



Oregon Water Resources Department 725
 Summer Street NE, Suite A
 Salem Oregon 97301-1271
 (503) 986-0900
 www.wrd.state.or.us

Application for a Permit to Use Ground Water

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

1. APPLICANT INFORMATION

A. Individuals

Applicant: Maria G. and Alfredo Fernandez
First Last

Mailing Address: 13930 Boones Ferry Road NE
Woodburn Oregon 97071
City State Zip

Phone: 503-393-7170 n/a n/a
Home Work Other

*Fax: 503-393-7170 *Email Address: n/a

B. Organizations

(Corporations, associations, firms, partnerships, joint stock companies, cooperatives, public and municipal corporations)

Name of Organization: n/a

Name and Title of Person Applying: n/a

Mailing Address or Organization: n/a
City State Zip

Phone : _____
Day Evening

*Fax: _____ *Email Address: _____

*Optional

For Department Use		
App. No. _____	Permit No. _____	Date _____

Last Updated: 6/26/2008

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OVER THE COUNTER**

Ground Water/1

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WATER RESOURCES DEPARTMENT
SALEM, OREGON

2. PROPERTY OWNERSHIP

Yes (Please check appropriate box below then skip to section 3 'Ground Water Development')

There are no encumbrances

This land is encumbered by easements, rights of way, roads or other encumbrances
(please provide a copy of the recorded deed(s))

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.

3. GROUND WATER DEVELOPMENT

A. Well Information

Number of well(s): 1

Name of nearest surface water body: Mill Creek

Distance from well(s) to nearest stream or lake:

1) 1900' 2) _____ 3) _____ 4) _____

If distance from surface water is less than one mile, indicate elevation difference between nearest surface water and well head:

1) 20' 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:

To Be Determined (TBD)

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Mailing Address: n/a

City State Zip

Completion Date: permit date + 1 year

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
1	8"+/-	1/4" steel	TBD	TBD	TBD	Unknown	Unknown	Per OAR	TBD

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

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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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)
1	Unknown	Nursery Operation	200 gpm	15,477,875	200 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 0.446 cfs
 (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: year-round
 (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, indicate the total number of acres where water will be applied or used: 14.3⁹ acres *see remarks
 (This number should be consistent with your application map.)

5. WATER MANAGEMENT

A. Diversion

What method will you use to divert water from the source?

- Pump (give horsepower and pump type): TBD
- 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 6" +/- Length 1230'

- other, describe: _____

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C. Application/Distribution Method

What equipment will you use to apply water to your place of use?

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

- Flood
- High pressure sprinkler
- Low pressure sprinkler
- Drip
- Water Cannons
- Center pivot system
- Hand Lines
- Wheel Lines
- Siphon tubes or gated pipe with furrows
- other, describe: _____

Distribution method

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

E. Conservation

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

Can yard - 1 morning irrigation - daily
Field - 2 morning irrigations - weekly

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: permit date + 1 year

Proposed date construction will be completed: permit date + 2 years

Proposed date beneficial water use will begin: permit date + 2 years

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.

4. WATER USE
E. Acreage
All of the site will be used for nursery stock. Some will be field stock and some will be containerized stock. The acreage breakdown for each type of stock (cans vs field) has yet to be determined.

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8. MAP REQUIREMENTS

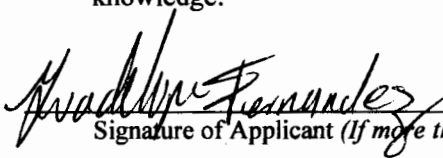

The Department cannot process your application without accurate information showing the source of water and location of water use. You must include a map with this application form that clearly indicates the township, range, section, and quarter/quarter section of the proposed well location and place 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, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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.)

08-18-08
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 or call (503) 986-0900.

