



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 Surface 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](http://www.wrd.state.or.us/OWRD/PUBS/forms.shtml).

## I. APPLICANT INFORMATION

### A. Individuals

Applicant: \_\_\_\_\_  
First Last

Mailing address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip

Phone: \_\_\_\_\_  
Home Work Other

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

### B. Organizations

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

Name of organization: Netarts Water District

Name and title of person applying: Steven Kershaw, Board Chair

Mailing address of organization: PO Box 50

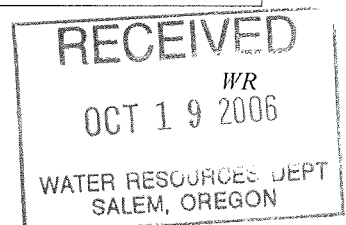
\_\_\_\_\_  
Netarts Oregon 97141  
 City State Zip

Phone: 503 842-9405  
Day Evening

\*Fax: 503 842-9380 \*E-Mail address: nwd@oregoncoast.com

\* Optional information

For Department Use		
App. No. <u>586705</u>	Permit No. _____	Date _____



**2. SOURCE AND PROPERTY OWNERSHIP**

**A. The Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: East Fork of Fall Creek Tributary to: Netarts Bay  
Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_  
Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name). See Attachment A for stored water.

**B. Applications to Use Stored Water**

*Complete this section if any source listed in item 2A above is stored water.*

Do you, or will you, own the reservoir(s) described in item 2A above?

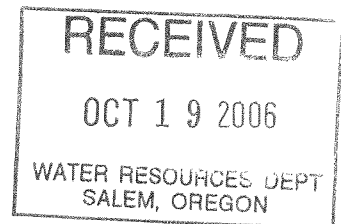
Yes.

No. Please enclose:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir to impound the volume of water you propose to use in this application.
- A copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator. *(This applies only if the operator of the reservoir is not the reservoir owner.)*
- A copy of your written agreement with the party delivering the water from the reservoir to you. *(This applies only if the party delivering the water is not the reservoir owner.)*

If *all* sources listed in item 2A are stored water, the Department will review your application using the expedited process provided in OAR 690-340-0060, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in OAR 690-310, rather than the expedited process provided by OAR 690-340-0060.



**C. Property Ownership**

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

Yes (Skip to section 3 "Water Use.")

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.

Fund 7 Domestic LLC, c/o Green Crow Management Services, PO Box 2498, Port Angeles, WA 98362

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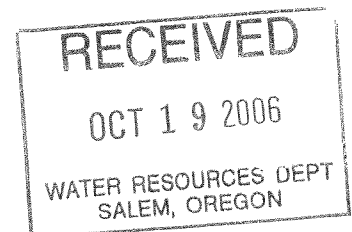
**3. WATER USE**

*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 amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

Source	Type of use	Amount			
East Fork of Fall Creek	Quasi Municipal	0.3	<input checked="" type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af
			<input type="checkbox"/> cfs	<input type="checkbox"/> gpm	<input type="checkbox"/> af

**C. Period of Use**

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

**D. Acreage**

If you will be applying water to land, indicate the total number of acres where water will be applied or used: \_\_\_\_\_ n/a  
*(This number should be consistent with your application map.)*

**4. WATER MANAGEMENT**

**A. Diversion**

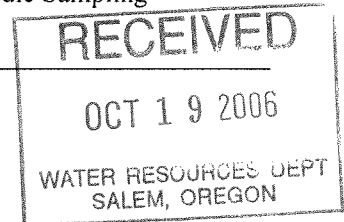
What method will you use to divert water from the source?

- Pump (give horsepower and pump type): \_\_\_\_\_
- Head-gate (give dimensions): \_\_\_\_\_
- Other means (describe): \_\_\_\_\_ Use existing earthen dam, existing intake and existing pipeline

**B. Monitoring**

How will you monitor your diversion to be sure you are within the limits of your water right (allowed rate and duty) and you are not wasting water?

- Weir
- Meter
- Periodic Sampling
- Other means (describe): \_\_\_\_\_



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**C. 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 \_\_\_\_\_ 8" \_\_\_\_\_ Length 12" ø ± 500', then 10" ø ± 3/4 mile, then 8" ø ± 3/4 mile

Other (describe) \_\_\_\_\_

**D. Application/Distribution Method**

What equipment will you use to apply water to your place of use? Water distribution system of underground pipes of the Netarts Water District

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 \_\_\_\_\_

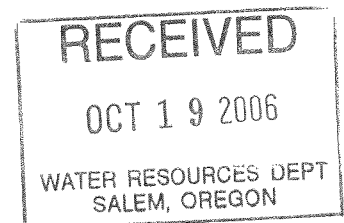
Distribution method

- 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.

Master meter on the main pipeline from the point of diversion at water treatment plant. There is another master meter downstream of the treated water storage reservoir. All water uses within the District are metered. The District maintains an active leak detection and leak repair program. See Attachment A



5. RESOURCE PROTECTION

**A. Protection Practices**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: The existing intake manifold assembly consists of four stainless steel fine mesh screens on the 12" dia. intake pipe. The screens are cleaned as required on a regular basis.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas. Describe planned actions: No construction planned or required for this

application. Use existing water system facilities.

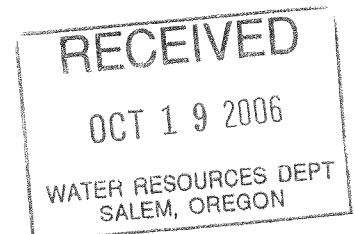
Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe: No construction planned or required for this application.

Use existing water system facilities.

Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe: No construction planned or required for this application.

Use existing water system facilities.

Other: \_\_\_\_\_



**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: Completed during previous construction

Proposed date construction will be completed: n/a

Proposed date beneficial water use will begin: October 2007

**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.*

This application is for additional water to be diverted from the same point of diversion, using the existing intake pipeline, therefore, no new "construction" will be necessary

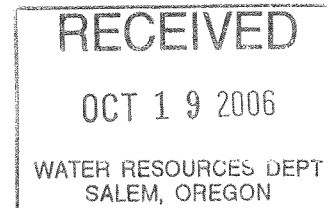
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**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 points of diversion and place of use. The map must provide tax lot numbers. See the map guidelines sheet for detailed map specifications.

