



TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
EMAIL: billkness@stuntzner.com

2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

**COOS BAY - FOREST GROVE - DALLAS - BROOKINGS**

May 5, 2008

Ms. Brook Geffen  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1271

Re: Olsen Agriculture Water Rights Application G-17017

Dear Ms. Geffen:

We are submitting this letter on behalf of Olsen Agriculture to request a change to the above referenced ground water application. Based on data collected during a 4/18/08 well test of the on-site well (#4903) completed by Stutzman Services, Inc., the well was able to sustain a 16 gpm rate compared with the initial 13 gpm rate documented by the driller via their air test. A copy of Stutzman's well test documentation is attached.

Because this well may be able to sustain a higher production rate than the 13 gpm documented in *Section 4 - Water Use* of the application, we are requesting that the "Total rate of water requested (in gpm)" [Section 4.B.], the "Production rate of well (in gpm)" [Section 4.B.], and the "Maximum Rate of Use Requested" [Section 4.C.] all be changed to 16 gpm. This request includes changing the "Total annual quantity (in gallons)" to 5,240,000 gallons from the 4,580,000 gallons currently on the application. This requested change to the total annual quantity is based on an increase to the "irrigation" use since irrigation is the only use that would be limited by the well production rate.

Please contact us with any questions or comments. Thanks.

Sincerely,  
Stuntzner Engineering & Forestry, LLC

A handwritten signature in black ink that reads "William Kness".

William Kness, PE, PLS

Cc: Mr. Jim Guynn, Olsen Agriculture

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WATER RESOURCES DEPT  
SALEM, OREGON

# STUTZMAN SERVICES INC

4185 Spicer Dr. SE • Albany, OR 97322

Simply the Best

Ph: (541) 928-8942 • Fx: (541) 928-6604

Visit us on the web: [www.StutzmanServices.com](http://www.StutzmanServices.com)

Send us an email: [info@StutzmanServices.com](mailto:info@StutzmanServices.com)

Olsen Agriculture  
Mulkey Hill Property

Well Tag #89020 [Well Number 4903] 4/18/08

Installed test pump and performed test on well to see what well would sustain for 1 hour. Pulled test pump back out of well and collected water samples.

At test start up the pump produced 40+ gpm for approximately 10min then pulled the water level down to the pump intake. Well produced and sustained 16gpm for 1 hour.

Test pump used - Goulds 33GS30-412 (3hp, 33gpm)

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SALEM OREGON

-17017



**2. PROPERTY OWNERSHIP**

Do you own all the land where you propose to divert, transport, and use water?

- Yes (Skip to section 3 "Ground water Development.")
- No (Please check the appropriate box below.)
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigated and/or domestic use only (ORS 274.040).

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

List the names and mailing addresses of all affected landowners.

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**3. GROUND WATER DEVELOPMENT**

**A. Well Information**

Number of well(s): One

Name of nearest surface water body: Unnamed intermittent stream

Distance from well(s) to nearest stream or lake: 1) ~1800' northeast to intermittent stream

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head. 1) 90' - Well head is higher than intermittent stream.

2) \_\_\_\_\_ 3) \_\_\_\_\_ 4) \_\_\_\_\_

**B. Well Characteristics**

*Wells must be constructed according to standards set by the Department for the construction and maintenance of water wells. If the well is already constructed, please enclose a copy of the well constructor's log and the well ID number, if available, for each well with this application. Identify each well with a number corresponding to the wells designated on the map and proceed to section 4 of the form. If the well has not been constructed, or if you do not have a well log, please complete the following:*

Well(s) will be constructed by: N/A - see attached well log

Address: N/A

Completion date: 10/31/2007

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Please provide a description of your well development. *(Attach additional sheets if needed.)*

Well No.	Diameter	Type and size of casing	No. of feet of casing	Intervals casing is perforated (in feet)	Seal depth	Est. depth to water	Est. depth to water bearing stratum	Type of access port or measuring device	Total well depth
4903		Well log attached.							

Note: Well numbers in this listing must correspond to well locations(s) shown on accompanying map.

If well log is not available, or well is not yet constructed, you must provide: proposed total depth, depth of casing and seal, and the anticipated perforation and open intervals.

**C. Artesian Flows**

If your water well is flowing artesian, describe your water control and conservation works:

N/A

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**4. WATER USE**

*Please read the instruction booklet for more details on "type of use" definitions, how to express how much water you need and how to identify the water source you propose to use. You must fill out a supplemental form for some uses as they require specific information for that type of use.*

**A. Type(s) of Use(s)**

*See list of beneficial uses provided in the instructions.*

- If your proposed use is **domestic**, indicate the number of households to be supplied with water: \_\_\_\_\_
- If your proposed use is **irrigation**, please attach **Form I**
- If your proposed use is **mining**, attach **Form R**
- If your proposed use is **municipal or quasi-municipal**, attach **Form M**
- If your proposed use is **commercial/industrial**, attach **Form Q**