WRD on the web:
www.wrd.state.or.us

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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: 14.39 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. nursery stock - field & containers [checked] 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:

47.5 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 [] Daily during nighttime hours
[] Two or three times weekly during daytime [] Two or three times weekly during nighttime
[] Weekly, during daytime hours [] Weekly, during nighttime hours
[checked] Other, explain: Can yard - morning, daily; field stock - morning, twice weekly

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NOTE: EXIST DOMESTIC WELL (ON SITE)
NOT NUR. OP. WELL

MARI 61638
MARI
61638

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL LABEL # L 93770
START CARD # 198321

(1) LAND OWNER Owner Well I.D. 93770
First Name Jack Last Name Baghdanov
Company _____
Address 13940 Boones Ferry Rd
City Woodburn State OR Zip 97071

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

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other

(5) BORE HOLE CONSTRUCTION Special Standard Attach copy
Depth of Completed Well 132 ft.
BORE HOLE SEAL
Dia From To Material From To Amt sacks/lbs

10	0	80	Bentonite	0	50	52	S
8	80	132					

How was seal placed: Method A B C D E
 Other Poured & Probed
Backfill placed from 50 ft. to 80 ft. Material Bentonite
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(6) CASING/LINER
Casing Liner Dia + From To Gauge Stl Plstc Wld Thrd

<input checked="" type="checkbox"/>	<input type="checkbox"/>	6	+	1	131	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
-------------------------------------	--------------------------	---	---	---	-----	------	-------------------------------------	--------------------------	--------------------------	--------------------------	--------------------------

Shoe Inside Outside Other Location of shoe(s) _____
Temp casing Yes Dia 10 From 0 To 7

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type _____ Material _____

Perf/S creen	Casing/ Liner	Screen Dia	From	To	Scrn/slot width	Slot length	# of slots	Tele/ pipe size

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)

75		125	1
----	--	-----	---

Temperature 54 °F Lab analysis RECEIVED
Water quality concerns? Yes (describe) _____
From To Description Amount Units

--	--	--	--	--	--

(9) LOCATION OF WELL (legal description)
County MARION Twp 5 S N/S Range 2 W E/W WM
Sec 24 NE 1/4 of the SE 1/4 Tax Lot 1600
Tax Map Number _____ Lot _____
Lat _____ " 0 " or _____ DMS or DD
Long _____ " 0 " or _____ DMS or DD
 Street address of well Nearest address
13940 Boones Ferry Rd Woodburn, OR 97071

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Predeepening _____
Completed Well 04-29-2008 _____ 28
Flowing Artesian? Dry Hole?
WATER BEARING ZONES Depth water was first found 40

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
04-29-2008	124	132	75		28

(11) WELL LOG Ground Elevation _____

Material	From	To
Clay Brown dark	0	7
Clay Brown light turning Silty	7	18
Clay Brown Silty & fine Sand	18	23
Clay Grey light soft	23	36
Clay Grey Silty	36	40
Clay Grey w/fine Sand	40	45
Clay Grey streaks & Sandy	45	50
Clay Grey	50	73
Clay Firm w/Gravel small	73	78
Sand Grey Fine to med w/hard Layers	78	86
Sand med w/Gravels small	86	105
Clay Grey	105	108
Sand Fine w/Silt Grey	108	118
Sand med Coarse w/wood	118	124
Gravel pea w/Sand	124	127
Gravel 2.5 minus w/Sand	127	132

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Date Started 04-28-2008 Completed 04-30-2008

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, 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.
License Number 1856 Date 04-30-2008
Password: (if filing electronically) *****
Signed *Michael Yeckley*

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, 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.
License Number 1394 Date 04-30-2008
Password: (if filing electronically) *****
Signed *[Signature]*
Contact Info (optional) _____



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: Maria & Alfredo Fernandez
Mailing Address: 13930 Boones Ferry Road NE
City: Woodburn State: OR Zip: 97071 Day Phone: 503-871-1250

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:
5s	2w	24	SE/NE	5.2.24.1601	Prime Ag/ EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
5s	2w	24	NE/SE	5.2.24.1601	/	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
5s	1w	19	SW/NW	5.2.24.1601	//	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery
5s	1w	19	NW/SW	5.2.24.1601	//	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Nursery

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

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 200 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 Nursery

Briefly describe: 14.3 acres of nursery, including some containerized stock and some greenhouses.