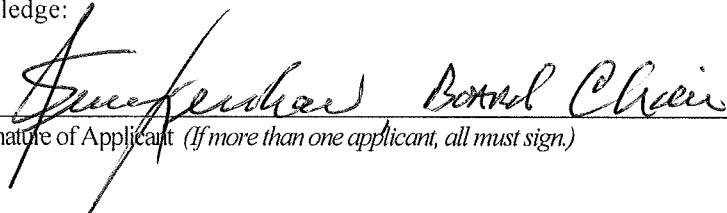


## 9. SIGNATURE

By my signature below I confirm that I understand:

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

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

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

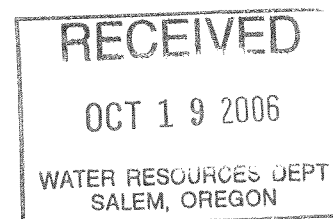
*10/17/2006*  
Date

Before you submit your application be sure you have:

- Answered each question completely.
- Attached a legible map which includes township, range, section, quarter/quarter and tax lot number.
- Included a Land Use Information Form or receipt stub signed by a local official.
- Included the legal description of all the property involved with this application. You may supply a copy of the deed, land sales contract, or title insurance policy, to meet this requirement.
- Included a check payable to the Oregon Water Resources Department for the appropriate amount. The Department's fee schedule can be found at [www.wrd.state.or.us](http://www.wrd.state.or.us) or call (503) 986-0900.

**WRD on the web:**  
[www.wrd.state.or.us](http://www.wrd.state.or.us)

*Surface Water/8*



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Oregon Water Resources Department

FORM M

FOR MUNICIPAL AND QUASI MUNICIPAL WATER SUPPLIES

Unless otherwise noted, water use information should be in acre-feet per year (AFY).
1 acre-foot is equal to 325,851 gallons.

Background Information

Name of water supplier: Netarts Water District

Name and size of area to be served:
(in square miles)

Present population of service area: 1847
(Contact county planning staff, if needed.)

Projected population in 20 years: 3536 Netarts Water District Master Plan 1994
(Cite source and year. For example: "20,595 Based upon 1995 Portland State University projections.")

List present water rights and permits held:

Date of Issuance: Natural Source of Water: Amount Permitted: Utilization:

Water Use

Average yearly demand: 1968 AFY Year: 2004/2005

Per-capita daily consumption (in gallons): 90 Gallons per Person
(Divide average annual water sales by population to arrive at consumption, then divide by 365 to get daily values.)

Peak season (by month/day): July 4 to Labor Day Total peak season demand: 52.3 Acre-feet

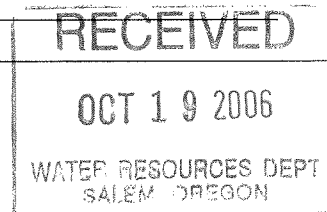
Peak season per-capita daily consumption:
(Divide total peak season demand by population and the number of days during the peak.)

Annual amount of water:
produced: 61,430,280
(diverted or pumped)

delivered: 52,952,901

Is your system fully metered? [X] Yes [ ] No

Describe your rate structure: Increasing based on usage
(e.g. flat rate, increasing or decreasing block rate or combination of different systems)



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**Request for Water**

A. Discuss the reason(s) for your request for additional water

(e.g. loss of current supply, peak demand, growth, or other): Projected growth of 400 new residences in the next five years.

B. How long is the amount of water requested in this application expected to meet future needs?

(e.g. until the year 2040) 2024

C. Briefly discuss operation of water system and the most constraining component of the system:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

D. Percentage of water use by type:

Residential: <u>84%</u>	Commercial: <u>1%</u>
Public Authority: <u>1%</u>	Agricultural: <u>0</u>
Unaccounted for use: <u>14%</u>	Industrial: <u>84%</u>
Other (specify use): _____	

E. List cost to implement proposed request.

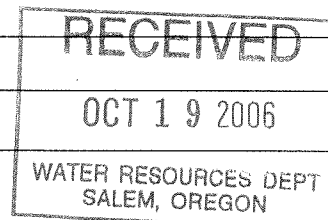
*Compare cost and benefits with other water supply, or combination of supply options. This should include water efficiency measures such as replacing current showerheads with low-flow types. (Attach documentation, as available.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

F. How and by how much will your proposed water use efficiency programs increase efficiency?

*(Express as a percentage of per-capita consumption.)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



ATTACHMENT A - Written Statement to Accompany Surface Water Application  
for the **Netarts Water District**

**Additional Information for Surface Water Application**

**Question A. The Proposed Source of Water:**

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and /or decree name).

Stored water is an authorized use. See Permit # 6047, Certificate # 8414 for existing surface water right and reservoir. This new application is for additional water to be diverted from the same point of diversion.

**Additional Information for Form M of Surface Water Application**

----- **Background Information** -----

List present water rights and permits held:

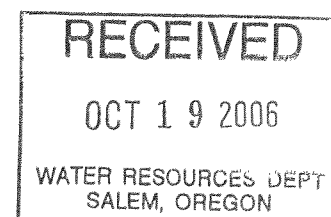
Date of Issuance:	Natural Source of Water:	Amount Permitted:	Utilization:	Notes:
8/18/1923	Unnamed Stream, tributary to Hodgdon Creek (Crt. 8418) in the NE1/4 SW1/4, Sec. 32, T1S, R10W	0.3 cfs (0.194 mgd)	Not used, not connected to system	Low stream flows are NOT sufficient to supply the permitted use
12/16/1938	West Fork Fall Creek Spring (Crt. 14210)	0.2 cfs (0.129 mgd)	Not normally used, but connected to system **	Available for use at max. available low flow which is measured at 0.16 cfs, being slightly less (80%) than amount authorized.
12/16/1938	West Fork Fall Creek (Crt. 14210)	0.5 cfs (0.323 mgd)	Not used, not connected to system	Stream flows are NOT sufficient to supply the permitted use; estimated low flow available is 0.2 cfs
11/26/1962	East Fork (North Branch) Fall Creek, at Impoundment (Crt. 38990)	0.29 cfs (0.187 mgd)	100% utilized	Main source of water supply for Netarts WD

