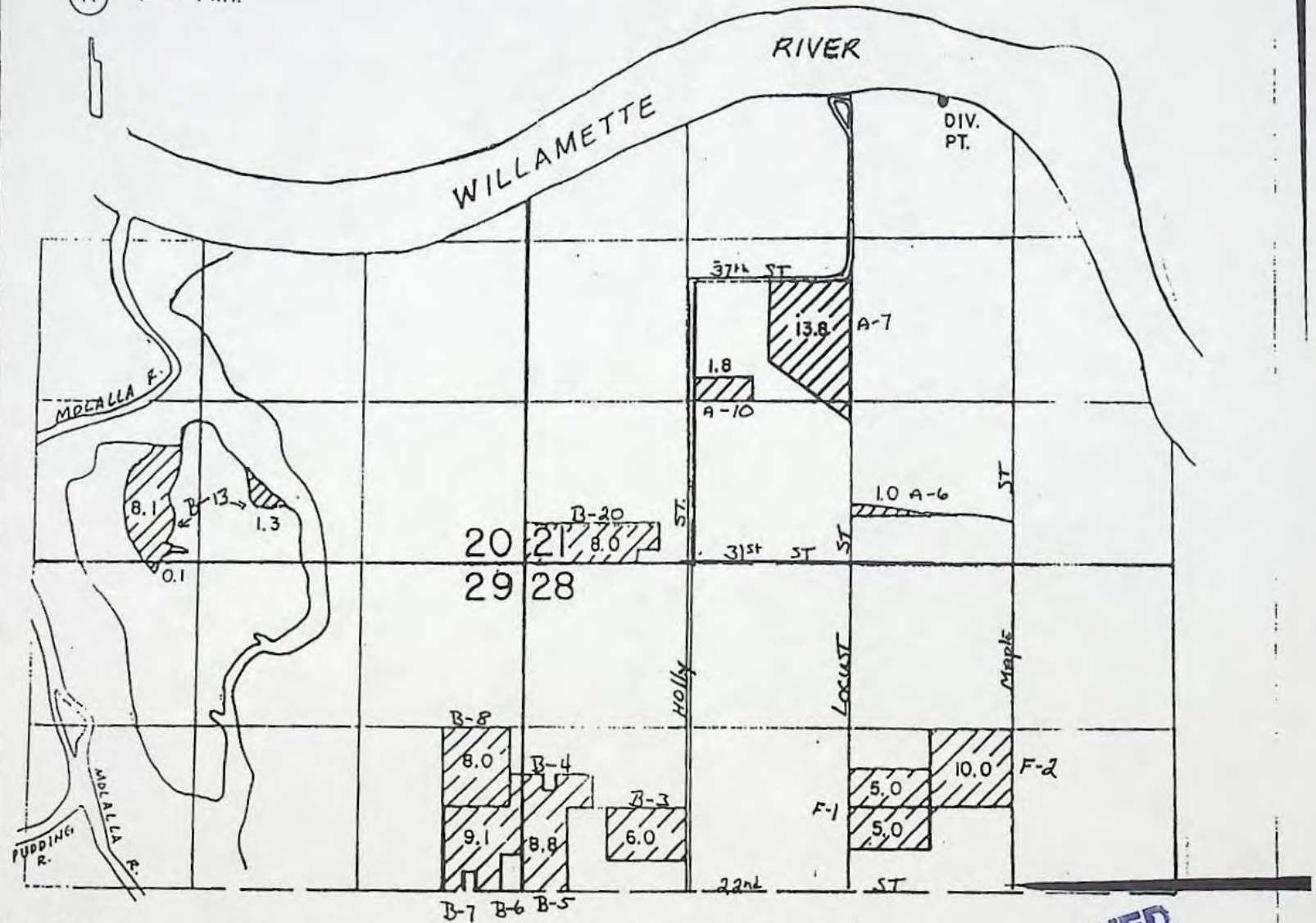
Cc: Larry Jebousek, P.E., C.W.R.E.,  
4682 Cascade Hwy. S.E.  
Sublimity, Oregon 97385

Attach. - 3



T.3 S. R.1 E. W.M.

N 1" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 1, 1993

BY: *Kathy G. Depousch*

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.

**RECEIVED**  
FEB - 2 2000  
WATER RESOURCES DEPT  
SALEM OREGON



MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OR 97013

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

**RECEIVED**

FEB - 2 2000

WATER RESOURCES DEPT.  
SALEM, OREGON

<u>Date</u>	<u>Meter Reading</u>
May 1, 1999	45,244,000 Gal.
June 1, 1999	49,788,100 Gal.
July 1, 1999	54,279,500 Gal.
August 2, 1999	66,958,800 Gal.
September 1, 1999	76,361,300 Gal.
October 1, 1999	83,254,000 Gal.

---

**RECEIVED**

FEB - 7 1999

WATER RESOURCES DEPT  
SALEM, OREGON

MONTECUCCO FARMS  
4015 N. LOCUST  
CANBY, OREGON 97013

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1999

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre Ft/ Field
A-6	1.00	0.28	44	1.03	1.03
A-7	13.80	0.28	39	0.91	12.56
A-10	1.80	0.28	8	0.19	0.34
B-3	6.00	0.34	61	1.72	10.37
B-4	5.00	0.28	56	1.30	6.53
B-5	4.90	0.28	52	1.21	5.94
B-6	3.50	0.34	62	1.76	6.15
B-7	4.50	0.19	85	1.35	6.06
B-8	8.00	0.19	98	1.55	12.41
B-13	9.50	0.28	43	1.00	9.53
F-1	10.00	0.28	25	0.58	5.83
F-2	10.00	0.28	27	0.68	6.30
TOTAL					83.05





# Oregon

John A. Kitzhaber, M.D., Governor

## Water Resources Department

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130

November 24, 1999

MONTECUCCO FARMS  
4120 NORTH LOCUST ROAD  
CANBY, OR 97013

REFERENCE: Files T-8300 AND 73837

This will acknowledge that your claim of beneficial use and map in the name of MONTECUCCO FARMS were received on NOVEMBER 12, 1999. These will be reviewed in the future to insure they are complete and correct.

If you have any questions please contact me at (503) 378-8455, extension 263, or dial toll free (within Oregon only) at 1-800-624-3199, extension 263.

Sincerely,

STEVE BROWN  
Program Analyst  
Certificate Section

SCB:tcb

cc: LARRY W. JEBOUSEK, CWRE #229

M:\groups\wr\support\timmie\bu-ack11.99



## STATE OF OREGON

## COUNTY OF CLACKAMAS

## ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 537.211, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, PERMIT AMENDMENT 8300 submitted by

MONTECUCCO FARMS  
4120 LOCUST ROAD  
CANBY, OREGON 97013.

The permit to be modified is Permit 52049 with a date of priority of JANUARY 4, 1994, FOR 16.60 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 0.42 ACRE-FEET OF WATER. The permit allows the use of WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, tributaries of the WILLAMETTE RIVER, for IRRIGATION OF 14.1 ACRES. The volume of water to which this permit is entitled is limited to an amount actually beneficially used and shall not exceed 17.02 acre-feet per year, if available at the authorized point of diversion: SW¼ NE¼, SECTION 21, T 3 S, R 1 E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2½ acre-feet for each acre irrigated during the irrigation season of each year.

NOTICE: Under the provisions of OAR 137-004-0080, the applicant may petition for reconsideration of this order. The petition shall set forth specific grounds for reconsideration. The petition for reconsideration must be filed within 60 days after the date this order is served.



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

The authorized place of use is located as follows:

PRIMARY

SW $\frac{1}{4}$  SW $\frac{1}{4}$  8.0 ACRES  
SE $\frac{1}{4}$  SW $\frac{1}{4}$  6.1 ACRES  
SECTION 21

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

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

The applicant proposes to change the place of use to:

PRIMARY

SE $\frac{1}{4}$  SW $\frac{1}{4}$  14.1 ACRES  
SECTION 21

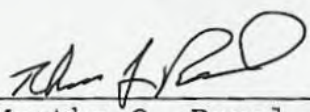
TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

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

1. The former place of use shall no longer be irrigated as a part of this water right.
2. All other terms and conditions of the permit remain the same.

Permit 52049, in the name of MONTECUCCO FARMS, is amended as described herein.

WITNESS the signature of the Water Resources  
Director, affixed SEP 07 1999.

  
For Martha O. Pagel, Director



NOTICE OF COMPLETION OF CONSTRUCTION

I, MONTECUCCO FARMS, the holder of Permit No. 52049

to appropriate the public waters of the state of Oregon, completed the construction of the works described therein on the 18 day of September, 1998.

Remarks: \_\_\_\_\_  
If the works have less capacity than described in the permit, or you have definitely abandoned part of the proposed develop-

ment, you should so state in order that our records may not be unnecessarily encumbered.

IN WITNESS WHEREOF, I have hereunto set my hand this 22 day of September, 1998.

Stephen Montecucco Partner  
(Signature of Applicant)

4015 N. Locust Canby OR 97013  
(Address)

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

RECEIVED

SEP 25 1998

WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.60 ACRES	
SW 1/4 SW 1/4	8.00 ACRES	
SE 1/4 SW 1/4	15.40 ACRES	
SW 1/4 SE 1/4	1.00 ACRE	
SECTION 21		
SW 1/4 NE 1/4	20.00 ACRES	
NW 1/4 NW 1/4		29.40 ACRES
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES
SECTION 28		



NE 1/4 NE 1/4	31.50 ACRES
NW 1/4 NE 1/4	22.20 ACRES
SW 1/4 NE 1/4	16.20 ACRES
SE 1/4 NE 1/4	14.54 ACRES
NE 1/4 NW 1/4	20.40 ACRES
SE 1/4 NW 1/4	4.40 ACRES

## SECTION 29

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

#### STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

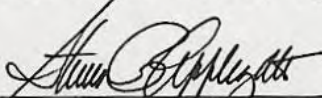
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

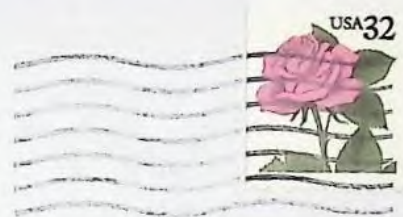
Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, April 18, 1996

  
for Martha O. Pagel, Director  
Water Resources Department



**MONTECUCCO FARMS**  
4015 N. LOCUST ST.  
CANBY, OR 97013-9143

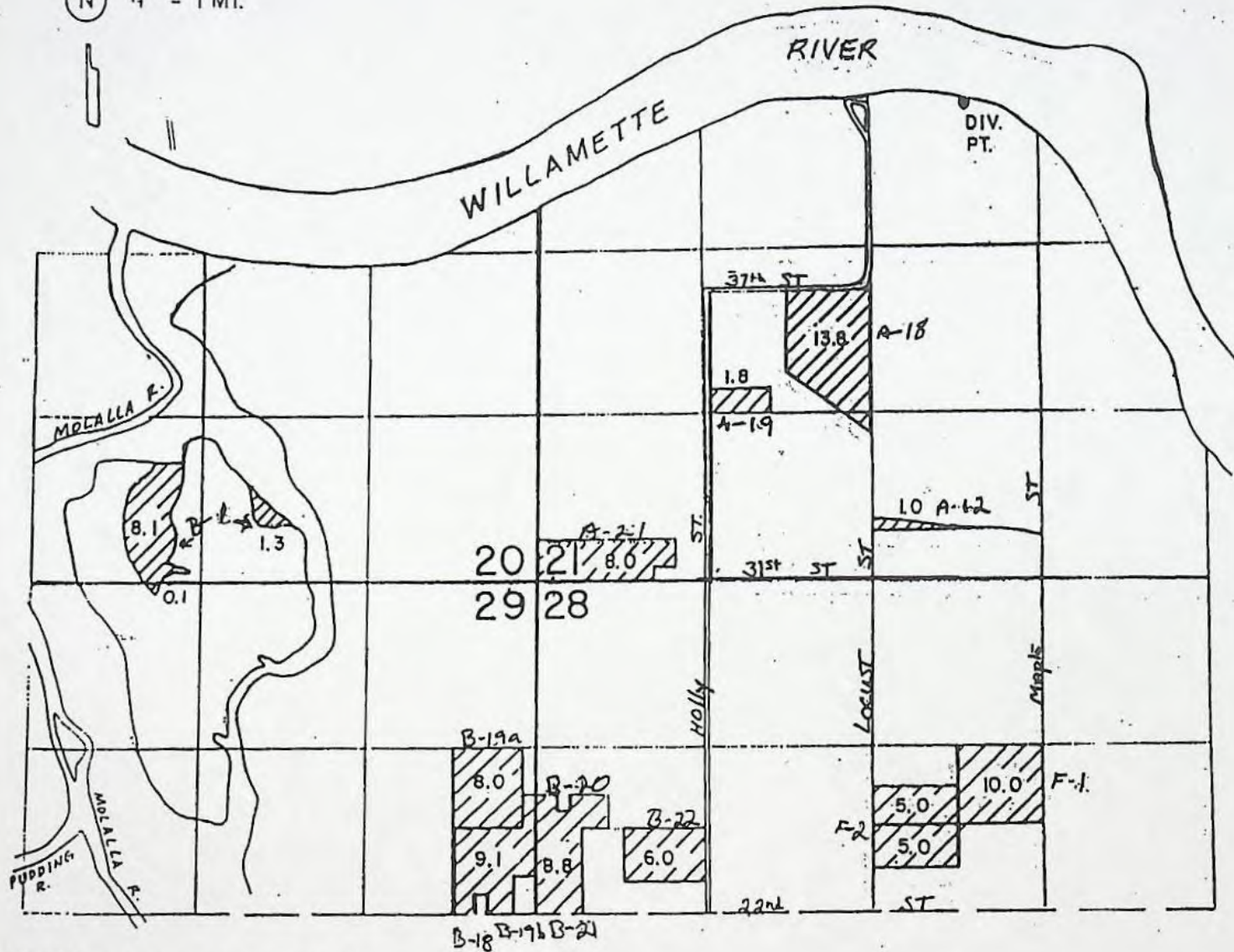


WATER RESOURCES DEPT.  
COMMERCE BUILDING  
158 12TH STREET NE  
SALEM, OR 97310-0210



T. 3 S. R. 1 E. W. M.

N 4" = 1 MI.



DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 1, 1993

BY:

*Handwritten signature: Nancy J. Joubert*

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.



MONTECUCCO FARMS

Water Resources Department

Licenses & Fees

9 Apr '96 05999  
16.00

**RECEIVED**

APR 12 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Checking & MMkt

Application fee #S-73837

\*\*\*\*\*16.00

COPY CHECK-OFF SHEET FOR PROPOSED FINAL ORDERS

CC: FILE # S-73837

KEN STAHR

WATERMASTER # 16

REGIONAL MANAGER: TOM PAUL

ODF&W - Clackamas County: CLACKAMAS COUNTY

CWRE (if agent): LARRY W. JEBOUSEK

DEO

OTHER STATE AGENCY IF NECESSARY:

DIVISION 33 LIST: ☒ COLUMBIA RIVER INTERTRIBAL FISH COMMISSION; U.S. FISH & WILDLIFE;  
(CHECK ONLY IF APPLICABLE) NORTHWEST POWER PLANNING COUNCIL & NATIONAL MARINE FISHERIES

POWER BUILDER UPDATER; FRONT COUNTER

OTHER ADDRESSES OF PEOPLE WHO PAID THE \$10 FEE:

PEOPLE WITH OBJECTIONS, COMMENTS OR REQUESTED COPY W/O \$10 (SEND THE \$10 LETTER):

DALE & JUNE BALL, 3019 N. HOLLY ST., CANBY, OR 97013

ROBERT & SHIRLY PEEBLES, 614 NW 22ND AVE., CANBY, OR 97013

BRUCE & KATHLEEN PARKER, 3460 N. HOLLY ST., CANBY, OR 97013

WAYNE S. KLEM, CITY OF CANBY PUBLIC WORKS, 182 N. HOLLY ST., PO BOX 930, CANBY, OR 97013

CLACKAMAS COUNTY, DEPT. OF TRANSPORTATION & DEVELOPMENT, 902 ABERNATHY RD., OREGON CITY, OR 97045

CASEWORKER : LKS



NUMBER

00574

Check

16<sup>00</sup>

Mo

Cash



Surface Application

Reservoir Application

Ground Water Application

Transfer Application

PFO Request

Research

Hydroelectric Fees

Copying

Assignment

Extension of Time

Protest

Other

$\frac{\Phi}{16}$

Rec. fees

Daley B.

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-73837

Final Order

Application History

On January 4, 1994, MONTECUCCO FARMS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 6, 1996. The protest period closed March 22, 1996, and no protest was filed.

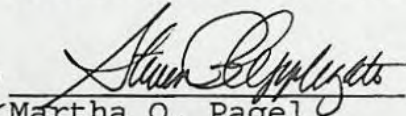
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application S-73837 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$16.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-73837.

DATED April 3, 1996

  
for Martha O. Pagel  
Director

RECEIVED

APR 12 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Appeal Rights

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



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT #

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

INVOICE # **001392**

RECEIVED FROM: M. Jentecucco  
BY: J. J. J. J. J.

APPLICATION	73837
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # ☒ OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 16.00

**0417 WRD MISC CASH ACCT**

ADJUDICATIONS	\$
PUBLICATIONS / MAPS	\$
OTHER: (IDENTIFY)	\$
OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

PCA AND OBJECT CLASS

**0427 WRD OPERATING ACCT**

MISCELLANEOUS		\$
0407 COPY FEES		\$
0410 RESEARCH FEES		\$
0408 MISC REVENUE: (IDENTIFY)		\$
TC165 DEPOSIT LIAB. (IDENTIFY)		\$
<b>WATER RIGHTS:</b>		
0201 SURFACE WATER	EXAM FEE \$ <u>0</u>	0202 RECORD FEE \$ <u>16.00</u>
0203 GROUND WATER	\$	0204 \$
0205 TRANSFER	\$	0206 \$
<b>WELL CONSTRUCTION</b>		
0218 WELL DRILL CONSTRUCTOR	EXAM FEE \$	0219 LICENSE FEE \$
LANDOWNER'S PERMIT		0220 \$
OTHER (IDENTIFY)		

**0437 WELL CONST. START FEE**

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

**0539 LOTTERY PROCEEDS**

1302 LOTTERY PROCEEDS	\$
-----------------------	----

**0467 HYDRO ACTIVITY**

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

RECEIPT #

**001392**

DATED:

4-12-96

BY:

Flo L

Oregon Water Resources Department  
Water Rights Division

Water Rights Application  
Number S-73837

Final Order

*Application History*

On January 4, 1994, MONTECUCCO FARMS submitted an application to the Department for a water use permit. The Department issued a Proposed Final Order on February 6, 1996. The protest period closed March 22, 1996, and no protest was filed.

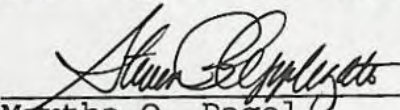
The proposed use would not impair or be detrimental to the public interest.

Order

Upon payment of outstanding permit recording fees, Application S-73837 shall be approved as proposed by the Proposed Final Order and as provided on the attached draft permit.

Permit recording fees are required in the amount of \$16.00. Said fees are due and payable no later than 60 days from the date of this Final Order. Failure to pay the required permit recording fees within 60 days from the date of this Final Order will result in the proposed rejection of Application S-73837.

DATED April 3, 1996

  
for Martha O. Pagel  
Director

*Appeal Rights*

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



STATE OF OREGON

COUNTY OF CLACKAMAS

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.60 ACRES	
SW 1/4 SW 1/4	8.00 ACRES	
SE 1/4 SW 1/4	15.40 ACRES	
SW 1/4 SE 1/4	1.00 ACRE	
SECTION 21		
SW 1/4 NE 1/4	20.00 ACRES	
NW 1/4 NW 1/4		29.40 ACRES
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES
SECTION 28		



NE 1/4 NE 1/4		31.50 ACRES
NW 1/4 NE 1/4		22.20 ACRES
SW 1/4 NE 1/4		16.20 ACRES
SE 1/4 NE 1/4	17.10 ACRES	14.54 ACRES
NE 1/4 NW 1/4	0.10 ACRE	20.40 ACRES
SE 1/4 NW 1/4		4.40 ACRES

## SECTION 29

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

## STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

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

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

-----DRAFT-----

Water Resources Department

Application S-73837      Water Resources Department      PERMIT DRAFT  
Basin 02      Volume 25 Willamette River & Misc. North 1/2      District 16  
MGMT.CODES 1BF, 1BW, 3BW, 4CF, 4CG



# FO CHECKLIST

2770 AC

## PFO TO FO CONVERSION

FILE # 73837

REVIEW DATE: 03/26/96

WEEK # 28

INITIALS: LLS

In preparing the FO, you should check the following:

1. (Y) / N Were comments or protests received in response to the PFO? *ODFW RESPONSE & CWRE (MAP ERRORS)*
2. / List names and addresses of ALL commentors (regardless of comment date) on the PFO CC list.
3. 16 Verify payment of recording fees (circle the appropriate option) *200 EXAM*  
 (1) Issue FO w/permit if fees are paid *100 10 AC*  
 (2) Issue FO w/o permit if fees are lacking *2X200 520 100 AC*  
 (3) Prepare refund request for excess fees
4. (Y) / N Has the applicant signed an oath of accuracy for the application? *820.00*
5. Y / (N) Has ODFW asked for self certification on screening condition?

ACTION SUSPENSE DATE: \_\_\_\_\_

6. \_\_\_\_\_ Assign permit numbers to files with oath, fees, and no protests or other unresolved issues

DENIAL  
LARRY

FO w/o PERMIT  
CORY

Route to: (circle one)  
FO & PERMIT  
JERRY

COMMENTS  
Doug D13

*- USE BOR-DATE - OK 28*  
*- VERIFY/CORRECT POU DESCRIPTION OK*  
*- Replace SA with "ODFW" OK*  
*ADD ODFW COMMENTS*  
*FOUNTAIN TOWER 3/26/96*

Modify FO as needed to:

INITIALS: LLS

7. / Respond to significant comments, issues, or disputes related to the proposed use of water
8. / Include or exclude permit conditions and management codes *add contract condition/contract number*
9. / Notify applicant of additional information or fees required prior to permit issuance (Use standard wording from M:\T\FO\TOOLS if possible)
10. / Correct PFO errors (such as POD or POU location (verify from map), Permit format)
11. (Y) / N Is further processing possible? If not state reason: \_\_\_\_\_

Once FO document is completed:

12. / Move WordPerfect document to M:\T\FO\SIGN & delete any duplicates
13. / Print final draft of document and submit to team leader for review
14. (Y) / N Team leader review completed



# Water Rights Examiner

Larry W. Jebousek, P.E., C.W.R.E.

Ryan M. Patterson, Manager  
Lands and Repayment  
Bureau of Reclamation  
1150 North Curtis Road  
Boise, ID 83706-1234

February 20, 1996

**RECEIVED**

**FEB 21 1996**

WATER RESOURCES DEPT.  
SALEM, OREGON

Subject: Montecucco Farms  
BOR Contract 5-07-10-W1027  
OWRD File S-73837

Dear Mr. Patterson:

The Water Resources Department has prepared a Proposed Final Order and a Draft Permit for Montecucco Farms Application S-73837.

The Department's staff has identified 4 errors in description of irrigation by  $\frac{1}{4}$   $\frac{1}{4}$  Section and error of addition.

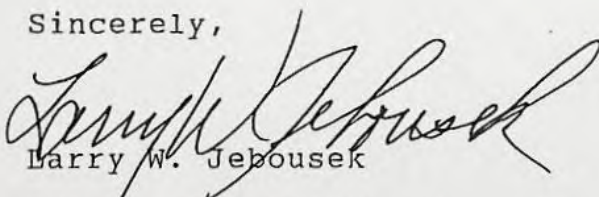
I am enclosing a corrected copy of the Description of Land to be irrigated page with the "mislocated" 40's and corrected acreage figures highlighted. Also enclosed are copies of the maps and the WRD's Draft Permit.

The Water Resources Department has agreed to a Period of Allowed Use of March 1 through October 31 further subject to the conditions of the BOR contract. It is my understanding that the Bureau can amend the contract with the approval of Montecucco Farms by letter.

The Water Resources Department has ask that these corrections be made by March 22, 1996 so the permit can be issued for the coming season.

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

Sincerely,

  
Larry W. Jebousek

cc: Steve Montecucco  
Laura Snedaker  
WRD



RECEIVED

FEB 21 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
			TRANSFER NO. _____				AND SUPPLEMENTAL IRRIGATION APPLICATION NO. _____											
							C-37650				65.7 Acres							
3S	1E	20												13.6			13.0	
		29		18.7			20.4											
								C-40849			23.94 Acres							
		29	15.2	3.5		5.24												
								C-37537			78.2 Acres							
		28					29.4	2.6										
		29	16.3		16.2	9.3			4.4					Total 167.84 Acres Supplemental				
			PRIMARY IRRIGATION -- APPLICATION S-73837															
3S	1E	20											8.1			1.3		
		21								15.6		8.0	15.4			1.0		
		28			20.0				14.8									
		29				17.1	0.1							Total 101.4 Acres Primary				
			Total 269.24 Acres															



# Pending Applications w/ BOR Contracts

David Setniker

S-74014 (Independence Place)

S-74405 (Monroe " )

Hiram Olson

S-73594 (Buena Vista)

S-73595 (Soap Cr.)

Montecucco Farms

S-73837

Mt. Jefferson Farms

S-73216, 217, 73389, 390, 391 & 80506

S-72635 Rob Miller

Miller Forests, Inc.

S-72634, 73477, 73973, 79614

Randy Fey

S-72395, 74278

Mark Krautman S-72569, 80916

Wayne Call - S-80557

Hayworth Farms G-14257

Dwight Lambert G-14230

Danell Leam G-14168

Dennis Koenig G-14181



# THIS FILE IS AFFECTED

Dwight French, 10:35 AM 2/15/96, Period of Use for BOR contract

1

Date: Thu, 15 Feb 1996 10:35:02 -0800

X-Sender: frenchdw@chetco.wrd.state.or.us

To: wr

From: frenchdw@chetco.wrd.state.or.us (Dwight French)

Subject: Period of Use for BOR contract water

X-UIDL: 824410056.000

In the Willamette Basin we have defined the period of use as April 1 through September 30 when the source of water is a BoR contract (Detroit Reservoir for example). The contracts specify that the period of use is April 1 through September 30.

The BoR used this period because they thought it matched our normal period of use. Now that the standard period of use, for irrigation, is March 1 through October 31 a change is (long over due) in order. After discussing the situation with Larry Parsons at BoR (Boise), Larry Jebousek (CWRE and water use consultant) and Steve Applegate we have determined that the following course of action is appropriate:

> From this day forward, in the Willamette Basin, when the source of water is a BoR contract, define the period of use as:

"March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract."