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): 136.020.

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.

Name: David Epling Title: Senior Planner
 Signature: [Signature] Phone: 503-584-5038 Date: 8/13/08
 Government Entity: Marion County

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.

WARRANTY DEED

Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998, Grantor, conveys to Maria G. Fernandez, Grantee, Grantors' interest in the following described real property free of encumbrances except as set forth herein:

Parcel 2 of Partition Plat No. 2006-052 recorded May 26, 20-06 in Reel 2653, Page 152 Records for Marion County, Oregon.

SUBJECT TO Joint Well Use and Maintenance Agreement between Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998, Grantor to Jack Baghdanov, recorded ~~May 3~~ June, 2008, in Reel ~~2959~~ 307, Page ~~307~~ 307 Records for Marion County, Oregon.

The true and actual consideration for this transfer is other property or value given or promised.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS AND 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES 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 THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS AND 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

DATED this 21 day of May, 2008.

Anna Kobzeff
Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998

STATE OF OREGON)
COUNTY OF Deschutes) ss.

On this 21 day of May, 2008, personally appeared the above-named Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998, and acknowledged the foregoing instrument to be her voluntary act and deed. Before me: Shelli Cowlbeck

Shelli Cowlbeck
Notary Public for Oregon
My commission expires: 7-5-09

AFTER RECORDING
RETURN TO:
Churchill, Leonard Lawyers
PO Box 804
Salem OR 97308

UNTIL A CHANGE IS REQUESTED
SEND ALL TAX STATEMENTS TO:
No Change



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Fidelity National Title 08-8003

REEL:2959

PAGE: 332

June 03, 2008, 11:47 am.