Summary of Water Rights:	WR Normally Used	= 0.29 cfs = 0.187 mgd = 130 gpm
	WR Connected and Available (0.29 cfs + 0.16 cfs)	= 0.45 cfs = 0.292 mgd = 203 gpm
	WR Held but not Available	= 0.84 cfs = 0.541 mgd = 376 gpm
	Total WR Held	= 1.29 cfs = 0.834 mgd = 579 gpm

---- **Request for Water** -----

**Question C. Briefly discuss operation of the water system and the most constraining component of the system:**

The unincorporated community of Netarts is served by the Netarts Water District, which obtains surface water from the East Fork (North branch) of Fall Creek. Water is treated through filtration in a 200 gpm package filtration plant consisting of two 100 gpm package units. Water storage consists of one 600,000 gallon concrete reservoir located adjacent to the filtration plant and fed by gravity flow, and one 200,000 gallon glass-fused steel reservoir located above the treatment plant and fed by a pump station.



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ATTACHMENT A - Written Statement to Accompany Surface Water Application  
for the **Netarts Water District**

All areas of the water system are supplied by one filtration plant. Finished water is stored for peak use times in the two reservoirs. The distribution system is gravity fed from the reservoirs and consists of many miles of Transite, OD steel, PVC and PE water pipe ranging in size from 2" to 10" diameter.

At least two other viable sources of water exist for which water rights have been granted, one of which is a spring on the West Fork of Fall Creek and the other is surface water from the West Fork of Fall Creek.

1) The West Fork Fall Creek Spring is connected with a pump station to the intake piping at the water treatment plant. This spring raises the total connected and available water and improved rights for the District to 203 gpm which matches the capacity of the filtration plant. There have been reports, however, that the water from this source tastes bad.

2) The District holds a water right on the West Fork of Fall Creek. Measurements indicate that stream flows are approximately 185 gpm (0.412 cfs = 0.266 mgd) over the concrete spillway at impoundments located near this source. Complete use of that water, however, would result in a dry creek downstream, which is impractical. A practical low flow available from this source is estimated at 100 gpm (0.223 cfs = 0.144 mgd). Pumping and pipeline facilities would be required to move the raw water from this source to the filtration plant.

At the current time the most constraining component of the system is the capacity of the filtration plant at 200 gpm. Close behind that limiting capacity is the connected and available water rights at 203 gpm. The Water Master Plan Update of 2004 recommends that the Netarts Water District develop additional sources of water and also plan for the addition of a new 175 gpm package water filtration unit.

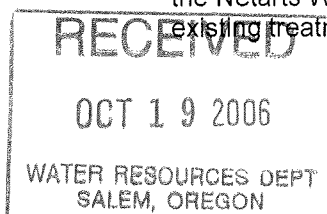
**Question E. List cost to implement proposed request.**

At the current time the immediate cost to implement the proposed request is zero dollars. Additional water is now available using the existing 12" diameter intake pipe and has the capacity for the additional proposed water.

Other water supply options include developing and/or using three other water rights now held by the District:

1. Use water from the West Fork of Fall Creek Spring. This is a more expensive option. It will be more cost effective to increase the water right at the existing intake pipe on the East Fork (North branch) of Fall Creek than to use the water from the West Fork of Fall Creek Spring, due to the cost of pumping the spring water. During the water year of 2005-2006, the district pumped 2.9M gallons of water from this source at a cost of \$0.22/1000 gallons of water, which totaled \$626 for the year.
2. Develop the existing water right for surface water on the West Fork of Fall Creek. The cost for this improvement was estimated to be \$22,000 in 2004. It will be more cost effective to apply for an additional water right at the existing intake pipe on the East Fork (North branch) of Fall Creek than to use the surface water from the West Fork of Fall Creek, due both to the cost of construction and the cost of pumping the surface water.
3. Develop the existing water right for surface water on the unnamed tributary of Hodgdon Creek. The use of water from Cr. #8418, an unnamed tributary of Hodgdon Creek is neither cost-effective nor practical. Low stream flows on that creek are NOT sufficient to supply the permitted use, and its long distance from the treatment plant (approximately 1 mile in distance and 200' below the treatment plant in elevation) makes it expensive to develop. The cost estimate for developing this additional source of water is estimated to be \$425,000.

Regardless of the source of additional water, the filtration plant will need to be expanded to handle more water flow through the filtration plant. The Water Master Plan Update of 2004 recommends that the Netarts Water District add an additional 175 gpm Microfloc treatment unit in parallel with the existing treatment plant as the max. Daily Demand reaches 0.288 mgd (projected to be in 2012). The



ATTACHMENT A - Written Statement to Accompany Surface Water Application  
for the **Netarts Water District**

cost for this improvement was estimated to be \$506,000 in 2004. This project is already under construction by the Netarts Water District.

Please refer to Question F. below for a discussion on water efficiency measures.

**Question F. How and by how much will your proposed water efficiency programs increase efficiency?**

The Netarts Water District continues to encourage water efficiency measures by two means:

1. The District has adopted an increasing rate structure based upon usage.
2. On a regular basis the District includes printed inserts in water bills that are designed to encourage water efficiency through the use of low flow devices on plumbing fixtures, etc. As a result of these water efficiency measures AND the replacement of deteriorated water mains from the 1950's and 1960's, the District has seen a resulting decrease in Average Daily Demand on a per capita basis as reported in the Water Master Plan Update of 2004, in Table 6-1:

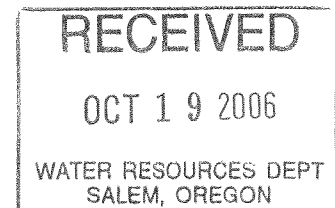
Year	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004 (est.)
MGY	46.1	47.5	46.0	46.6	51.5	54.5	51.0	47.0	47.0	49.0	50.6
Population	1534	1549	1587	1656	1707	1727	1765	1793	1806	1824	1847
AAD (gpcd)	82.3	84.0	79.4	77.1	82.7	86.5	79.2	71.8	71.3	73.6	75.1
Annual % change in ADD (gpcd)	n/a	+2.1%	-5.5%	-2.9%	+7.3%	+4.6%	-8.4%	-9.3%	-0.7%	+3.2%	+2.0%

The Netarts Water District also continues to replace deteriorated water lines and expects to see a resulting reduction in water leakage in the future. The statistics for water use for the Netarts Water District are as shown in the table above. It is difficult to determine the exact cause or causes of any of the water usage changes shown above.