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SALEM, OREGON**

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

(WELL I.D.)# **1. 89020**  
 (START CARD) # **197193**

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

**(1) OWNER:** Well Number **4903**

Name **Jenks-Olsen Land Co**  
 Address **8930 Suver Rd.**  
 City **Monmouth** State **Oregon** Zip **97361**

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

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

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

**(5) BORE HOLE CONSTRUCTION:**  
 Special Construction approval  Yes  No Depth of Completed Well **210** ft.  
 Explosives used  Yes  No Type \_\_\_\_\_ Amount \_\_\_\_\_

HOLE			SEAL			Sacks or pounds
Diameter	From	To	Material	From	To	
10	0	39	Bentonite	0	39	16 sacks
6	39	210				

How was seal placed: Method  A  B  C  D  E  
 Other **Poured dry**  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Gravel placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Size of gravel \_\_\_\_\_

**(6) CASING/LINER:**

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6	+1	39	250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Liner	4-1/2	0	210	160	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Final location of shoe(s) \_\_\_\_\_

**(7) PERFORATIONS/SCREENS:**

Perforations Method **Drilled**  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_

From	To	Slot size	Number	Diameter	Tele/pipe size	Casing	Liner
90	210		1400	1/4			<input checked="" type="checkbox"/>

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

Pump	Bailer	Air	Flowing Artesian
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Yield gal/min	Drawdown	Drill stem at	Time
13	All	210	1 hr.

Temperature of water **54** Depth Artesian Flow Found \_\_\_\_\_  
 Was a water analysis done?  Yes By whom \_\_\_\_\_  
 Did any strata contain water not suitable for drinking?  Yes  No  Little  
 Salty  Muddy  Odor  Colored  Other \_\_\_\_\_  
 Depth of strata: \_\_\_\_\_

**(9) LOCATION OF WELL by legal description:**

County **Polk** Latitude \_\_\_\_\_ Longitude \_\_\_\_\_  
 Township **9** **S** Range **5** **W** **WM**  
 Section **35** **300** 1/4 **NE** 1/4  
 Tax Lot **NE** Lot \_\_\_\_\_ Block \_\_\_\_\_ Subdivision \_\_\_\_\_  
 Street Address of Well (or nearest address) **Airlie Rd.**  
**Monmouth, OR**

**(10) STATIC WATER LEVEL:**  
**41** ft. below land surface Date **10/31/2007**  
 Artesian pressure \_\_\_\_\_ lb. per square inch. Date \_\_\_\_\_

**(11) WATER BEARING ZONES:**  
 Depth at which water was first found **80**

From	To	Estimated Flow Rate	SWL
80	160	13	41

**(12) WELL LOG:**

Material	From	To	SWL
Brown clay	0	6	
Brown sandstone	6	24	
Dark grey sandstone	24	210	

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NOV 19 2007

WATER RESOURCES DEPT  
 SALEM, OREGON

**JONES DRILLING CO., INC.**  
**29400 SANTIAM HWY.**  
**LEBANON, OR 97355**  
**541-367-2560 541-451-2686**  
**1-800-915-8388**

Date started **10/30/2007** Completed **10/31/2007**

**(unbonded) Water Well Constructor Certification:**

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

Signed *[Signature]* WWC Number **1411** Date **11/06/2007**

**(bonded) Water Well Constructor Certification:**

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

Signed *[Signature]* WWC Number **1684** Date **11/06/2007**

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**B. Amount of Water**

Provide the production rate in gallons per minute (gpm) and the total annual amount of water you need from each well, from each source or aquifer, for each use. You do not need to provide source information if you are submitting a well log with your application.

Well No.	Source or aquifer	Type of use	Total rate of water requested (in gpm)	Total annual quantity (in gallons)	Production rate of well (in gpm)
4903		Irrigation, comm., reserv.	13	4,580,000	13
		maint., fire protection			

**C. Maximum Rate of Use Requested**

What is the maximum, instantaneous rate of water that will be used? 13 gpm  
*(The fees for your application will be based on this amount.)*

**D. Period of Use**

Indicate the time of year you propose to use the water: See attached schedule (Page 7).  
*(For seasonal uses like irrigation give dates when water use would begin and end, e.g. March 1–October 31.)*

**E. Acreage**

If you will be applying water to land, please give the total number of acres where water will be applied or used: 275  
*(This number should be consistent with your application map.)*

**5. WATER MANAGEMENT**

**A. Diversion**

What equipment will you use to pump water from your well(s)?

- Pump (give horsepower and pump type): 5 HP electric
- Other means (describe): \_\_\_\_\_

**B. Transport**

How will you transport water to your place of use?

- Ditch or canal (give average width and depth):  
Width \_\_\_\_\_ Depth \_\_\_\_\_  
Is the ditch or canal to be lined?  Yes  No
- Pipe (give diameter and total length):  
Diameter 3 inches Length 1.3 miles (system not designed yet)
- Other (describe) see attached "delivery systems" summary.