We will develop similar language for other basins. Basically, we will want to allow the standard irrigation season for that area or as may be further limited by the Bureau of Reclamation water supply contract.

For contracts already issued, where a permit has not been issued, the BoR will begin to have those contracts amended to read similar to the quoted statement above.

If you have any questions, please send me an e-mail, stop by my office or (preferably) bring it up at our next meeting.

Thank you.

Dwight French

Adjust the  
Period of  
Use.



RECEIVED

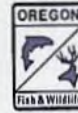
MAR 20 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon

March 19, 1996

Water Rights Section  
Water Resources Department  
158 12th Street NE  
Salem, OR 97310



DEPARTMENT OF  
FISH AND  
WILDLIFE

NORTHWEST  
REGIONAL OFFICE

Re: PFO Review  
Application # S-73837  
Montecucco Farms  
Clackamas County  
Willamette River > 394.24 acre-feet

Because one or more species of game fish are present at the described point of diversion, ODFW will require the applicant to provide fish screening pursuant to ORS 498.248. Therefore, ODFW requests that WRD include the following condition if the permit is granted:

The permittee shall install and maintain a fish screening device as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional, and approved by an ODFW representative prior to diversion of any water.

Additionally, the draft permit contains a condition requiring the permittee to "... restore disturbed riparian areas to the satisfaction of the ODFW." The ODFW has no legal authority to function in such a capacity and, therefore, requests that the condition indicating otherwise be deleted or altered to reflect this fact.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Steven R. Mamoyac".

Steven R. Mamoyac  
District Fish Biologist

c: Kruger, HCD

John A. Kitzhaber  
Governor



7118 NE Vandenberg Ave.  
Corvallis, OR 97330-9446  
(503) 757-4186  
FAX (503) 757-4252





United States Department of the Interior

BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

73837  
RECEIVED

IN REPLY  
REFER TO:

PN-3323  
WTR-4.00

96

U.S. DEPT.  
OF THE INTERIOR

Oregon Water Resources I  
158 12th Street NE  
Salem OR 97310

Subject: Stored Water D

Dear Ladies and Gentlemen

Enclosed are copies of for  
be charged by Reclamation  
water service contracts.

s to

Under Article 5 of Project contracts executed in 1995, Reclamation may adjust the water service payment for the next year based on information received by the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of stored water delivered that year.

We ask that prior to February 23, 1996, you notify Larry Parsons of this office (he may be contacted at the above address or at (208) 378-5346), if you have information that differs from that enclosed.

A summary of pertinent information related to the enclosed requests follows:

<u>Contractor</u>	<u>Contract No.</u>	<u>Base Entitlement</u>	<u>Claimed Amount of 1995 Stored Water Deliveries</u>
Miller Forests	5-07-10-W1050	84.2 a.f.	75.8 a.f.
Miller Forests	5-07-10-W1051	108	81
Miller Forests	5-07-10-W1052	197.45	148.09
Montecucco Farms	5-07-10-W1027	324.92	78.21
Mt. Jefferson	5-07-10-W1046	771.05	30.9
Stockwells	5-07-10-W1069	115	0

Sincerely,

*Wanda T. Shearer*

ACTING FOR

Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation

Enclosures





IN REPLY  
REFER TO:

PN-3323  
WTR-4.00

# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

73837  
**RECEIVED**

JAN 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310

JAN 12 1996

Subject: Stored Water Deliveries, Willamette Basin Project

Dear Ladies and Gentlemen:

Enclosed are copies of four requests for adjustment of the annual payments to be charged by Reclamation in 1996 under Willamette Basin Project (Project) water service contracts.

Under Article 5 of Project contracts executed in 1995, Reclamation may adjust the water service payment for the next year based on information received by the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of stored water delivered that year.

We ask that prior to February 23, 1996, you notify Larry Parsons of this office (he may be contacted at the above address or at (208) 378-5346), if you have information that differs from that enclosed.

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Mt. Jefferson	5-07-10-W1046	771.05	30.9
Stockwells	5-07-10-W1069	115	0

Sincerely,

*Wanda T. Shearer*

ACTING FOR

Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation

Enclosures



RECEIVED

JAN 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

MONTECUCCO FARMS  
4120 N. LOCUST  
CANBY, OREGON 97013

November 3, 1995

2ND-9.00 -  
GF

NOV 10 1995

TO	DATE	
3300	ump	11/20
3323	LP	11/22 ✓
FILE		

*RRF*

United States Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

Subject: Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

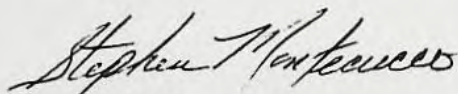
Dear Sirs:

For the irrigation season ending September 30, 1995, Montecucco Farms used 78.21 acre feet of the contracted Willamette Basin water. The meter shows a total of 104.9 acre feet used in 1995, but 26.69 acre feet were from direct flow water rights. Because of a wet growing season this year, supplemental water was not needed.

Attached you will find charts showing the meter readings at various dates, amounts of water applied to each field and a map showing the location of each field.

I hope you find everything in order. If you have any questions or require more information, please contact me at (503) 263-6066 or Larry Jebousek, P.E., C.W.R.E. at (503) 769-6628.

Sincerely,



Stephen Montecucco  
Partner

cc: Larry Jebousek, P.E., C.W.R.E.,  
4682 Cascade Hwy. S.E.  
Sublimity, Oregon 97385

Attach. - 3



RECEIVED

JAN 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

MONTECUCCO FARMS  
4120 N. LOCUST  
CANBY, OR 97013

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
August 11, 1995	23,659,000 Gal.
September 9, 1995	30,312,300 Gal.
September 30, 1995	33,920,500 Gal.

RECEIVED

JAN 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

MONTECUCCO FARMS  
4120 N. LOCUST  
CANBY, OREGON 97013

IRRIGATION RECORD - ENDING SEPTEMBER 30, 1995

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre ft./ Field
A-6	1.0	0.28	18	0.42	0.42
A-7	13.8	0.28	27	0.63	8.69
A-10	1.8	0.28	56	1.31	2.35
B-3	6.0	0.34	61	1.72	10.37
B-4	5.0	0.28	55	1.28	6.42
B-5	4.9	0.28	59	1.37	6.75
B-6	3.5	0.34	67	1.90	6.64
B-7	4.5	0.19	45	1.48	3.21
B-8	8.0	0.19	59	0.93	7.47
B-13	9.5	0.28	16	0.37	3.55
B-20	8.0	0.28	41	0.96	7.65
F-1	10.0	0.28	38	0.89	8.86
F-2	10.0	0.28	25	0.58	<u>5.83</u>
TOTAL					78.21



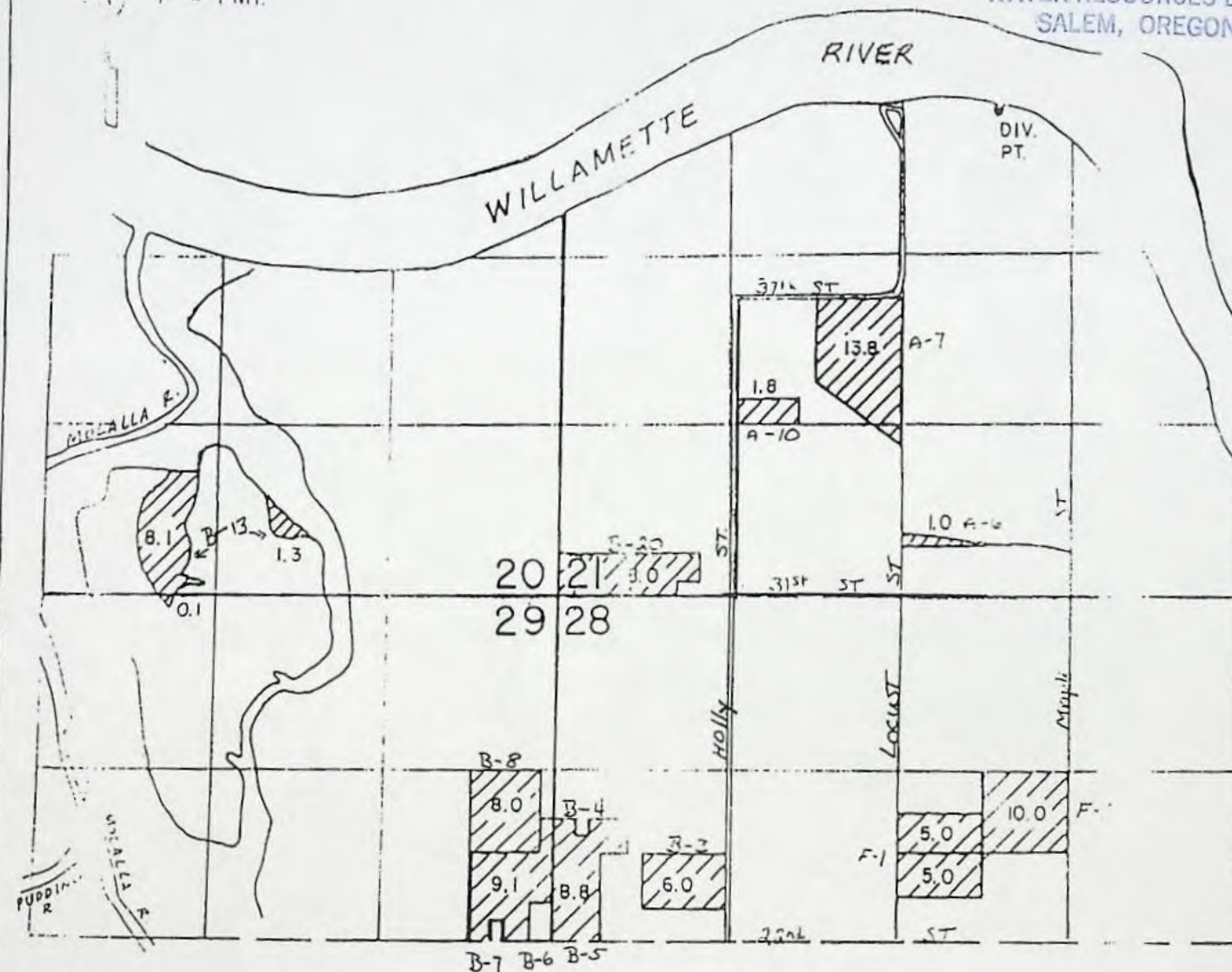
T.3 S. R.1 E. W.M.

RECEIVED

JAN 17 1996

WATER RESOURCES DEPT.  
SALEM, OREGON

1" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 1, 1993

BY:

*Wm. C. Johnson*

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.





# United States Department of the Interior

## BUREAU OF RECLAMATION

Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

IN REPLY  
REFER TO:

PN-3323  
WTR-4.00

RECEIVED

JAN 17 1996  
WATER RESOURCES DEPT.  
SALEM, OREGON

Oregon Water Resources Department  
158 12th Street NE  
Salem OR 97310

JAN 12 1996

Subject: Stored Water Deliveries, Willamette Basin Project

Dear Ladies and Gentlemen:

Enclosed are copies of four requests for adjustment of the annual payments to be charged by Reclamation in 1996 under Willamette Basin Project (Project) water service contracts.

Under Article 5 of Project contracts executed in 1995, Reclamation may adjust the water service payment for the next year based on information received by the Contractor, the State of Oregon, or other reliable sources as to the actual amounts of stored water delivered that year.

We ask that prior to February 23, 1996, you notify Larry Parsons of this office (he may be contacted at the above address or at (208) 378-5346), if you have information that differs from that enclosed.

A summary of pertinent information related to the enclosed requests follows:

<u>Contractor</u>	<u>Contract No.</u>	<u>Base Entitlement</u>	<u>Claimed Amount of 1995 Stored Water Deliveries</u>
Miller Forests	5-07-10-W1050	84.2 a.f.	75.8 a.f.
Miller Forests	5-07-10-W1051	108	81
Miller Forests	5-07-10-W1052	197.45	148.09
Montecucco Farms	5-07-10-W1027	324.92	78.21
Mt. Jefferson	5-07-10-W1046	771.05	30.9
Stockwells	5-07-10-W1069	115	0

Sincerely,

*Wanda T. Shearer*

ACTING FOR

Ryan M. Patterson  
Program Manager  
Repayment and Acreage Limitation

Enclosures



June 15, 1994

Montecucco Farms  
4120 Locust Rd.  
Canby, Oregon 97031

Reference: File 73837

Hello:

This letter informs you of the current status of your application for a water use permit and accompanies the Satisfactory Report of Technical Review For Water Use Permit(s). We apologize for the delay in transmitting this information and Report to you and for any inconvenience the wait may have caused you.

The enclosed Report of Technical Review is the Department's summary of a specialized analysis of various legal and scientific aspects of your application and proposed water use. We are required by the state of Oregon's administrative rules (in OAR 690-11-160) to conduct this official technical review of each application submitted to the Oregon Water Resources Department for a water use permit. This process was designed to insure that your application receives a fair evaluation and to secure protection of existing water rights and of the public at large.

AS THE RESULT OF OUR TECHNICAL EVALUATION, WE HAVE DETERMINED THAT YOUR APPLICATION SATISFIES THE REQUIREMENTS OF THE TECHNICAL REVIEW.

The Department will now move your application to the next phase of processing. This phase includes a public interest review of your proposed water use. No final action may be taken on your application until the public interest review is completed.

You should also note that the Report of Technical Review describes conditions currently anticipated which may limit the water use proposed in your application.

If you wish to object to any of the analyses contained in the Report, you must submit your objection to the Department in writing within 60 days of the date of mailing of this Report or by the date specified below. Your objection must allege that the technical review is defective and you may also submit evidence which demonstrates that your proposed water use will not impair or be detrimental to the public interest.

Copies of the Report of Technical Review will be distributed to all persons who have filed comments or otherwise expressed an interest in the water use proposed in your application. Interested parties must also submit their objections within the prescribed objection period. Those objections must allege that the technical review is defective and/or that the proposed water use may impair or be detrimental to the public interest.



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



If an objection contains allegations that the technical review is defective, it must be accompanied by facts which support such allegations. If an objection contains allegations that the proposed water use may impair or be detrimental to the public interest, the objection must specify the particular public interest standards which apply as set out in Oregon Revised Statutes (ORS 537.170(5)) and Oregon Administrative Rules (OAR 690-11-195) and state facts showing how such standards would be violated.

All evidence and objections must be received by our Salem office no later than 5:00 p.m. on or before August 24, 1994, or the Department may presume there is no opposition to any of the analyses set out in the technical review report. Evidence and objections must be addressed and delivered to: Oregon Water Resources Department, Water Rights Section, 158 12th Street Northeast, Salem, Oregon 97310.

If objections and evidence are submitted on or before the above time and date, the Director of the Water Resources Department will evaluate each issue raised in the objections and either accept or deny them. Objectors are encouraged to indicate whether they would be interested in resolving their concerns through alternative dispute resolution.

If any of the objections are denied, the objector will be allowed thirty days to submit a protest to the denial. The protest must meet the standards set forth in OAR 690-02-030 through 080.

If you have any questions, please feel free to telephone me or any of the Department's Water Rights Section staff. My telephone number is 378-3739, in Salem, or you may call toll free from within the state to 1-800-624-3199.

Sincerely,



MICHAEL J. MATTICK  
Water Rights Specialist

cc: Larry W. Jebousek, CWRE



Report Date: June 15, 1994

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW**

**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: August 24, 1994.

1. APPLICATION FILE NUMBER - 73837
2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

Montecucco Farms  
4120 Locust Rd.  
Canby, Oregon 97031

Clackamas County (503) 263-6066

Date application received for filing and/or te  
of priority: January 4, 1994.

SOURCE: Willamette Project Storage TRIBUTARY  
River

Purpose and/or use: Irrigation and Supplement

Quantity: 233 acre feet for primary irrigation  
83.92 acre feet for supplemental irr

Point of Diversion Location: 3800 FEET NORTH P  
EAST FROM THE NE CORNER OF SECTION 29; SW 1/4,  
SECTION 21, T 3 S, R 1 E, W.M.

Place of use: PRIMARY SUPPLEMENTAL

SESW	8.1 ACRES	13.6 ACRES
SWSE	1.3 ACRES	13.0 ACRES
SECTION 20		

NESW	15.6 ACRES
SWSW	8.0 ACRES
SESW	15.4 ACRES
SWSE	1.0 ACRES
SECTION 21	

Fix Supp ac.  
Sec 28  
22.4 NE NW → NW NW  
2.6 NW NW → SW NW  
Sec 29  
16.2 SWSW → SW NE  
2.3 SESW → SE NE

MM 6/23/94

FIX ACRES AT TIME OF PERMIT

Report Date: June 15, 1994

OREGON WATER RESOURCES DEPARTMENT

**SATISFACTORY REPORT OF TECHNICAL REVIEW**

**FOR WATER USE PERMIT(S)**

OBJECTIONS TO THE PROPOSED WATER USE AS DESCRIBED BELOW MUST BE RECEIVED IN WRITING BY THE OREGON WATER RESOURCES DEPARTMENT, 158 12th ST N.E., SALEM, OREGON 97310, BY 5 P.M. ON OR BEFORE: August 24, 1994.

1. APPLICATION FILE NUMBER - 73837

2. MINIMUM APPLICATION INFORMATION

Applicant name/address/county/phone:

Montecucco Farms  
4120 Locust Rd.  
Canby, Oregon 97031

Clackamas County (503) 263-6066

Date application received for filing and/or tentative date of priority: January 4, 1994.

SOURCE: Willamette Project Storage TRIBUTARY TO: Willamette River

Purpose and/or use: Irrigation and Supplemental Irrigation

Quantity: 233 acre feet for primary irrigation and  
83.92 acre feet for supplemental irrigation

Point of Diversion Location: 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29; SW 1/4, NE 1/4, SECTION 21, T 3 S, R 1 E, W.M.

Place of use: PRIMARY SUPPLEMENTAL

SESW	8.1 ACRES	13.6 ACRES
SWSE	1.3 ACRES	13.0 ACRES
SECTION 20		

NESW	15.6 ACRES
SWSW	8.0 ACRES
SESW	15.4 ACRES
SWSE	1.0 ACRES
SECTION 21	



SWNE	20.0 ACRES	
NENW		29.4 ACRES
NWNE		2.6 ACRES
SWNW	14.6 ACRES	
SECTION 28		

NENE		31.5 ACRES
NWNE		22.2 ACRES
SENE	9.1 ACRES	5.24 ACRES
NENW	0.1 ACRES	20.4 ACRES
SENW		4.4 ACRES
SWSW		16.2 ACRES
SESW		9.3 ACRES
SECTION 29		

#### SURFACE WATER AVAILABILITY

Water is available in Willamette Basin Reservoirs for additional appropriation.

#### CONFLICTS WITH OTHER WATER RIGHTS:

There are existing rights from this point of diversion.  
See proposed permit conditions.

There are existing water rights appurtenant to the lands described in the application. See proposed permit conditions.

#### REPORT CONCLUSIONS:

Based on the Department's review of water availability and Oregon Administrative Rules, water in the amount of 316.92 acre feet is likely available for 8 months.

Therefore, the Director finds that water is available in sufficient amount and during periods which will reasonably support the proposed use.

**THE PROPOSED WATER USE, AS CONDITIONED, SATISFIES THE REQUIREMENTS OF THIS TECHNICAL REVIEW.**

This Report of Technical Review sets out the Director's technical analysis of the application. In addition to this technical analysis, the Director will evaluate this application to determine whether the proposed water use might impair or be detrimental to the public interest under the standards set out in ORS 537.170(5) and OAR 690-11-195. Matters relating to public interest in the proposed water use which are raised in objections will be evaluated following the 60-day objection period.



## PROPOSED PERMIT CONDITIONS

Application: 73837

The following conditions will apply to water use under the permit, and will appear in the permit, if issued.

1. Use of water under this permit is subject to all prior rights.
2. Period of allowed use: March 1 through October 31.
3. Quantity of allowed use: 316.92 acre feet. The use of water under this right is subject to the terms and conditions of contract No. \_\_\_\_\_ or a satisfactory replacement between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.
4. Water use development requirements:
  - A. Begin construction by (one year from issuance of permit).
  - B. Complete construction by October 1, 1996.
  - C. Completely apply the water to beneficial use by October 1, 1997.
5. Measurement, recording and reporting conditions:
  - A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
  - B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.
6. Failure to comply with any of the provisions of the



permit may result in action including, but not limited to, restrictions on the use, penalties, or cancellation of the permit.

7. The permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.
8. The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.
9. In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.
10. This right is limited to any deficiency in the available supply of any prior right existing for the same land.
11. The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.
12. Diversion screening or fish passage facilities shall be designed, installed, and operated to Oregon Department of Fish & Wildlife specifications.



73837

RECEIVED  
NOV - 3 1994  
WATER RESOURCES DEPT.  
SALEM, OREGON

**MONTECUCCO FARMS  
4120 N. LOCUST STREET  
CANBY, OREGON 97013**

Phone: (503) 263-6066

October 31, 1994

Fax: (503) 263-8809

Ryan M. Patterson  
United States Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

Code PN-3323  
WTR-4.00

Subject: Proposed Water Service Contract - Willamette Basin Project

Dear Mr. Patterson:

Please correct pages 2 and 3 of the subject contract. **The maximum acreage should be corrected to read 269.04 acres and the annual payment to read \$2,599.36.** The acre feet of water was correctly stated but the above changes were overlooked in the writing of the contract. We are marking these corrections on the signed contract per Mr. Parson's instructions.

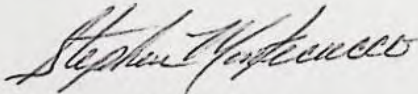
Enclosed are two signed and notarized copies of the subject contract, a check of \$100 for the new contract preparation fee, and a check in the amount of \$2,599.36 for the first irrigation season.

**Since we did not use stored water for the 1994 irrigation season, we request this payment be applied to 1995.**

Additional copies of the contract are not required. We request only the signed original copy of the contract.

We trust you will find the above conforms to the instructions in your letter of September 8, 1994.

Sincerely,



Stephen Montecucco  
Partner

Enclosures - 4

*Water Rights*

cc: Oregon Water Resources Department, 158 12th Street NE, Salem, Oregon 97310-0210  
Larry Jebousek, CWRE, 4682 Cascade Highway SE, Sublimity, Oregon, 97385



June 29, 1994

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WATER  
RESOURCES  
DEPARTMENT

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Montecucco Farms  
4120 Locust Rd.  
Canby, Oregon 97031

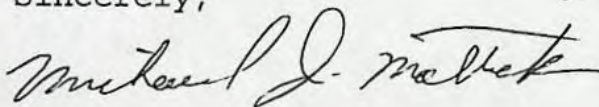
Reference: File 73837

Hello:

Larry Jebousek came in the office today. We resolved all matters pertaining to underlying water rights and the location of acreage to receive supplemental irrigation.

He assured me that the legal descriptions and written authorizations or easements would be submitted in due time.

Sincerely,



MICHAEL J. MATTICK  
Water Rights Specialist

cc: Larry Jebousek, CWRE



---

Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



Water Resources Dept.  
Atten: Mike Matock

June 30, 1994

RE: Montecucco Farms, File S-73837

RECEIVED

JUN 29 1994  
mm

WATER RESOURCES DEPT.

Dear Mike;

In the interest of conserving the groundwater resource of this area, the surface water filed on by this application will be used as the primary supply for all the land, groundwater will be used as supplemental when necessary.

Montecucco Farms does not waived the right to assert claims to groundwater registrations at the time of adjudication.

Thank You,

Larry W. Delousch  
CWR/E No. 229 For  
Montecucco Farms

cc: Montecucco Farms



6/22/94 NM

Revised by Larry J.

Make Corrections  
shown below  
when permitting NM

JAN 04 1994

JAN 04 1994

JAN 04 1994

## DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
			TRANSFER No. <u>F-7075</u>				and SUPPLEMENTAL				IRRIGATION APPLICATION No. <u>73837</u>							
3S	1E	20							C-37650		65.7	Acres	13.6				13.0	
		29		18.7			20.4											
									C-40849		22.94	Acres						
		29	15.2	3.5		5.24												
									C-37527		78.2	Acres						
		28					29.4	2.6										
		29	16.3															
			PRIMARY IRRIGATION--APPLICATION No. _____															
3S	1E	20											8.1			1.3		
		21									15.6		8.0	15.4		1.0		
		28			20.0				14.6									
		29				9.1	0.1											
															93.2 Acres Primary			



RECEIVED

JAN 04 1994

WATER RESOURCES DEPT  
SALEM, OREGON

DESCRIPTION OF LAND TO BE IRRIGATED OR PLACE OF USE

Application No. 73837  
Permit No.

Twp.	Range	Sec.	NE¼				NW¼				SW¼				SE¼			
			NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼	NE¼	NW¼	SW¼	SE¼
			TRANSFER No. _____				and SUPPLEMENTAL				IRRIGATION APPLICATION No. _____							
3S	1E	20						C-37650			65.7	Acres	13.6				13.0	
		29		18.7			20.4											
								C-40849			22.94	Acres						
		29	15.2	3.5		5.24												
								C-37527			78.2	Acres						
		28					29.4	2.6										
		29	16.3						4.4			16.2	9.3	Total 167.84 Acres Supplemental				
			PRIMARY IRRIGATION--APPLICATION No. _____															
3S	1E	20											8.1				1.3	
		21									15.6		8.0	15.4			1.0	
		28			20.0				14.6									
		29				9.1	0.1								93.2 Acres Primary			



STATE OF OREGON

COUNTY OF CLACKAMAS

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

MONTECUCCO FARMS  
4120 LOCUST RD.  
CANBY, OREGON 97013

PHONE: (503) 263-6066

The specific limits for the use are listed below along with conditions of use.

APPLICATION FILE NUMBER: S-73837

SOURCE OF WATER: WILLAMETTE BASIN PROJECT RESERVOIRS, CONSTRUCTED UNDER PERMITS R-5363 AND R-1625, TRIBUTARIES TO THE WILLAMETTE RIVER

PURPOSE OR USE: IRRIGATION OF 101.4 ACRES AND SUPPLEMENTAL IRRIGATION OF 167.84 ACRES

VOLUME OF ALLOWED USE: 324.92 ACRE-FEET EACH YEAR

PERIOD OF ALLOWED USE: March 1 through October 31 or as may be further limited by the Bureau of Reclamation water supply contract.