The water use projections set forth in the Water Master Plan of 2004 are based upon 727 water connections with an estimated average density of 2.54 persons per water service connection for a population of 1847. This population number, combined with an estimated growth rate of 3.3 percent (growth rate for Tillamook County for 2002-2003 as reported by Portland State University's Population Research Center) serve as the basis for establishing an estimated year 2024 equivalent population of 3536 persons.

The overall 10-year decrease in per capita water use between 1994 and 2004 was -0.91% per year (compounded). This reduction is a result of all three of the above reasons: water efficiency measures, increasing rates based upon usage and water main replacement to reduce leakage. Based upon the above water use analysis, the best estimate for the increase in efficiency as a result of water use efficiency programs is about 25% of the average 10-year reduction in per capita water consumption or -0.23% per year.

The information presented in this attachment has been compiled and prepared by Ronald G. Larson, PE, PLS, CWRE, from information supplied to Mr. Larson by the Netarts Water District.





## Oregon Water Resources Department Land Use Information Form

*This information is needed to determine compatibility with local comprehensive plans as required by ORS 197.180. WRD will use this and other information to evaluate the water use application. 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, or exchange 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.*

### To Be Completed By Applicant

*This section must be completed by the individual or group that is filing an application with the Water Resources Department. Attach a copy of the map from the application to this form.*

#### A. Applicant

Name: Netarts Water District, Attn: Mike Slibsager

Address: PO Box 50

City: Netarts State: Oregon Zip: 97141 Day Phone: 503 842-9405

#### B. Land and Location

Please provide information as requested below for all tax lots on or through which water will be diverted, conveyed, or used. Check "diverted" if water is diverted (taken) from its source on tax lot, "conveyed" if water is conveyed (transported) on tax lot, and "used" if water will be put to beneficial use on tax lot. More than one box may be checked. (Attach extra sheets as necessary.) Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service area boundaries for the tax lot information requested below.

Tax Lot I.D.	Plan Designation (e.g. Rural Residential/RR-5)	Water to be: (check all that apply)	Proposed Land Use
	See attached water service area boundary map.	<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	
		<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 counties and cities where water is proposed to be diverted, conveyed, or used. Tillamook County

#### C. Description of Proposed Use

Indicate the type of application to be filed with the Water Resources Department.

Water Use Permit    Water Right Transfer    Allocation of Conserved Water    Exchange

Indicate the intended use of water and describe the key characteristics of the project.

Commercial    Industrial    Instream    Irrigation  
 Municipal    Quasi-municipal    Domestic (indicate number of households) \_\_\_\_\_  
 Other \_\_\_\_\_

Briefly describe: Expansion of existing water right to use more water from the existing point of diversion.

Indicate the source of the water to be used.

Reservoir/Pond    Ground Water    Surface Water Fall Creek, tributary to Netarts Bay  
(source)

Indicate the estimated quantity of water the use will require: \_\_\_\_\_  CFS    GPM    Acre-Feet

**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 this case, only the city planning agency must complete this form. Please request additional forms as needed or feel free to copy.

**A. Allowed Use**

Check the appropriate box below and provide requested information.

Land uses to be served by proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): \_\_\_\_\_ Go to section B "Approval" below.

Land uses to be served by proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below.

Type of Land Use Approval Needed (e.g. plan amendments, rezones, conditional use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Check the item that applies: 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

**Note:** Please attach documentation of applicable local land use approvals which have already been obtained. (Record of Action/land use decision and accompanying findings are sufficient.)

**B. Approval**

Please provide printed name and written signature.

Name: BILL HOLMSTROM Date: 21 SEP 2006  
 Title: ASSOCIATE PLANNER Phone: 503-842-3408  
 Signature: *W. Holmstrom*

**C. Additional Comments**

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

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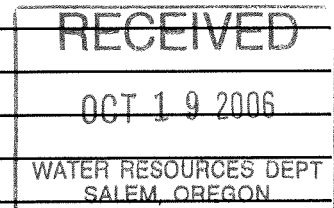
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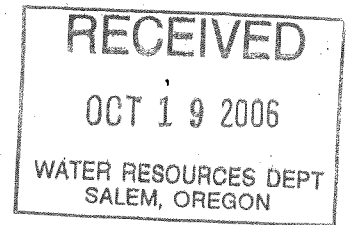


**Note:** If this form cannot be completed while the applicant waits, sign and detach the receipt stub as instructed below. You will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

586705

After Recording Return To:

Netarts Water District  
PO Box 50  
Netarts OR 97143



**RIGHT-OF-WAY AND RESERVOIR AGREEMENT**

DATED: December 01, 1996

FROM: SHILOH FOREST ENTERPRISES, LLC  
1500 Netarts Hwy. West  
Tillamook OR 97141

"SFE"

TO: NETARTS WATER DISTRICT  
PO Box 50  
Netarts OR 97143

"District"

**RECITALS:**

A. Crown Zellerbach Corporation, SFE's predecessor in interest, entered into an easement agreement on August 25, 1975 which was recorded on October 28, 1975 in the records of Tillamook County, Volume 242, Page 633 (the "1975 Easement"). The 1975 Easement granted a permanent easement for three 20-foot wide water line easements, a water intake site, a water reservoir site, and a water treatment plant site. The water intake, water reservoir, water treatment plant and a portion of the water line easements, are located on lands now owned by SFE.

B. The District needs to expand its facilities in order to supply water to its service area which requires construction of a new road and reservoir.

C. The District and SFE entered into a Road Construction Agreement dated September 6, 1996 pursuant to which SFE authorized construction of the District's new road and reservoir. Section 3.1 of the Road Construction Agreement stated the intention of SFE and the District to execute a lease and perpetual right-of-way easement for the road and reservoir site. This Right-of-Way and Reservoir Agreement (the "Agreement") is entered into in fulfillment of that agreement.

**AGREEMENT**

NOW, THEREFORE, for and in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. **GRANT.** SFE hereby grants to the District, its successors and assigns, those certain easements and rights of use as generally depicted on the map attached as Exhibit H.