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SALEM, OREGON

G-17017

**C. Application/Distribution Method**

What equipment will you use to apply water to your place of use? See notes below and on page 7.

Irrigation or land application method (check all that apply):

- Flood
- Drip
- Hand lines
- Siphon tubes or gated pipe with furrows
- Other, describe \_\_\_\_\_
- High-pressure sprinkler
- Water cannons
- Wheel lines
- Low pressure sprinkler
- Center pivot system

Distribution method

- Direct pipe from source
- In-line storage (tank or pond)
- Open canal

**D. Conservation**

What methods will you use to conserve water? Why did you choose this distribution or application method? For example, if you are using sprinkler irrigation rather than drip irrigation, explain. If you need additional space, attach a separate sheet.

Vineyards will be watered using drip irrigation only when needed. Reservoir maintenance will be limited to replacement of seepage and evaporation. The fire storage tank will require initial filling, but replenishing only if needed. Winery will utilize power washers to minimize water usage.

**6. PROJECT SCHEDULE**

*Indicate the anticipated dates that the following construction tasks should begin. If construction has already begun, or is completed, please indicate that date.*

Proposed date construction will begin: Dist. systems will be installed within 5 yrs. of water right permit.

Proposed date construction will be completed: October 2015

Proposed date beneficial water use will begin: May 2008

**7. REMARKS**

*If you would like to clarify any information you have provided in the application, please do so here and reference the specific application question you are addressing.*

Primary use is vineyard irrigation via drip system during irrigation season. Winery process water and the fire protection tank filling are a backup for the primary supply coming from Luckiamute Domestic Water Cooperative, should that water become restricted from commercial uses, which is currently allowed. It is our intent to establish a reservoir on the property to act as the primary irrigation and fire protection water source. The reservoir water rights application is included with this submittal.

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## 8. MAP REQUIREMENTS

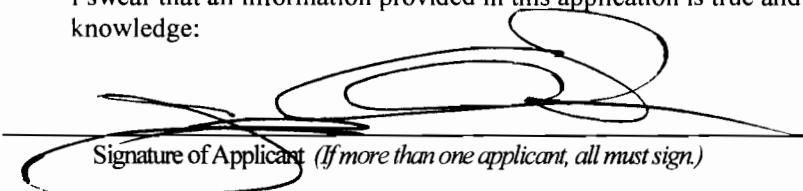
The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

## 9. SIGNATURE

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be canceled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit to me, I may have to stop using water to allow senior water right holders to get water they are entitled to, and

I swear that all information provided in this application is true and correct to the best of my knowledge:

  
Signature of Applicant (If more than one applicant, all must sign.)

02/26/2008  
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 a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

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#### 4. Water Use

##### D. Period of Use

Indicate the time of year you propose to use the water:

<u>Use</u>	<u>Period</u>	<u>Total Annual Quantity</u> <u>(gallons)</u>
Vineyard Irrigation	Mar 1 – Oct 31	2,875,000
Winery Process Water	Sep 1 – Nov 30	1,120,000
Fire Protection Tank Filling	As needed, but otherwise Dec 1 – Feb 1	5,000
Reservoir Evaporation Filling	Mar 1 – Sep 30	580,000

#### 5. Water Management

##### B. Transport

How will you transport water to your place of use?

✓ Other (describe)

Vineyard Irrigation: A vineyard drip irrigation system will be installed. The water from the well is fed to a holding tank and filtration systems. The layout of the drip irrigation system is not yet designed.

Winery Process Water: A 3 inch pipeline from the well to the winery process water holding tank will be installed. This will be activated only as a secondary supply to the Luckiamute Domestic Water Cooperative water source or as primary in the event that LDWC eliminates currently allowed commercial uses. Location of this pipeline will be dependent on the location of the winery process water holding tank still under design.

Fire Protection Tank Filling: A 3 inch pipeline from the well to the fire protection water holding tank will be installed. This will be activated only as a secondary supply to the Luckiamute Domestic Water Cooperative water source or as primary in the event that LDWC eliminates currently allowed commercial uses. Location of this pipeline will be dependent on the location of the fire protection water holding tank still under design.

Reservoir Filling: A 3 inch pipeline from the well to a reservoir (still in the design and evaluation stages at this writing) will be installed. Location of this pipeline will be dependent on the location of the reservoir still under design.

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SALEM, OREGON**

Olsen Ag - Mulkey Hill  
2/5/08  
Tax Lots: 953600-300  
952500-400



Oregon Water Resources Department

**FORM I**  
**FOR IRRIGATION WATER USE**

1. Please indicate whether you are requesting a primary or supplemental irrigation water right.

**Primary**     **Supplemental**

If supplemental, please indicate the number of acres that will be irrigated for each type of use.

