

Application for a Permit to Use Ground Water



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Seven Hills Properties, LLC		PHONE N/A	
PHONE (WK) (541) 938-8941	CELL (509) 520-2049	FAX N/A	
ADDRESS 83501 Lower Dry Creek Road			
CITY Milton-Freewater	STATE OR	ZIP 97862	E-MAIL bob@sevenhillsvineyard.com

Organization Information

NAME <i>same as applicant</i>		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

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

AGENT / BUSINESS NAME N/A		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL

Note: Attach multiple copies as needed

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- 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 cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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


Applicant Signature

Robert Buchanan – General Manager
Print Name and title if applicable

May 20, 2010
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <i>G-17375</i>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

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

- Yes
 - There are no encumbrances.
 - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
 - 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 irrigation and/or domestic use only (ORS 274.040).
 - Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

- Anderson Middleton Company – PO Box 240, Hoquiam, WA 98550 – East Bulge
- Powerline Ranch LLC – 83501 Lower Dry Creek Rd, M-F, OR 97862 – Ferguson Bulge
- Walla Walla Valley Appellation, LLC – 83501 Lower Dry Creek Rd, M-F, OR 97862 – Middle Bulge
- High Ridge LLC – 83501 Lower Dry Creek Rd, M-F, OR 97862 – West and South Bulges

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
3A	Dry Creek	5,740 feet	Well 140 feet above creek
4A	Dry Creek	1,450 feet	Well 160 feet above creek
4D	Dry Creek	1,120 feet	Well 160 feet above creek
WWVA	Dry Creek	2,050 feet	Well 40 feet above creek
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Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

This application only involves STORAGE of water in five existing storage reservoirs/bulges.

Water will be held in reservoirs/bulges on year-round basis to protect integrity of reservoir liners.

All stored water will be used for irrigation of 1528 acres already authorized by Permit G-15883.

SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Basalt wells in Dry Creek Basin

0-17395

Total maximum rate requested: 16.82 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
3A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UMAT 55526	<input type="checkbox"/>					362.0 bgs 29 MAR 10	Basalt - Dry Creek Basin	1040	2425	58.47
4A	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UMAT 55523	<input type="checkbox"/>					424.2 bgs 15 MAR 10	Basalt - Dry Creek Basin	1035	3950	
4D	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UMAT 56382	<input type="checkbox"/>					415.1 bgs 14 MAR 10	Basalt - Dry Creek Basin	1056	3995	
WWVA	<input type="checkbox"/>	<input checked="" type="checkbox"/>	UMAT 50516	<input type="checkbox"/>					220.0 bgs 27 MAR 10	Basalt - Dry Creek Basin	1109	675	
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Storage	Year-round	58.47

Exempt Uses: Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 0 Acres Supplemental: 0 Acres

List the Permit or Certificate number of the underlying primary water right(s): Permit G-15883

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: N/A
- If the use is **mining**, describe what is being mined and the method(s) of extraction: N/A

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 350 hp (3A), 800 hp (4A), 800 hp (4D), 75 hp (WWVA) – turbines

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be withdrawn from wells with turbine pumps and will then flow into common distribution mainline. Water can be diverted from common mainline into each storage reservoir.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
N/A. This application only pertains to storage of water.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

Water is only needed to protect reservoir liners from exposure to wind and solar radiation prior to use for irrigation which is already authorized under other water right permit (G-15883).

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SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: East Bulge Acreage inundated by reservoir: 1.74 acres

Use(s): Temporary storage of irrigation water (year-round to protect bulge liner from wind/solar exposure)

Volume of Reservoir (acre-feet): 22.59 Dam height (feet, if excavated, write "zero"): 7.8 feet

Reservoir name: Ferguson Bulge Acreage inundated by reservoir: 0.72 acres

Use(s): Temporary storage of irrigation water (year-round to protect bulge liner from wind/solar exposure)

Volume of Reservoir (acre-feet): 6.64 Dam height (feet, if excavated, write "zero"): 7.4 feet

Reservoir name: Middle Bulge Acreage inundated by reservoir: 1.49 acres

Use(s): Temporary storage of irrigation water (year-round to protect bulge liner from wind/solar exposure)