EXHIBITS *6K*  
G + H *RBU*



on SFE's property shown generally on the map attached as ~~Exhibit H~~ (the "SFE Property") as follows:

EXHIBITS G + H

GR  
PBW

1.1 A perpetual non-exclusive right to construct, use and maintain a water line and associated telemetry lines in, under and through SFE's Property as more particularly described in Exhibits ~~A and B~~ (the "Water Line Easement");

A, B & C GR PBW

1.2 A perpetual exclusive easement to construct, use and maintain water reservoir tanks and associated water supply facilities on SFE's Property as more particularly described in ~~Exhibit C~~ (the "Reservoir Sites");

EXHIBITS D + H GR PBW

1.3 A perpetual non-exclusive right-of-way over and upon certain existing roadways as more particularly described in Exhibit ~~F~~ (the "Road Right-of-Way");

G GR PBW

1.4 A perpetual non-exclusive easement to use and maintain the dam and water intake (owned by the District) on SFE's Property as more particularly described in Exhibits ~~D and E~~ ("Dam Site"); and

F GR PBW

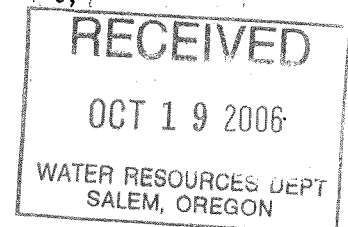
1.5 A perpetual exclusive right to use and maintain a water treatment plant on SFE's Property as more particularly described in Exhibit ~~G~~ (the "Treatment Plant Site").

E GR PBW

2. CONSIDERATION. In consideration for this Agreement the District agrees to pay SFE on January 1, 1997 and on the first day of January of each subsequent year, the sum of One Thousand Two Hundred Dollars (\$1,200) per year "the "Base Rent)". On the fifth anniversary date of this Agreement, December 01, 2001, and on every succeeding fifth anniversary, SFE shall adjust the annual rental in the same percentage as the increase, if any, in the consumer price index ("CPI") published by the United States Department of Labor, Bureau of Labor Statistics. The change shall be computed by comparing the schedule entitled "U.S. City Average, All Items, All Urban Consumers, 1982-1984 = 100" for the latest available month preceding the month of December with the same figure for the same month in the years for which the adjustment is computed. All comparisons shall be made using index figures derived from the same base period. In no event shall this provision operate to decrease the annual rental for the easement and right-of-way below the Base Rate. If the CPI is revised or discontinued during the term of this Agreement, then SFE and the District shall agree upon another index to replace it.

3. DISTRICT USE. The District agrees to the following terms and conditions on use of the Water Line Easement, the Reservoir Sites, the Road Right-of-Way, the Dam Site and the Treatment Plant Site (collectively referred to as the "Premises"):

3.1 The Premises shall be used only for the purpose of constructing, maintaining, repairing, removing and operating a municipal water pipeline, dam, treatment plant, reservoir site and associated facilities. The District and its employees shall not use the Premises or any other portion of the SFE Property for any recreational purposes and shall not carry firearms or hunting equipment of any kind while on the Premises;



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OCT 19 2006

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SALEM, OREGON

3.2 The District shall cooperate in maintaining the security of the SFE Property by locking gates and taking such other measures as requested by SFE. The District shall not duplicate any gate keys;

3.3 The District shall locate and design all structures and improvements in a manner reasonably compatible with SFE's management of the SFE Property for timber production and forestry purposes and any additional structures shall be approved by SFE before construction begins;

3.4 The District shall bury all pipelines and telemetry lines at least three feet below ground surface with excavation backfill to be compacted in place to a minimum eighty (80%) percent of density of undisturbed subsoil. The pipeline location shall be marked on the surface. Wherever there is danger of erosion of backfill pipeline material, the District shall place pit run rock dikes or other structures approved by SFE at intervals along the pipeline route to prevent erosion;

3.5 The District shall not cut or damage any young growth or merchantable timber growing outside the Premises and no debris from the Premises shall be deposited on other SFE Property except as authorized in writing by SFE. If the District needs to remove trees or clear vegetation in the exercise of its rights under this Agreement, it shall notify SFE and SFE shall authorize the District to perform the necessary work or perform the work and charge the District the actual per hour cost associated therewith;

3.6 Except in emergencies, the District shall notify SFE at least 24 hours prior to performing any construction and maintenance work and such work shall be performed in a workmanlike manner during suitable weather conditions to prevent damage to the Premises and SFE's Property. The District shall repair roads and other property to the condition equal to those existing before commencement of construction or maintenance, including replacement of rock where applicable;

3.7 The District shall not litter on the Premises or other SFE Property and shall not use the Premises for exterior equipment storage of any kind, unless authorized by SFE in writing;

3.8 The District shall comply with all laws, rules and regulations related to fire protection on forestland, including but not limited to ORS 477.510, 477.515 and 477.535. The District and its employees shall not smoke on the Premises during fire season;

3.9 The District shall be solely responsible for complying with all laws related to water supply providers, including without limitation obtaining the right to use water and store it in the reservoir from the Oregon Department of Water Resources. The District agrees to comply with the terms and conditions of all water rights obtained for use of water from Fall Creek or other water sources on the SFE Property;

3.10 The District acknowledges that SFE manages the SFE Property for timber production and forestry purposes and agrees not to object, in any forum, to SFE's ongoing forest management activities as long as SFE conducts its operations in compliance

with the Oregon Forest Practices Act, ORS 527.610 to 527.770, 527.990(1) and 527.992, this Agreement and other applicable laws and regulations; and

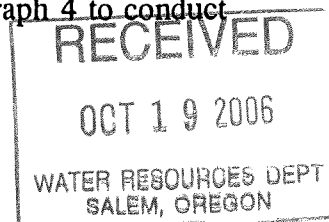
3.11 The District shall coordinate its use of the Road Right-of-Way with SFE in order to avoid conflicts with ongoing SFE forest management activities and to assure that heavy equipment is only used on suitable road surfaces.