Primary:            275            Acres

Secondary:        \_\_\_\_\_        Acres

List the permit or certificate number of the primary water right:        No. \_\_\_\_\_

2. Please list the anticipated crops you will grow and whether you will be irrigating them for a full or partial season:

- 1. Vineyard crops                     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 2. \_\_\_\_\_                     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 3. \_\_\_\_\_                     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)
- 4. \_\_\_\_\_                     Full season     Partial season (from: \_\_\_\_\_ to \_\_\_\_\_)

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

170                    acre-feet

*(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons.)*

4. How will you schedule your applications of water? Will you be applying water in the evenings, twice a week, daily?

- Daily during daytime hours
- Two or three times weekly during daytime
- Weekly, during daytime hours
- Other, explain: \_\_\_\_\_
- Daily during nighttime hours
- Two or three times weekly during nighttime
- Weekly, during nighttime hours

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G-170117



Oregon Water Resources Department

#9  
Olsen Ag - Mulkey Hill  
2/11/08  
Tax Lots: 953600-300  
952500-400

**FORM Q**  
**FOR COMMERCIAL AND INDUSTRIAL WATER USES**

1. Describe the goods and services you plan to provide:

Winery, wine tasting, resort, recreational facilities.

2. How will the water be used?

Winery process water, fire protection, wine tasting events, and  
related human use.

3. What is the maximum amount of water that will be used on any given day:

85  cfs  gpm

4. Are there periods of the day, week, month, or year that the water will not be used?  
(e.g. no use December-March)

No  Yes If so, when? \_\_\_\_\_

5. Is there a particular time or period of day, week, month, or year when the use of water is absolutely essential for the project to continue? (e.g. vegetable processing, Oct. 15-Nov. 15)

No  Yes If so, when? Sept. 1 - Nov. 30, Winery processing.

6. Are there periods of the day week, month, or year where the amount of water used will be less than at peak times?

No  Yes If so, when? \_\_\_\_\_

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SALEM, OREGON**

Last revision: April 9, 1996

G-17017



TELEPHONE (503) 357-5717  
FAX (503) 357-5698  
EMAIL:  
firstnamelastname@stuntzner.com  
2137 19<sup>th</sup> Avenue  
Forest Grove, OR 97116

**COOS BAY - FOREST GROVE - DALLAS - BROOKINGS**

ODFW & STUNTZNER FISH PRESENCE FIELD VISIT NOTES

PROJECT NAME: Mulkey Hill Res. OWNER NAME: Olson Agriculture

STREET ADDRESS:

TAXLOT LOCATION: SECTIONS 25, 26, 35 & 36, T9S, R5W, POLK COUNTY, OR

COORDINATES: 44°44'57.9"<sup>43"</sup>N 123°15'0.3"<sup>06"</sup>W  
44.74528 123.25167  
WATER RIGHT APPLICATION NUMBERS: N/A

WATGER RIGHT PERMIT NUMBERS: None

PROJECT DESCRIPTION: Proposed small pond

ATTACHED: WATER RIGHT MAP \_\_\_ USGS MAP x PHOTOS \_\_\_

RESULTS:  
DAM: PASSAGE NEEDED? YES or NO MORE INFO NEEDED? \_\_\_  
DIVERSION: PASSAGE NEEDED? YES or NO MORE INFO NEEDED? \_\_\_