DATE OF PRIORITY: JANUARY 4, 1994, FOR 316.92 ACRE-FEET OF WATER AND MARCH 10, 1995, FOR 8.0 ACRE-FEET OF WATER

POINT OF DIVERSION LOCATION: SW 1/4 NE 1/4, SECTION 21, T3S, R1E, W.M.; 3800 FEET NORTH AND 3410 FEET EAST FROM THE NE CORNER OF SECTION 29

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

THE PLACE OF USE IS LOCATED AS FOLLOWS:

	<u>PRIMARY</u>	<u>SUPPLEMENTAL</u>
SE 1/4 SW 1/4	8.10 ACRES	13.60 ACRES
SW 1/4 SE 1/4	1.30 ACRES	13.00 ACRES
SECTION 20		
NE 1/4 SW 1/4	15.60 ACRES	
SW 1/4 SW 1/4	8.00 ACRES	
SE 1/4 SW 1/4	15.40 ACRES	
SW 1/4 SE 1/4	1.00 ACRE	
SECTION 21		
SW 1/4 NE 1/4	20.00 ACRES	
NW 1/4 NW 1/4		29.40 ACRES
SW 1/4 NW 1/4	14.80 ACRES	2.60 ACRES
SECTION 28		



NE 1/4 NE 1/4		31.50 ACRES
NW 1/4 NE 1/4		22.20 ACRES
SW 1/4 NE 1/4		16.20 ACRES
SE 1/4 NE 1/4	17.10 ACRES	14.54 ACRES
NE 1/4 NW 1/4	0.10 ACRE	20.40 ACRES
SE 1/4 NW 1/4		4.40 ACRES

## SECTION 29

TOWNSHIP 3 SOUTH, RANGE 1 EAST, W.M.

## Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order, shall keep a complete record of the amount of water used each month and shall submit a report which includes the recorded water use measurements to the Department annually or more frequently as may be required by the Director. Further, the Director may require the permittee to report general water use information, including the place and nature of use of water under the permit.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

The use of water under this right is subject to the terms and conditions of contract No. 5-07-10-W1027, or a satisfactory replacement, between the Bureau of Reclamation and the applicant, a copy of which is on file in the records of the Water Resources Department.

In the event of a request for a change in point of appropriation, an additional point of appropriation or alteration of the appropriation facility associated with this authorized diversion, the quantity of water allowed herein, together with any other right, shall not exceed the capacity of the facility at the time of perfection of this right.

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

The permittee shall install, maintain, and operate fish screening and by-pass devices as required by the Oregon Department of Fish and Wildlife to prevent fish from entering the proposed diversion. The required screens and by-pass devices are to be in place, functional and approved by an ODFW representative prior to diversion of any water.

If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area to the satisfaction of the Oregon Department of Fish & Wildlife.



The use may be restricted if the quality of the source stream, namely the Willamette River, decreases to the point that it no longer meets state and federal water quality standards due to reduced flows.

In the interest of conserving groundwater, this permit may be exercised to satisfy the primary right provided that the total quantity of water diverted from all sources does not exceed 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

#### STANDARD CONDITIONS

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

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

This permit is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

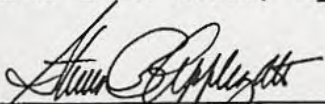
By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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

Actual construction work shall begin within one year from permit issuance and shall be completed on or before October 1, 1998. Complete application of the water to the use shall be made on or before October 1, 1999.

Issued this date, April 18, 1996

  
for Martha O. Pangel, Director  
Water Resources Department



5-73837 WTR 4.00  
GF  
7

MONTECUCCO FARMS, LLC  
4015 N. LOCUST  
CANBY, OREGON 97013

November 22, 2004

United States Department of the Interior  
Bureau of Reclamation  
Pacific Northwest Region  
1150 North Curtis Road  
Boise, Idaho 83706-1234

Subject: Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

BUREAU OF RECLAMATION		
OFFICIAL FILE COPY		
11/26/04		
TO	FROM	DATE
3322	MC	11/29/04
CONTROL #: 4-4773		
FOI# 8194-14		

Dear Sir or Madam:

For the irrigation season ending September 30, 2004, Montecucco Farms, LLC used 115.77 acre-feet of the contracted Willamette Basin water. The meter shows a total of 149.9 acre feet used in 2004, but 34.13 acre feet were from direct flow water rights. This year, because of diligent water management and less water demanding crops, supplemental water was not needed.

Attached you will find charts showing the meter readings at various dates, amounts of water applied to each field and a map showing the location of each field.

I hope you find everything in order. If you have any questions or require more information, please contact me at (503) 263-6066 or Larry Jebousek, P.E., C.W.R.E. at (503) 769-6628.

Sincerely,

Stephen Montecucco  
Partner

Cc: Larry Jebousek, P.E., C.W.R.E.,  
4682 Cascade Hwy. S.E.  
Sublimity, Oregon 97385


Attach. - 3



MONTECUCCO FARMS, LLC  
4015 N. LOCUST  
CANBY, OR 97013

Willamette Basin Project Water Service  
Contract No. 5-07-10-W1027  
OWRD Reference File No. 73837

<u>Date</u>	<u>Meter Reading</u>
April 1, 2004	69,098,900 Gal.
May 1, 2004	78,220,700 Gal.
June 3, 2004	88,506,700 Gal.
July 1, 2004	105,006,900 Gal.
August 1, 2004	116,651,500 Gal.
September 1, 2004	117,900,000 Gal.
October 1, 2004	117,946,100 Gal.





MONTECUCCO FARMS, LLC  
4015 N. LOCUST  
CANBY, OREGON 97013

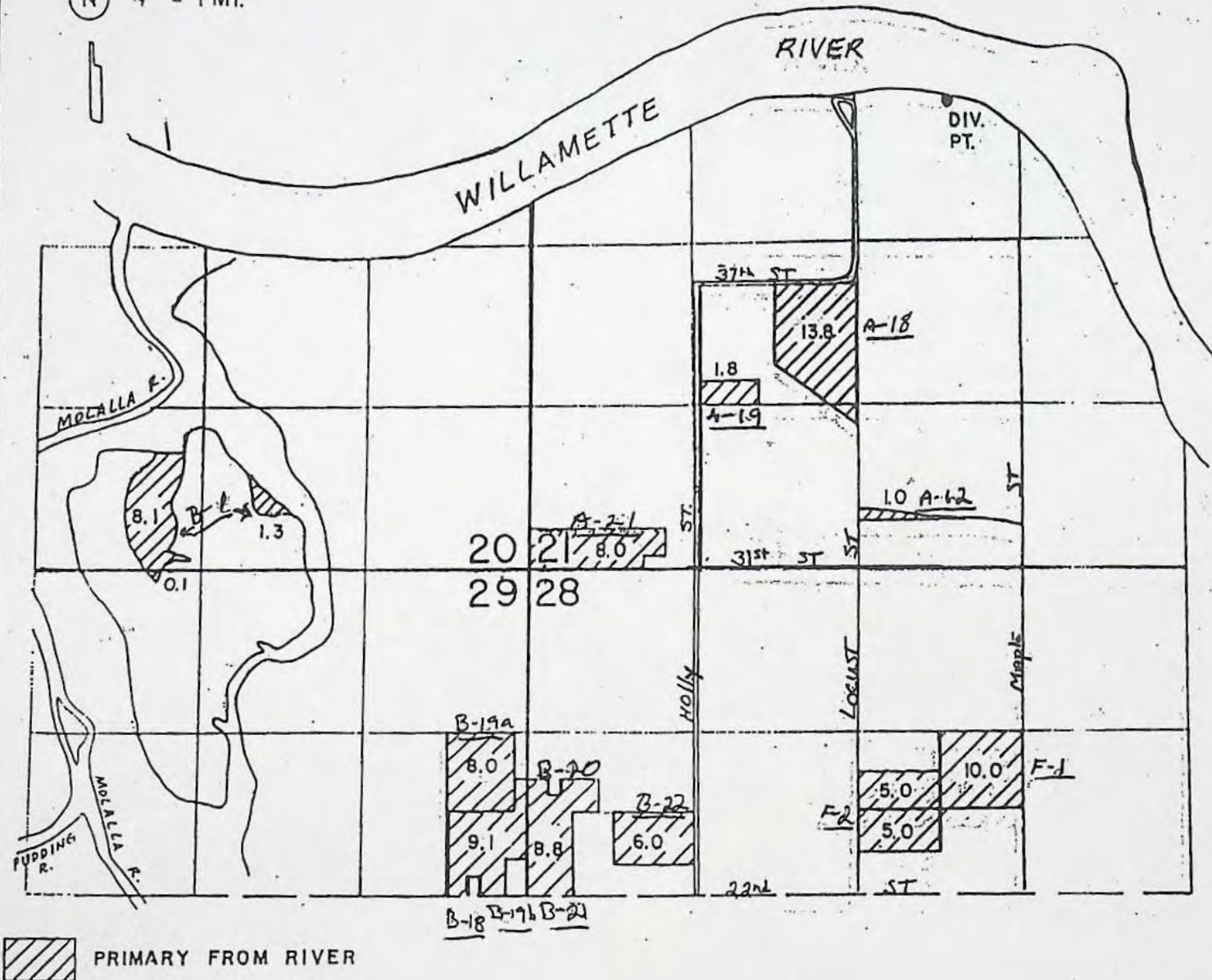
IRRIGATION RECORD - ENDING SEPTEMBER 30, 2004

Field	Acres	Inches/Hr.	Total Hrs.	Acre Ft/Acre	Total Acre Ft/ Field
A-12	1.00	0.28	75	1.75	1.75
A-18	13.80	0.28	61	1.42	19.60
A-19	1.80	0.28	73	1.70	3.06
A-21	15.00	0.34	55	1.56	23.38
B-22	6.00	0.34	35	0.99	5.95
B-20	5.00	0.28	30	0.70	3.50
B-21	4.90	0.28	51	1.19	5.83
B-19b	3.50	0.34	40	1.13	3.97
B-18	4.50	0.19	58	0.92	4.13
B-19a	8.00	0.19	56	0.89	7.09
B-1	9.50	0.28	65	1.52	14.41
F-2	10.00	0.28	47	1.10	10.97
F-1	10.00	0.28	52	1.21	12.13
TOTAL					115.77



T. 3 S. R. 1 E. W. M.

N 4" = 1 MI.



DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 1, 1993

BY:

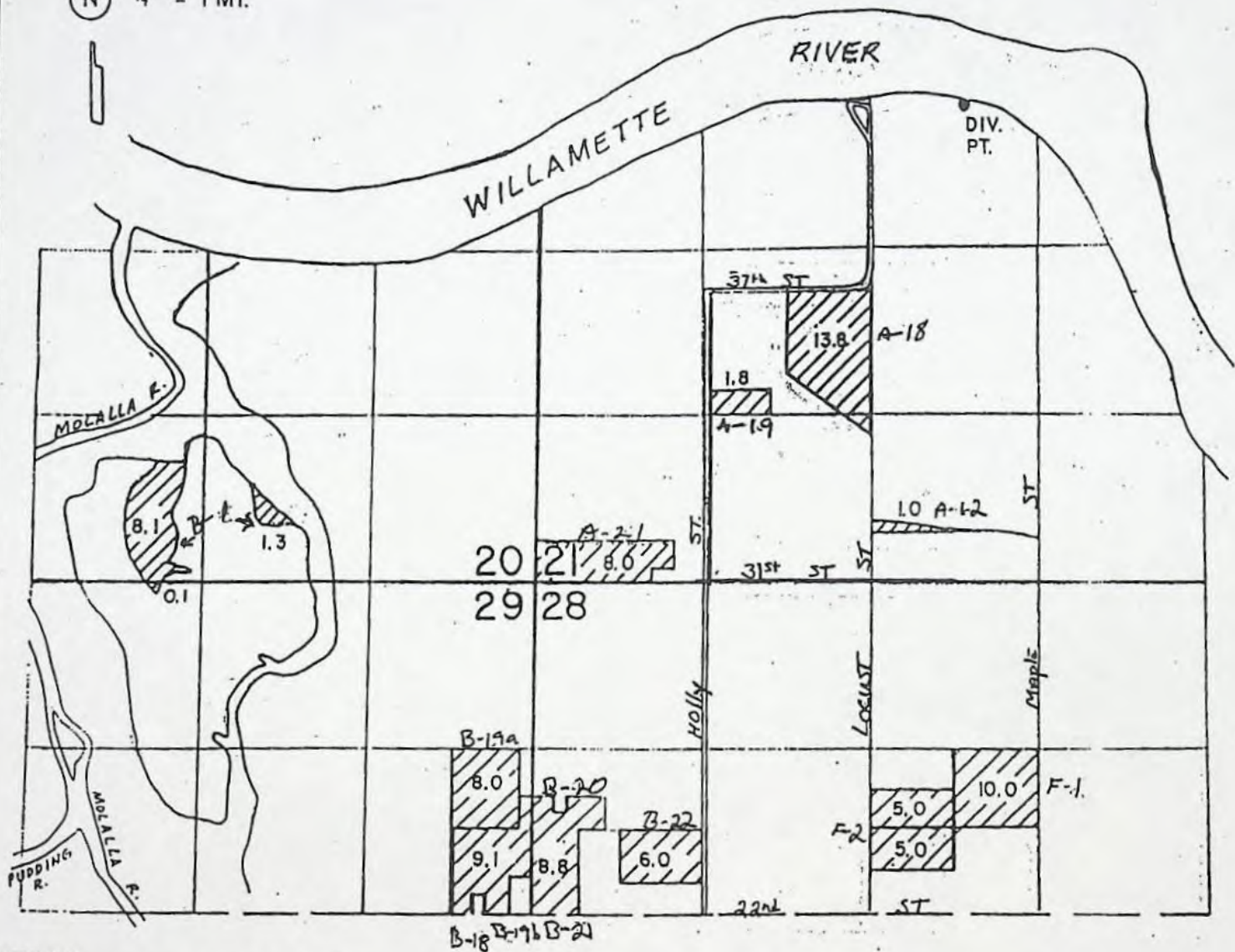
*Handwritten signature: Gary C. Johnson*

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.



T. 3 S. R. 1 E. W. M.

N 4" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON LINE 4, 1993

BY:

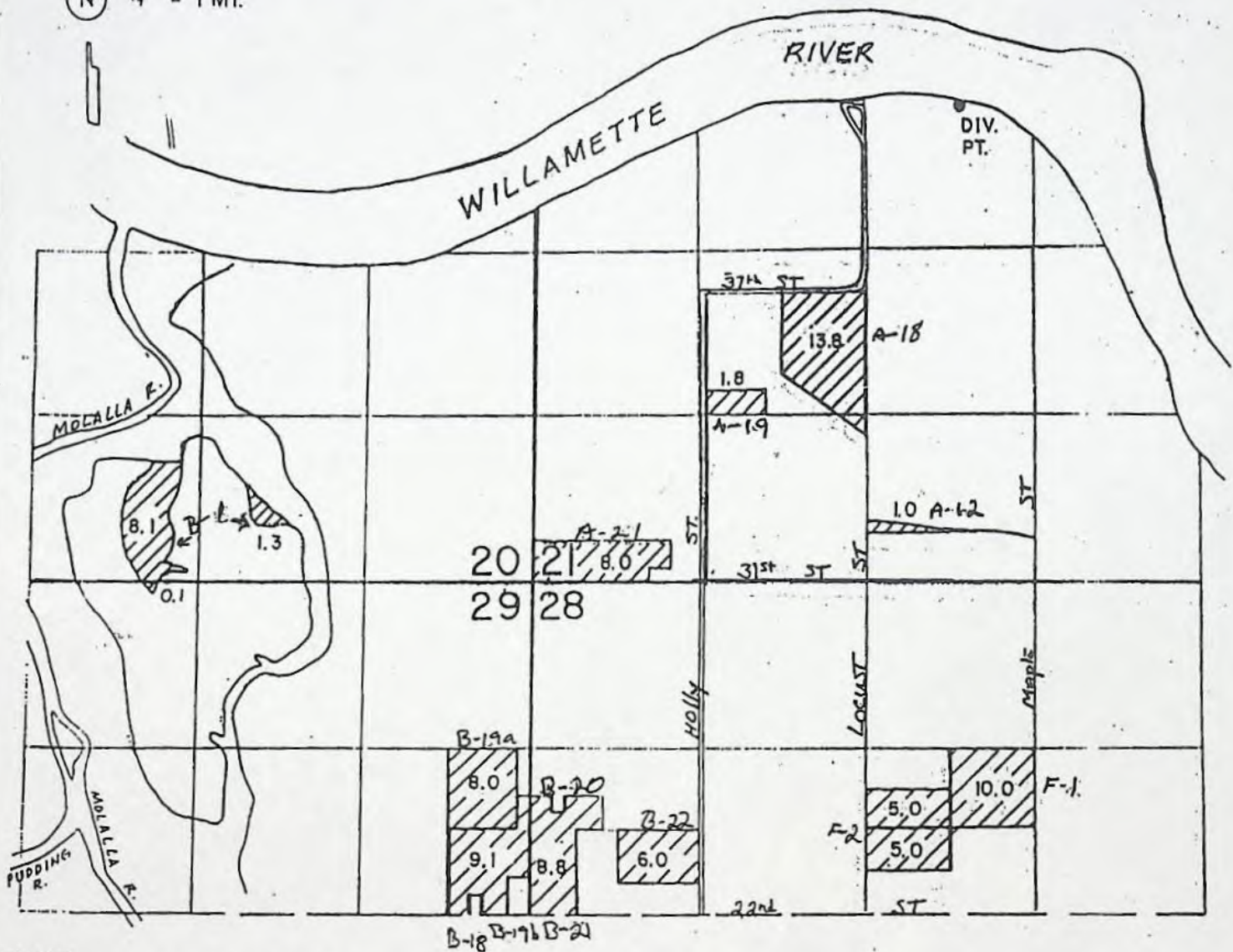
*Kathy G. Johnson*

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T. 3 S. R. 1 E. W. M.

(N) 4" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

# WATER RIGHT MAP FOR MONTECUCCO FARMS

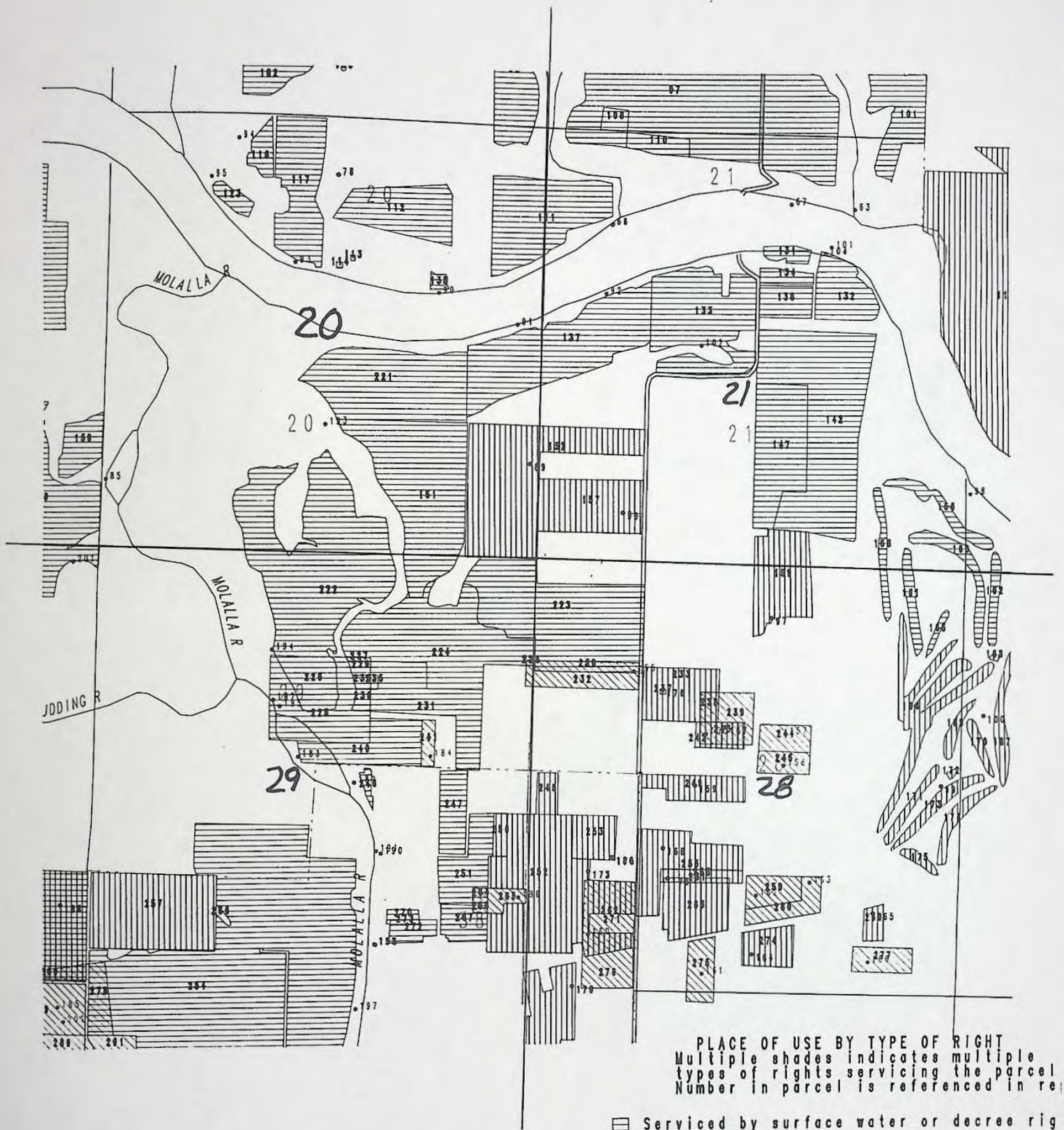
SURVEYED ON JUNE 4, 1993

BY: Langley Johnson

THIS MAP WAS PREPARED FOR THE  
PURPOSE OF IDENTIFYING THE LOCA-  
TION OF A WATER RIGHT ONLY AND IS  
NOT INTENDED TO PROVIDE LEGAL  
DIMENSIONS OR LOCATION OF PROPER-  
TY OWNERSHIP LINES.



# RIGHTS FOR A PORTION OF T' 3.00S





TOWNSHIP 35 RANGE 1E W. M. Card #1 SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	19217	9740	CANCELLED
												14	14			3712	1619	811
																12123	8524	10023
																12602	8937	
																18053	13721	14472
																18563	14184	56455
																18738	14347	14265
																20761	16246	16754
																21356	16734	19448
																27090	21320	22527
																31-116	31-116	
																6-2104	6-1935	35104

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP 35 RANGE 1E W. M. Card #2 SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																125	GR-2713	GR-142
																30	GR-3055	GR-2861
																	GR-4019	GR-3622
																	40816	30409
																	GR-505	GR-484
																	GR-3914	GR-3640
																	44161	32741
																	GR-5018	GR-4784
																	GR-5246	GR-5101
																	47326	35453
																	T-2521	Y-21, P-145
																	T-2521	Y-21, P-145
																	52324	39356
																	6-7106	6-6852

TOWNSHIP 35 RANGE 1E W. M. Card #3 SECTION 29

NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES																		
																	6-7542	6-7013
																	6-8084	6-7478
																	56181	42241
																	6-9163	68557
																	60921	46199
																	63378	46746
																	6-10987	610158
																	69562	50231
																	70792	51391
																	71072	
																	73837	



TOWNSHIP <u>35</u> RANGE <u>1E</u> W. M. <u>Card #1</u>												SECTION <u>20</u>						
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE			
Lot 1 - Lot 2 - Lot 3 - Lot 4 - Lot 5 - Lot 6 - Lot 7				Lot 8				Lot 9				Lot 10						
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																		
Stock Stock Stock Stock Stock Stock Stock Stock Stock Stock Stock Stock 2 <sup>2</sup> 13 <sup>3</sup> 12 <sup>2</sup> 0 <sup>6</sup>																17320	13035	16625
Domx 4' 16' 18'																18403	14040	27753
Domx 4' 16' 18'																19297	14884	15131
Domx 4' 16' 18'																19598	15185	14932
Domx 4' 16' 18'																25634	20515	22344
Domx 4' 16' 18'																27090	21320	22527
Domx 4' 16' 18'																37703	28590	CANCELED
Domx 4' 16' 18'																37703	28070	CANCELED
Domx 4' 16' 18'																26° G-4427	G-4546	44683
Domx 4' 16' 18'																13° 12° 32° 29° 13°	12° 18° 15°	37650
Domx 4' 16' 18'																55199	41611	56189
Domx 4' 16' 18'																55199	41611	56189

(SEE BACK OF CARD FOR PLAT OF SECTION)

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP <u>35</u> RANGE <u>1E</u> W. M. <u>Card #1</u> SECTION <u>21</u>															
NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
<u>DL46</u>			<u>DL46</u>			<u>Lot 6</u>						<u>DL46</u>			
<u>Lot 2</u>	<u>Lot 3</u>	<u>Lot 8</u>	<u>Lot 4</u>	<u>Lot 5</u>	<u>Lot 7</u>							<u>Lot 9</u>		<u>Lot 10</u>	
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT															
<div> <div>Domx</div> <div>23 x</div> <div>16 x</div> <div>8 x</div> <div>158 66</div> <div>8 17 2</div> <div>195</div> <div>10 26 18</div> <div>14 9</div> </div>															
<div> <div>CANCELLED</div> <div>Spec. Or. V. 17 40</div> <div>CANCELLED</div> <div>Spec. Or. V. 17 439</div> <div>10</div> <div>10</div> <div>14 9</div> </div>															
<div> <div>43806</div> <div>9925</div> <div>CANCELLED</div> <div>16923</div> <div>12680</div> <div>14400</div> <div>19598</div> <div>15185</div> <div>14932</div> <div>25378</div> <div>19493</div> <div>22503</div> <div>25634</div> <div>20515</div> <div>22354</div> <div>27378</div> <div>21553</div> <div>27623</div> <div>G-997</div> <div>G-895</div> <div>29297</div> <div>33106</div> <div>26170</div> <div>30771</div> <div>37457</div> <div>27886</div> <div>30776</div> <div>40731</div> <div>30337</div> </div>															

(SEE BACK OF CARD FOR PLAT OF SECTION)

(SEE BACK OF CARD FOR PLAT OF SECTION)

TOWNSHIP <u>35</u> RANGE <u>1E</u> W. M. <u>Card #2</u> SECTION <u>20</u>															
NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES															
												APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
0° 0°												58751	44797	64537	
3° 7° 14° 13°												63378	46746	56295	
8° 13°												73837			

SP#35621-690

TOWNSHIP <u>35</u> RANGE <u>1E</u> W. M. <u>Card #2</u> SECTION <u>21</u>															
NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES															
												APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
												G-3919	G-3680	CANCELED	
												G-4620	G-4346	43217	
												G-4827	G-4546	44683	
												G-5018	G-4784	44140	
												G-5521	G-5209	41841	
												G-6411			
												8°	54724	40993 55065	
												8°	G-7544	G-6878 55066	
												55199	41611	56189	
												G-27378	21553	44930	
												60921	46199		
												G-11591	G-10678		
												R-70130			
												G-12781			

15°

513155 3rd card

TOWNSHIP <u>35</u> RANGE <u>1E</u> W. M. <u>Card #3</u> SECTION <u>21</u>															
NE				NW				SW				SE			
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE
ACREAGE IN LOT OR LEGAL SUBDIVISION AS SHOWN ON GOVERNMENT PLAT, IF OTHER THAN 40 ACRES															
												APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
												G-13435		73837	
												15°			
												15°			
												15°			



TOWNSHIP <u>3S</u> RANGE <u>1E</u> W. M. Card #1 SECTION <u>28</u>																			
NE				NW				SW				SE				APPLICATION NUMBER	PERMIT NUMBER	CERTIFICATE NUMBER	
NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE				
TOTAL ACREAGE IN SUBDIVISION AS SHOWN ON GOVERNMENT PLAT																			
40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	40	19217	9740	CANCELLED	
								13 <sup>1</sup>	2 <sup>7</sup>								G-699	G-880	27216
												8 <sup>2</sup>				G-552	G-619		
												2 <sup>2</sup>				G-142	G-958	29071	
								3 <sup>5</sup>								G-1576	G-1437	27223	
								CANCELED				Spec. Or. V. 17 p. 440				G-1772	G-1777		
								CANCELED				Spec. Or. V. 17 p. 439				G-1772	G-1777		
								8								G-1816	G-1757	WCK	
												8 <sup>2</sup>				G-1981	G-1823	30451	
								Temp Temp Cont'd Control 12 8 286								G-2104	G-1935	35104	
								9 <sup>2</sup>								G-2251	G-2070	32258	
								0 <sup>5</sup>								G-2913	G-2742	4	

(SEE BACK OF CARD FOR PLAT OF SECTION)



**AUG 25 1994**WATER RESOURCES DEPT.  
SALEM, OREGON

Delivered via facsimile and regular mail

August 24, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, OR 97310

Re: Objection to Technical Reports for:  
73837 Montecucco Farms, Primary and Supplemental Irrigation  
Clackamas County, Willamette Basin Project

WaterWatch submits the following objections pursuant to OAR 690-11-170:

◆ **The Technical Report is Defective**

The technical report fails to contain many of the elements and evaluations required in OAR 690-11-160(1). The areas of deficiency are the same as those identified in WaterWatch's April 5 objection to application #69165 which we hereby incorporate into this objection.