4. SFE USE. SFE reserves the right to use the surface of the Water Line Easement and the Road Right-of-Way and the remainder of the SFE Property, including portions subject to exclusive use by the District, for any and all purposes which do not unreasonably interfere with the exercise by the District of its rights under this Agreement. Until the District constructs improvements on those portions of the Premises subject to exclusive use by the District, SFE may continue to use the Land. SFE shall maintain the Road Right-of-Way to provide passenger vehicle access to the reservoir, dam, and treatment facility sites via at least one route. SFE expressly reserves the right to all timber presently on the Water Line Easement, the Road Right-of-Way or the Reservoir Site, or which may grow on said areas in the future. SFE may enter upon the Premises and use untreated water for emergency forest fire fighting on the SFE Property. SFE shall conduct its operations in compliance with the Oregon Forest Practices Act, ORS 527.610 to 527.770, 527.990(1) and 527.992, this Agreement and other applicable laws and regulations.

5. TAXES AND ASSESSMENTS. The District shall be liable for and shall promptly pay all taxes and assessments, if any, levied against the Premises, including all improvements (including the roads) located thereon. The consideration payable by the District under this Agreement has been established to reflect the savings below market rent resulting from the exemption from taxation pursuant to ORS 307.112(1).

6. INDEMNIFICATION. The District agrees to indemnify, hold harmless and defend SFE and its employees, agents, successors and assigns (collectively referred to as "Agents") from any liability or costs which arise in any manner out of the exercise by the District of its rights under this Agreement, or by the existence of the dam, water treatment plant, reservoir, water pipeline and other associated facilities. The District shall have no claim against SFE or its Agents for any damage to the pipeline or other District facilities from any cause other than SFE's or its Agents' grossly negligent, intentional or willful conduct within the scope of their employment or agency. The District shall be responsible for any damages or loss to SFE's or its Agents' real or personal property arising out of or in any way connected with the District's construction, maintenance, repair, removal and operation of the dam, the reservoir, roads water pipelines, water treatment plant and associated facilities, including, but not limited to any damage or loss arising out of breakage or malfunction of the District's dam, water pipeline or reservoir.

7. NO WARRANTY. SFE specifically disclaims any and all representations and warranties, whether express or implied, as to water quantity or quality or the stability or condition of any portion of the Premises and shall not be responsible for conditions or changes resulting from normal forest management activities on adjoining land. Nothing in this paragraph shall be interpreted to modify SFE's obligations under paragraph 4 to conduct



its activities in accordance with the Oregon Forest Practices Act and other applicable laws and regulations.

8. AS BUILT DRAWINGS. Within two months after the completion of the initial construction of the water pipeline and reservoir, District shall provide SFE with a certified copy of a survey prepared by a licensed Oregon surveyor showing the exact placement of all District facilities located on the Premises, and a certified reproducible copy of a drawing of the District's facilities as built, prepared by a licensed civil engineer.

9. TERM AND TERMINATION. This Agreement *is perpetual, provided however that* all rights and privileges of District hereunder shall automatically terminate upon the occurrence of any of the following events:

(a) District's discontinuance of the use of the Water Line Easement, the Reservoir Site, the Treatment Plant Site and the Road Right-of-Way for municipal water supply purposes for a period of one year; or

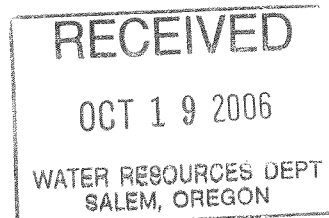
(b) District's failure to perform any of District's obligations or breach of the terms and conditions of this Agreement within 30 days after written notice from SFE specifying the obligation District has failed to perform; or, if District's obligation cannot be performed within 30 days, failure of District within such time to commence performance of its obligations with reasonable diligence; or

(c) mutual agreement of SFE and the District.

This Agreement may also be terminated by the District by notifying SFE one year in advance of its desire to terminate.

If this Agreement terminates for any of the reasons specified in this paragraph 9, SFE may, at its sole option, record an affidavit in the public records of Tillamook County specifying that this Agreement, and all of District's rights and privileges hereunder, have been terminated, which shall be conclusive against District.

10. REMOVAL OF FIXTURES. If District permanently discontinues the use of the reservoir or pipeline or this Agreement is otherwise terminated under paragraph 9, District shall remove and take away from SFE's Property any of the District's equipment, machinery, improvements or fixtures at District's sole expense. Such removal shall be accomplished within 180 days after this Agreement is terminated under paragraph 9. District shall repair all damages to SFE's property caused by said removal and restore the property to the condition it was in prior to their installation. SFE shall be entitled to retain ownership of any fixtures remaining on the SFE Property on or after the 181st day after termination of this Agreement and shall be entitled to retain any water right appurtenant to the SFE Property if the District does not transfer said water right to another location for municipal water use.



11. MISCELLANEOUS.

11.1 Binding Effect. This Agreement shall be binding upon the parties and their successors and assigns and shall run with the land.

11.2 Attorneys Fees. In the event of any suit or action to enforce this Agreement, the prevailing party shall be entitled to, in addition to the statutory costs and disbursements, reasonable attorney's fees to be fixed by trial and appellate courts from the time such action is filed and any costs associated with arbitration or mediation.

11.3 Severability. If any provision or part hereof is for any reason determined by a court of competent jurisdiction to be invalid or unenforceable, then such part shall be severed from this Agreement and the remainder of the Agreement shall remain fully enforceable.

11.4 Headings. The section titles are for convenience only and do not define, limit or construe the contents of such paragraphs.

11.5 Notices. Any notice required to be given hereunder shall first be made by sending a fax to the telephone number stated below and then followed within 24 hours by written notice which shall be deemed to be effective when either personally delivered or deposited in the United States Mail, certified mail, return receipt requested, postage prepaid, to the party being given such notice at the appropriate address set forth below:

If to SFE:

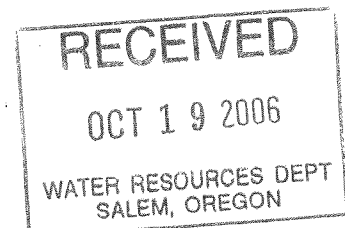
Glenn D. Karsten  
Shiloh Forest Enterprises, LLC  
926 Robbins Road, Ste. 180  
Grand Haven MI 49417  
616-847-7200 (telephone)  
616-847-7210 (telefax)

With a copy to:

Van Kampen Asset Management Company  
290 S. County Farm Rd., 3rd Fl.  
Wheaton IL 60187  
630-588-7200 (telephone)  
630-588-7210 (telefax)  
Attn: J. Timothy Onufrock

If to the District:

Chairman of the Board  
Netarts Water District  
4970 Crab Avenue N.  
Netarts OR 97143  
503-842-9405 (telephone)  
503-842-9380 (telefax)



The above addresses may be changed at any time by the parties by notice given in the manner provided above.