CONTROL #: 224820

**State of Oregon
County of Marion**

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

FEE: \$ 26.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

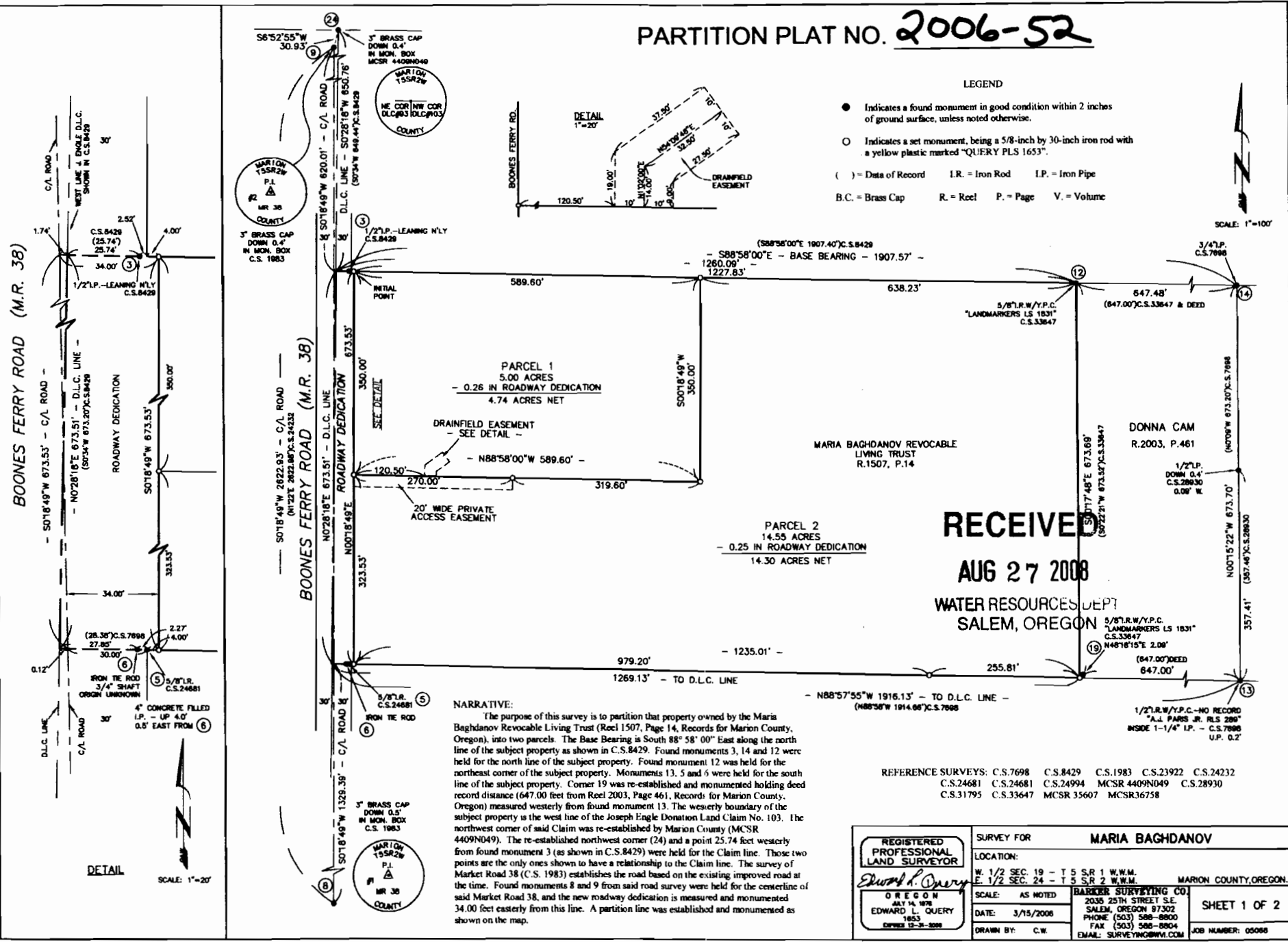
2006-52

PARTITION PLAT NO. 2006-52

LEGEND

- Indicates a found monument in good condition within 2 inches of ground surface, unless noted otherwise.
- Indicates a set monument, being a 5/8-inch by 30-inch iron rod with a yellow plastic marked "QUERY PLS 1653".
- () = Data of Record I.R. = Iron Rod I.P. = Iron Pipe
- B.C. = Brass Cap R. = Reel P. = Page V. = Volume

SCALE: 1"=100'



NARRATIVE:

The purpose of this survey is to partition that property owned by the Maria Baghdanov Revocable Living Trust (Reel 1507, Page 14, Records for Marion County, Oregon), into two parcels. The Base Bearing is South 88° 58' 00" East along the north line of the subject property as shown in C.S. 8429. Found monuments 3, 14 and 12 were held for the north line of the subject property. Found monument 12 was held for the northeast corner of the subject property. Monuments 13, 5 and 6 were held for the south line of the subject property. Corner 19 was re-established and monumented holding deed record distance (647.00 feet from Reel 2003, Page 461, Records for Marion County, Oregon) measured westerly from found monument 13. The westerly boundary of the subject property is the west line of the Joseph Engle Donation Land Claim No. 103. The northwest corner of said Claim was re-established by Marion County (MCSR 4409N049). The re-established northwest corner (24) and a point 25.74 feet westerly from found monument 3 (as shown in C.S. 8429) were held for the Claim line. Those two points are the only ones shown to have a relationship to the Claim line. The survey of Market Road 38 (C.S. 1983) establishes the road based on the existing improved road at the time. Found monuments 8 and 9 from said road survey were held for the centerline of said Market Road 38, and the new roadway dedication is measured and monumented 34.00 feet easterly from this line. A partition line was established and monumented as shown on the map.

After recording return to:
Mama Fernandez
13930 Boones Ferry Rd NE
Woodburn OR
97071

Reel Page
2959 329

JOINT WELL USE AND MAINTENANCE AGREEMENT

Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust Agreement dated June 30, 1998, hereinafter called Grantor, does hereby grant unto Jack Baghdanov, hereinafter called the Grantee, a nonexclusive right to draw water from the drilled well which is located on the following described parcel of property owned by Grantor in the County of Marion, State of Oregon:

Parcel 2 of Partition Plat No. 2006-052 recorded May 26, 20-06 in Reel 2653, Page 152 Records for Marion County, Oregon.