◆ **The Water Availability analyses is defective**

It appears the applicant does not yet have a storage contract with the Bureau of Reclamation. Without such a contract, the Department cannot adequately determine water availability.

◆ **The Uses as Proposed are Not in the Public Interest**

The proposed uses fail to pass the public interest considerations in ORS 537.170. *See also* OAR 690-11-195(3)(d), (4)(a), (4)(c)(A), (4)(d)(A), (4)(f).

1. **The proposed use depletes flows and adversely affects the streamflows and water quality needed to support numerous public instream uses.**

In 1964 the State Water Resources Board acknowledged the importance of using stored water to protect and enhance public uses of instream flows when it adopted several minimum perennial streamflows which called upon stored water for flow releases. For the past 29 years the Water Resources Commission and Department have done little to honor the commitment it made in 1964 to the public uses of water in the Willamette River Basin.



Water Resources Department  
Application 73837

Despite the Department's historic failure to enforce the minimum perennial streamflow rules, there has been a reaffirmation in the recent Willamette Basin Plan amendments of the following streamflow protection policies:

OAR 690-502-020(1):

- (a) Protect undeveloped streams with instream values for public instream uses.
- (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes.
- (e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights.

OAR 690-502-030 sets forth the following objectives:

- (3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.
- (4) Protect instream values in state scenic waterways . . .

The basin plan acknowledges that the operations of the federal storage projects in the Willamette Basin should be revisited in order to ensure that the reservoirs are managed for a variety of purposes including instream flows needed for public uses of water. The plan sets forth numerous goals and objectives toward this goal.

In the past six years the Commission has revisited its commitment to protect these streamflows in a variety of forums. The catalyst for many of these discussions was the directive under the 1987 Instream Water Rights Act to convert these and other minimum perennial streamflows into instream water rights. Today, six years later, no movement has been made to convert these flows. Rather it's been business as usual - the Department has continued to process applications for private out-of-stream uses of stored water.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has



been done.

Establishment of these instream water rights also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435. Thus, protection of the public interest requires denial of this application.

This application is just one of many applications coming forward for stored water from the Willamette Basin Projects. Every one of these applications have priority dates junior to the minimum perennial stream flows that are awaiting conversions. It is bad public policy to continue to issue water rights for stored water in the Willamette Basin until the legal and policy issues surrounding the conversions are addressed and the minimum perennial stream flows are converted to instream water rights.

## 2. Use of Stored Water

The technical report states that the source of water for irrigation is stored water from the Willamette Basin Project. Applicants for the use of stored water are required to show "by documentary evidence that an agreement has been entered into with the owners of the reservoir" that the reservoir owner will store enough water for the purposes set forth in the application. ORS 437.400(1). This applicant appears to have failed to meet this requirement because they does not have a contract with the Bureau of Reclamation for use of stored water. Thus, no permit can be issued.

In addition to this "documentary evidence" which is typically in the form of a water use contract, the state has a duty to ensure that the proposed use does not impair or is not detrimental to the public interest. ORS 537.160, 537.170. Even if the applicant did have a contract, the existence of a contract would not relieve the Commission of this duty. Thus, if the public interest so requires, the state must deny the proposed use or condition the proposed use regardless of the conditions in a contract. The result may then be that the state's conditions on the water use permit will be more stringent than those contained in the contract. In addition, merely incorporating the terms of a specific contract does not relieve the state of that duty.<sup>1</sup>

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<sup>1</sup> The State must also recognize that the terms of a contract may change. For that reason the state needs to condition any permit in a way that ensures that the public interest is still protected even if the contract changes. Any change in a contract would trigger a review of the permit/certificate to ensure that the two remain consistent and that changes to the contract do not



### 3. Fish Passage and Screening

The Willamette River system supports a variety of fish life including chinook and coho salmon, steelhead and cutthroat trout and warm water game fish. Without proper conditioning to protect these resources, the water right will adversely affect spawning, rearing and migration habitat for these fish. Application 73837 contains only a very general condition regarding fish passage and screening. Given the critical status of fish populations in this river system and the adverse effects this diversion will fish habitat, screening and passage must be mandatory and clearly be required to be in place before any storage or diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which clearly states these requirements.

### 4. Measuring and Reporting

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

### 5. Water Quality

This section of the Willamette River is designated by the DEQ as water quality limited for several pollution assessment parameters such that the River is incapable of supporting the listed beneficial use of water contact. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

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cause the permit/certificate to be any less protective of the public interest. For example, if a specific contract is terminated for whatever reason, then the permit/certificate should be revisited and canceled if the water user no longer has a contract for the source of water. During this review the state must ensure at a minimum that the permit/certificate continues to be consistent with the contract that provides the source of water for this use. Thus, any permit issued for secondary use must contain a condition that requires review of the relevant permit/certificate consistent with these concepts.



Water Resources Department  
Application 73837

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, \*\*\*.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state \*\*\* (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); ORS 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the river. See also OAR 690-11-195(4)(c).

## **6. Conservation Conditions are Inadequate**

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. To adequately protect the resource it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of this proposed used.

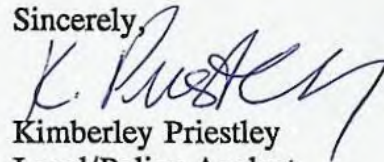


Water Resources Department  
Application 73837

◆ **Conclusion**

We are open to discussion with the Department and the application on all of the issues raised in this objection letter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'K. Priestley', written over the printed name.

Kimberley Priestley  
Legal/Policy Analyst



# WaterWatch

Delivered via facsimile and regular mail

August 24, 1994

Oregon Water Resources Department  
Water Rights Section  
158 12th Street NE  
Salem, OR 97310

Re: Objection to Technical Reports for:  
73837 Montecucco Farms, Primary and Supplemental Irrigation  
Clackamas County, Willamette Basin Project

WaterWatch submits the following objections pursuant to OAR 690-11-170:

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◆ **The Water Availability analyses is defective**

It appears the applicant does not yet have a storage contract with the Bureau of Reclamation. Without such a contract, the Department cannot adequately determine water availability.

◆ **The Uses as Proposed are Not in the Public Interest**

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1. **The proposed use depletes flows and adversely affects the streamflows and water quality needed to support numerous public instream uses.**

In 1964 the State Water Resources Board acknowledged the importance of using stored water to protect and enhance public uses of instream flows when it adopted several minimum perirenal streamflows which called upon stored water for flow releases. For the past 29 years the Water Resources Commission and Department have done little to honor the commitment it made in 1964 to the public uses of water in the Willamette River Basin.



Water Resources Department  
Application 73837

Despite the Department's historic failure to enforce the minimum perennial streamflow rules, there has been a reaffirmation in the recent Willamette Basin Plan amendments of the following streamflow protection policies:

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- (b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes.
- (c) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights.

OAR 690-502-030 sets forth the following objectives:

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The basin plan acknowledges that the operations of the federal storage projects in the Willamette Basin should be revisited in order to ensure that the reservoirs are managed for a variety of purposes including instream flows needed for public uses of water. The plan sets forth numerous goals and objectives toward this goal.

In the past six years the Commission has revisited its commitment to protect these streamflows in a variety of forums. The catalyst for many of these discussions was the directive under the 1987 Instream Water Rights Act to convert these and other minimum perennial streamflows into instream water rights. Today, six years later, no movement has been made to convert these flows. Rather it's been business as usual - the Department has continued to process applications for private out-of-stream uses of stored water.

ORS 537.170(5)(a) and (c) require the Department to ensure that waters in the basin will be used and controlled for all purposes, not just consumptive purposes. The Statewide Instream Flow Protection Policy states that "(w)here streamflows have been depleted to the point that public uses have been impaired, methods to restore the flows are to be developed and implemented." OAR 690-410-030(1). When considering applications for new water rights the agency is required to consider the needs of instream and out-of-stream uses and the need to develop streamflow restoration programs. OAR 690-410-030(2)(a). No such consideration has



Water Resources Department  
Application 73837

been done.

Establishment of these instream water rights also furthers statewide policies, priorities and goals for streamflow restoration including those in OAR 690-11-030(1), 690-410-070, and 690-77-015. Protection streamflows is also necessary in order to carry out the state policy of restoring native fish stocks. Oregon law states that "it is declared to be a goal of the people of the State of Oregon to restore native stocks of salmon and trout to their historic levels of abundance." ORS 496.435. Thus, protection of the public interest requires denial of this application.

This application is just one of many applications coming forward for stored water from the Willamette Basin Projects. Every one of these applications have priority dates junior to the minimum perennial stream flows that are awaiting conversions. It is bad public policy to continue to issue water rights for stored water in the Willamette Basin until the legal and policy issues surrounding the conversions are addressed and the minimum perennial stream flows are converted to instream water rights.

## 2. Use of Stored Water

The technical report states that the source of water for irrigation is stored water from the Willamette Basin Project. Applicants for the use of stored water are required to show "by documentary evidence that an agreement has been entered into with the owners of the reservoir" that the reservoir owner will store enough water for the purposes set forth in the application. ORS 437.400(1). This applicant appears to have failed to meet this requirement because they does not have a contract with the Bureau of Reclamation for use of stored water. Thus, no permit can be issued.

In addition to this "documentary evidence" which is typically in the form of a water use contract, the state has a duty to ensure that the proposed use does not impair or is not detrimental to the public interest. ORS 537.160, 537.170. Even if the applicant did have a contract, the existence of a contract would not relieve the Commission of this duty. Thus, if the public interest so requires, the state must deny the proposed use or condition the proposed use regardless of the conditions in a contract. The result may then be that the state's conditions on the water use permit will be more stringent than those contained in the contract. In addition, merely incorporating the terms of a specific contract does not relieve the state of that duty.<sup>1</sup>

---

<sup>1</sup> The State must also recognize that the terms of a contract may change. For that reason the state needs to condition any permit in a way that ensures that the public interest is still protected even if the contract changes. Any change in a contract would trigger a review of the permit/certificate to ensure that the two remain consistent and that changes to the contract do not



Water Resources Department  
Application 73837

**3. Fish Passage and Screening**

The Willamette River system supports a variety of fish life including chinook and coho salmon, steelhead and cutthroat trout and warm water game fish. Without proper conditioning to protect these resources, the water right will adversely affect spawning, rearing and migration habitat for these fish. Application 73837 contains only a very general condition regarding fish passage and screening. Given the critical status of fish populations in this river system and the adverse effects this diversion will fish habitat, screening and passage must be mandatory and clearly be required to be in place before any storage or diversion of water. In addition, failure to maintain screening and passage facilities must be grounds for shutting off water use. There should be a condition which clearly states these requirements.

**4. Measuring and Reporting**

In general, we support the proposed measurement and reporting conditions. However, these conditions should allow the Director to require measurement and reporting of both rate and duty of water use. The proposed conditions restrict use based upon a specific rate. Measurement and reporting of water use is to be a useful informational and regulatory tool for the Department, it should provide the information needed to ensure these water uses are within the terms of the permits.

**5. Water Quality**

This section of the Willamette River is designated by the DEQ as water quality limited for several pollution assessment parameters such that the River is incapable of supporting the listed beneficial use of water contact. When evaluating applications for new uses, the Department has a duty to ensure that the use will not harm either the quantity or the quality of surface waters. The governing statutory and regulatory schemes make this self evident. See e.g. ORS 537.170(5)(a)&(c). Other statutory mandates amplify this requirement. ORS 468B.015 specifies that pollution of the water of the state of Oregon:

---

cause the permit/certificate to be any less protective of the public interest. For example, if a specific contract is terminated for whatever reason, then the permit/certificate should be revisited and canceled if the water user no longer has a contract for the source of water. During this review the state must ensure at a minimum that the permit/certificate continues to be consistent with the contract that provides the source of water for this use. Thus, any permit issued for secondary use must contain a condition that requires review of the relevant permit/certificate consistent with these concepts.



Water Resources Department  
Application 73837

constitutes a menace to public health and welfare, creates public nuisances, is harmful to wildlife, fish and aquatic life and impairs domestic, agriculture, industrial, recreational, and other legitimate beneficial uses of water, \*\*\*.

It is the public policy of the state:

To protect, maintain, and improve the quality of the waters of the state \*\*\* (and) [t]o provide for the prevention, abatement and control of new or existing water pollution. ORS 468B.015(2), (4).

ORS 468B.020 declares that:

Pollution of any of the waters of the state is declared to be not a reasonable or natural use of such waters and to be contrary of the public policy in the state of Oregon.

The statutes and rules under which the Water Resources Commission and Department operate mandate that the agency act in a fashion which is consistent with ORS 468B.015 et seq. See e.g. ORS 536.220(1)(b) (requiring coordinated integrated state water resources policy). See also ORS 536.220(2)(a) (requiring "proper and adequate consideration of the multiple aspects of the beneficial use and control" of Oregon's waters); ORS 537.332(4)(c) (pollution abatement is a beneficial use of water); OAR 690-11-010(3) (defining beneficial use as use that is "consistent with" the laws, rules, and the best interests of the people of the state); ORS 537.170(4)(a) & (c). Thus, the public interest determination made by the Commission and Department must include an evaluation of the effects of this proposed use on the water quality of the river. See also OAR 690-11-195(4)(c).

**6. Conservation Conditions are Inadequate**

Oregon statutes and rules also call for the state to "aggressively promote" water conservation and places a high priority on eliminating waste and improving the efficiency of water use. ORS 537.460(2)(a) and OAR 690-410-060(1). The proposed conditions in the technical report does little to further these policies. To adequately protect the resource it is imperative that the proposed water use be held to a high efficiency standard prior to approval of this application. In addition, the applicant should be required to have an approved conservation plan should be in place prior to any approval of this proposed used.

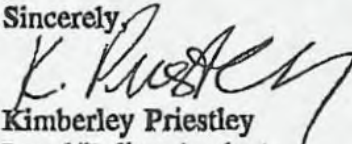


Water Resources Department  
Application 73837

◆ Conclusion

We are open to discussion with the Department and the application on all of the issues raised in this objection letter.

Sincerely,



Kimberley Priestley  
Legal/Policy Analyst



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WATER RESOURCES DEPT.  
SALEM, OREGON

**MONTECUCCO FARMS**  
4120 N. LOCUST  
CANBY, OREGON 97013

PHONE: (503) 263-6066

FAX: (503) 263-8809

August 26, 1994

Michael J. Mattick  
Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310-0210

Reference: File 73837

Dear Mr. Mattick:

Enclosed is the material you requested in your letter of June 15, 1994, for processing of our application, and our check in the amount of \$604.00, the balance owed for the permit and recording fee.

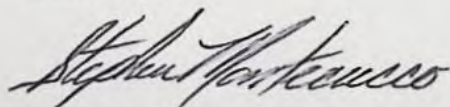
The legal descriptions are from either the deeds or title insurance policy. Written authorization permitting access to lands not owned by us include the City of Canby and three other landowners we rent from.

We are applying to Clackamas County for a permit to put a pipeline alongside Holly Street. Clackamas County sees no problem with this request as long as the proper applications are completed. The permit will be forwarded to you promptly.

Larry Jebousek confirmed that he had sent you the requested map showing the land and acreage we intend to make primary and supplemental irrigation use on.

We trust this file is in order and ready for further processing. If there are additional requirements please advise.

Sincerely,



Stephen Montecucco  
Partner

Encs.

cc: Larry Jebousek, CWRE



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OCT 17 1994  
WATER RESOURCES DIVISION  
SALEM, OREGON

PERMIT AND RELEASE

I.

CLACKAMAS COUNTY, OREGON, and CITY of CANBY, OREGON, hereby authorize Montecucco Farms, 4120 N. Locust, Canby, Oregon 97013, phone: 263-6066, hereinafter called permittee, their heirs, executors, successors, and assigns, to enter into and/or occupy a portion of Maple Street a public right-of-way in Township 3S, Range 1E, Section 21 and 28, for the purpose of installing a six (6) inch diameter irrigation water line beginning at the north terminus of Maple Street and extending to the south approximately 1,750 feet to the north line of Tax Lot 600, Township 3S, Range 1E, Section 28, Map A, along the west side of Maple Street (see attached plan, Attachment A).

II.

In consideration of the granting of this right to enter onto and/or occupy the aforementioned right-of-way, the permittee agrees to release and forever discharge Clackamas County and the City of Canby, their officers, employees and agents from all claims, actions and demands, which the undersigned permittee may have or which may have resulted from the use and occupancy of the Maple Street right-of-way. Further, the permittee agrees to indemnify hold harmless and defend the County and City of Canby, their officers, employees and agents against all claims, actions and demands and all expenses incidental to investigation and defense arising from the permittee's use or occupancy of the Maple Street right-of-way.

III.

The permittee further states that he accepts the following special conditions as a condition of this permit:

1. Relocation or removal of permitted private line shall be accomplished by the permittee upon notice of Clackamas County and the City of Canby and the permittee shall assume all cost of necessary relocation, removal and maintenance.
2. The permittee shall be responsible for any and all personal or property damage resulting from construction, repair or reconstruction of facilities covered in this permit and shall save the County and the City of Canby harmless from any and all claims and expenses arising out of said work.
3. The County Commissioners and the City of Canby Counsel reserve the right to order the change or removal of any construction authorized by this permit at any time when the public safety or the public convenience and general welfare of the public requires such action.



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OCT 18 1994

WATER RESOURCES DIVISION  
SALEM, OREGON

4. If the work done under this permit interferes in any way with the drainage of Maple Street, the permittee shall wholly at his expense make such corrections as necessary to take care of the drainage problem to the County's and City of Canby's satisfaction.
5. In addition, other public utilities or private interests may be permitted or franchised to occupy the same portion of the Maple Street right-of-way.

Edward V. Montecucco  
Permittee

5-3-89  
Date

Subscribed and Sworn to before me  
this 3<sup>rd</sup> day of May,  
1989

Almeta R. Petersen  
Notary Public  
My Commission expires 5-4-90

CLACKAMAS COUNTY  
Department of Transportation & Development

By Dennis M. Everson  
Title: Development Coordinator  
Date: May 3 1989

CITY OF CANBY  
Public Works Director

By Wayne L. Kline  
Title: Public Works Director  
Date: 5/3/89



PERMIT & RELEASE

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OCT 19 1994

WATER RESOURCES DEPT.  
SELEM, OREGON

I.

CLACKAMAS COUNTY, OREGON, hereby authorizes Montecucco Farms, herein after called permittee, his heirs, executors, successors, and assigns, to enter onto and/or occupy that portion of the county road right-of-way on Holly Street, south of 37th St located in T 3S, R 1E, Section 21, for the purpose of installing a private irrigation line.

II.

In consideration of the granting of this right to enter onto and/or occupy the aforementioned right-of-way, the Permittee agrees to release and discharge Clackamas County, its officers, employees and agents from all claims, actions and demands which the undersigned Permittee may have or which may have resulted from the use and occupancy of County right-of-way. Further, the Permittee agrees to indemnify, hold harmless and defend the County, its officers, employees and agents against all claims, actions and demands, and all expenses incidental to investigation and defense, arising from the Permittee's use or occupancy of county right-of-way.

III.

The undersigned further states that he accepts the following special conditions as a condition of this permit.

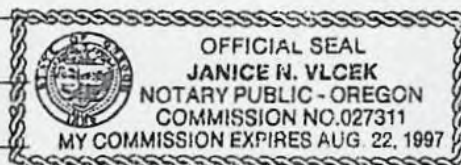
1. Relocation or removal of permitted private line shall be accomplished by the permittee upon notice of Clackamas county and the permittee shall assume all cost of necessary relocation, removal and maintenance.
2. The Permittee shall be responsible for any and all personal or property damage resulting from construction, repair or reconstruction of facilities covered in this permit and shall save the County harmless from any and all claims and expenses arising out of said work.
3. The County Commissioners reserve the right to order the change or removal of any construction authorized by this permit at any time when the public safety or the public convenience and general welfare of the public requires such action.
4. If the work done under this permit interferes in any way with the drainage of the County roads, the owner shall wholly at his own expense make such corrections as necessary to take care of the drainage problem to the County's satisfaction.
5. In addition, other public utilities or private interests may be permitted or franchised to occupy the same portion of the road right-of-way.

Stephen P. Montecucco 9-8-94  
Permittee Date

Subscribed and sworn to before me this

8<sup>TH</sup> Day of SEPTEMBER 19 94

Janice N. Vlcek  
Notary Public  
My Commission expires 8-22-97



Clackamas County  
Dept. of Transportation & Development  
By Edna Slack  
Date 9/14/94



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SEP - 1 1994

WATER RES. DIV.  
SALEM, OREGON

MONTECUCCO FARMS  
4120 N. LOCUST  
CANBY, OREGON 97013

Phone: (503) 263-6066

Fax: (503) 263-8809

August 25, 1994

Bruce W. & Kathleen M. Parker  
3460 N. Holly Street  
Canby, Oregon 97013

Dear Mr. & Mrs. Parker:

This letter is to advise you of Montecucco Farms' intention to irrigate the property that is rented from you.

Because your property has no natural water rights from the ground, the Willamette or Molalla rivers, Montecucco Farms must purchase stored water from the Federal Bureau of Reclamation. This water will be piped to your land from the Willamette River through underground irrigation pipe. The portion of this pipe on your property will be abandoned when the rental agreement is terminated.

It is necessary to state that Montecucco Farms is not obligated to provide present owners or any subsequent users or owners of this property with water.

We trust this meets with your approval and ask that you sign and date this letter where designated in order that complete records of this matter are on file.

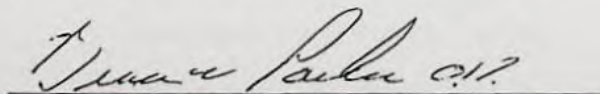
Sincerely,

MONTECUCCO FARMS

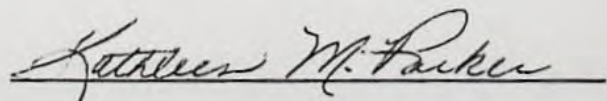


Stephen Montecucco  
Partner

*We agree with the above terms as stated:*



Date: 8/27/94



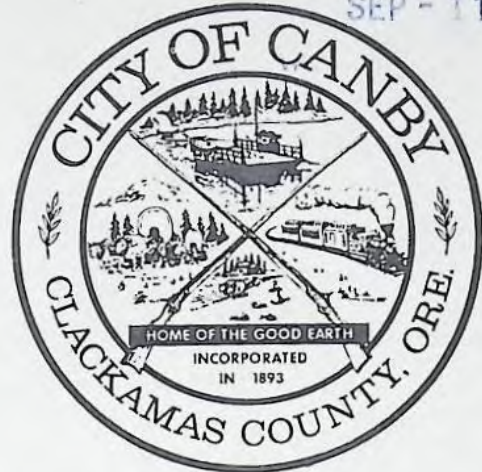
Date: 8-27-94



SEP - 1 1994

March 2, 1989

Ed Montecucco  
3468 N. Holly Street  
Canby, Oregon 97013



Dear Mr. Montecucco:

During a recent visit to my office you asked about the possibility of installing an underground irrigation line in the right-of-way of N. Maple Street. You stated that you planned on putting the line in around six (6) feet deep and that you typically abandon a line when you are finished using it.

Your request seems reasonable and yes, you may put an irrigation line in the N. Maple Street right-of-way as long as you honor the following conditions:

1. Contact this office prior to starting work and we will have Roy Hester meet you on the site.
2. You install tracer wire on the pipe for easier location.
3. You use a PVC pipe and not metal.
4. Your contractor should bed the pipe and compact the ditch to minimize future settling.
5. Be sure not to disturb the existing pavement during construction.
6. Prepare an as-built drawing to indicate precise location and size to be filed in our office.

If I can answer any questions or be of further assistance, please contact me. Good luck in your project.

Sincerely,

Wayne S. Klem, Director  
Department of Public Works

WSK:vs

cc: Mike Jordan, City Administrator  
Roy Hester, Street Supervisor

182 N. Holly, P.O. Box 930, Canby, Oregon 97013, (503) 266-4021



**MONTECUCCO FARMS**  
**4120 N. LOCUST**  
**CANBY, OREGON 97013**

PHONE: (503) 263-6066

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OCT 18 1994  
WATER RESOURCES DEPARTMENT  
SALEM, OREGON

FAX: (503) 263-8809

October 17, 1994

Michael J. Mattick  
Oregon Water Resources Department  
158 12th Street NE  
Salem, Oregon 97310-0210

Reference: File 73837

Dear Mr. Mattick:

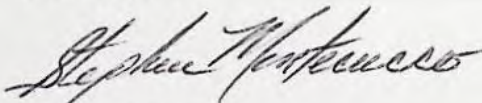
Enclosed is the additional paperwork we stated would be forthcoming in our letter of August 26, 1994.