ODFW COMMENTS & NOTES: \_\_\_\_\_

*Proposed reservoir location is in grass swale  
with out defined channel.*

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SALEM, OREGON**

by *[Signature]*  
ODFW Representative  
*Karen M Harris SWWD*

date *12/19/2007*  
Field visit

*ERIC KRSTADT, STUNTZNER, 12/19/2007*

G-17017

123° 15' 30.00" W

123° 15' 00.00" W

123° 14' 30.00" W

044° 45' 30.00" N

044° 45' 30.00" N

044° 45' 00.00" N

044° 45' 00.00" N

044° 44' 30.00" N

044° 44' 30.00" N

123° 15' 30.00" W

123° 15' 00.00" W

123° 14' 30.00" W

X 545

646 X

25-350

400

64

64

350

38

ond

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250

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RPond



268

250

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SALEM, OREGON

I-200 X  
298

Valley  
View

73

73

37

T 9 S  
T 10 S

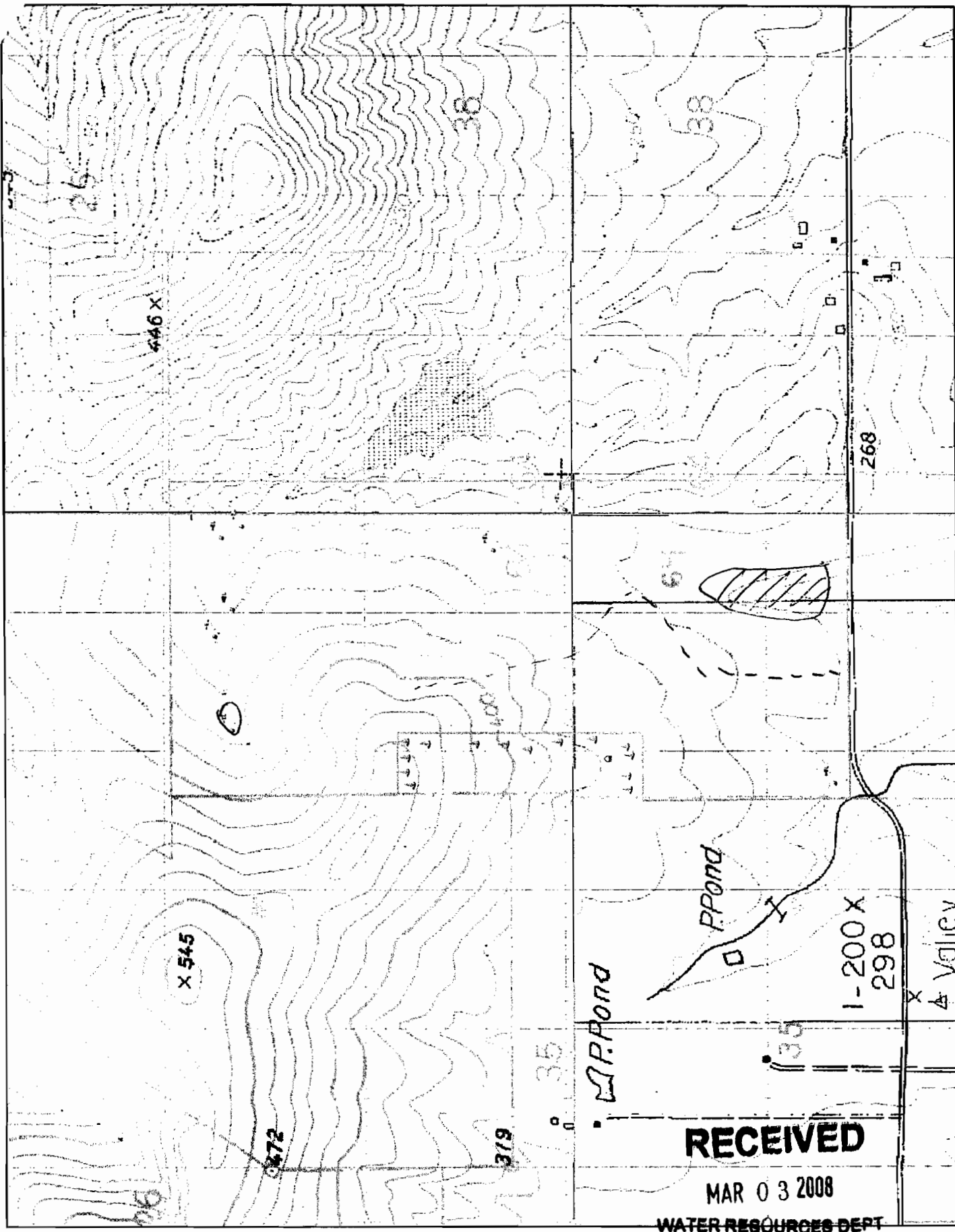
56

SCALE 1:12000

0 100 200 300 400 500 600 700 800 900 YARDS

0 1000 2000 FEET

0 100 200 300 400 500 600 700 800 METERS



900 ft

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SALEM, OREGON

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Scale: 1 : 12,000 Map Rotation: 0° Magnetic Declination: 17.7°E



# Oregon Water Resources Department Land Use Information Form

THIS FORM IS NOT REQUIRED IF: 1) water is to be diverted, conveyed, and/or used only on federal lands; or 2) the application is for a water-right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply: a) only the place of use is proposed for change, b) there are no structural changes, c) the use of water is for irrigation, and d) the use is located in an irrigation district or exclusive farm-use zone.

Applicant Name: Olsen Agriculture - Jamie Olsen, CEO  
Mailing Address: 8930 Suver Road  
City: Monmouth State: OR Zip: 97361 Day Phone: 503-838-0412

This application is related to a Measure 37 claim.  Yes  No

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
9S	5W	25	SWSW	400	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Winery & irrigation
9S	5W	36	NWNW	300	EFU	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Winery & irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

List all counties and cities where water is proposed to be diverted, conveyed, or used. Polk County

## B. Description of Proposed Use

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

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

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**SALEM, OREGON**

Source of water:  Reservoir/Pond  Ground Water  Surface Water (name) Sheet Flow

Estimated quantity of water needed: 150  cubic feet per second  gallons per minute  acre-feet

Intended use of water:  Irrigation  Commercial  Industrial  Domestic for        household(s)  
 Municipal  Quasi-municipal  Instream  Other       

Briefly describe: Construction of reservoir for irrigation of 275 acres of vineyard and for winery process water

C-110111

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt below and include it with the application filed with the Water Resources Department.



## For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form.

This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

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

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): PC20 136.030(A).

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.)