11.7 Entire Agreement. This document is the entire, final, and complete agreement of the parties and supersedes and replaces all prior or existing written or oral agreements, or both, between the parties or their representatives relating to the Premises, specifically, the Road Construction Agreement dated September 6, 1996 and the 1975 Easement Agreement except as it relates to property now owned by Willamette Industries, Inc.

11.8 Successors and Assigns. This Agreement shall bind and inure to the benefit of the parties, their respective heirs, successors, and assigns; provided, however, that the District shall not transfer assign or otherwise convey its rights hereunder to anyone other than a municipal corporation authorized to supply drinking water.

11.9. Counterparts. This Agreement may be executed in two or more counterparts, and when so executed each counterpart shall be deemed to be an original and said counterparts together shall constitute one and the same instrument.

DATED AND EXECUTED on the date first above written, at Tillamook, Tillamook County, Oregon.

NETARTS WATER DISTRICT

SHILOH FOREST ENTERPRISES, LLC

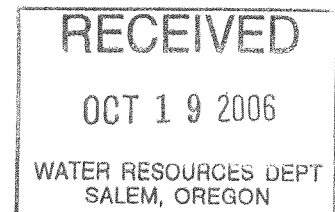
By: Royanna Westmoreland

By: Alan D. Karster

STATE OF OREGON            )  
  ) ss.  
County of Tillamook        )

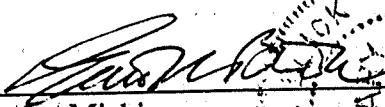
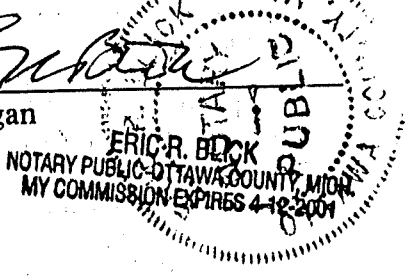
Royanna B. This instrument was acknowledged before me on June 10, 1997, by Westmoreland, as Chairman of Netarts Water District, an Oregon municipal corporation.

Janet J. Stahl  
Notary Public for Oregon



STATE OF MICHIGAN )  
 ) ss.  
County of Ottawa )

This instrument was acknowledged before me on June 9, 1997, by  
GLENN KAUSTEN as VICE PRESIDENT of Shiloh Forest Enterprises, LLC, an Oregon  
limited liability company.

  
\_\_\_\_\_  
Notary Public for Michigan  


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OCT 19 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT A

THE EXISTING WATERLINE FROM THE DAM, SOUTHWESTERLY, TO THE LOGGING ROAD 200, AND THEN WESTERLY AND SOUTHERLY TO THE SOUTH LINE OF SECTION 30. DAM TO FALL CREEK GATE.

" A 20 FOOT WIDE WATERLINE EASEMENT, FOR THE PURPOSE OF MAINTENANCE, OPERATION, AND IMPROVEMENT OF A PUBLIC WATER SUPPLY, BEING 10 FEET ON THE RIGHT SIDE AND 10 FEET ON THE LEFT SIDE OF A CENTERLINE WHICH IS DESCRIBED AS; BEGINNING AT A POINT WHICH IS NORTH 1882.01 FEET AND EAST 1327.94 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON, WHICH POINT IS LOCATED IN A DAM SPILLWAY; THENCE SOUTH 44°46'27" WEST 218.79 FEET; THENCE SOUTH 59°34'58" WEST 330.81 FEET TO A GATE VALVE; THENCE SOUTH 54°47'59" WEST 74.16 FEET; THENCE SOUTH 44°19'33" WEST 145.17 FEET TO A GATE VALVE WHICH IS NORTH 1412.40 FEET AND EAST 726.21 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE NORTH 76°22'39" WEST 105.74 FEET; THENCE SOUTH 76°55'15" WEST 87.14 FEET; THENCE SOUTH 39°32'51" WEST 98.91 FEET; THENCE SOUTH 26°39'27" WEST 249.85 FEET; THENCE SOUTH 13°56'03" WEST 238.85 FEET; THENCE SOUTH 22°56'21" WEST 229.43 FEET; THENCE SOUTH 24°45'21" WEST 383.87 FEET; THENCE SOUTH 40°58'45" WEST 198.05 FEET; THENCE SOUTH 53°14'54" WEST 76.55 FEET; THENCE SOUTH 75°37'51" WEST 443.63 FEET, MORE OR LESS, TO A POINT ON THE SOUTH LINE OF SECTION 30, TOWNSHIP 1 SOUTH, RANGE 10 WEST, W.M., AND FROM WHICH THE SOUTHEAST CORNER OF SECTION 30 BEARS SOUTH 87°52'54" EAST 565.54 FEET.

THIS DESCRIPTION IS BASED UPON MAP B- 2263 OF TILLAMOOK COUNTY, OREGON, SURVEYORS RECORD."

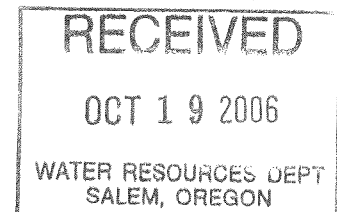




EXHIBIT B

THE WATERLINE FROM THE WESTERLY AREA OF THE TREATMENT PLANT SITE, SOUTHEASTERLY TO THE SOUTH LINE OF SECTION 29. CORNER OF PLANT TO GATE ON 200 ROAD.