Included are:

1. Permit and Release from Clackamas County for the irrigation pipeline along North Holly Street in Canby, Oregon.
2. Permit and Release from City of Canby for the irrigation pipeline along North Maple Street.

Please advise if there are any further requirements to be met.

Sincerely,



Stephen Montecucco  
Partner

Encs.

cc: Larry Jebousek, CWRE



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SEP - 1 1994

WATER RES. DIV. 23-2271  
SALEM, OREGON

**MONTECUCCO FARMS**

4120 N. LOCUST

CANBY, OREGON 97013

Phone: (503) 263-6066

Fax: (503) 263-8809

August 25, 1994

Robert J. & Shirley A. Peebles  
614 NW 22nd Avenue  
Canby, Oregon 97013

Dear Mr. & Mrs. Peebles:

This letter is to advise you of Montecucco Farms' intention to irrigate the property that is rented from you.

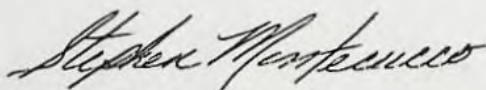
Because your property has no natural water rights from the ground, the Willamette or Molalla rivers, Montecucco Farms must purchase stored water from the Federal Bureau of Reclamation. This water will be piped to your land from the Willamette River through underground irrigation pipe. The portion of this pipe on your property will be abandoned when the rental agreement is terminated.

It is necessary to state that Montecucco Farms is not obligated to provide present owners or any subsequent users or owners of this property with water.

We trust this meets with your approval and ask that you sign and date this letter where designated in order that complete records of this matter are on file.

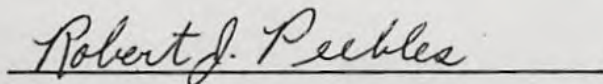
Sincerely,

MONTECUCCO FARMS

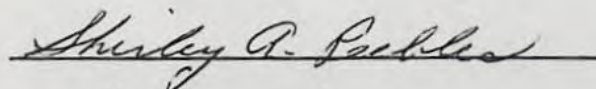


Stephen Montecucco  
Partner

*We agree with the above terms as stated:*



Date: 8-25-94



Date: 8-25-94



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WATER  
SALE, OREGON

# MONTECUCCO FARMS

4120 N. LOCUST  
CANBY, OREGON 97013

Phone: (503) 263-6066

Fax: (503) 263-8809

August 25, 1994

Mr. & Mrs. Dale Ball  
3019 N. Holly Street  
Canby, Oregon 97013

Dear Mr. & Mrs. Ball:

This letter is to advise you of Montecucco Farms' intention to irrigate the property that is rented from you.

Because your property has no natural water rights from the ground, the Willamette or Molalla rivers, Montecucco Farms must purchase stored water from the Federal Bureau of Reclamation. This water will be piped to your land from the Willamette River through underground irrigation pipe. The portion of this pipe on your property will be abandoned when the rental agreement is terminated.

It is necessary to state that Montecucco Farms is not obligated to provide present owners or any subsequent users or owners of this property with water.

We trust this meets with your approval and ask that you sign and date this letter where designated in order that complete records of this matter are on file.

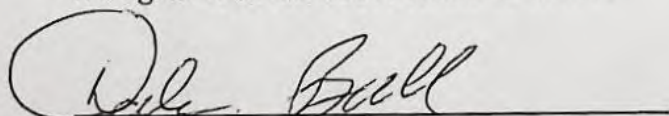
Sincerely,

MONTECUCCO FARMS

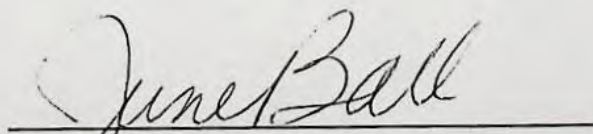


Stephen Montecucco  
Partner

*We agree with the above terms as stated:*



Date: 8-25-94



Date: 8-25-94



# COMPLETENESS DETERMINATION CHECKLIST

Application #	Review Date	Reviewer
S - 73837	11/30/95	CORY

A checkmark (✓) indicates that the item is incomplete or defective.

1. Examination fees (and recording fees, if for PFO/FO).
2. Name and address of the applicant, and title if applicable.
3. Source of water.
4. Use of water.
5. Amount of water.
6. Description of delivery system.
7. A statement of **whether** the applicant has written authorization or easements permitting access to lands owned by others.
8. Name(s) and address(es) of the owners of any lands involved, but not owned by the applicant.
9. Proposed dates of beginning and completion of construction, and complete application of water.
10. If for **municipal use**, the present population to be served and expected future water requirements.
11. If for **mining use**, the type of mines and methods of supplying & utilizing the water.
12. If for a **reservoir**:
  - a. The height of the dam.
  - b. The storage capacity.
  - c. The area submerged.
  - d. The maximum depth.
  - e. The construction method (earthfill, concrete, flashboard, etc.).
  - f. A description of the outlet conduit.
  - g. A description of the spillway.
13. If for **groundwater**, the horizontal distance from the well to the nearest surface water source (if within one mile), and the difference in land surface elevation between them.
14. If the application was made under **HB 2107**:
  - a. Name and address of each adjacent property owner and verification that each owner has been mailed a copy of the completed notice.
  - b. A description of the proposed water used and related project, the condition it will address, and the benefits that are expected to result from the project.
  - c. The number of reservoirs per application is appropriate as per OAR 690-11-049 (3)(b)
15. An oath that the application information is true and correct.
16. The signature of the applicant(s).
17. A satisfactory map of the proposed POD & POU.
18. A Land Use Information Form or receipt.
19. A legal description of the property where water will be used.

COMPLETED



SEP - 1 1994

604 PAGE 150

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CLERK OF COURT  
SEASIDE, OREGON

WARRANTY DEED

BOOK 538 PAGE 332

KNOW ALL MEN BY THESE PRESENTS, That we, Merle E. Learfield and  
Marlene L. Learfield, husband and wife,

grantor &  
Dollars,

in consideration of Ten  
and other valuable consideration  
to us paid by Paul S. Montecucco, single, a one-third interest; Paul  
Montecucco and Frances Montecucco, his wife, one-third interest as tenants by the  
entirety; and Virgil A. Montecucco and Evelyn L. Montecucco, his wife, one-third interest as  
tenants by the entirety, do hereby grant, bargain, sell and convey unto the said grantee & his heirs and assigns, all  
the following real property, with the tenements, hereditaments and appurtenances, situated in the County  
of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Part of the south one-half of the northeast quarter and part of the  
north one-half of the southeast quarter and part of the southwest  
quarter of the southeast quarter of Section 21, T. 3 S., R. 1 E.,  
of the W. M., in the County of Clackamas and State of Oregon,  
described as:

Beginning 6.00 chains North of the quarter section corner on the  
south line of said Section 21; thence East 20.00 chains; thence  
North 18.00 chains; thence North 8° 30' East to the Willamette  
River; thence Westerly along said river with its meanders to the  
line running North and South through the center of said Section 21;  
thence South on said quarter section line 1670 feet, more or less,  
to the northwest corner of a tract of land conveyed to Eugene Romain  
Jackson, et ux, by deed recorded May 2, 1951, in Book 444, page 15,  
Deed Records; thence East 660 feet to the northeast corner of said  
Jackson tract; thence South 1320 feet to the northeast corner of a  
tract of land conveyed to Merle E. Learfield, et al, by deed  
recorded May 2, 1951, in Book 444, page 14, Deed Records; thence West  
660 feet to the quarter section line; thence South on the quarter  
section line 524 feet to the place of beginning; EXCEPT therefrom  
that parcel of land to be used for road purposes 20 feet in width  
as conveyed to Eugene Romain Jackson and wife, by deed recorded  
June 16, 1950, in Book 432, page 432, in the County of Clackamas  
and State of Oregon, FURTHER EXCEPTING therefrom these two tracts  
in the northwest corner conveyed to Lucille Clemens Josselyn by  
deed recorded in Book 521, page 625, Deed Records.



-----EDWARD V. MONTECUCCO AND MARILYN S. MONTECUCCO,  
as tenants by the entirety.-----

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SEP - 1 1994

WATER  
SALEM, OREGON

The land referred to in this policy is described as

TL-602 IN THE COUNTY OF CLACKAMAS AND STATE OF OREGON

601  
ink  
10'  
PARCEL I:

A parcel of land in Needham Addition, more particularly described as follows:

Beginning at the northeast corner of Lot 6, Needham Addition; thence South along the east line thereof, 200 feet; thence West along the south line thereof, 217.80 feet; thence North parallel with the east line thereof, 200 feet; thence East along the north line thereof, 217.80 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress 30 feet wide being 15 feet on either side of a center line, more particularly described as follows:

Beginning at a point on the west line of Lot 6, Needham Addition, 15 feet north of the southwest corner thereof; thence East parallel with and 15 feet north of the south line of said Lot 6, a distance of 414.03 feet to the west line of the above described parcel of land.

PARCEL II:

A part of Lot 6, Needham Addition, described as follows:

Beginning at the northeast corner of said Lot 6; thence West following the north line of said Lot 6, a distance of 217.8 feet to the northwest corner of a tract of land conveyed to Dale R. DeVore and Sylvia R. DeVore by deed recorded June 12, 1972, Fee No. 72-16960, said point being the true place of beginning of the tract herein to be described; thence continuing West along the north line of said Lot 6, a distance of 196.23 feet to a point, said point being the northwest corner of a tract of land described as Parcel II in deed to Herbert R. Hart and Norma J. Hart, recorded January 31, 1975, Fee No. 75-2700; thence South along the west line of said Hart tract, a distance of 200 feet to the southwest corner thereof; thence East following the south line of said Lot 6, a distance of 196.23 feet to the southeast corner of said Hart tract; thence North following the east line of said Hart tract, a distance of 200 feet to the true place of beginning.

PARCEL III:

A part of Lot 6, Needham Addition, described as follows:

Beginning at the northwest corner of said Lot 6; thence East following the north line of said Lot 6, a distance of 217.8 feet to the northwest corner of a tract of land described as Parcel II in deed to Herbert R. Hart and Norma J. Hart, recorded January 31, 1975, Fee No. 75-2700; thence South along the west line of said Hart tract, a distance of 200 feet to the southwest corner thereof; thence West along the south line of said Lot 6, a distance of 217.8 feet to the southwest corner thereof; thence North along the west line of said Lot 6, a distance of 200.0 feet to the place of beginning. -----



WARRANTY DEED - STATUTORY FORM  
(INDIVIDUAL or CORPORATION)

SEP 1994  
WATERLOO  
SALEM, OREGON

THOROLYTE FIBERGLAS INC

Grantor, conveys and warrants to EDWARD V. MONTECUCCO and PAUL A. MONTECUCCO and  
STEPHEN P. MONTECUCCO, AS TENANTS IN COMMON

Grantee, the following described real property free of encumbrances except as  
specifically set forth herein:  
Lots 48 and 49, PRUNELAND, in Clackamas County, Oregon.

(MAP AND TAX LOT NO.: 31228A 00600)

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.

ENCUMBRANCES:

THE RIGHTS OF THE PUBLIC IN AND TO THAT PORTION OF THE PREMISES HEREIN DESCRIBED LYING  
WITHIN THE LIMITS OF ROADS AND HIGHWAYS.

The true consideration for this conveyance is \$108,000.00.

Dated this June 24, 1988; if a corporate grantor, it has caused its name  
to be signed by order of its board of directors.

THOROLYTE FIBERGLAS INC

By [Signature]  
Pres.

STATE OF OREGON  
County of Clackamas

Dated this June 24, 1988

Personally appeared

who, being duly sworn, each for himself  
and not one for the other, did say that  
the former is the President ~~and~~  
~~of the~~ of the  
THOROLYTE FIBERGLAS INC, a corporation,  
and that said instrument was signed 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:

[Signature]  
Notary Public for Oregon  
My commission expires: 10-22-91

After recording return to:

Edward V. Montecucco  
3468 N. Holly  
Canby, Oregon 97013

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

STATE OF OREGON  
County of Clackamas

I, John F. Kauffman, County Clerk, for the County of  
Clackamas, do hereby certify that the instrument of  
writing was received for recording in the records of said  
county at

1988 JUN 27 PM 3 01



Witness my hand and seal of office

[Signature]  
John F. Kauffman  
Recording Clerk  
CCAM (rev. 12/85)

88 25605

SAFECO

88 25605

SAME AS ABOVE



SALEM, ON TUESDAY

Granite.

$$\begin{array}{r} 20.00 \\ \underline{5.00} \\ 15.00 \end{array}$$


## STATUTORY WARRANTY DEED

GORDON L. ROSS AND MARY EVELYN ROSS

conveys and warrants to STEPHEN P. MONTECUCCO

Grantor, the following described real property free of encumbrances except as specifically set forth herein situated in  
CLACKAMAS County, Oregon, to wit:

LOT 36, PRUNELAND

TAX ACCOUNT NO. R31E 28A 1400

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. The said property is free from encumbrances except EASEMENTS AND POWERS OF SPECIAL DISTRICTS, IF ANY.

The true consideration for this conveyance is \$ 230,000.00

(Here comply with the requirements of OHS 93.030)

Dated this 29 day of MARCH 1990

GORDON L. ROSS

MARY EVELYN ROSS

State of Oregon, County of CLATSOP

State of Oregon, County of

2 The foregoing instrument was acknowledged before me this  
day of MARCH, 1990 by

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by \_\_\_\_\_

Gordon L. Ross and  
Mary Evelyn Ross

President and  
Secretary of

\_\_\_\_\_

on behalf of the corporation.

Natary Public for Oregon  
My commission expires: 11-2-93

Notary Public for Oregon  
My commission expires:

## WARRANTY DEED

GORDON L. ROSS MARY EVELYN ROSS

STEPHEN P. MONTECUCCO

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

STEPHEN P. MONTECUCCO  
2442 N. Locust Street  
CANBY, OR 97813  
Escrw No. 193-085

Title No. 193-085

After recording return to:

STEPHEN P. MONTECUCO  
815 N.E. 34TH PLACE  
CANBY, OR 97013

STATE OF OREGON  
County of Clatsop

1980 MAR 30 PM 4: 31



Witness my hand and seal at and on

John F. Kaufman  
John F. KAUFMAN  
County, Ohio

Recording Certificate

90 14347

Tigor Form No. 137 Statutory Warrant Deed 6/85

90 14347



# TICOR TITLE INSURANCE

## STATUTORY WARRANTY DEED

12.00  
5.00

173 084

RECEIVED

SEP - 1 1994

LOLA P. KRUEGER

WA  
Grantor,

conveys and warrants to PAUL S. MONTECUCCO AND R. FRANCES MONTECUCCO, HUSBAND AND WIFE

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in  
CLACKAMAS County, Oregon, to wit:

LOT 35, PRUNELAND

TAX ACCOUNT NO. R31E 28A 1500

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES. The said property is free from encumbrances except CONDITIONS, RESTRICTIONS, EASEMENTS AND POWERS OF SPECIAL DISTRICTS, IF ANY.

The true consideration for this conveyance is \$ 70,000.00

(Here comply with the requirements of ORS 93.030)

Dated this 27 day of MARCH 19 90

Lola P. Krueger  
LOLA P. KRUEGER

State of Oregon, County of CLACKAMAS

The foregoing instrument was acknowledged before me this 27 day of MARCH, 19 90 by

LOLA P. KRUEGER

[Signature]

[Signature]

Notary Public for Oregon

My commission expires: 12-2-93

State of Oregon, County of \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_ by

\_\_\_\_\_, President and

\_\_\_\_\_, Secretary of

\_\_\_\_\_, a

\_\_\_\_\_, corporation.

on behalf of the corporation.

Notary Public for Oregon

My commission expires: \_\_\_\_\_

### WARRANTY DEED

LOLA P. KRUEGER

PAUL S. MONTECUCCO R. FRANCES MONTECUCCO

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

PAUL S. MONTECUCCO & R. FRANCES MONTECUCCO

3610 N. Locust

CANBY, OR 97013

Escrow No. 193-084

Title No. 193-084

After recording return to:

PAUL S. MONTECUCCO

3610 N. Locust

CANBY, OR 97013

STATE OF OREGON  
County of Clackamas

I, John F. Kaufman, Notary Public for the County of Clackamas, Oregon, do hereby certify that the foregoing instrument was acknowledged before me and recorded for record in the County of Clackamas, Oregon, on this 27 day of March, 1990.

1990 MAR 30 AM 11:08



John F. Kaufman  
Notary Public for the County of Clackamas, Oregon

90 14168

Recorded by TICOR TITLE



WARRANTY DEED (CORPORATION)

TRI-LITE INVESTMENT, Inc.

SEP - 1 1994

Virgil A. Montecucco and Evelyn L. Montecucco, H & W, as to an undivided 1/2 interest as tenants by the entirety and PAUL B. MONTECUCCO and ROSE FRANCES MONTECUCCO, H & W, as to an undivided 1/2 interest as tenants by the entirety.

all that real property situated in Clackamas County, State of Oregon described as:

Lots 57 and 58, PRUNELAND, Excepting the South 248 feet.

and covenant(s) that grantor is owner of the above described property free of all encumbrances except

the rights of the public in and to that portion of the above property lying within the limits of roads and highways.

and will warrant and defend the same against all persons who may lawfully claim the same except as shown above.

The true and actual consideration for this transfer is \$ 22,000.00

Signed by authority of the Board of Directors, with the seal of said corporation affixed, this 20th day of March, 1974.

Corporate Seal

By James E. Gilchrist President  
By Diana C. Redfield Treasurer

STATE OF OREGON, County of Clackamas

March, 1974.

Personally appeared James E. Gilchrist, who, being duly sworn, did say that he is the President, and Diana C. Redfield, Treasurer of Tri-Lite Investment, Inc. and that the seal of said corporation 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 he acknowledged said instrument to be his voluntary act and deed.

Before me:

William M. Spiller  
Notary Public for Oregon

My commission expires: 5-9-76

The dollar amount should include cash plus all encumbrances existing against the property to which the property remains subject or which the purchaser agrees to pay or assume.

If consideration includes other property or value, add the following: "However, the actual consideration consists of or includes other property or value given or promised which is part of the/the whole consideration." (Indicate which)

WARRANTY DEED (CORPORATION)

Tri-Lite Investment, Inc.

TO

Virgil Montecucco, et al

After Recording Return to:

Thompson Title Co  
253 S. W. 1st  
City, Ore

74 6935

STATE OF OREGON,  
County of Clackamas,

I, George B. Ingram, County Clerk, do hereby certify that the foregoing instrument is the true and correct copy of the original instrument as the same appears from the records of the County of Clackamas, Oregon, and that the same has been duly recorded for the purpose of giving notice to all persons.

574 W. 22<sup>nd</sup> St. PM 3:37

DEED



ord  
2,  
—  
—  
title

74 6935



RECEIVED  
SEP - 1 1994  
SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That SIDNEY D. KENNEY and CHERYL J. KENNEY, husband and wife

to grant part by WILLIAM A. MONTICUCCO & EVELYN L. MONTICUCCO, n/w, an undivided interest in tenants by the entirety; & PAUL S. MONTICUCCO & R. FRANCES MONTICUCCO, n/w, an undivided interest in tenants by the entirety, hereinafter called the grantors, does hereby grant, bargain, sell and convey with the said grantors and grantors heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Lot 30, PRUNELAND, Clackamas County, Oregon.

IN SPACE HEREON, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantors and grantors heirs, successors and assigns forever. And said grantors hereby covenants to and with said grantors and grantors heirs, successors and assigns, that grantors is lawfully seized in fee simple of the above granted premises, free from all encumbrances NONE

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

The fee and actual consideration paid for this transfer, stated in terms of dollars, is \$ 26,900.00. However, the actual consideration consists of or includes other thing, any or value given or provided which is part of the consideration (indicate which):

In construing this deed and where the context so requires, the singular includes the plural.

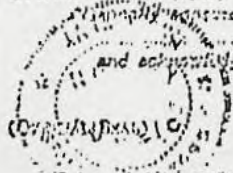
WITNESS grantors' hand this 30th day of April, 1974.

Sidney D. Kenney  
Cheryl J. Kenney

STATE OF OREGON, County of Clackamas ) ss. April 30, 1974  
I, Notary Public for Oregon, do hereby certify that the above named Sidney D. Kenney and Cheryl J. Kenney

and acknowledged this foregoing instrument to be their voluntary act and deed.

Before me: J. W. Wiggins  
Notary Public for Oregon  
My commission expires 1-23-78



WARRANTY DEED

TO  
MONTICUCCO  
COUNTY OF CLACKAMAS  
STATE OF OREGON 97013  
S. D. KENNEY & C. J. KENNEY TO B

1974 APR 30

County of Clackamas, do hereby certify that the fee and actual consideration of value was received for and accepted by the records of said county at 12:11 PM 5 56

DEED



74 11114



SPECIAL WARRANTY DEED

**RECEIVED**  
SEP - 1 1994  
WATER RESOURCES  
SALEM, OREGON

20-  
10-  
KNOW ALL MEN BY THESE PRESENTS, that JERRY R. GRAVETT and BEVERLEY GRAVETT, hereinafter called GRANTOR, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto EDWARD V. MONTECUCCO, PAUL A. MONTECUCCO and STEVEN P. MONTECUCCO (each as tenants in common of an undivided one-third interest), hereinafter called GRANTEE, and unto GRANTEE'S heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of Clackamas, State of Oregon, described as follows, to-wit:

Block 62, PRUNELAND, in Clackamas County, Oregon.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And the GRANTOR hereby covenants to and with the said GRANTEE and GRANTEE'S heirs, successors and assigns that said real property is free from encumbrances created or suffered thereon by GRANTOR and that GRANTOR will warrant and defend the same and every part and parcel thereof against the lawful claims and demands of all persons claiming by, through, or under the GRANTOR.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$100,000.00.

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

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 3<sup>rd</sup> day of October, 1991.

Jerry J. Gravett  
JERRY J. GRAVETT - Grantor

Beverley Gravett  
BEVERLEY GRAVETT - Grantor

STATE OF OREGON                    )  
County of Clackamas            ) ss.

October 3, 1991

Before me personally appeared the above named JERRY J. GRAVETT and BEVERLEY GRAVETT and acknowledged the foregoing instrument to be their voluntary act and deed.



Carol A. Hewitt  
Notary Public for Oregon  
My Commission Expires: 8-6-93

SPECIAL WARRANTY DEED

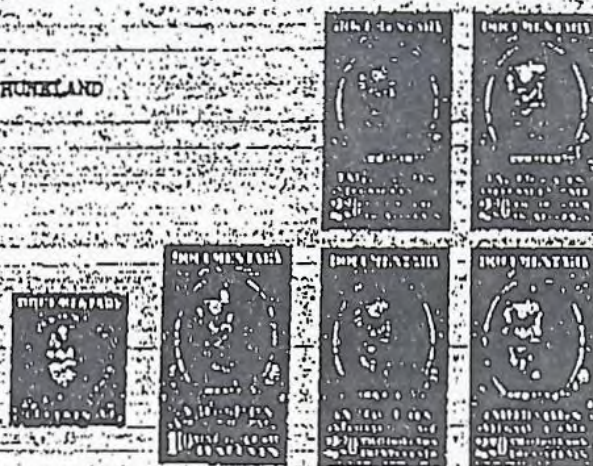
91 52473



KNOW ALL MEN BY THESE PRESENTS, That R. O. STARR (also known as Robert O. Starr) unmarried.

In consideration of \$100.00 and other good and valuable consideration to him paid by ROBERT J. PERLBERG and SHIRLEY A. PERLBERG, husband and wife, do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the covenants, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Lot Sixty-one (61), PRUDELAND



To Have and to Hold the above described and granted premises unto the said grantees, their heirs and assigns forever, as above stated.

And the grantor do hereby covenant that he, in lawfully seized in fee simple of the above granted premises free from all incumbrances, except as above stated.

and that he, will and his 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.

Witness his hand and seal this 11th day of September, 1956.

R. O. STARR (SEAL)

STATE OF OREGON

County of Clackamas

BE IT REMEMBERED, That on this 11th day of September, A. D. 1956.

before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named R. O. Starr (also known as Robert O. Starr)

unmarried.

who is known to me, the undersigned, as the person who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 11th day of September, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

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Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Warranty Deed

R. O. STARR (also known as Robert O. Starr)

County of Clackamas

State of Oregon

Lot Sixty-one (61), PRUDELAND

to ROBERT J. PERLBERG and SHIRLEY A. PERLBERG, husband and wife

for the sum of \$100.00

and other good and valuable consideration

to him paid by ROBERT J. PERLBERG and SHIRLEY A. PERLBERG, husband and wife

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the covenants, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Lot Sixty-one (61), PRUDELAND

and the grantor do hereby covenant that he, in lawfully seized in fee simple of the above granted premises free from all incumbrances, except as above stated.

and that he, will and his 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.

Witness his hand and seal this 11th day of September, 1956.

R. O. STARR (SEAL)

STATE OF OREGON

County of Clackamas

BE IT REMEMBERED, That on this 11th day of September, A. D. 1956.

before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named R. O. Starr (also known as Robert O. Starr)

unmarried.

who is known to me, the undersigned, as the person who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 11th day of September, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

Warranty Deed

R. O. STARR (also known as Robert O. Starr)

County of Clackamas

State of Oregon

Lot Sixty-one (61), PRUDELAND

to ROBERT J. PERLBERG and SHIRLEY A. PERLBERG, husband and wife

for the sum of \$100.00

and other good and valuable consideration

to him paid by ROBERT J. PERLBERG and SHIRLEY A. PERLBERG, husband and wife

do hereby grant, bargain, sell and convey unto the said grantees, as tenants by the entirety and not as tenants in community property, their heirs and assigns, all the following real property, with the covenants, hereditaments and appurtenances, situated in the County of Clackamas and State of Oregon, bounded and described as follows, to-wit:

Lot Sixty-one (61), PRUDELAND

and the grantor do hereby covenant that he, in lawfully seized in fee simple of the above granted premises free from all incumbrances, except as above stated.

and that he, will and his 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.

Witness his hand and seal this 11th day of September, 1956.