Volume of Reservoir (acre-feet): 8.42 Dam height (feet, if excavated, write "zero"): 5.4 feet

Reservoir name: West Bulge Acreage inundated by reservoir: 1.20 acres

Use(s): Temporary storage of irrigation water (year-round to protect bulge liner from wind/solar exposure)

Volume of Reservoir (acre-feet): 13.20 Dam height (feet, if excavated, write "zero"): 8.3 feet

Reservoir name: South Bulge Acreage inundated by reservoir: 0.89 acres

Use(s): Temporary storage of irrigation water (year-round to protect bulge liner from wind/solar exposure)

Volume of Reservoir (acre-feet): 7.62 Dam height (feet, if excavated, write "zero"): 6.1 feet

Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

If you would like to use stored ground water from the reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Annual volume (acre-feet): N/A

USE OF STORED GROUND WATER	PERIOD OF USE
Use of water for irrigation already authorized by Water Right Permit G-15883	

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SECTION 8: PROJECT SCHEDULE

Date construction will begin: reservoirs already constructed

Date construction will be completed: reservoirs already constructed

Date beneficial water use will begin: immediately upon issuance of permit for storage

SECTION 9: REMARKS

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

Use of water from these wells is already authorized under Permit G-15883.

Applicant simply requests permission to store water in five reservoirs on year-round basis to protect reservoir liners from exposure to wind and solar radiation. All water stored in reservoirs will be used for irrigation under Permit G-15883 (currently pending certification).

Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
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WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____
- Land Use Information Form _____
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees _____

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- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west). Each well must be identified by a unique name and/or number.
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other _____

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Land Use Information Form



Oregon Water Resources Department
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NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

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) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
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Applicant: SEVEN HILLS PROPERTIES, LLC
First Last

Mailing Address: 83501 LOWER DRY CREEK ROAD

MILTON-FREEWATER OR 97862 Daytime Phone: (541) 938-8941
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), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5N	35E	3	SW SE	1801	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
5N	35E	10	NE NW	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
5N	35E	9	NE+NW/NE	200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
5N	35E	5	NE+NW/SE	802	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
5N	35E	8	NE SE	1100	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU

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

5N	35E	4	NE NW	200	EFU	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
5N	35E	4	NE SW	403	EFU	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	EFU

UHATILLA COUNTY

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
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

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

Estimated quantity of water needed: 58A7
 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 STORAGE (YEAR-ROUND)

Briefly describe:

STORE WATER YEAR-ROUND IN FIVE RESERVOIRS PRIOR TO USE FOR IRRIGATION UNDER EXISTING WATER RIGHT PERMIT (G-15883) — TO PROTECT POND LINERS FROM EXPOSURE TO WIND AND SOLAR RADIATION.

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

See bottom of Page 3. →

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): UCDC 152.054(A) Farm Use per ORS 215.203 And UCDC 152.003
- Land uses to be served by the 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
		<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: CAROL JOHNSON Title: Senior Planner
 Signature: Carol Johnson Phone: 541-278-6252 Date: 5-27-10
 Government Entity: UMATILLA 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: _____



**LEGAL DESCRIPTION FOR ADJUSTED WALLA WALLA VALLEY APPELATION, LLC
PROPERTY (Map 5N 35, Tax Lot 200) AFTER THE BOUNDARY LINE ADJUSTMENT WITH
POWERLINE RANCH, LLC PROPERTY (Map 5N 35, Tax Lot 400)**

A parcel of land located in the Northwest quarter of the Northwest quarter, the Northeast quarter of the Northwest quarter, the Southwest quarter of the Northwest quarter, the Southeast quarter of the Northwest quarter, the Northwest quarter of the Southwest quarter, the Northeast quarter of the Southwest quarter, the Southeast quarter of the Southwest quarter, the Southwest quarter of the Southeast quarter, and the Southeast quarter of the Southeast quarter, all in Section 4, in the Southeast quarter of the Northeast quarter of Section 5, and in the Northwest quarter of the Northeast quarter, and the Northeast quarter of the Northeast quarter, in Section 9, all in Township 5 North of Range 35 East, W.M., Umatilla Oregon, and described more particularly as follows:

Commencing at the Northeast corner of said Northeast quarter of the Southwest quarter of Section 4, being the True Point of Beginning;
thence S 88°15'38" W along the North line of said Northeast quarter of the Southwest quarter of Section 4 a distance of 1332.02' to the Northwest corner thereof;
thence S 88°15'38" W along the North line of the Northwest quarter of the Southwest quarter of Section 4 a distance of 165.17';
thence S 43°19'48" E a distance of 209.18';
thence S 47°02'20" E a distance of 218.81';
thence S 51°34'41" E a distance of 293.08';
thence S 53°45'10" E a distance of 30.65';
thence S 50°11'52" E a distance of 317.79';
thence S 56°15'08" E a distance of 176.79';
thence S 60°31'15" E a distance of 169.01';
thence S 57°02'37" E a distance of 439.84';
thence S 49°53'41" E a distance of 125.11';
thence S 40°50'51" E a distance of 117.66';
thence S 31°59'39" E a distance of 77.26';
thence S 34°19'37" E a distance of 171.84';
thence S 33°04'10" E a distance of 341.07';
thence S 33°04'10" E a distance of 6.89';
thence S 30°42'11" E a distance of 231.24';
thence S 30°17'07" E a distance of 264.60';
thence S 44°46'01" E a distance of 52.06';
thence S 49°26'47" E a distance of 34.91';
thence S 52°23'37" E a distance of 73.54';
thence S 56°44'45" E a distance of 117.29';
thence S 65°10'08" E a distance of 37.96';
thence S 70°06'32" E a distance of 40.16';
thence S 71°58'00" E a distance of 35.91';
thence S 67°11'48" E a distance of 37.90';
thence S 62°45'29" E a distance of 71.99';
thence S 66°07'17" E a distance of 33.01';
thence S 71°09'45" E a distance of 28.27';
thence N 83°12'38" E a distance of 31.71';
thence N 67°26'46" E a distance of 38.00';
thence N 64°59'23" E a distance of 35.25';

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thence N 66°39'12" E a distance of 44.88';
 thence N 70°35'32" E a distance of 38.63';
 thence N 78°13'38" E a distance of 44.14';
 thence S 87°02'35" E a distance of 46.37';
 thence S 69°18'32" E a distance of 51.14';
 thence S 55°32'39" E a distance of 75.11';
 thence S 58°34'50" E a distance of 45.97';
 thence S 87°50'03" E a distance of 1097.79' to a point on the East line of the Southeast quarter of the Southeast quarter of Section 4 a distance of 7.17 ft. North of the Southeast corner thereof;
 thence N 89°39'03" W a distance of 519.68';
 thence N 88°25'06" W a distance of 337.66';
 thence S 83°53'06" W a distance of 120.00';
 thence S 29°46'55" W a distance of 131.20';
 thence S 18°46'34" W a distance of 88.45';
 thence S 49°33'02" W a distance of 88.54';
 thence S 68°36'38" W a distance of 96.41';
 thence S 83°51'05" W a distance of 97.54';
 thence N 68°05'17" W a distance of 85.10';
 thence N 84°10'26" W a distance of 142.53';
 thence S 71°16'39" W a distance of 60.49';
 thence S 64°31'25" W a distance of 529.18';
 thence S 31°11'00" E a distance of 1017.13' to a point on the South line of the Northwest quarter of the Northeast quarter of said Section 9;
 thence S 87°55'28" W along said South line of the Northwest quarter of the Northeast quarter of Section 9 a distance of 381.41' to a point on the East right of way line of Dry Creek Road; thence along said right of way line as follows:
 thence with a curve turning to the right with an arc length of 773.79', with a radius of 3051.65', with a chord bearing of N 34°09'29" W, with a chord length of 771.72';
 thence N 28°49'43" W a distance of 200.81';
 thence with a curve turning to the left with an arc length of 858.31, with a radius of 6418.32, with a chord bearing of N 30°50'43" W, with a chord length of 857.67';
 thence with a compound curve turning to the left with an arc length of 693.77', with a radius of 8670.51', with a chord bearing of N 34°28'22" W, with a chord length of 693.58';
 thence with a compound curve turning to the left with an arc length of 630.73', with a radius of 8670.51', with a chord bearing of N 38°50'56" W, with a chord length of 630.59';
 thence N 42°06'23" W a distance of 142.02';
 thence N 46°19'59" W a distance of 631.53';
 thence with a curve turning to the right with an arc length of 356.69', with a radius of 1436.92', with a chord bearing of N 38°56'49" W, with a chord length of 355.78';
 thence with a reverse curve turning to the left with an arc length of 138.66', with a radius of 1490.34', with a chord bearing of N 38°43'46" W, with a chord length of 138.61';
 thence N 36°19'04" W a distance of 792.11';
 thence with a curve turning to the left with an arc length of 171.85', with a radius of 662.82', with a chord bearing of N 42°16'21" W, with a chord length of 171.37' to a point on the Easterly right of way line of the Union Pacific Railway; thence along said right of way as follows:
 thence N 35°43'08" W a distance of 168.88';
 thence N 37°58'45" W a distance of 209.99';
 thence N 39°35'46" W a distance of 108.67';
 thence N 34°41'34" W a distance of 137.87';
 thence N 21°56'36" W a distance of 121.39';
 thence N 15°06'56" W a distance of 240.19';

