



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

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Applicant: _____ SEP 11 2009
First Last

Mailing Address: _____ WATER RESOURCES DEPT
 SALEM, OREGON

City State Zip

Phone: _____
Home Work Other

*Fax: _____ *Email Address: _____

B. Organizations

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

Name of Organization: TA Operating LLC

Name and Title of Person Applying: Emily Gloeckler, Manager, ENV. Engineering
Agent for TA Operating LLC

Mailing Address or Organization: 24001 Center Ridge Rd
Westlake OH 44145
City State Zip

Phone: 440-908-4411
Day Evening

*Fax: 440-908-3307 *Email Address: gloeckler.emily@ta-trailcenter.com

*Optional

For Department Use		
App. No. <u>G-17267</u>	Permit No. _____	Date _____

Last Updated: 3/31/2009

Ground Water/1

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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.

MPT TA Properties Trust
34601 Center Ridge Rd
Westlake OR 97145
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3. GROUND WATER DEVELOPMENT

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A. Well Information

Number of well(s): 1 existing, 1 proposed on-site stormwater pond and

Name of nearest surface water body: tributary to Senecal Creek

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

- 1) ~500 ft to stormwater pond
2) ~1000 ft to tributary
3)
4)

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

- 1) ~50 feet
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:

Sippel Well Drilling, Inc.

Mailing Address: 7195 Lawnridge St., N.E.

Kelzer City OR 97303 Zip

Completion Date: TBD

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
2	3"	8" steel	240	200 - 240	35	75	220	10 HP pump	240

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:

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)
2	groundwater	Commercial	20	10,000,000	est. 80 gpm

C. Maximum Rate of Use Requested

What is the maximum, instantaneous rate of water that will be used? 80 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: all year
 (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: _____

(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): 10 HP FPS/Franklin 1005710D6B-0664
- 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" Length _____

- other, describe: _____

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C. Application/Distribution Method

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

pressure tanks

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.

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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.

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Proposed date construction will begin: As soon as permits obtained

Proposed date construction will be completed: "

Proposed date beneficial water use will begin: "

Is this project fully or partially funded by the American Recovery and Reinvestment Act? (Federal stimulus dollars) Yes No

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.

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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:



9/9/09

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

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.

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

REEL:2777

PAGE: 199

February 23, 2007, 03:26 pm.

CONTROL #: 189449

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: \$ 41.00

BILL BURGESS
COUNTY CLERK

THIS IS NOT AN INVOICE.

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3.056 Portland, OR
 21856 Vents Road, NE
 Aurora, OR 97002
 (TCA Site No. 56 - Portland)

Exhibit "A"

A parcel of land located in the Amable Arquat Donation Land Claim No. 45 in the Southeast one-quarter of Section 9, Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon and more particularly described as follows:

Beginning at an Iron rod on the Easterly right-of-way line of County Road No. 425, said point being South 08°07'00" East along the centerline of said County Road a distance of 1,666.58 feet (the deed calls this 1,667.50 feet) and North 73°21'00" East a distance of 30.34 feet from the Southeast corner of the David Crawford Donation Land Claim No. 41; thence continuing North 73°21'00" East a distance of 629.64 feet (the deed calls this 630.05 feet); thence North 30°08'00" East a distance of 721.88 feet (the deed calls this 722.11 feet) to a point on the Southerly line of that parcel of land conveyed to Louis N. Racette et al, and recorded in Volume 269, page 508, Marion County Deed Records; thence North 73°21'00" East along the Southerly line of said Racette property a distance of 479.69 feet (the deed calls this 479.64 feet) to a point on the Westerly right-of-way line of Pacific Highway (Interstate No. 5); thence South 30°08'00" West along said Westerly right-of-way line a distance of 1897.70 feet (the deed calls this 1898.17 feet); thence South 42°36'38" West, (the deed calls this South 42°36' West) along said Westerly right-of-way line a distance of 189.54 feet (the deed calls this 189.59 feet); thence South 46°20'55" West (the deed calls this South 46°19'00" West) along said Westerly right-of-way line a distance of 161.22 feet (the deed calls this 161.43 feet); thence North 59°54'00" West along said right-of-way line a distance of 104.21 feet (the deed calls this 104.28 feet); thence continuing along said right-of-way line Northwesterly along a 246.48 foot radius curve to the right, through a central angle of 00°40'02" an arc distance of 2.87 feet (the long chord of said curve bears North 08°29'44" West (the deed calls this North 08°28' West a distance of 2.87 feet); thence South 81°53'00" West along said right-of-way line a distance of 3.65 feet; thence North 59°54'00" West along said right-of-way line a distance of 7.17 feet to a point on the Easterly right-of-way line of County Road No. 425; thence North 08°07'00" West along said Easterly right-of-way line a distance of 900.66 feet (the deed calls this 900.92 feet) to the point of beginning.