**If approvals have been obtained but all appeal periods have not ended, check "Being pursued".**

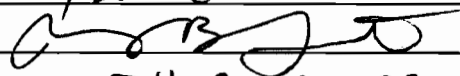
Type of Land-Use Approval Needed (e.g. plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being pursued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

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

**RECEIVED**

MAR 03 2008

WATER RESOURCES DEPT  
SALEM OREGON

Name: Jerry Sorte Title: Senior Planner  
 Signature:  Phone: 503 623 9237 Date: 2/19/08  
 Government Entity: Polk County, OR

**Note to local government representative:** Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

**Exhibit 'A'**

Beginning at the Northwest corner of the Smith Collins Donation Land Claim; Notification No. 2445, Claim No. 64, in Township 9 South, Range 5 West of the Willamette Meridian; and running thence East a distance of 2475 feet to an anchor post; thence South a distance of 5148 feet to the County road between Airlie and Suver; thence West a distance of 2475 feet to the West boundary line of the said Claim; thence North a distance of 5148 feet to the place of beginning.

Excepting therefrom the following described parcel: Beginning at a 1/4 inch iron rod on the West line of, and South 0°04'16" East 1772.76 feet from the Northwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian Polk County, Oregon; thence North 89°55'44" East 480.57 feet to a 1/4 inch iron rod; thence South 0°04'16" East 1812.85 feet to a 1/4 inch iron rod; thence South 89°55'44" West 480.57 feet to a 1/4 inch iron rod on the West line of said Donation Land Claim No. 64; thence along said West line, North 0°04'16" West 1812.85 feet to the point of beginning.

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**MAR 03 2008**

**WATER RESOURCES DEPT  
SALEM, OREGON**

FORM NO. 101 WARDENRY FIELD  
OK

B306P2199

95 SEP -7 AM 10:47

KNOW ALL MEN BY THESE PRESENTS, That MYRL P. MULKEY, JR., and SUE MULKEY, husband and wife, hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by JENKS-OLSEN LAND CO., an Oregon partnership, hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the said grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Polk and State of Oregon, described as follows, to-wit:

(See Exhibit "A" attached hereto and incorporated herein by reference as though fully set forth.)

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever. And said grantor hereby covenants to and with said grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except those specified in Exhibit "B" attached hereto and incorporated herein by reference as though fully set forth, 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, except those claiming under the above described encumbrances.

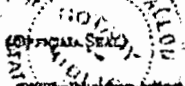
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$678,750.00

In construing this deed and where the context so requires, the singular includes the plural. WITNESS grantor's hand this 31 day of October, 1988.

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 FEY TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.

STATE OF OREGON, County of Polk, ss. October 3, 1988. Personally appeared the above named MYRL P. MULKEY, JR. and SUE MULKEY

acknowledged the foregoing instrument to be their voluntary act and deed.



Notary Public for Oregon My commission expires 01/15/89

Myrl P. Mulkey, Jr. 8930 Suver Road Monmouth, OR 97361

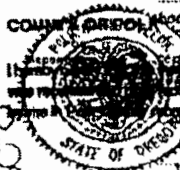
Jenks-Olsen Land Co. 8930 Suver Rd. Monmouth, OR 97361

Jenks-Olsen Land Co. 8930 Suver Rd. Monmouth, OR 97361

Jenks-Olsen Land Co.

404504 STATE OF OREGON, County of Polk

I certify that the within instrument was received for record on the day of October, 1988, at 1:58 o'clock P.M., and recorded in book 188, page 188.



SEE NEXT 3 PAGES

LINDA DAWSON, COUNTY CLERK Deputy

FIRST AMERICAN TITLE OF WILLAMETTE VALLEY 197205P

RECEIVED MAR 03 2008 WATER RESOURCES DEPT SALEM, OREGON

B306P2200

95 SEP - 7 11:10:48  
DESCRIPTION SHEET  
EXHIBIT "A"PARCEL I:

Beginning at the Southwest corner of the James McClain Donation Land Claim No. 37 in Section 1, Township 10 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence along the South boundary of that tract of land described in Polk County Deed Records, Volume 106, Page 742, South 89°35'57" West 2963.60 feet to a 1 1/2 inch iron rod at the Southwest corner of said tract; thence South 0°28'15" East 83.78 feet to a 1 1/2 inch iron rod; thence South 38°06'03" East 3223.04 feet to a 1 1/2 inch iron rod on the South boundary of the Jesse L. Bounds Donation Land Claim No. 56 in Township 10 South, Range 5 West of the Willamette Meridian; thence along said South boundary, South 89°10' East 991.31 feet to the Southeast corner of said Claim No. 56; thence North 0°22'14" West 2635.28 feet to the point of beginning.