R. O. STARR (SEAL)

STATE OF OREGON

County of Clackamas

BE IT REMEMBERED, That on this 11th day of September, A. D. 1956.

before me, the undersigned, a Notary Public, in and for said County and State, personally appeared the within named R. O. Starr (also known as Robert O. Starr)

unmarried.

who is known to me, the undersigned, as the person who executed the within instrument, and acknowledged to me that he executed the same freely and voluntarily.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal this 11th day of September, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

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Notary Public for Oregon.

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Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.

Notary Public for Oregon.

My Commission Expires December 15, 1956.



RECEIVED  
SEP - 1 1994

WARRANTY DEED

FOR VALUE RECEIVED

HERBERT DERRY and ELSIE N. DERRY, husband and wife,  
herein referred to as grantors, hereby grant, bargain, sell and convey unto LEONARD G. BALL  
and IDA T. BALL, husband and wife,

herein referred to as grantees, the following described real property, with tenements, hereditaments and appurtenances, to wit:

Part of the Southwest quarter of the Southwest quarter of Section 21, in T. 3 S., R. 1 E. of W.M., described as:

Beginning at the Southeast corner of the Southwest quarter of the Southwest quarter of Section 21, T. 3 S., R. 1 E. of the W.M.; thence North 20 rods; thence West parallel with the South line of said Section 80 rods to the section line; thence South on the Section line, 20 rods to the Southwest corner of said section; thence East on the section line 80 rods to the place of beginning.

TO HAVE AND TO HOLD the said premises unto said Grantees, their heirs and assigns forever. And the said Grantors hereby covenant that they are lawfully seized in fee simple of said premises; that they are free from all incumbrances.

and that they will warrant and defend the above granted premises against all lawful claims whatsoever, except as above stated.

Dated

November 21, 1958

*Clyde W. Johnston*

*Herbert Derry* (Seal)  
*Elsie N. Derry* (Seal)

STATE OF OREGON, County of

On this 21st day of November 1958, before me, the undersigned, a Notary Public in and for said County and State, personally appeared the within named HERBERT DERRY and ELSIE N. DERRY, husband and wife,

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 affixed my official seal the day and year last above written

My Commission Expires 6-16-61

*Clyde W. Johnston*  
Notary Public for Oregon

Compliments of  
CASCADE TITLE COMPANY  
1 Oak Street Eugene, Oregon  
WARRANTY DEED

STATE OF OREGON,  
County of Clatsop  
I, George D. Rogers, County Clerk, do hereby certify that the within and foregoing instrument, together with the receipt thereon, is a true and correct copy of the original as the same appears from the records of the County of Clatsop, Oregon.  
DEED  
872 AUG 18 AM 9 32



Return To:  
Leonard Ball  
Rt 3, Box 401  
Camb 97013



SEP - 1 1994

SALEM, OREGON

KNOW ALL MEN BY THESE PRESENTS, That JAMES E. GOTT and RUTH E. GOTT, husband and wife, hereinafter called the grantors, in consideration of Ten Dollars and other good and valuable consideration, to them paid, do hereby grant, bargain, sell and convey unto VIRGIL A. MONTECUCO & EVELYN L. MONTECUCO, his wife, an undivided one-half interest in the entirety, and unto PAUL S. MONTECUCO & ROSE FRANCES MONTECUCO, his wife, an undivided one-half interest, as tenants by the entirety, of certain real property, with the tenements, hereditaments and appurtenances thereto belonging and appertaining, situated in the County of Clackamas and State of Oregon described as follows, to-wit:

A tract in the Southwest quarter of the Northwest quarter of Section 25, and of the Southeast quarter of the Northeast quarter of Section 27, all in T.3.S.1.E. of the N.W. in the County of Clackamas and State of Oregon, described as: Beginning at a point in the center of the county road which is 85.7 feet South, 1317.78 feet East and 294.6 feet South from the Northwest corner of the Southwest quarter of the Northwest quarter of said Section 25, and is also a point in the center of the road 85 feet North of the Northeast corner of tract described in deed recorded May 18, 1949 in Deed Book 419 page 255; thence West parallel with the North line of said tract a distance of 740 feet to an iron pipe on the Northerly extension of the Westerly line of said tract; thence South along said Northerly extension of the Westerly line of said tract, 294.2 feet to the North line of Pruneland; thence West 1221.3 feet, more or less, to an iron pipe at the Southwest corner of a tract described in deed recorded December 15, 1938 in Deed Book 253 page 371; thence North 664.9 feet to an iron pipe at the Northwest corner of said last mentioned tract; thence East along the North line of said tract 545.3 feet to an iron pipe; thence South 554.7 feet to an iron pipe; thence East 1414.2 feet to a point in the center of the county road, which is North 20 feet of the place of beginning; thence South 80 feet to the place of beginning.

To Have and to Hold the above described and granted premises unto the said grantees and grantees' heirs, successors and assigns forever.

And said grantor hereby covenants to and with said grantees and grantees' heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances subject to the rights of the public in and to that portion of the property lying within limits of roads and highways.

and that grantor will 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 construing this deed and where the context so requires, the singular includes the plural.

WITNESS grantor's hand and seal this 25th day of September, 1966.

James E. Gott (SEAL)  
Ruth E. Gott (SEAL)  
(SEAL)  
(SEAL)

(ORR 32,400)

STATE OF OREGON, County of Clackamas, ) ss. September 26, 1966

Personally appeared the above named James E. Gott and Ruth E. Gott,

husband and wife

and acknowledged the foregoing instrument to be their voluntary act and deed

(OFFICIAL SEAL)

John M. [Signature]  
Notary Public for Oregon  
My commission expires December 15, 1968

WARRANTY DEED

JAMES E. GOTT and RUTH E. GOTT

TO

VIRGIL A. MONTECUCO and EVELYN L. MONTECUCO, his wife

AFTER RECORDING RETURN TO

CANDY REALTY CO.

680 1966 360

STATE OF OREGON, )  
County of Clackamas, ) ss.  
I, Robert M. [Signature], County Clerk, Esq.,  
do hereby certify that the foregoing instrument is a true and correct copy of the original as the same appears from the records of the County of Clackamas, Oregon, and that the same has been duly recorded for record.

25 SEP 29 PM 12 21

680 1966 360

Volume of deed and of said County  
25-1 ROBERT M. [Signature]  
County Clerk  
[Signature]  
[Signature]

15020



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SEP - 1 1994

WATER  
SALE, OREGON

FORM No. 433 - WARRANTY DEED  
1987/90

KNOW ALL MEN BY THESE PRESENTS, THAT GEORGE V. DES BRISAY & MARY RICHARD DES BRISAY, his wife, PATRICK J. DOYLE & IRENE BLIZABETH DOYLE, his wife, CHARLES MATHER & BETTY S. MATHER, his wife, and CLIFFORD B. OLSEN & LAVERNE OLSEN, his wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by PAUL S. MONTECUCCO & ROSE FRANCES MONTECUCCO, husband and wife, as tenants by the entirety

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 Clackamas and State of Oregon, described as follows, to-wit:

**PARCEL I:**

Beginning at the Northwest corner of said Section 28, T. 3 S., R. 1 E. of the W. M., in the County of Clackamas and State of Oregon; thence South (basis for bearings) along the Westerly line of said Section 28, 330.00 feet to a 5/8" iron rod set at the Southwest corner of the Andrew Sisul, et ux, tract as described in Clackamas County Deed Book 517, page 189, and the true place of beginning of the tract herein described; from said true place of beginning; thence leaving said Westerly line of Section 28, South 89° 15' East parallel with the Northerly line of said Section 28, and along the South boundary of said Sisul tract 1303.70 feet to an iron rod in the Westerly right-of-way line of County Road No. 384; thence South 0° 06' 45" West along the Westerly right-of-way line of said County Road No. 384, 1062.83 feet to a 1/2" iron pipe; thence leaving said Westerly right-of-way line, North 89° 50' 30" West 1300.25 feet to a 1-1/4" iron pipe; thence North 0° 51' West 83.38 feet to a 1-1/4" iron pipe; thence North 992.94 feet to the true place of beginning.

**PARCEL II:**

Part of Section 29, T. 3 S., R. 1 E. of the W. M., and PORTIONS OF THE PLAT OF PRUNSLAND, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said Section 29, T. 3 S., R. 1 E. of the W. M.; thence North 89° 20' West along the Northerly line of said Section 29, 685.00 feet to a 5/8" iron rod; thence leaving said Northerly line South 33° 01' West 328.72 feet to a 5/8" iron rod; thence South 488.84 feet to a 5/8" iron rod; thence North 89° 31' West 335.00 feet to a 5/8" iron rod in the Easterly right-of-way line of a 60.00 foot road right-of-way; thence following said Easterly right-of-way line the following courses and distances: South 17° 14' West 242.43 feet to a point of curve; thence along a curve to the right having a radius of 144.6 feet thru a central angle of 77° 52' 30" a distance of 196.52 feet to a point of tangent; thence North 84° 53' 30" West 264.70 feet to a point of curve; thence along a curve to the left having a radius of 133.71 feet thru a central angle of 71° 29' a distance of 166.81 feet to a point of tangent; thence South 23° 37' 30" West 186.02 feet to an angle point in said right-of-way; thence South 0° 01' East 668.81 feet to the Southerly line of Lot 71, PRUNSLAND, Record of Townplats, Clackamas County, Oregon; thence leaving said right-of-way line, South 89° 43' East along the Southerly line of Lots 71, 72 and 73, PRUNSLAND, 934.70 feet to a 3/4" iron pipe set at the Southeast corner of said Lot 73, PRUNSLAND, and the Northwest corner of Lot 63, PRUNSLAND; thence South 0° 18' West along the Westerly line of said Lot 63, PRUNSLAND, 640.00 feet to a 3/4" iron pipe in the Northerly right-of-way line of Bouncy Blvd, County Road No. 980; thence South 89° 43' East along said Northerly right-of-way line, 320.00 feet to a 3/4" iron pipe at the Southeast corner of said Lot 63; thence North 0° 20' 30" East along the Easterly line of said Lot 63, 638.96 feet to a 1" iron pipe; thence continuing North 0° 12' East along the Easterly line of Lot 74, PRUNSLAND, 671.28 feet to an iron rod and a point in the South boundary of the North one-half of the Northeast quarter of said Section 29; thence South 89° 31' 30" East along said South boundary 636.90 feet to a 1-1/4" iron pipe in the East line of said Section 29, T. 3 S., R. 1 E. of the W. M.; thence North along said East line, 1322.94 feet to the place of beginning.

PAUL S. MONTECUCCO

3367



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WATER RESOURCES DIVISION  
SALEM, OREGON

PARCEL #11

Beginning at the Northeast corner of said Section 29, T. 3 S., R. 1 E. of the W.M., in the County of Clatsop and State of Oregon, from said place of beginning; thence South (basis for bearings) along the Easterly line of said Section 29, 1322.94 feet to a 1-1/4" iron pipe; thence leaving said Easterly line of Section 29, North 89° 31' 30" West 636.90 feet to an iron rod; thence continuing North 89° 31' 30" West 1917.63 feet to an iron rod at the intersection of the Westerly right-of-way line of a 30.00 foot roadway with the Southerly right-of-way line of the Carl Sannes Road (Public Road Easement No. 509), said point being the Northeast corner of tract 70, PRUNELAND, and the true place of beginning of the tract herein to be described; from said true place of beginning; thence leaving said Southerly right-of-way line of the Carl Sannes Public Easement South 0° 01' East along the Westerly right-of-way line of said 30.00 foot roadway, 195.06 feet to an iron rod; thence leaving said right-of-way line, North 89° 43' West 350.00 feet to an iron rod; thence South 0° 01' East 158.00 feet to an iron rod; thence South 89° 43' East 350.00 feet to an iron rod set in Westerly right-of-way line of said 30 foot roadway; thence South 0° 01' East 322.12 feet to the Southeast corner of Lot 69, PRUNELAND; thence along said right-of-way line, North 89° 43' West along said Southerly line of Lot 69, PRUNELAND, 686.00 feet to an iron rod; thence continuing North 89° 43' West 50.00 feet, more or less, to the East bank of the Molalla River; thence Northerly along said East bank of the Molalla River to the intersection of a line which bears North 89° 31' 30" West from said true place of beginning; thence leaving said East bank of the Molalla River, South 89° 31' 30" East 400.00 feet, more or less, to a 5/8" iron rod which bears North 89° 31' 30" West 1183.00 feet from said true place of beginning; thence continuing South 89° 31' 30" East 480.00 feet to a 5/8" iron rod in the Southerly right-of-way line of said Carl Sannes Public Road Easement at the Westerly terminus thereof; thence continuing South 89° 31' 30" East along the Southerly right-of-way line of the Carl Sannes Public Road Easement 703.00 feet to the true place of beginning. EXCEPTING HEREFROM any portion of said tract lying West of the West boundary of the plat of PRUNELAND as platted March 4, 1891.

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Order No. 91044045-C

WALTON COUNTY, OREGON  
SALEM, OREGON

## EXHIBIT "A"

A tract of land in Sections 20 and 29, Township 3 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Northeast corner of said Section 29; thence South along the Easterly line of said section, 1322.94 feet to an iron pipe thereon; thence North 89 degrees 31'30" West, 1954.53 feet to an iron rod at the Northeast corner of Lot 70, PRUNELAND, a recorded Plat and the true point of beginning of the tract herein to be described; thence North 89 degrees 31'30" West along the boundary of said PRUNELAND, 1183.00 feet, more or less, to a point on the Easterly boundary of that tract conveyed to the State of Oregon, by and through its State Highway Commission, recorded May 13, 1971, as Recorder's Fee No. 71-10294, Film Records; thence Northerly along the Easterly boundary of said State of Oregon property as follows: North 21 degrees 20' West, 4.12 chains; thence North 28 degrees 40' West, 7.28 chains; thence North 40 degrees 56' West, 2.29 chains; thence North 41 degrees 42' West, 4.19 chains; thence North 21 degrees 45' West, 1.81 chains to a stone; thence East 0.23 chains; thence North 28 degrees West, 3.08 chains to a point on the North line of said Section 29; thence North 5 degrees East, 18 chains to the Southeast corner of that tract described in Book "I", page 348, Deed Records; thence East 11.10 chains; thence North 35 degrees East, 453.00 feet, more or less, to a point that is due North 89 degrees 41' West of the Northwest corner of that tract conveyed to Harold J. Michelsen, et ux, recorded December 23, 1968, as Recorder's Fee No. 68-25660, Film Records; thence leaving the Easterly line of said State of Oregon tract, due East 325.00 feet, more or less, to a point in the center of a private improved road located Easterly of the top of a bluff; thence Southeasterly along the center of said improved road 400.00 feet, more or less, to a road leading to the West; thence Southeasterly and Southerly along the improved road, 2,100.00 feet, more or less, to an intersection with a road leading to the East; thence Southwesterly along the improved road, 300.00 feet, more or less, to the center intersection with a private East-West road; thence Westerly along the said East-West road, 100.00 feet, more or less, to a point that bears North 0 degrees 01' West from the true point of beginning; thence South 0 degrees 01' East, 600.00 feet, more or less, to the true point of beginning.

EXCEPT THEREFROM the following:

A parcel of land lying in Sections 20 and 29, Township 3 South, Range 1 East, Willamette Meridian, Clackamas County, Oregon; the said parcel being described as follows:

Beginning at the Northwest corner of the Northeast one-quarter of the Northwest one-quarter of said Section 29, said point also being at an angle point of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded as Recorder's Fee No. 71-10294, Film

Continued on next page



Order No. 91044045-C

Records of Clackamas County; thence along the boundary of said State of Oregon property North 89 degrees 44' East 87.70 feet; North 3 degrees 31' East 1328.29 feet; North 89 degrees 45'37" East 732.60 feet and North 35 degrees East 356.75 feet to the most Southerly Southwest corner of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded as Recorder's Fee No. 73-6225, Film Records of Clackamas County; thence along the South boundary of said last mentioned State of Oregon property South 89 degrees 44' East 378.66 feet; thence leaving said South boundary South 34 degrees 23'47" West 584.81 feet; thence South 58 degrees 14'15" West 277.20 feet; thence North 87 degrees 42'08" West 411.54 feet; thence South 8 degrees 36'07" West 181.65 feet; thence South 62 degrees 36'59" West 266.99 feet; thence South 4 degrees 04'19" East 315.72 feet; thence South 17 degrees 11'15" East 564.88 feet; thence South 36 degrees 01'05" East 513.02 feet; thence South 7 degrees 48'19" East 759.90 feet to the South line of said Northeast one-quarter of the Northwest one-quarter; thence along said South line South 89 degrees 38'05" West to the Easterly boundary of said State of Oregon property described as Recorder's Fee No. 71-10294, Film Records; thence Northwesterly along said Easterly boundary to the point of beginning.

STATE OF OREGON  
County of Clackamas

ss.

I, John Kauffman, County Clerk, for the County of Clackamas, do hereby certify that the instrument of writing was received for recording in the records of said county at

91 NOV 21 AM 9:23



Witness my hand and seal affixed

*John Kauffman*

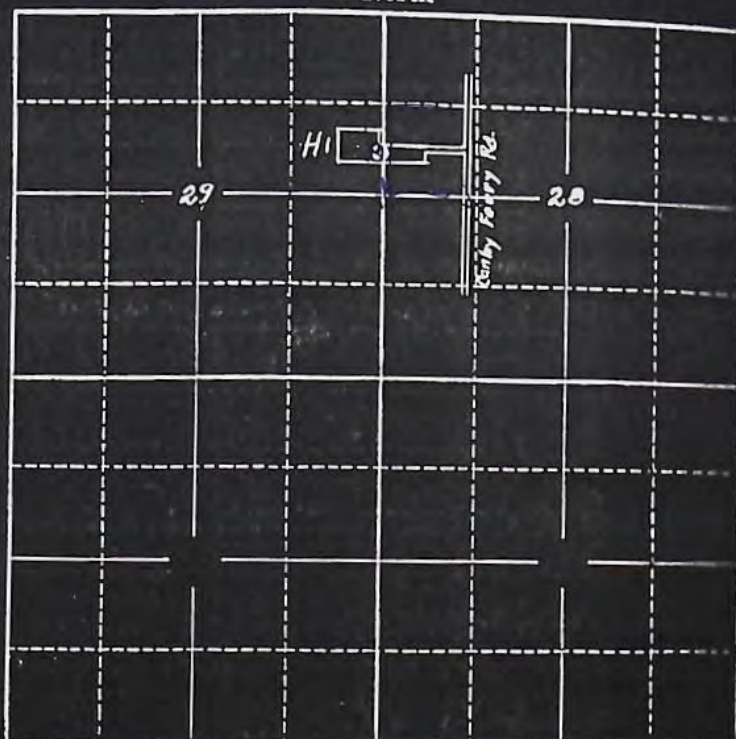
JOHN KAUFFMAN  
County Clerk

Recording Certificate  
CCP-R4 (Rev. 9-91) 59257



GR 550  
GR 1001-488

Township 35 Range 1E, W.M.  
North



Locate well and acreage of irrigated land on plat.

Scale: 2" = 1 Mile

STATE OF OREGON

County of .....

} ss.

I, James E. Gott, being first duly sworn, do hereby read the foregoing Registration Statement and that all of the items therein contained are true to my knowledge and belief.

James E. Gott  
(Signature of Registrant)

Subscribed and sworn to before me this 31st day of May

My commission expires Sept 8, 1960

Ch. J. ...  
(Notary Public)

(SEAL)

### CERTIFICATE OF REGISTRATION

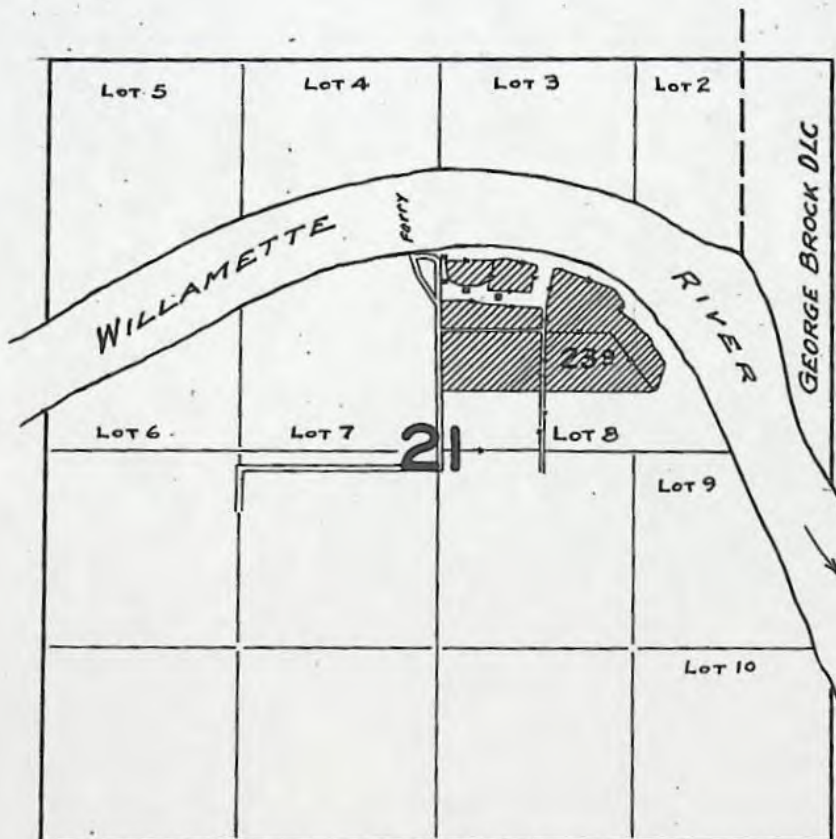
STATE OF OREGON

County of Marion

} ss.



T. 3 S., R. 1 E. W.M.



FINAL PROOF SURVEY  
UNDER

Application No. 16923 Permit No. 12680 *wt 14400*

IN FAVOR OF

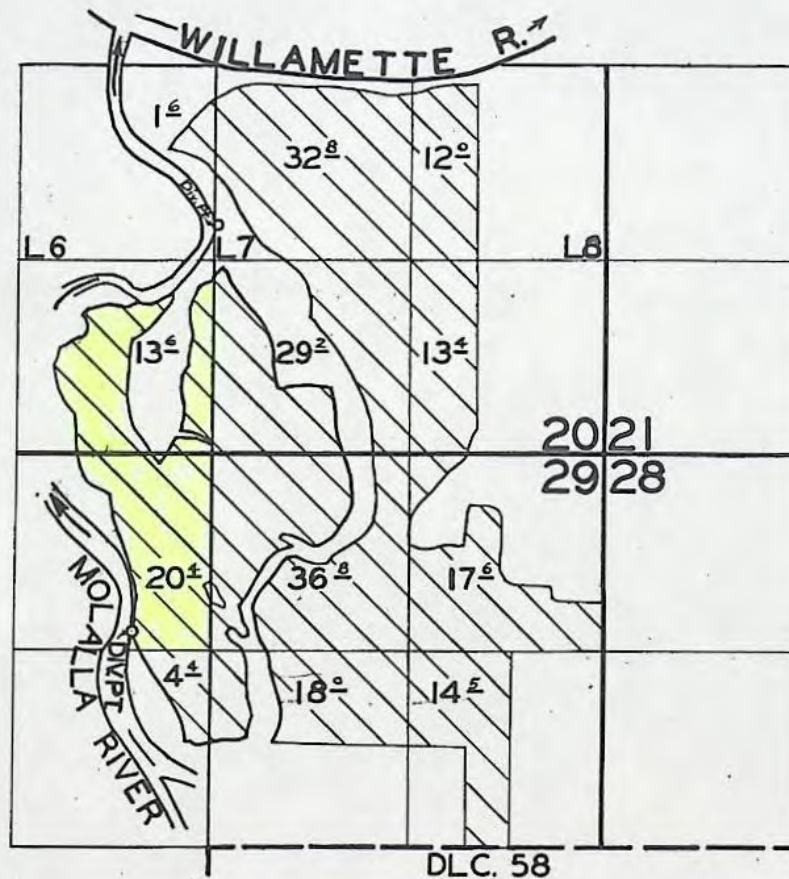
J. L. Tretheway

Surveyed July 21, 1942, by Geo. W. Anderson



T. 3S. R. 1E. W.M.

*Supp on  
part?*



## FINAL PROOF SURVEY

UNDER

Application No. 27090 Permit No. 21320

*cont 37650  
cont 40849*

IN NAME OF

G. E. GILMORE JR.

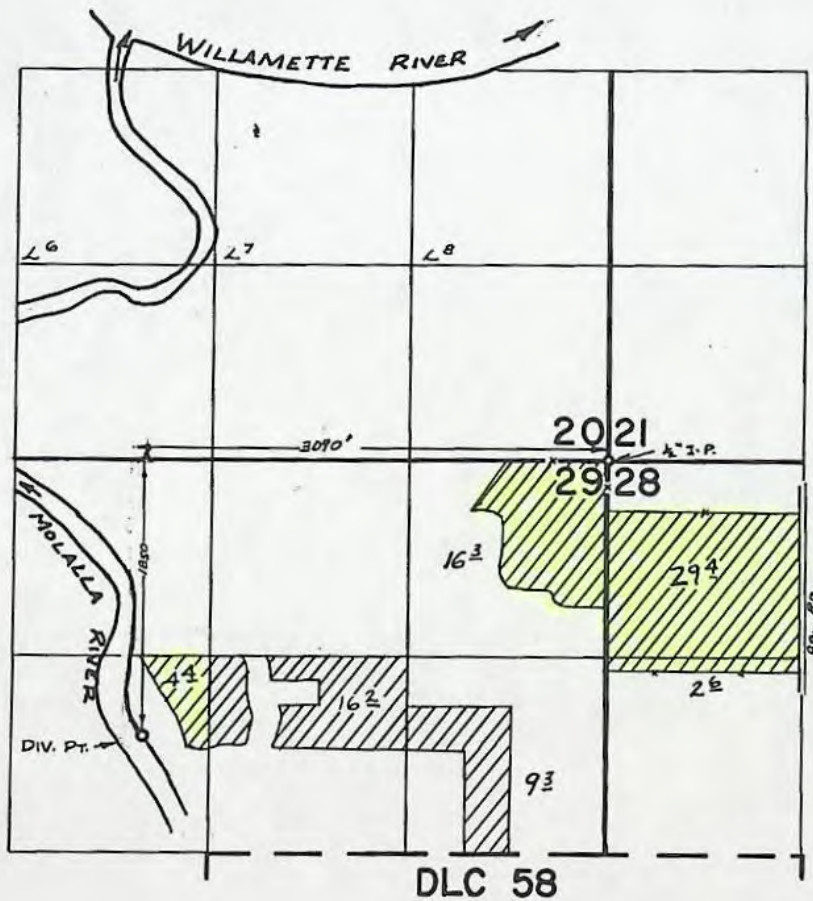
Surveyed 14 MAY 1956, by R. D. BEST

DFK-3D-54

*Best*



T.3S.R.IEW.M.