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Done by order of the grantor's board of directors with its corporate seal, if any affixed on January 31, 2007.

TA Operating LLC

By: [Signature]
Name: John R. Hoadley
Its: Executive Vice President and Treasurer

COMMONWEALTH OF MASSACHUSETTS, County of Suffolk ss.

*John R. Hoadley
Executive Vice
President and
Treasurer*

^{instrument was}
This instrument was acknowledged before me on January , 2007
by John R. Hoadley
as Executive Vice President and Treasurer
of TA Operating LLC, a Delaware limited liability company

[Signature]
Notary Public for Massachusetts
My commission expires

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930



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TA Operating LLC, 24601 Center Ridge Road, Suite 200, Westlake, Ohio 44145
Grantor's Name and Address
HPT TA Properties Trust, 400 Centre Street, Newton, MA 02458

STATE OF OREGON,
County of

I certify that the within instrument was received for recording on _____ at _____ o'clock _____ M., and recorded in book/reel/volume No. _____ on page _____ and/or as fee/file/instrument/microfilm/reception No. _____, Records of this County.

Once recorded, please return to:

SPACE RESERVED FOR RECORDER'S USE

Stewart Title Guaranty
200 S. College Street #1640
Charlotte, NC 28202

Witness my hand and seal of County affixed.

Until requested otherwise, send all tax statements to (Name, Address, Zip):
HPT TA Properties Trust, 400 Centre Street, Newton, MA 02458

By _____ NAME _____ TITLE _____ Deputy.

**SPECIAL WARRANTY DEED
(Corporate Grantor)**

[Repealed, OR (S 100)]
Portland

TA Operating LLC, a limited liability company duly organized and existing under the laws of the State of Delaware, Grantor, conveys and warrants to

HPT TA Properties Trust, a Maryland real estate investment trust Grantee the following described real property free of encumbrances, except as specifically set forth therein, situated in Marion County, State of Oregon, to-wit:

See legal description attached hereto as Exhibit A.

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

Grantor hereby covenants with said Grantee that the grantor is lawfully seized of said land in fee simple; that Grantor has good right and lawful authority to sell and convey said land; that the grantor hereby fully warrants the title to said land and will defend the same against the lawful claims of all persons claiming by, through or under Grantor.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ 10.00
(Here, comply with the requirements of ORS 93.030.) _____

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100-277-11220-1
AMERTIME



Oregon Water Resources Department

FORM Q
FOR COMMERCIAL AND INDUSTRIAL WATER USES

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

travel center: gas and diesel fueling, C store, restaurant,
fast food, laundry, showers, restrooms

2. How will the water be used?

commercial - restaurant, fast food, laundry, showers,
restrooms

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

80 cfs gpm

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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? 24 hrs a day for travel center operation

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? at night when truck stop use slows down, QSR closed, etc.

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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: TA Operating LLC
Mailing Address: 24601 Center Ridge Road
Westlake OH 44145 Daytime Phone: 440-808-4411
City State Zip

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	¼¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
45	1W	9	NE ¼ SE ¼	041W09 01100	Commercial	<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Commercial - trucks top
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<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:

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 of Ground Water Registration Modification

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

Estimated quantity of water needed: 80 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:

new water supply well for Travel Centers of America facility.

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.

Receipt for Request for Land Use Information

State of Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

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For Local Government Use Only

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

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

Please check the appropriate box below and provide the requested information

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCL 20 Ch 150

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

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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.

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✓ Name: Jennifer Brown Title: Assistant Planner
 ✓ Signature: [Signature] Phone: 503-588-0051 Date: 9-1-09
 ✓ 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.

Receipt for Request for Land Use Information

Applicant Name: _____
 City or County: _____ Staff Contact: _____
 Signature: _____ Phone: _____ Date: _____