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LEGAL DESCRIPTION FOR TL 200



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thence N 13°19'20" W a distance of 48.52';
thence N 08°22'29" W a distance of 53.02' to a point on the North line of the Southeast quarter of the Northeast quarter of said Section 5;
thence N 89°37'11" E along said North line of the Southeast quarter of the Northeast quarter of Section 5 a distance of 249.51' to the Northeast corner thereof;
thence N 00°39'18" W along the West line of the Northwest quarter of the Northwest quarter of Section 4 a distance of 628.40' to a point on the East right of way line of the Union Pacific Railway;
thence N 30°42'19" E along said right of way a distance of 74.69';
thence S 63°20'11" E a distance of 338.59';
thence N 27°58'49" E a distance of 972.75' to a point on the North line of the Northwest quarter of said Section 4;
thence N 88°23'23" E along the North line of the Northwest quarter of Section 4 a distance of 1847.35' to the Northeast corner thereof;
thence S 00°52'52" E along the East line of the Northeast quarter of the Northwest quarter of Section 4 a distance of 1380.13' to the Southeast corner thereof;
thence S 00°52'33" E along the East line of the Southeast quarter of the Northwest quarter of Section 4 a distance of 1334.35' to the Southeast corner thereof and the true point of beginning,
having an area of 10272971square feet, 235.835 acres.

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LEGAL DESCRIPTION OF LANDS OWNED BY POWERLINE SUBSEQUENT TO DEEDING TO JM CELLARS

April 15, 2009

A tract of land located in the Northeast quarter of the Northeast quarter, and the Southeast quarter of the Northeast quarter of Section 9, and in the Northwest quarter of Section 10, all in Township 5 North of Range 35 East, Willamette Meridian, Umatilla County, Oregon, described more particularly as follows:

Commencing at the Southeast corner of said Southeast quarter of the Northeast quarter of Section 9, being the True Point of Beginning;
thence S 87°33'51" W along the South line of said Southeast quarter of the Northeast quarter of Section 9 a distance of 1409.48' to the Southwest corner thereof;
thence N 07°38'49" W along the West line of the Southeast quarter of the Northeast quarter of Section 9 a distance of 1322.72' to the Northwest corner thereof;
thence N 07°38'49" W along the West line of the Northeast quarter of the Northeast quarter of Section 9 a distance of 446.06';
thence N 87°39'12" E a distance of 1359.94' to a point on the East line of the Northeast quarter of Section 9;
thence S 09°14'55" E along the East line of the northeast quarter of Section 9 a distance of 600.17';
thence N 81°00'08" E a distance of 718.51' ;
thence N 02°24'52" W a distance of 1269.00' ;
thence N 86°44'08" E a distance of 400.00' ;
thence N 67°41'08" E a distance of 354.00' to a point on the North line of said Northwest quarter of Section 10;
thence N 86°44'08" E along the North line of said Northwest quarter of Section 10 a distance of 980.29' to the Northeast corner thereof;
thence S 10°15'07" E along the East line of said Northwest quarter of Section 10 a distance of 2674.07' to the Southeast corner thereof;
thence S 87°26'33" W along the South line of said Northwest quarter of Section 10 a distance of 2652.01' to the Southwest corner thereof, which is the true point of beginning, having an area of 8154785 square feet, 187.208 acres.