TOGETHER WITH an easement for ingress and egress described as follows: Beginning at a 1 1/2 inch iron rod which is South 89°59' West 20.00 feet from the Southwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence North 0°04'16" West 1168.42 feet to the Southerly right of way line of Marker Road No. 7; thence along said Southerly line, North 46°19'47" East 41.43 feet; thence South 0°04'16" East 1197.02 feet; thence South 0°02'17" West 300.00 feet; thence South 89°57'43" East 20.00 feet; thence South 0°02'17" West 466.67 feet; thence South 0°08'17" West 1873.18 feet; thence North 89°35'57" East 1241.42 feet; thence South 0°28'15" East 30.00 feet to a 1 1/2 inch iron rod; thence South 89°35'57" West 1271.74 feet to a 1 1/2 inch iron rod; thence North 0°08'17" East 2003.39 feet to a 1 1/2 inch iron rod; thence North 89°57'43" West 20.00 feet to a 1 1/2 inch iron rod; thence North 0°02'17" East 766.64 feet to the point of beginning.

PARCEL II:

Beginning at the Northwest corner of the Donation Land Claim of George Pyburn, et ux, Notification No. 1590, Claim No. 69, in Township 9 South, Range 4 West, Willamette Meridian in Polk County, Oregon (said beginning point being 15.17 chains West and 29.78 chains North from the Southeast corner of the Southwest quarter of Section 29, said Township and Range) and running thence East 41.05 chains; thence South 79.85 chains to a point in the center of the County Road on the South line of said Pyburn Donation Land Claim; thence West along the South boundary line of said Claim, 28.01 chains to the Southeast corner of the School Lot conveyed by Caroline Fuqua, et vir, to School District No. 43 by deed recorded in Volume 28, Page 318, Deed Records of said County; thence North 5°10' East 2.50 chains to the Northeast corner of said School Lot; thence West 4.00 chains to the Northwest corner of said School Lot on the East boundary line of the right-of-way conveyed by Joseph W. Suver to Western Oregon Railroad Co. by deed recorded in Volume 12, Page 386, Deed Records of said County; thence North 5°10' East along said Railroad right-of-way 18.30 chains; thence North 84°30' West 3.63 chains to the Northwest corner of a parcel of land conveyed by said Suver to said Railroad Co., by deed recorded in Volume 12, Page 449, Deed Records for Polk County, Oregon; thence South 5°10' West along the Western boundary line of said Railroad land 8.50 chains to a point which is 6.50 chains East and 12.45 chains North from the Southwest corner of said Pyburn Claim; thence West 6.50 chains to the West boundary line of said claim; and thence North 67.40 chains to the point of beginning.

EXCEPTING THEREFROM said tracts of land conveyed to the Western Oregon Railroad Company and that certain tract of land conveyed to Southern Pacific Railroad Company by deed recorded November 7, 1928, in Volume 87, Page 534, Deed Records for Polk County, Oregon.

FURTHER SAVE AND EXCEPT that certain tract of land conveyed to Jacob W. Kinsey et ux by deed recorded March 24, 1923, in Volume 77, Page 8, Deed Records for Polk County, Oregon.

FURTHER SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

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MAR 03 2008

WATER RESOURCES DEPT  
SALEM, OREGON

B306P2201

SECTION 7, AND: LB  
 DESCRIPTION SHEET Continued  
 EXHIBIT "A"

ALSO excepting the following described portions of the above described tract of land:

1. All of the above described tract of land lying West of the railroad right-of-way ownership.
2. Beginning at a point on the North line of the East 986.33 feet from the above described Northwest corner of Donation Land Claim No. 69, said point also being on the Easterly line of land conveyed to the Western Oregon Railroad Company by deed recorded in Polk County Deed Records, Volume 12, Page 386; thence along the Easterly line of the railroad ownership, South 1°14' West 364.65 feet; thence continuing along said Easterly line, on a 5760 foot radius curve to the right, the long chord of which bears South 2°28'07" West 248.30 feet; thence along the railroad ownership line, South 86°17'45" East 10.00 feet; thence along the railroad ownership line, on a 3770 foot radius curve to the right, the long chord which bears South 4°26'08" West 147.25 feet; thence along the railroad ownership line, South 5°10' West 45.85 feet; thence East 1749.35 feet to the East line of the above described tract; thence along said East line, North 1005.71 feet to the Northeast corner of the above described tract; thence along the North line of the above described tract, West 1720.97 feet to the point of beginning.

PARCEL III:

Beginning at the Northwest corner of the Smith Collins Donation Land Claim, Notification No. 2445, Claim No. 64, in Township 9 South, Range 5 West of the Willamette Meridian; and running thence East a distance of 2475 feet to an anchor post; thence South a distance of 5148 feet to the county road between Aitkin and Suver; thence West a distance of 2475 feet to the West boundary line of the said Claim; thence North a distance of 5148 feet to the place of beginning.