The right to draw water from the well is a right of use in common with the Grantor herein and is limited to use by Grantee, his heirs, successors and assigns, on a tract of land owned by the Grantee and situated in the County of Marion, State of Oregon, and particularly described as follows:

Parcel 1 of Partition Plat No. 2006-052 recorded May 26, 2006 in Reel 2653, Page 152 Records for Marion County, Oregon.

The right of the Grantee herein to withdraw and use said water includes the right of access to the well and to the pipes from the well to Grantees' property. The right of Grantee herein shall automatically expire on May 31, 2009. Domestic household use of the water by Grantees and Grantors shall have priority at all times over irrigation watering use in the event of an insufficient supply of water. Such right of water use shall also include the use of the pump, motor, pipe, electrical fittings and all appurtenances connected therewith and which are owned by the Grantor herein and are presently installed at the well and used in connection with the well and water facilities. All expenses and repairs for the maintenance or replacement of the well and pump shall be shared equally by Grantee and Grantor. All expenses, repairs and maintenance of the pipes from the well to the property of the Grantee shall be paid by Grantee.

Page 1 - JOINT WELL USE AND MAINTENANCE AGREEMENT

pub101006 well agreement01a2

Churchill Leonard Lawyers
PO Box 804: Salem, OR 97308
(503) 585-2255

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SALEM, OREGON

Fidelity National Title 08-8003

The Grantor makes no warranties whatsoever, either express or implied, as to the condition, quantity or quality of the water in the well or the pumping facilities, and it is understood and agreed that the water supply in the said well is subterranean water, subject to the rules, regulations and control of the State of Oregon, and that any limitations imposed upon the Grantor herein concerning the use and/or taking of the water shall automatically be imposed upon the Grantee, and this water right shall be deemed modified to the extent of such limitations which are lawfully imposed. The Grantee herein shall incur no liability for depletion of the water supply but shall withdraw no more than is needed for reasonable domestic and irrigation purposes, except as limited above, on the land described as Parcel 1 of Partition Plat No. 2006-052 recorded May 26, 2006 in Reel 2653, Page 152 Records for Marion County, Oregon.

Grantee shall use the water only according to the conditions of the water rights granted by the State of Oregon and shall do nothing to jeopardize the loss or diminution of those rights.

This agreement is binding upon the heirs, successors, and assigns of the parties and shall be perpetual or until such time as a water supply is furnished the Grantees' property from any other source acceptable to the Grantee.

IN WITNESS WHEREOF, the parties have hereunto set their hands this ___ day of May, 2008.

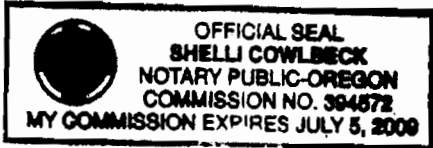
Maria Baghdanov Revocable Living Trust
dated June 30, 1998

Jack Baghdanov

By: Ann Kobzeff
Ann Kobzeff, Sucesssor Trustee

STATE OF OREGON)
County of Deschutes) ss.
)

On this 29 day of May, 2008, personally appeared the above-named Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998, and acknowledged the foregoing Joint Well Use and Maintenance Agreement to be her voluntary act and deed. Before Me: Shelli Cowlbeck



Shelli Cowlbeck
Notary Public for Oregon
My Commission Expires: 7-5-2009

STATE OF OREGON)
County of _____) ss.
)

On this ___ day of May, 2008, personally appeared the above-named Jack Baghdanov and acknowledged the foregoing Joint Well Use and Maintenance Agreement to be his voluntary act and deed. Before Me:

Notary Public for Oregon
My Commission Expires:

JOINT WELL USE AND MAINTENANCE AGREEMENT

Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust Agreement dated June 30, 1998, hereinafter called Grantor, does hereby grant unto Jack Baghdanov, hereinafter called the Grantee, a nonexclusive right to draw water from the drilled well which is located on the following described parcel of property owned by Grantor in the County of Marion, State of Oregon:

Parcel 2 of Partition Plat No. 2006-052 recorded May 26, 20-06 in Reel 2653, Page 152 Records for Marion County, Oregon.