State of Oregon)
County of Umatilla)

This instrument was received
and recorded on
05-25-09 at 11:00

in the record of instrument
code type DE-FC

Instrument Number 2009-5530095
Fee 66.00

Office of County Records

Records Officer

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EXHIBIT A

LEGAL DESCRIPTION

A tract of land located in the Northwest ¼ of the Southwest ¼, the Northeast ¼ of the Southwest ¼, the Northwest ¼ of the Southeast ¼, the Northeast ¼ of the Southeast ¼, the Southwest ¼ of the Southeast ¼, and the Southeast ¼ of the Southeast ¼, all in Section 4 of Township 5 North, in Range 35 East, W.M., Umatilla County, Oregon, described more particularly as follows:

Commencing at the Northeast corner of the Northwest ¼ of the Southwest ¼ of said Section 4, thence S88°15'38"W along the North line of the Northwest ¼ of the Southwest ¼ of Section 4 a distance of 165.17' to the True Point of Beginning for this Legal Description;

Thence N 88°15'38" E a distance of 165.17' to the Northeast corner of the Northwest ¼ of the Southwest ¼ of said Section 4;

Thence N 88°15'38" E along the North lines of the Southwest ¼ and the Southeast ¼ of Section 4 a distance of 3995.45' to the Northeast corner of the Northeast ¼ of the Southeast ¼ of Section 4; thence S 01°06'34" E along the East line of the Southeast ¼ of Section 4 a distance of 2683.61' to a point on the North line of that easement filed at Recording number 2006-5040387, Records of Umatilla County;

thence N 87°50'03" W a distance of 1097.79' to a point on the Northeasterly boundary of that easement filed at Recording number 2008-542076 ; thence along said boundary as follows:

- thence N 58°34'50" W a distance of 45.97';
- thence N 55°32'39" W a distance of 75.11';
- thence N 69°18'32" W a distance of 51.14';
- thence N 87°02'35" W a distance of 46.37';
- thence S 78°13'38" W a distance of 44.14';
- thence S 70°35'32" W a distance of 38.63';
- thence S 66°39'12" W a distance of 44.88';
- thence S 64°59'23" W a distance of 35.25';
- thence S 67°26'46" W a distance of 38.00';
- thence S 83°12'38" W a distance of 31.71';
- thence N 71°09'45" W a distance of 28.27';
- thence N 66°07'17" W a distance of 33.01';
- thence N 62°45'29" W a distance of 71.99';
- thence N 67°11'48" W a distance of 37.90';
- thence N 71°58'00" W a distance of 35.91';
- thence N 70°06'32" W a distance of 40.16';
- thence N 65°10'08" W a distance of 37.96';
- thence N 56°44'45" W a distance of 117.29';
- thence N 52°23'37" W a distance of 73.54';
- thence N 49°26'47" W a distance of 34.91';
- thence N 44°46'01" W a distance of 52.06';
- thence N 30°17'07" W a distance of 264.60';
- thence N 30°42'11" W a distance of 231.24';
- thence N 33°04'10" W a distance of 347.96';
- thence N 34°19'37" W a distance of 171.84';
- thence N 31°59'39" W a distance of 77.26';
- thence N 40°50'51" W a distance of 117.66';
- thence N 49°53'41" W a distance of 125.11';
- thence N 57°02'37" W a distance of 439.84';

LEGAL DESCRIPTION FOR TL 403

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thence N 60°31'15" W a distance of 169.01';
thence N 56°15'08" W a distance of 176.79';
thence N 50°11'52" W a distance of 317.79';
thence N 53°45'10" W a distance of 30.65';
thence N 51°34'41" W a distance of 293.08';
thence N 47°02'20" W a distance of 218.81';
thence N 43°19'48" W a distance of 209.18' to a point on the North line of the Northwest ¼ of the
Southwest ¼ of said Section 4;
which is the true point of beginning, having an area of 7273547 square feet, 166.978 acres.