EXCEPTING THEREFROM the following described parcel: Beginning at a 1/2 inch iron rod on the West line of, and South 0°04'16" East 1772.76 feet from the Northwest corner of the Smith Collins Donation Land Claim No. 64 in Township 9 South, Range 5 West of the Willamette Meridian, Polk County, Oregon; thence North 89°55'44" East 480.57 feet to a 1/2 inch iron rod; thence South 0°04'16" East 1812.85 feet to a 1/2 inch iron rod; thence South 89°55'44" West 480.57 feet to a 1/2 inch iron rod on the West line of said Donation Land Claim No. 64; thence along said West line, North 0°04'16" West 1812.85 feet to the point of beginning.

PARCEL IV:

Beginning at a stake 23.70 chains West from the quarter section corner between Sections Five (5) and Thirty-two (32) in Townships 9 and 10 South of Range 4 West of the Willamette Meridian in Polk County, Oregon; running thence North 35.62 chains to an iron pipe; thence West 11.67 chains to an iron pipe; thence South 35.62 chains to a stake; thence East 11.67 chains to the place of beginning.

ALSO: Beginning at a stake 11.06 chains West of the quarter section corner between Sections Five (5) and Thirty-two (32) in Townships 9 and 10 South, Range 4 West, Willamette Meridian in Polk County, Oregon; running thence North 28.57 chains to a stake; thence West 8.52 chains to a stake; thence North 7.05 chains to a stake; thence West 5.12 chains to an iron pipe; thence South 35.62 chains to a stake; thence East 12.64 chains to the place of beginning.

SAVE AND EXCEPT that portion of the above described tract of land lying within the boundaries of public roads and highways.

PARCEL V:

Beginning at an iron rod which is 35.37 chains North 89°52'05" West from the quarter section corner between Section 5 in Township 10 South, Range 4 West and Section 32 in Township 9 South, Range 4 West of the Willamette Meridian in Polk County, Oregon; and running thence North 89°52'05" West, 15.00 feet to an iron rod; thence North 0°17'30" East 2361.50 feet to a point on the North line of the Andrew Chamberlain Donation Land Claim No. 59 in Township 9 South, Range 4 West of the Willamette Meridian, from which an iron rod bears South 0°17'30" West 30.03 feet; thence South 89°23'10" East along the North line of the Chamberlain Donation Land Claim, 15.00 feet to the Northwest corner of the tract of land conveyed to Myrl P. Mulkey, Jr. by deed recorded in Deed Volume 178, Page 364, Deed Records of Polk County, Oregon; thence South 0°17'30" West 2361.38 feet to the point of beginning.

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MAR 03 2008

 WATER RESOURCES DEPT  
 SALEM, OREGON

B306P2202

95 SEP -7 AM 10:48

1. 1986-1989 real property taxes, a lien, but not yet due or payable.
2. Rights of the public in and to that portion of the herein described premises lying within the boundaries of roads and roadways.
3. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last ten or lesser number of years in which the land was subject to the special land use assessment.
4. Reservations in deed from United States of America, as disclosed by instrument dated October 3, 1947, recorded October 14, 1947, in Book 131, Page 38, Deed Records for Polk County, Oregon. (affects Parcel I)
5. Reservations in deed from United States of America, as disclosed by instrument dated May 6, 1948, recorded July 13, 1948, in Book 135, Page 410, Deed Records for Polk County, Oregon.
6. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated June 5, 1969, recorded September 17, 1969, in Book 219, Page 387, Deed Records for Polk County, Oregon. (affects Parcel III)
7. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated August 16, 1969, recorded September 17, 1969, in Book 219, Page 401, Deed Records for Polk County, Oregon. (affects Parcel IV)
8. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument recorded November 25, 1969, in Book 221, Page 215, Deed Records for Polk County, Oregon. (affects Parcel V)
9. Easement, including the terms and provisions thereof, conveyed to Luckiamute Domestic Water Cooperative, an Oregon Corporation, by instrument dated June 12, 1978, recorded July 6, 1978, in Book 130, Page 879, Book of Records for Polk County, Oregon. (affects Parcel II)
10. Mortgage, including the terms and provisions thereof, executed by Katherine C. Mulkey, a widow, Paul Mulkey, Gylan Mulkey and Myrl P. Mulkey, a single man, to The Federal Land Bank of Spokane, a corporation, by instrument dated September 8, 1966, recorded September 20, 1966, in Book 141, Page 597, Mortgage Records for Polk County, Oregon, given to secure the payment of \$80,000.00. (affects Parcels I and III and includes additional property)
11. Partial release of the above mortgage, including the terms and provisions thereof, as disclosed by instrument dated October 11, 1979, recorded October 15, 1979, in Book 144, Page 301, Book of Records for Polk County, Oregon.

Mortgage, including the terms and provisions thereof, executed by Myrl Mulkey Jr., same person as Myrl P. Mulkey and Margaret Sue Mulkey, husband and wife, to The Federal Land Bank of Spokane, a corporation, by instrument dated June 20, 1983, recorded June 27, 1983, in Book 171, Page 1867, Book of Records for Polk County, Oregon, given to secure the payment of \$195,000.00. (affects Parcels I and III)

# 404504

Exhibit "B"

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SALEM, OREGON