The right to draw water from the well is a right of use in common with the Grantor herein and is limited to use by Grantee, his heirs, successors and assigns, on a tract of land owned by the Grantee and situated in the County of Marion, State of Oregon, and particularly described as follows:

Parcel 1 of Partition Plat No. 2006-052 recorded May 26, 2006 in Reel 2653, Page 152 Records for Marion County, Oregon.

The right of the Grantee herein to withdraw and use said water includes the right of access to the well and to the pipes from the well to Grantees' property. The right of Grantee herein shall automatically expire on May 31, 2009. Domestic household use of the water by Grantees and Grantors shall have priority at all times over irrigation watering use in the event of an insufficient supply of water. Such right of water use shall also include the use of the pump, motor, pipe, electrical fittings and all appurtenances connected therewith and which are owned by the Grantor herein and are presently installed at the well and used in connection with the well and water facilities. All expenses and repairs for the maintenance or replacement of the well and pump shall be shared equally by Grantee and Grantor. All expenses, repairs and maintenance of the pipes from the well to the property of the Grantee shall be paid by Grantee.

Page 1 - JOINT WELL USE AND MAINTENANCE AGREEMENT

pd1810000 well agreement.doc

Churchill Leonard Lawyers
PO Box 804: Salem, OR 97308
(503) 585-2255

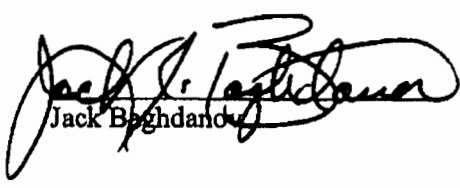
The Grantor makes no warranties whatsoever, either express or implied, as to the condition, quantity or quality of the water in the well or the pumping facilities, and it is understood and agreed that the water supply in the said well is subterranean water, subject to the rules, regulations and control of the State of Oregon, and that any limitations imposed upon the Grantor herein concerning the use and/or taking of the water shall automatically be imposed upon the Grantee, and this water right shall be deemed modified to the extent of such limitations which are lawfully imposed. The Grantee herein shall incur no liability for depletion of the water supply but shall withdraw no more than is needed for reasonable domestic and irrigation purposes, except as limited above, on the land described as Parcel 1 of Partition Plat No. 2006-052 recorded May 26, 2006 in Reel 2653, Page 152 Records for Marion County, Oregon.

Grantee shall use the water only according to the conditions of the water rights granted by the State of Oregon and shall do nothing to jeopardize the loss or diminution of those rights.

This agreement is binding upon the heirs, successors, and assigns of the parties and shall be perpetual or until such time as a water supply is furnished the Grantees' property from any other source acceptable to the Grantee.

IN WITNESS WHEREOF, the parties have hereunto set their hands this 30 day of May, 2008.

Maria Baghdanov Revocable Living Trust
dated June 30, 1998



Jack Baghdanov

By: _____
Ann Kobzeff, Sucessor Trustee

STATE OF OREGON)
) ss.
County of _____)

On this ___ day of May, 2008, personally appeared the above-named Anna Kobzeff, Trustee of the Maria Baghdanov Revocable Living Trust dated June 30, 1998, and acknowledged the foregoing Joint Well Use and Maintenance Agreement to be her voluntary act and deed. Before Me:

Notary Public for Oregon
My Commission Expires:

STATE OF OREGON)
) ss.
County of Marion)

On this 30 day of May, 2008, personally appeared the above-named Jack Baghdanov and acknowledged the foregoing Joint Well Use and Maintenance Agreement to be his voluntary act and deed. Before Me:

Joan E Cuff
Notary Public for Oregon
My Commission Expires:



REEL:2959

PAGE: 329

June 03, 2008, 11:47 am.

CONTROL #: 224820

State of Oregon
County of Marion

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

FEE: \$ 51.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.