Exhibit A

LEGAL DESCRIPTION FOR TAX LOT 800, ALSO KNOWN AS TRACT A-2

September 22, 2008

A tract of land located in the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$, the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$, in Section 5, and the Southwest $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ in Section 4, all a part of Township 5 North of Range 35 East, W.M., Umatilla County, Oregon, being described more particularly as follows:

Commencing at the Southeast corner of said Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 5, being the True Point of Beginning for this Legal Description;

thence S $89^{\circ}37'11''$ W along the South lines of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5 a distance of 2655.34' to the Southwest corner of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of said Section 5;

thence N $00^{\circ}39'12''$ W along the West line of the Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 5 a distance of 1305.92' to a point on the South right of way line of Seven Hills Road; thence along said right of way line as follows:

thence N $88^{\circ}55'42''$ E a distance of 585.18';

thence N $89^{\circ}23'09''$ E a distance of 520.09';

thence with a curve turning to the left with an arc length of 187.46', with a radius of 825.83', with a chord bearing of N $82^{\circ}50'12''$ E, with a chord length of 187.05';

thence N $76^{\circ}19'14''$ E a distance of 26.69';

thence N $88^{\circ}53'37''$ E a distance of 10.49' to the Northwest corner of the Northeast $\frac{1}{4}$ of said Section 5;

thence N $88^{\circ}53'38''$ E along the North line of the Northeast $\frac{1}{4}$ of Section 5 a distance of 282.46'; thence continuing along the road right of way line as follows:

thence S $78^{\circ}31'53''$ E, a distance of 73.85';

thence with a curve turning to the left with an arc length of 91.99', with a radius of 420.00', with a chord bearing of S $84^{\circ}48'22''$ E, with a chord length of 91.81';

thence N $88^{\circ}40'18''$ E a distance of 1172.02'; thence, leaving said right of way and running S $54^{\circ}19'22''$ E a distance of 796.17';

thence S $72^{\circ}49'22''$ E a distance of 344.80' to a point on the West right of way of Dry Creek Road; thence along said Dry Creek right of way as follows:

thence with a curve turning to the right with an arc length of 203.21', with a radius of 1936.26', with a chord bearing of S $31^{\circ}26'37''$ W, with a chord length of 203.12';

thence S $33^{\circ}10'00''$ W a distance of 181.08';

thence with a curve turning to the left with an arc length of 218.82', with a radius of 1713.60', with a chord bearing of S $30^{\circ}46'41''$ W, with a chord length of 218.67';

thence with a compound curve turning to the left with an arc length of 444.12', with a radius of 523.15', with a chord bearing of S $01^{\circ}33'51''$ E, with a chord length of 430.90';

thence with a compound curve turning to the left with an arc length of 445.83', with a radius of 2569.64', with a chord bearing of S $25^{\circ}55'52''$ E, with a chord length of 445.27';

thence with a compound curve turning to the left with an arc length of 435.97', with a radius of 2334.86', with a chord bearing of S $40^{\circ}24'19''$ E, with a chord length of 435.33';

thence S $51^{\circ}36'42''$ E a distance of 19.11';

thence S $35^{\circ}50'31''$ E a distance of 47.79';

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LEGAL DESCRIPTION FOR TL 800



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thence S 35°35'22" E a distance of 460.83' to a point on the South line of the Southwest ¼ of the Northwest ¼ of said Section 4;
thence S 88°15'38" W along the South line of the Southwest ¼ of the Northwest ¼ of Section 4 a distance of 391.08' to a the Southwest corner thereof;
thence S 89°54'45" W along the South line of the Southeast ¼ of the Northeast ¼ of Section 5 a distance of 1327.76' to the Southwest corner thereof;
thence N 00°39'18" W along the West line of the Southeast ¼ of the Northeast ¼ of Section 5 a distance of 1336.74' to the Northwest corner thereof;
which is the true point of beginning, having an area of 6382827 square feet, 146.530 acres.

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