# FINAL PROOF SURVEY

## UNDER

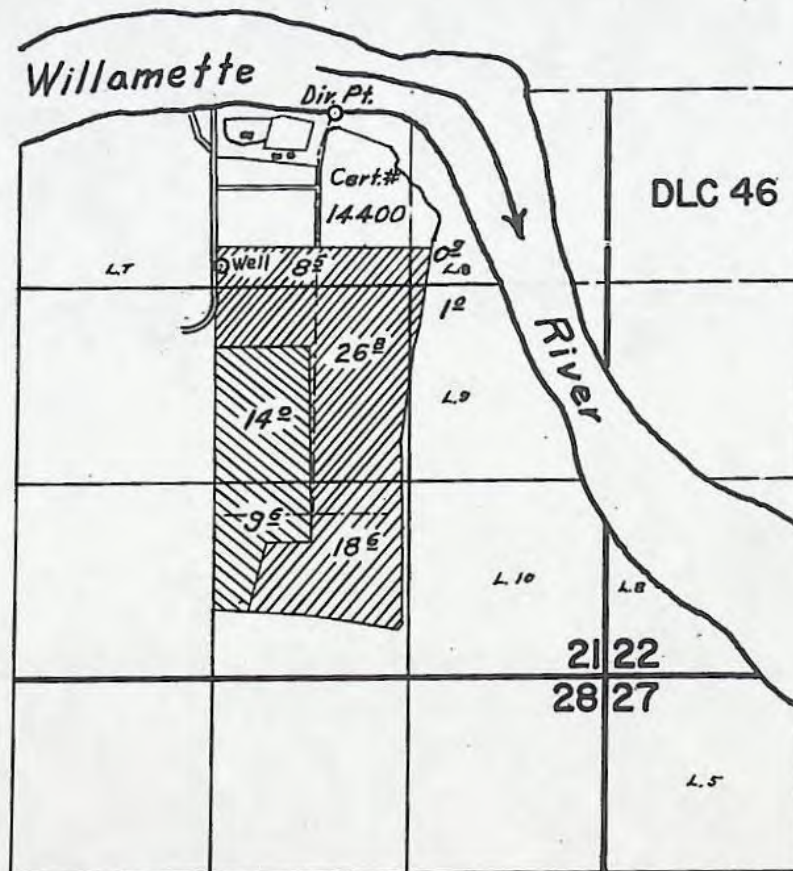
Application No. 40816 Permit No. 30409 cert 37527  
IN NAME OF

PAUL S. & R. FRANCES MONTECUCCO



Surveyed OCT. 7, 1970, by R. MUCKEN.....



T.3S.R.1E.W.M.



**FINAL PROOF SURVEY**  
UNDER

Application No. 37457 Permit No. 27886  cert 30776  
Application No. 33106 Permit No. 26170  cert 30771  
IN NAME OF

Paul, Virgil & Paul S. Montecucco

Surveyed April 24, 1962, by Thomas R. Lauer



NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

Lands for Which Water is Furnished: Limitations on Deliveries

4. The United States shall make available each year to the Contractor during the irrigation season from April 1 to September 30, inclusive, stored water from the Willamette Basin Project for the irrigation of land owned by the Contractor described as follows:

		Pri Map Shows	
13.6	21.7 acres, SE1/4 SW1/4, Sec. 20, T. 3 S., R. 1 E., W.M.	- 8.1 ac	= 21.7 OK
13.0	14.3 acres, SW1/4 SE1/4, Sec. 20, T. 3 S., R. 1 E., W.M.	- 1.3 ac	= 14.3 OK
	15.6 acres, NE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.	- 15.6 ac	= 15.6 OK
	8.0 acres, SW1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.	- 8.0 ac	OK
	15.4 acres, SE1/4 SW1/4, Sec. 21, T. 3 S., R. 1 E., W.M.	- 15.4 ac	OK
	1.0 acres, SW1/4 SE1/4, Sec. 21, T. 3 S., R. 1 E., W.M.	- 1.0 ac	OK
	20.0 acres, SW1/4 NE1/4, Sec. 28, T. 3 S., R. 1 E., W.M.	- 20.0 ac	OK
29.4	29.4 acres, NE1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.		= 29.4 OK
2.6	2.6 acres, NW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.		= 2.6 OK
	14.6 acres, SW1/4 NW1/4, Sec. 28, T. 3 S., R. 1 E., W.M.	- 14.6 ac	(0.2 not in contract)
31.5	31.5 acres, NE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.		= 31.5 OK
22.2	22.2 acres, NW1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.		= 22.2 OK
14.54	22.34 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.	- 7.8 ac	= 22.34 (1.3 ac not in contract)
20.4	20.5 acres, NE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.	- 0.1 ac	= 20.5 OK
4.4 ac	4.4 acres, SE1/4 NW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.		= 4.4 OK
16.2 ac	16.2 acres, SW1/4 SW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.		= 16.2 OK
- 9.3	9.3 acres, SE1/4 SW1/4, Sec. 29, T. 3 S., R. 1 E., W.M.		
	8.0 acres, SE1/4 NE1/4, Sec. 29, T. 3 S., R. 1 E., W.M.	- 8.0 ac	OK
277.4		Does not match 8 ac over	

Of the land described, not more than 269.04 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 324.92 acre-feet of stored water annually, measured at the point of delivery of said water.

Payments for Water

5. (a) An annual payment of \$2,599.36 for the first irrigation season shall be made to the United States at the time of executing this contract, and

map Shows - primary - 101.4 acres  
 supp - 167.84 acres  
269.24



November, 1994

OREGON ADMINISTRATIVE RULES  
WATER RESOURCES DEPARTMENT  
CHAPTER 690  
DIVISION 502  
WILLAMETTE BASIN PROGRAM

[ED. NOTE: This Division was renumbered from OAR 690-080 by WRD 4-1992, f. & cert. ef. 3-13-92.]

**Definitions**

690-502-010 As used in this rule, unless the context requires otherwise:

(1) The Willamette Basin is as shown on Water Resources Department Map No. 2.6.

(2) "Agricultural Use" means non-irrigation agricultural use of water such as temperature control, chemigation, mineral leaching, dairy barn washing, greenhouse use, harvest use and other related uses.

(3) "Classification" or "Classified" means the allowed and preferred beneficial use(s) of a given surface or groundwater source for which future uses of water shall be permitted. Except as otherwise provided by the Commission, the Department shall not issue permits to appropriate, and no use shall be initiated of any of the surface or groundwaters of the Willamette Basin for any uses except those for which the waters are classified. A classification does not affect legal uses existing on the date of adoption or alteration of the classification.

(4) "Commission" means the Water Resources Commission.

(5) "Commercial Use" means use of water at a place where commodities or services are bought or sold or provided by an entity open to the public, such as a gas station, restaurant, motel, etc.

(6) "Department" means the Water Resources Department.

(7) "Director" means the Director of the Water Resources Department.

(8) "Domestic Use" includes domestic use, domestic use expanded and group domestic, as defined in OAR 690-11.

(9) "Fish Life Use" includes use of water to support natural or artificial propagation of fish and other aquatic life.

(10) "Groundwater Recharge" means the intentional addition of water to a groundwater reservoir where consistent with OAR 690-11.

(11) "Industrial Use" includes the use of water in the manufacture of a product and maintenance of industrial sites, facilities and buildings, and includes other related miscellaneous uses.

(12) "Irrigation Use" means the application of water to crops or plants by artificial means to promote growth or nourish plants.

(13) "Livestock Use" means the use of groundwater or diversion of water from the natural water course or storage of water for consumption by livestock or wildlife.

(14) "Mining Use" means the use of water to extract metals or minerals including placer mining as defined in OAR 690-11 and leaching operations.

(15) "Municipal Use" means the delivery and use of water through the water service system of an incorporated municipality or a nonprofit corporation and includes quasi-municipal uses as defined in OAR 690-11.

(16) "Pollution Abatement" means the use of water to remove or dilute pollutants or achieve water quality standards.

(17) "Power" means the use of water for electrical or mechanical power or for operation of a hydraulic ram where such uses are consistent with OAR 690-51.



(18) "Public Instream Use" means the public use of water where there is no diversion or other means of physical control over the water. Public instream uses include, but are not limited to, recreation, conservation, maintenance and enhancement of aquatic and fish life, wildlife, fish and wildlife habitat, wetlands other than those referred to in section (21) of this rule and any other ecological values, pollution abatement or navigation.

(19) "Recreation Use" means the use of natural or stored water to provide recreation uses as defined in OAR 690-11.

(20) "Storage Season" means the time period during which reservoirs may be filled.

(21) "Wetland Enhancement" means the diversion or control of surface or groundwater for the purpose of mitigating, constructing, enhancing and/or maintaining wetlands.

(22) "Wildlife Use" includes use of water by or for sustaining wild animal species and their habitats.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

### Policies

690-502-020 Water Resources Commission and Department activities which affect the waters of the Willamette River Basin shall be compatible with the policies established in this rule. Surface water allocation, groundwater management, municipal and domestic water systems, reservoir coordination, conservation and land use coordination are important issues in the Willamette Basin. The Commission's policies on these issues are as follows:

(1) Surface water allocation:

(a) Protect undeveloped streams with instream values for public instream uses;

(b) Seek a balance in the future appropriation of water between instream and total out-of-stream uses on those streams already significantly developed for out-of-stream purposes;

(c) Preserve opportunities for future economic development by reserving water for future use;

(d) Minimize the likelihood of over-appropriation due to new uses;

(e) Manage stored waters which have been released for instream purposes to meet flow needs reflected in established instream water rights;

(f) Allow irrigation use for the longest period possible between March 1 and October 31 provided sufficient water is available.

(2) Groundwater management:

(a) Prevent excessive water level declines, restore aquifer stability in areas of decline and preserve with limited storage capacity for designated uses;

(b) Identify low-yield aquifers and inform local agencies of probable groundwater capacity limitations for some uses;

(c) Ensure safe municipal and domestic groundwater supplies by participating with the Department of Environmental Quality and the State Health Division in a formal monitoring program to document changes in quality and provide data for aquifer management;

(d) Minimize impairment of surface water uses resulting from hydraulic connection between groundwater and surface water;

(e) Encourage the development of programs for making groundwater resource information available to the public and local agencies.

(3) Municipal and domestic water systems: Support coordinated water service planning and consolidation by water purveyors to preserve and protect adequate and safe drinking water supplies for human consumption in the Willamette Basin.



(4) Reservoir coordination:

(a) Promote funding to study and implement the Willamette River Basin Review Study reconnaissance phase recommendations with significant potential to assist the state in meeting its resource management objectives;

(b) Formalize reservoir operation guidelines with the Corps of Engineers to meet state water management objectives and enter into a memorandum of understanding or other agreement that defines the reservoir coordination process and water management objectives.

(5) Water conservation:

(a) Implement programs to eliminate wasteful water use;

(b) Improve the efficiency of water use through implementation of voluntary conservation measures;

(c) Give priority to developing subbasin conservation plans and providing public assistance in areas of known over-appropriation of surface water and groundwater and in water quality problem areas as listed by the Department of Environmental Quality.

(6) Land use coordination: Promote effective state and local water resource planning and protection and efficient water use through coordination with land use programs.

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

### Objectives

690-502-030 The objectives of the Commission in managing the waters of Willamette Basin are to:

(1) Retain minimum perennial streamflows as provided in OAR 690-502-050 to 690-502-150 until the process for conversion to instream water rights is completed.

(2) Promote public instream uses and values in headwaters streams exhibiting high instream values.

(3) Meet public instream needs for fish life, wildlife, recreation and pollution abatement.

(4) Protect instream values in state scenic waterways as described in ORS 390.835 and support management of national wild and scenic rivers.

(5) Minimize the potential of future permits to over-appropriate water.

(6) Consider reservations for future uses within the context of planned and reasonably expected mixes of land uses and economic development in the basin or subbasin(s) consistent with the public interest. Establish reservations that provide for appropriate mix(es) of future uses as established by local or regional plans; e.g., comprehensive plans, water supply plans, economic development plans, urban reserves, and other relevant resource development and protection plans. Generally, design, condition or subordinate reservations such that water can be allocated to meet future municipal and irrigation needs without disadvantaging either use in a way that is consistent with the public interest.

(7) Coordinate with the Department of Environmental Quality in efforts to meet total maximum daily loads in designated drainages by limiting new surface water appropriations during the low-flow season and placing conditions on permits requiring efficiency measures. These drainages include, but are not limited to, the Coast Fork of the Willamette, Tualatin, Yamhill, Pudding, Rickreall Creek and Columbia Slough.

(8) Increase basinwide water use efficiency.

(9) Coordinate with the Northwest Power Planning Council in meeting the objectives of the "protected areas" designation when evaluating hydroelectric permit applications.



(10) Protect and encourage use of water which sustains economic development.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92

#### General Provisions

690-502-040 (1) Water availability: The classifications in OAR 690-502-050 through 690-502-150 limit access to natural streamflow during periods when remaining available supplies are insufficient to meet existing water rights and public instream uses 80 percent of the time. When improved water availability data show that there is insufficient natural flow to support a classification, any permit issued shall further restrict or condition the time of use to when water is available.

(2) Limited licenses: The uses of surface water for which limited licenses may be issued are prescribed in ORS 537.143(1). Applications for limited licenses may be accepted in the Willamette Basin unless expressly prohibited by statute, order of the State Engineer or the Commission, or by the classifications in OAR 690-502-050 through 690-502-150.

(3) Surface water applications: Applications to use surface water filed after April 18, 1991, shall be processed under the classifications established in OAR 690-502-050 through 690-502-150. Applications filed on or before April 18, 1991, shall be processed under the classification in effect at the time of the application.

(4) Storage:

(a) Unless expressly prohibited by statute, order or administrative rule, the surface waters of the Willamette River and tributaries are classified for storage from November 1 to June 30. A storage permit may be issued for a shorter time period and/or conditioned based on water availability or compatibility with other uses and needs;

(b) Secondary applications to maintain reservoir levels throughout the year may be processed if the proposed use is consistent with the classification;

(c) Water legally stored may be released or used at any time for any beneficial purpose, such as domestic, livestock, irrigation (during the irrigation season as specified in section (6) of this rule), agricultural, commercial, municipal, industrial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement, public instream uses and uses allowed under a limited license.

(5) Groundwater recharge: Use of surface water to recharge groundwater shall be subject to the same limitations and season as specified in section (4) of this rule. Use of groundwater from one aquifer to recharge another shall be allowed only if consistent with the classification of the providing aquifer as specified in OAR 690-502-160.

→ (6) Expanded irrigation season: Unless expressly limited by statute, court decree, order, administrative rule (including classification, except for use of stored water), water availability or any other permit condition, an irrigation season of March 1 to October 31 shall apply to future permits for primary and supplemental irrigation.

(7) Conservation: The Department shall require that special conservation and water use efficiency conditions be employed when permitting the use of water from the Columbia River Basalt Group, low-yield aquifers and water quality limited streams.

Stat. Auth.: ORS 536.220, 536.300, 536.310, 536.340, 536.410, 537.170, 537.356 & 537.358

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92; WRD 12-1992, f. & cert. ef. 9-9-92



### Main Stem Willamette River Subbasin

690-502-050 The Main Stem Willamette River Subbasin includes the Willamette River from Willamette Falls near river mile 27 in Oregon City to the confluence of the Middle Fork and Coast Fork Willamette south of Springfield. Stream systems which are tributary to the Willamette River main stem above Willamette Falls are included in the subbasin, except for the major tributary subbasins specified in OAR 690-502-060 through 690-502-150:

(1) Surface water classification:

(a) The following streams and tributaries are withdrawn from further appropriation except storage:

(A) Second Periwinkle Creek (also known as Cox Creek and Ash Creek) and tributaries near Willamette River mile 118 at Albany are withdrawn from further appropriation by order of the State Engineer dated November 20, 1950;

(B) Croisan Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(C) Pringle Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated August 4, 1950;

(D) Mill Creek and tributaries near Willamette River mile 84 at Salem are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950;

(E) An unnamed stream and tributaries flowing through Section 24, Township 6 South, Range 4 West, Willamette Meridian, a tributary to Spring Valley Creek in Section 19, Township 6 South, Range 3 West, Willamette Meridian, are withdrawn from further appropriation by order of the State Engineer dated August 18, 1950;

(F) Corral Creek and tributaries near Willamette River mile 40 are withdrawn from further appropriation by order of the State Engineer dated August 7, 1951;

(G) Hatlin Creek and tributaries tributary to Potter Creek near Oregon City are withdrawn from further appropriation by order of the State Engineer dated September 22, 1950.

*Not for irrigation*  
(b) The Willamette River main stem down-stream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses;

(c) The Willamette River main stem upstream from the west line of Donation Land Claim 55 in T11S, R4W, upstream from the mouth of the Calapooia River near Albany, to the confluence of the McKenzie and Willamette Rivers, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31;

(d) The Willamette River main stem above the confluence with the McKenzie River to the confluence of the Middle and Coast Forks of the Willamette River, except as otherwise specified in subsection (a) of this section, is classified for domestic, livestock, municipal, industrial, agricultural, commercial, power, mining, recreation, fish life, wildlife, pollution abatement, wetland enhancement and public instream uses from November 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through October 31;



(e) Except as specified in subsection (1)(a) of this rule, tributaries of the Main Stem Willamette River Subbasin are classified for domestic, livestock, municipal, industrial, irrigation, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through June 30, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from July 1 through August 31.

(2) For the purpose of maintaining a minimum perennial streamflow sufficient to support aquatic life and to minimize pollution and of attaining the highest and best use of waters released from storage, no appropriations of water except for domestic or livestock uses or waters to be legally stored or legally released from storage shall be made or granted by any state agency or public corporation of the state for the following waters and as shown in Table 1:

(a) The Willamette River or its tributaries above USGS Gage 14174000 (SW 1/4 Section 6, Township 11 South, Range 3 West) at Albany, Oregon, for natural flows of the Willamette River below 1,750 cubic feet per second plus waters released from storage of up to 3,140 cubic feet per second measured at the aforementioned gage;

(b) The Willamette River or its tributaries above USGS Gage 14191000 (SW 1/4 Section 22, Township 7 South, Range 3 West) at Salem, Oregon, for natural flows of the Willamette River below 1,300 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(c) The Willamette River or its tributaries above USGS Gage 14198000 (SE 1/4 Section 23, Township 3 South, Range 1 West) at Wilsonville, Oregon, for natural flows of the Willamette River below 1,250 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at the aforementioned gage;

(d) The Willamette River or its tributaries above Willamette Falls at Oregon City for natural flows of the Willamette River below 1,500 cubic feet per second plus waters released from storage of up to 4,700 cubic feet per second measured at or near said Willamette Falls and maintained to the mouth.

[ED. NOTE: Table 1 referenced in this rule is not printed in the OAR Compilation. Copies may be obtained from the Water Resources Department.]

Stat. Auth.: ORS 536.300 & 536.340

Hist.: WRD 4-1992, f. & cert. ef. 3-13-92

#### **Middle Fork Willamette River Subbasin**

**690-502-060** The Middle Fork Willamette River Subbasin includes the Middle Fork Willamette River and tributaries upstream from its confluence with the Coast Fork Willamette River south of Springfield:

(1) Surface water classification:

(a) The North Fork of the Middle Fork Willamette River, from a point one mile upstream from the railroad bridge near Westfir to its headwaters, and Waldo Lake, are designated state scenic waterways. These waters and tributaries are classified only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses;

(b) Except as otherwise specified in subsection (c) of this section, the Middle Fork of the Willamette River and tributaries below Dexter Dam are classified for domestic, livestock, municipal, irrigation, industrial, agricultural, commercial, power, mining, fish life, wildlife, recreation, pollution abatement, wetland enhancement and public instream uses from September 1 through January 31, and only for domestic, commercial use for customarily domestic purposes not to exceed 0.01 cfs, livestock and public instream uses from February 1 through August 31;



Application No. 73837  
Land Use Information Form: Permits, Hydroelectric Licenses, Water Uses in  
Addition to Classified Uses

This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. The Water Resources Department will use this and other information to evaluate the water use application. DO NOT FILL OUT THIS FORM IF water is to be diverted, conveyed, and/or used only on federal lands.

Applicant's Name: Montecucco Farms  
Address: 4120 N. Locust Rd.  
City: Canby State: OR Zip: 97013 Day Phone: (503) 263-6066

Please provide information as requested below for all tax lots on or through which water will be diverted or used. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot or Local I.D.#	Plan Designation/Zoning (e.g. Rural Residential/RR-5)	Check All That Apply		
		Water Diverted	Water Conveyed	Water Use
<u>Sec 20, 21, 28, 29</u>	<u>GAD + RRFF-5 402 + 309</u>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<u>T. 3 S R 1 E</u>				

Please list all counties and cities within which water is proposed to be diverted, conveyed, and/or used.

The following section must be completed by a planning official from each county and city listed unless your project will be located entirely within city limits. In this case, only the city planning agency must complete this form. Please request extra forms as needed.

**For Local Government Use Only**

Local planning officials are to complete the remainder of this form. If it cannot be completed while the applicant waits, sign and detach the receipt as instructed below. You will receive notice when the applicant's water right request is filed with the Water Resources Department (WRD). You will have 30 days from the notice date to return this completed land use form to WRD. If no land use information is received from you within that period, WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan.

a) Check the appropriate box below and provide requested information.

☒ Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 + 309. Go to section b) on reverse side.

☐ Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. Note: Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action plus any accompanying findings is sufficient.)

Type of Land Use Approvals Needed (e.g.: plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Please check the box that applies:		
		Already Obtained	Already Denied	Being Pursued Satisfactorily

(over)

**Receipt for Request for Land Use Information**

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

This receipt must be signed by a local government representative and returned to the applicant for inclusion in the WRD application IF the local government cannot provide the above requested land use information while the applicant waits.

City or County: \_\_\_\_\_

Staff Contact: \_\_\_\_\_ Phone: \_\_\_\_\_

Signature: \_\_\_\_\_ Date of Information Request: \_\_\_\_\_







The person presenting  
the attached request for  
land use information is  
applying for a water right.

---

WATER  
RESOURCES  
DEPARTMENT

---

The Water Resources

Department (WRD) requires its  
applicants to obtain land use  
information to be sure water rights do  
not result in land uses that would  
violate your comprehensive plan.

WRD will not accept applications  
which are not accompanied by this  
completed land use information form  
or the signed, dated receipt stub  
detached from the bottom of the land  
use information form.

You will receive notice once the  
applicant formally submits his or her  
request to WRD. The notice will give  
more detailed information about  
WRD's water rights process and  
comment opportunities.

If you give the applicant the receipt stub  
in lieu of completing the form, you will  
have 30 days from the date of the notice  
mentioned above to complete the form  
and return it to WRD. If no land use  
information is received from you  
within that 30 day period, WRD may  
presume the land use associated with  
the proposed water right is compatible  
with your comprehensive plan.

Your attention to this request for  
information is greatly appreciated by  
both the applicant and WRD. If you  
have questions concerning  
the form, please contact  
WRD at 378-3739.





# Description of Water Use

**Note to Applicant:** This sheet will provide local planning staff with a basic description of your proposed water use. Please fill out this sheet before bringing the attached land use form to your local planning office. It will help local planning offices complete your land use information form quickly.

**Note to Local Planning Officials:** Please initial this sheet. Do not separate it from the land use information form. If needed, please make a separate copy for your records.

Applicant Name: Montecucco Farms  
 Address: 4120 N. Locust Rd.  
Canby, OR 97013  
 Phone: (503) 263-6066

**RECEIVED**

JAN 04 1994

WATER RESOURCES DEPT.  
 SALEM, OREGON

Please indicate what you will use the water for. Check all boxes that apply and fill in the blanks with key characteristics of the project

- ☒ Irrigation (crop type, golf course, nursery or greenhouse): \_\_\_\_\_
- ☐ Livestock (type of livestock, feedlot, slaughterhouse): \_\_\_\_\_
- ☐ Residential (# units, single or multi-family, # lots if partition or subdivision): \_\_\_\_\_
- ☐ Commercial (i.e., retail, office, restaurant, gas station, hotel, service, etc.): \_\_\_\_\_
- ☐ Industrial (i.e., factory, pulp mill, research and development, processing, etc.): \_\_\_\_\_
- ☐ Institutional (i.e., school, library, etc.): \_\_\_\_\_
- ☐ Mining (aggregate, metal, open pit, placer, etc.): \_\_\_\_\_
- ☐ Recreation (park, campsite, pond, etc.): \_\_\_\_\_
- ☐ Fish and Wildlife (pond, hatchery, etc.): \_\_\_\_\_
- ☐ Hydropower (dam, reservoir, power generating or transmitting facilities): \_\_\_\_\_
- ☐ Other (Name and list key characteristics): \_\_\_\_\_

Indicate sources for the proposed water use below:	Indicate the estimated quantity of water the use will require.
<input checked="" type="checkbox"/> Surface Water Name sources: <u>Bur. of Rec. storage</u>	_____ Cubic feet per second. _____ Gallons per minute. <u>321.92</u> Acre-Feet
<input checked="" type="checkbox"/> Reservoir or pond	
<input type="checkbox"/> Ground Water	



# PFO CHECKLIST

V 25 Willamette R  
N 1/2 of Misc

Application #: 5-73837

Basin: Willamette

WAB: \_\_\_\_\_

Township 3S Range 1E Section 20, 21, 24, 29 1/4 1/4 \_\_\_\_\_

- ✓ 1. Is the file complete by the Completeness Checklist?
- ✓ 2. Check file for indicators that the process **should not** continue until a later date (ie - protest, items (other than oath) missing from the completeness check, letter to file indicating hold, or other) No
- N/A 3. A groundwater review has been evaluated for substantial interference with surface water (convert old gw conditions to the 7 series and add to the PFO, if necessary)  
    a. Is second groundwater review necessary? (objection, in or within a mile of a scenic waterway)
- ✓ 4. Is the source withdrawn or limited? - State Engineer, Legislative (ORS 538), etc. No
- ✓ 5. Is the Proposed Use located in or above a Scenic Waterway? No
- ✓ 6. Is the proposed use located in a TMDL Basin? (Tualatin, Yamhill, Pudding) No
- ✓ 7. Is the use allowed or limited by the Basin Program? from Stored Water only
- N/A 8. If source is groundwater, is the well located in a groundwater limited area?
- ✓ 9. Basin Maps (metal cabinet) have been checked and River Mile (34) has been identified
- ✓ 10. Stored water only Water Availability Data has been verified (50% before July 17, 1992; 80% live flow & 50% storage after July 17, 1992)
- ✓ 11. Rate to Duty 2.5 Irrigation Season March - Oct
- ✓ 12. Period of Allowed Use April 1 - Sept 30 by Contract
- ✓ 13. Is use from a B.O.R. project and if so, is a signed contract in the file? Signed Contract in file
- N/A 14. Division 33 has been addressed - if applicable (Above Bonn after July 17, 1992 & Below Bonn after April 30, 1994 or June 3, 1994)
- ✓ 15. Have conflicts been identified, verified and/or addressed? Same POD, Same lands
- ✓ 16. Is the use Small ( $\leq 0.1$  cfs,  $\leq 9.2$  AF), Medium ( $> 0.1$  or  $< 1.5$  cfs,  $> 9.2$  or  $< 100$  AF) or Large ( $> 1.5$  cfs,  $\geq 100$  AF)? Large
- ✓ 17. Check TR/IR for permit conditions not included in the Draft Permit attached to the PFO
18. Check accuracy of information merged into the PFO report (674 dump, names, dates, period of allowed use, POD's, POU's, rates)
19. Spell Check
- ✓ 20. Watermaster District #: 16
- ✓ 21. Regional Office (NWR, NCR, ER, SCR, or SWR): Tom Paul
- ✓ 22. Documents used in determination are attached and highlighted
- ✓ 23. Fill out PFO CC List (a.k.a. the Check-Off Sheet) - don't forget to check for other property owners.
- ✓ 24. Does Ken Stahr need to be on the CC list (Rate, Duty and Period of Allowed Use changes) Yes
25. Final PFO has been saved to m:\t\pfo\work\application #

Primary - 101.2 ac = 253 ac-ft max  
 Supp. - 167.84 ac = 419.6 ac-ft max  
 asking for  
 Primary - 253 ac-ft  
 Supp - 195.72 ac-ft  
 No ODFW  
 Letter

Name: Laura Smedaker Date: 12-20-95



~~Atty. & Atty~~ <sup>other</sup> owner

Dale & June Ball

3019 N. Holly St

Canby OR 97013

Robert & Shirley Peebles

614 NW 22nd Ave

Canby OR 97013

Bruce & Kathleen Parker

3460 N. Holly St.

Canby OR 97013

Wayne S. Klem - Public Works

City of Canby Director

182 N. Holly St.

PO Box 930

Canby OR 97013

Clackamas County

Dept of Transportation & Development

902 Abernathy Rd

Oregon City 97045

County Seat

Clackamas

916 Main St.

OR City 97045

655-8581



January 10, 1994

MONTECUCCO FARMS  
4120 LOCUST RD  
CANBY, OR 97013

REFERENCE: File(s) S-73837

We have received your application(s) for a water use permit along with your supporting data, documentation, and fees. A receipt is enclosed here unless you were previously issued one. Your application has been assigned the above referenced file number. Please refer to this number whenever you contact us about your application.

Even though your application has been received, filed and assigned an application reference number, no authorization has been granted to develop your water use. The filing of an application does not create a water right. Water may not be used without a water right permit.

After an application has been accepted for filing, public notification of the application is made, followed by the mandatory 30-day comment period. Thereafter, applications can be considered for processing as time allows.

At present the Water Resources Department has a backlog of several thousand applications for water use permits which has delayed our application processing time. Applications are processed in the order in which they are received.

The processing of an application does not guarantee that a water right permit will be issued. Each application must undergo a specialized analysis called a technical review and a public interest review. There is no way to determine at this time whether your particular proposed water use will be recommended for a permit.





REFERENCE: File(s) - S-73837

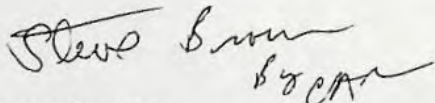
When the report on the technical review is completed and sent to you, a 60-day objection period begins during which you, the applicant, or anyone who has expressed an interest in your proposed water use may communicate to us their disagreement with what we have said in our report on your application. After the 60-day objection period, the Department conducts the public interest review and considers any objections which have been made.

After any objections have been considered, there may follow time to allow parties to resolve conflicts over the proposed water use. In addition, a 30-day protest period may be required. Lastly, it may be necessary to schedule a hearing or send the application to the Water Resources Commission for their review. In most cases no objections are received and the application processing can proceed without further conflict resolution, protest, or hearing.

If your application is recommended for approval and a permit is issued, the use allowed by the permit will be subject to the Basin Program Rules of the Water Resources Commission, instream flow requirements, and the demands of prior right holders, and other conditions to conform the water use to particular standards.

Please contact the Water Rights Section of the Water Resources Department if you have any questions. You may write to us at 3850 Portland Road, Northeast, Salem, Oregon 97310 or you may call 378-3739 in Salem or toll free from within the state 1-800-624-3199.

Sincerely,

A handwritten signature in cursive script that reads "Steve Brown".

Steve Brown  
Manager  
Water Rights Division

cc:CWRE



## CONTRACT DATA SHEET

- WATER RESOURCES DEPT  
SALEM, OREGON



Name: GEORGE DES BRISAY

RT 3 BOX 375  
CANBY, OR 97013

County : CLACKAMAS  
Status : CANCELLED  
Certificate type: RR  
Certificate date: 7/29/1971

Application: S 27090  
Permit : S 21320  
Certificate: 37650  
Supersedes certificate: 22527

Related documents:  
Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
MOLALLA R > WILLAMETTE R	IR	P	4/16/1952	1.9800CFS	3 S 1 E 20 NWSE		C

Legal description: 4200 FT N & 2610 FT W FM E1/4 COR, S2S  
Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

MOLALLA R > WILLAMETTE R	IR	A	4/16/1952	1.9800CFS	3 S 1 E 29 NENW		C
--------------------------	----	---	-----------	-----------	-----------------	--	---

Legal description: 1450 FT N & 3160 FT W FM E1/4 COR, S2S  
Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	3 S 1 E 20 NESW	5	1.600	C
	IR	P	3 S 1 E 20 SESW		13.500	C
	IR	P	3 S 1 E 20 NESE	8	12.000	C
	IR	P	3 S 1 E 20 NWSE	7	32.800	C
	IR	P	3 S 1 E 20 SWSE		29.200	C
	IR	P	3 S 1 E 20 SESE		13.400	C
	IR	P	3 S 1 E 29 NENE		2.400	C
	IR	P	3 S 1 E 29 NWNE		33.300	C
	IR	P	3 S 1 E 29 NENW		20.400	C



\*\*\* OREGON WATER RESOURCES DEPARTMENT \*\*\*

Select by certificate 40849

5/13/1994

Name: PAUL S MONTECUCCO

3610 N LOCUST ST  
CANBY, OR 97013

County : CLACKAMAS  
Status : NON-CANCELLED  
Certificate type: CF  
Certificate date: 9/ 3/1974

Application: S 27090  
Permit : S 21320  
Certificate: 40849  
Supersedes certificate: 22527

Related documents: 37650

Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
MOLALLA R > WILLAMETTE R	IR	P	4/16/1952	0.2900CFS	3 S 1 E 29 SENW		V

Legal description: 1850 FT S & 3090 FT W FM NE COR, S29

Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	3 S 1 E 29 NENE		15.200	V
	IR	P	3 S 1 E 29 NWNE		3.500	V
	IR	P	3 S 1 E 29 SENE		5.240	V



Name: PAUL/FRANCES MONTECUCCO

RT 3 BOX 414  
CANBY, OR 97013

County : CLACKAMAS  
Status : NON-CANCELLED  
Certificate type: OR  
Certificate date: 5/14/1971

Application: S 40816  
Permit : S 30409  
Certificate: 37527  
Supersedes certificate: 0

Related documents:  
Remarks :

Source	Use	P/S	Priority	Quantity	Location	LOT/DLC	Status
MOLALLA R > WILLAMETTE R	IR	P	4/29/1965	0.9800CFS	3 S 1 E 29 SENW		V

Legal description: 1850 FT S & 3090 FT W PM NE COR, S29  
Rate: 1/80 Limit: 2.5 AFT/acre/year Other limits:

Points of appropriations:	Use	P/S	Location	DLC/LOT	Acres	Status
=====	IR	P	3 S 1 E 28 SWNW		2.600	V
	IR	P	3 S 1 E 28 NWSW		29.400	V
	IR	P	3 S 1 E 29 NENE		15.300	V
	IR	P	3 S 1 E 29 SWNE		15.200	V
	IR	P	3 S 1 E 29 SENE		9.300	V
	IR	P	3 S 1 E 29 SENW		4.400	V



## TECHNICAL REVIEW CHECKLIST

1. Application: 73837
2. Review Date: 6/13/94 MM

S indicates information was completed or adequately addressed.

U indicates information is needed, or incomplete, or inadequately addressed

N/A indicates Not Applicable

## SUMMARY

S

Land Use

NA/yes/no

Substantial SW interference w/GW  
(if yes, see results of surface  
water availability analysis)

Conflicts

S

Water Availability (stored water)

(Water Availability Sub-basin)

U

The application, map and supporting  
data are complete and free of defects.

yes NA

A TMDL letter has been received for  
this source or tributary. If yes, the  
period of use has been adjusted.

see;  
written autho;  
- legal doc;  
- map of land.

3. S The applicant has certified that the information provided in the application is an accurate representation of the proposed use and is true and correct to the best of their knowledge.

4. NA No oath is required because application was filed before June 5, 1992.

5. U Application fees:

Examination fee:	\$ 200
Recording fee:	\$ 604
TOTAL REQUIRED	\$ 804
TOTAL SUBMITTED	\$ 200
AMOUNT DUE prior to issuance of permit	\$ 604
AMOUNT OVERPAID	
refund due applicant	\$

261.0402 .5

100 + 252 x 2 = 604



6. S Proposed dates of beginning and completion of construction, and complete application of water.
7. S A satisfactory map of the proposed place of water use prepared by a certified water right examiner, unless exempt under OAR 690-14-150(3). (A CWRE map is not required for applications filed before November 9, 1987.)
8. Y A written copy of the legal description of the property on which the water is to be used.
9. Y A copy of written authorization, contract or easement permitting access to the land or reservoir not owned by the applicant.
10. NA No statement of ownership was required for applications filed before August, 1990.
11. S The proposed use is not restricted or prohibited by statute.
12. S The source of water is not withdrawn from appropriation by order of the State Engineer or Water Resources Commission, or legislatively withdrawn under ORS Chapter 538.
13. S Irrig used & stored use(s) is/are classified uses(s) under the Willamette Basin Program, OAR 690 - 502 - 040 (4) (c)

**Land Use Compatibility:**

14. As expressed by the Planning Department of Amek Co.
15. S The land uses to be served by proposed water uses (including proposed construction) are allowed or are not regulated by the local comprehensive plan (ordinance section 402 & 300).
16. NA The land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals which have been obtained.
17. NA The local government was notified, and sent no comment pursuant to the rules at the time; land use was presumed in compliance per such statement printed on the application.

**For reservoir applications:**

18. NA Plans, specifications and supporting information for the dam and impoundment area.



June 15, 1994

Montecucco Farms  
4120 Locust Rd.  
Canby, Oregon 97031

Reference: File 73837

Hello:

Under separate cover I have enclosed our report of technical review. Your application file was recently reviewed. Before we can process your application further, you need to provide us with additional information, documentation, or fees.

Prior to issuance of the permit, we will need to receive total fees in the amount of \$804; being an examination fee of \$200.00, and permit recording fee for the irrigation of 261.04 acres of \$604. Since you have previously submitted \$200 an additional amount of \$604 is required.

In addition, please send the following:

a legal description of the property where you plan to use water (you may copy this from your deed, title insurance policy, or sales contract);

a copy of written authorization or easement permitting access to land not owned by you, the applicant;

a map prepared by a certified water rights examiner showing the land and acreage you intend to make both the primary and supplemental irrigation use on.

You have a conflicting water right situation on the property involved in the application. Ground Water Registration # 550, (GR Cert. # 484) covers some of the same land in the SWNW sec. 28 and SENE sec. 29. This problem must be resolved before a permit could be issued.

After the file is complete and the deadline for objections to the technical review expires, staff will again review the file for objections and further process your application as soon as possible.

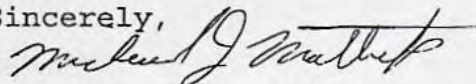


Commerce Building  
158 12th Street NE  
Salem, OR 97310-0210  
(503) 378-3739  
FAX (503) 378-8130



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

Sincerely,

A handwritten signature in cursive script, appearing to read "Michael J. Mattick".

MICHAEL J. MATTICK  
Water Rights Specialist

cc: Larry W. Jebousek, CWRE



B98

Application No. 73837  
Permit No. 52049

Name ... MONTECUCCO FARMS  
Address ... ~~4120 LOCUST RD~~ 4015 N. LOCUST ST.  
CANBY, OR 97013-9143

Assigned .....

Address .....

Beginning construction APR 18 1997

Completion of construction OCT 01 1998

Extended to .....

Complete application of water OCT 01 1999

Extended to .....



# WaterWatch

O F O R E G O N

RECEIVED

JAN 21 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Water Resources Department  
3850 Portland Rd. N. E.  
Salem, OR 97310

January 19, 1994

RE: Application for Permit #73837, Montecucco Farms  
Willamette R., Clackamas Co., Irrigation

WaterWatch has reviewed the limited amount of information contained in the public notice of this water right application. Based upon that information, WaterWatch raises the following issues, questions, and concerns:

Is there unappropriated water available for this proposed use? Does the Department have adequate data to accurately determine the 50% and 80% exceedence levels?

What effect will this proposed use have on instream flows necessary to protect the public's interest in fish, wildlife, recreation, and a healthy aquatic system?

This water source may suffer from water quality problems. Has the Department consulted with the Department of Environmental Quality to determine the effect this proposed withdrawal will have on water quality?

If this water source provides habitat to native fish during any phase of their life cycle, WaterWatch requests that the Department include conditions requiring the installation and maintenance of fish screening and bypass devices prior to any diversion of water.

Will this proposed diversion require a dredge & fill permit from the U. S. Army Corps. of Engineers, a fill and removal permit from the Division of State Lands, or a 401 certificate from the Department of Environmental Quality?

Given the importance of surface water sources, and the Department's limited enforcement staff, it only makes sense to require this applicant to measure and report water use. Measurement not only helps the Department carry out its statutory mandate to promote the control of water resources for all beneficial uses, it helps the Department protect the public's interest in assuring the use is within the bounds of the permit. ORS 536.220(1)(a), 537.170(5).

Will this proposed use be compatible with Goal 5 elements of the local comprehensive plan?

It is a high priority of the state to eliminate waste and improve the efficiency of water use. Statewide policy also calls upon water users to use and maintain their water systems in a manner consistent with the state's priority. What conditions are proposed for this permit that will carry out and encourage compliance with state policy?

Is this an existing illegal use of water? If so, will the continued use without a permit cause harm to existing water rights and the public interest?

Please send WaterWatch a copy of the Department's technical review of this application.

Sincerely,

WaterWatch of Oregon, Inc. 921 S.W. Morrison. Suite 438 Portland, Oregon 97205 (503) 295-4039  
bc: Jim Myron



DATE INITIALS

MINIMUM REQUIREMENTS TO FILE

Name and mailing address  
Source of water  
Quantity of water  
Location of project  
Use of water  
Signature of applicant  
Allowable use by policy  
State Engineer withdrawal  
Legislative withdrawal  
Land use approved \_\_\_\_\_ pending \_\_\_\_\_

FIELD OPERATIONS

Application date stamped per money receipt date  
Stream Indexed  
Stream Code \_\_\_\_\_  
Scenic Waterway \_\_\_\_\_

Findings:

- 1) Concluded - Scenic-Reg Ack letter
- 2) Under Study - Scenic-Ack letter
- 3) Basin 2 - Willamette-Ack letter

Plat Carded and copy made YES NO

Conflicts (well \_\_\_\_\_ surface \_\_\_\_\_)

Prior ISWR # \_\_\_\_\_

Within Irrigation District \_\_\_\_\_ (name)

Notified \_\_\_\_\_

District excerpt received \_\_\_\_\_

Entered in Paradox \_\_\_\_\_

Prepare six copies of Draft Permit \_\_\_\_\_

Send one copy to Data Center \_\_\_\_\_

SUPPORT SERVICES

Stamp contents with application number  
Mail/Provide copies of draft permits to DEQ, ODFW,  
PARKS, AND WATERMASTER

Mail ack letter (provided by Data Center) with  
receipt to applicant, cc to CWRE and file

Place label on file and card

If dam is over 10 feet or storage exceeds 9.2 AC-FT,

route file to Dam Safety Section

Notify Irrigation District

FIELD OPERATIONS

YES NO

Ownership Statement \_\_\_\_\_

Name and address of all owners \_\_\_\_\_

Other landowners notified \_\_\_\_\_

Legal Description \_\_\_\_\_

Need Commission review \_\_\_\_\_

Requests greater than 5.0 cfs \_\_\_\_\_

Dam height greater than 20 feet \_\_\_\_\_

Storage greater than 100 acre-feet \_\_\_\_\_

Out of Basin diversion \_\_\_\_\_

Groundwater recharge project \_\_\_\_\_

Other substantial public interest \_\_\_\_\_

GW comments received \_\_\_\_\_ resolved \_\_\_\_\_

ODFW comments received \_\_\_\_\_ resolved \_\_\_\_\_

DEQ comments received \_\_\_\_\_ resolved \_\_\_\_\_

Interest Groups \_\_\_\_\_

Water availability received \_\_\_\_\_

Objections received \_\_\_\_\_ resolved \_\_\_\_\_

Protest received \_\_\_\_\_ resolved \_\_\_\_\_

Management Codes \_\_\_\_\_

EXAMINATION FEE: \_\_\_\_\_

RECORDING FEE: \_\_\_\_\_

REMARKS: \_\_\_\_\_

TOTAL: \_\_\_\_\_

REFUND: \_\_\_\_\_

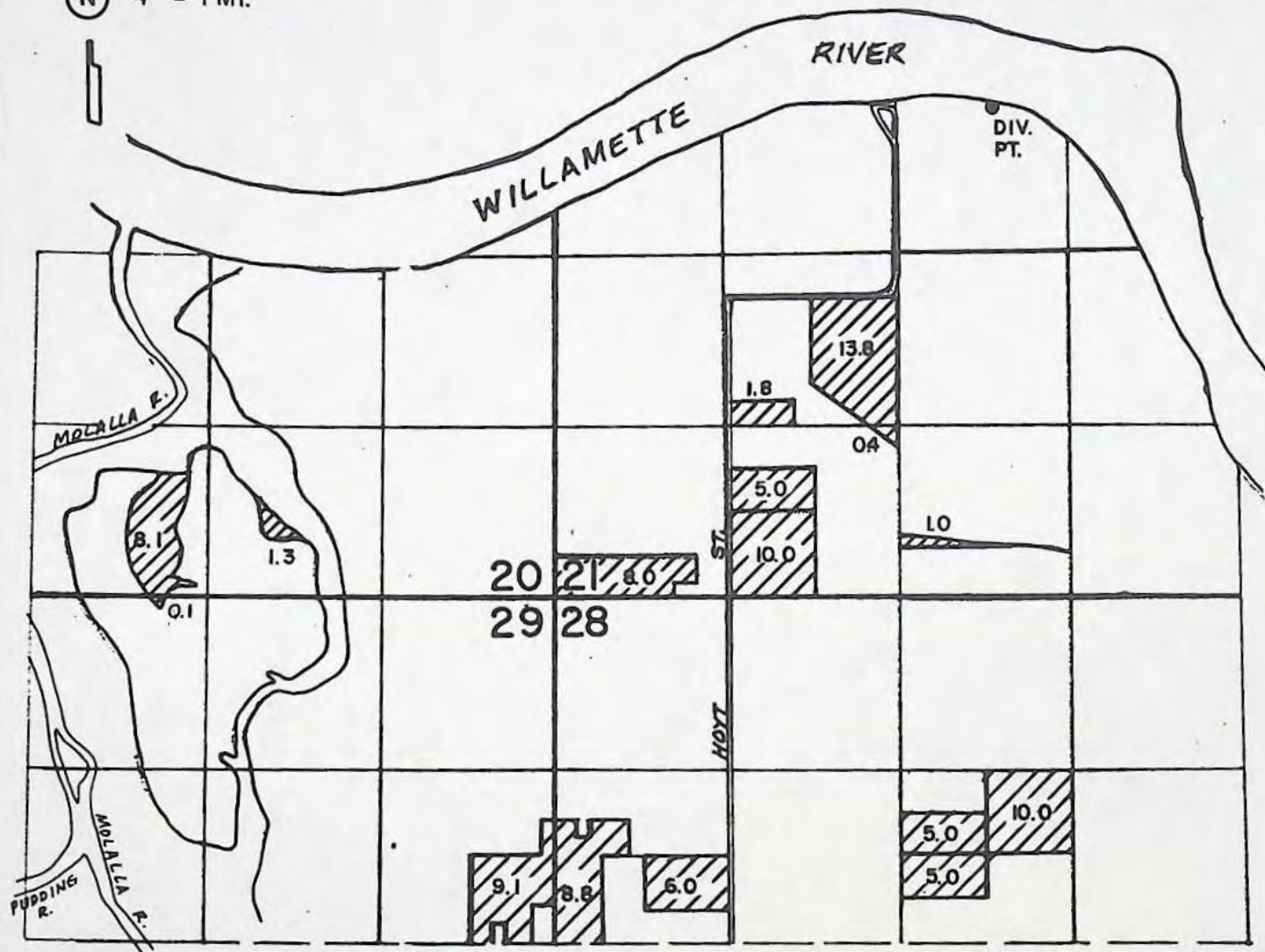
DEFICIENT: \_\_\_\_\_



T. 3 S. R. 1 E. W. M.



N 4" = 1 MI.



PRIMARY FROM RIVER

DIV. PT. LOC. 3800' N. &  
3410' E. FROM NE COR.  
SEC. 29

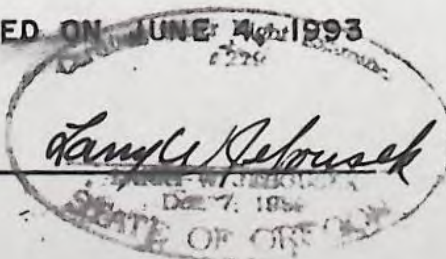
Application No. 73837  
Permit No. *Superseded*

WATER RIGHT MAP FOR

MONTECUCCO FARMS

SURVEYED ON JUNE 4, 1993

BY:



RECEIVED

JAN 04 1994

WATER RESOURCES DEPT  
SALEM, OREGON



MONTECUCCO FARMS

OREGON WATER RESOURCES DEPARTMENT

31 Aug '94

3973

Licenses & Fees

604.00

RECEIVED

SEP - 1 1994

WATER RESOURCES DEPT.  
SALEM, OREGON

Checking & MMkt

BAL DUE - PERMIT & REC FEE

\*\*\*\*\*604.00



**STATE OF OREGON  
WATER RESOURCES DEPARTMENT**

RECEIPT # **116195**

158 12TH ST. N.E.  
SALEM, OR 97310-0210  
378-8455 / 378-8130 (FAX)

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

RECEIVED FROM: MONTECUCCO FARMS

BY: \_\_\_\_\_

APPLICATION	73837
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 24-22 OTHER: (IDENTIFY) ☐

TOTAL REC'D	\$ <u>604.00</u>
-------------	------------------

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

COST CENTER AND OBJECT CLASS

CASH ACCT.

VOUCHER #

\$
----

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS**

840.001	COPY FEES	\$
850.200	RESEARCH FEES	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

**WATER RIGHTS:**

842.001	SURFACE WATER	\$	842.002	\$ <u>604.00</u>
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

**WELL CONSTRUCTION**

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
_____	LANDOWNER'S PERMIT	\$	842.024	\$

OTHER (IDENTIFY) \_\_\_\_\_

**06-00-0 WELL CONST. START FEE**

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

OTHER (IDENTIFY) \_\_\_\_\_

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$

HYDRO APPLICATION \_\_\_\_\_

\$
----

RECEIPT # **116195**

DATED: 9-1-94 BY: [Signature]

Distribution-White Copy-Customer, Yellow Copy-Fiscal, Blue Copy-File, Buff Copy-Fiscal



RECEIPT # **108503**

STATE OF OREGON  
WATER RESOURCES DEPARTMENT

3850 PORTLAND ROAD NE

SALEM, OR 97310

378-8455 / 378-8130 (FAX)

RECEIVED  
OVER THE COUNTER

RECEIVED FROM: Montezuma Farms  
BY: \_\_\_\_\_

APPLICATION	73837
PERMIT	
TRANSFER	

CASH: ☐ CHECK: # 2422 OTHER: (IDENTIFY) ☐

TOTAL REC'D \$ 405.00

**01-00-0 WRD MISC CASH ACCT**

842.010	ADJUDICATIONS	\$
831.087	PUBLICATIONS / MAPS	\$
830.650	PARKING FEES Name / month	\$
_____	OTHER: (IDENTIFY)	\$

**REDUCTION OF EXPENSE**

CASH ACCT.	\$
VOUCHER #	

COST CENTER AND OBJECT CLASS

**03-00-0 WRD OPERATING ACCT**

**MISCELLANEOUS:**

840.001	COPY FEES	\$
850.200	RESEARCH FEEDS	\$
880.109	MISC REVENUE: (IDENTIFY)	\$
520.000	OTHER (P-6) (IDENTIFY)	\$

**WATER RIGHTS:**

842.001	SURFACE WATER	\$	842.002	\$
842.003	GROUND WATER	\$	842.004	\$
842.005	TRANSFER	\$	842.006	\$

**WELL CONSTRUCTION**

842.022	WELL DRILL CONSTRUCTOR	\$	842.023	\$
_____	LANDOWNER'S PERMIT		842.024	\$

OTHER (IDENTIFY) \_\_\_\_\_

**06-00-0 WELL CONST START FEE**

842.013	WELL CONST START FEE	\$	CARD #	
_____	MONITORING WELLS	\$	CARD #	

**45-00-0 LOTTERY PROCEEDS**

864.000	LOTTERY PROCEEDS	\$
---------	------------------	----

**07-00-0 HYDRO ACTIVITY**

LIC NUMBER

842.011	POWER LICENSE FEE (FW/WRD)	\$
842.115	HYDRO LICENSE FEE (FW/WRD)	\$

HYDRO APPLICATION \_\_\_\_\_ \$

RECEIPT # **108503**

DATED: 1/4/99

BY: Pay Engr



NUMBER

97314

Check 604. NO                      Cash                     

-----

X Surface Application 0/4

           Reservoir Application

           Ground Water Application

           Transfer Application

           Power Claim

           Hydroelectric Examination

           Hydroelectric License

           Copying

           Assignment

           Extension of Time

           Other

           P-6

           Quadrangle

           Basin

           Protest

           Constructors Examination

           Constructors License

           Adjudication

73837

Refute