" A 10 FOOT WIDE WATERLINE EASEMENT, FOR THE PURPOSE OF MAINTENANCE, OPERATION, AND IMPROVEMENT OF A PUBLIC WATER SUPPLY, BEING 5 FEET ON EACH SIDE OF A CENTERLINE WHICH IS DESCRIBED AS;

BEGINNING AT A GATE VALVE WHICH IS NORTH 1412.40 FEET AND EAST 726.21 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON;

THENCE NORTH 37°50'40" EAST 5.54 FEET; THENCE SOUTH 39°37'14" EAST 131.07 FEET; THENCE SOUTH 38°24'53" EAST 85.29 FEET; THENCE SOUTH 32°16'06" EAST 61.74 FEET; THENCE SOUTH 21°52'41" EAST 155.67 FEET; THENCE SOUTH 24°19'08" EAST 107.11 FEET; THENCE SOUTH 20°19'51" EAST 159.45 FEET; THENCE SOUTH 19°24'50" EAST 77.58 FEET; THENCE SOUTH 26°32'24" EAST 58.44 FEET; THENCE SOUTH 29°47'43" EAST 44.22 FEET; THENCE SOUTH 35°11'52" EAST 69.18 FEET; THENCE SOUTH 42°20'21" EAST 210.74 FEET; THENCE SOUTH 41°57'20" EAST 366.30 FEET; THENCE SOUTH 38°26'52" EAST 115.86 FEET, MORE OR LESS, TO THE SOUTH LINE OF SAID SECTION 29.

THIS DESCRIPTION IS BASED UPON MAP B- 2263 OF TILLAMOOK COUNTY, OREGON, SURVEYORS RECORD."

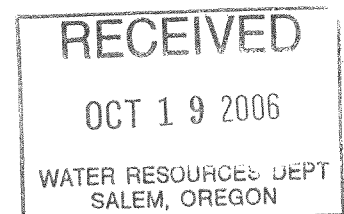


EXHIBIT C

THE WATERLINE FROM THE (NEW) UPPER STORAGE TANK SITE, SOUTHWESTERLY, TO THE EAST LINE OF THE TREATMENT PLANT SITE. FALL CREEK ROAD TO NEW TANK.

"A 30 FOOT WIDE WATERLINE AND ACCESS EASEMENT. FOR THE PURPOSE OF MAINTENANCE, OPERATION, AND IMPROVEMENT OF A PUBLIC WATER SUPPLY. BEING 15 FEET ON EACH SIDE OF A CENTERLINE WHICH IS DESCRIBED AS: BEGINNING AT A 5/8" IRON BAR WHICH IS NORTH 2006.53 FEET AND EAST 1927.08 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON: THENCE SOUTH 65°38'42" WEST 263.35 FEET; THENCE SOUTH 45°52'14" WEST 105.88 FEET; THENCE SOUTH 51°59'17" WEST 119.82 FEET; THENCE SOUTH 26°36'34" WEST 27.10 FEET; THENCE SOUTH 1°13'52" WEST 108.06 FEET; THENCE SOUTH 50°29'36" WEST 113.46 FEET; THENCE SOUTH 52°31'50" WEST 86.93 FEET; THENCE SOUTH 17°27'19" WEST 124.37 FEET; THENCE SOUTH 60°23'55" WEST 57.42 FEET; THENCE SOUTH 72°27'15" WEST 89.20 FEET; THENCE SOUTH 74°46'20" WEST 117.98 FEET TO A POINT WHICH IS NORTH 1288.20 FEET AND EAST 1059.65 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 29.  
THIS DESCRIPTION IS BASED UPON MAP B-2263 OF TILLAMOOK COUNTY, OREGON, SURVEYORS RECORD."

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Allan E. Duncan*

OREGON.  
JULY 14, 1967  
ALLAN E. DUNCAN  
793

RECEIVED  
OCT 19 2006  
WATER RESOURCES DEPT  
SALEM, OREGON

EXHIBIT D

THE (NEW) UPPER STORAGE TANK SITE. 200,000 GALLON NORTHWEST PERMASTORE STORAGE TANK.

"AN EASEMENT FOR THE PURPOSE OF MAINTENANCE, OPERATION AND IMPROVEMENT OF A PUBLIC WATER STORAGE SYSTEM UPON A TRACT OF LAND DESCRIBED AS;

BEGINNING AT A 5/8" IRON BAR WHICH IS NORTH 2006.53 FEET AND EAST 1927.08 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON; THENCE SOUTH 34°27'41" EAST 68.84 FEET TO A 5/8" IRON BAR; THENCE NORTH 50°57'52" EAST 65.00 FEET; THENCE NORTH 31°40'00" WEST 111.49 FEET; THENCE SOUTH 50°03'56" WEST 70.55 FEET TO A 5/8" IRON BAR; THENCE SOUTH 34°27'41" EAST 40.97 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION IS BASED UPON MAP B-2263 OF TILLAMOOK COUNTY, OREGON, SURVEYORS RECORD."

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SALEM, OREGON

EXHIBIT E

THE TREATMENT PLANT SITE.

" A TRACT OF LAND FOR OPERATION OF A WATER TREATMENT PLANT, STORAGE TANK, AND CUSTOMARY USES FOR OPERATION OF A PUBLIC WATER SUPPLY UPON A TRACT OF LAND WHICH IS DESCRIBED AS: BEGINNING AT A 5/8" IRON BAR IN A TRUCK ROAD WHICH IN NORTH 1397.63 FEET AND EAST 706.39 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON; THENCE NORTH 34°24'53" EAST 80.60 FEET TO A 5/8" IRON BAR; THENCE NORTH 48°50'30" EAST 91.46 FEET TO A 5/8" IRON BAR; THENCE NORTH 64°23'30" EAST 100.32 FEET TO A 5/8" IRON BAR; THENCE SOUTH 33°22'04" EAST 125.65 FEET TO A 5/8" IRON BAR; THENCE SOUTH 24°25'23" EAST 191.70 FEET TO A POINT WHICH IS NORTH 1288.20 FEET AND EAST 1059.65 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 29; THENCE SOUTH 24°25'23" EAST 69.79 FEET TO A 5/8" IRON BAR; THENCE SOUTH 66°55'06" WEST 204.25 FEET TO A 5/8" IRON BAR IN A TRUCK ROAD; THENCE 324.21 FEET ALONG THE ARC OF A 520.00 FOOT RADIUS CURVE LEFT, THE LONG CHORD OF WHICH BEARS NORTH 37°30'17" WEST 318.98 FEET TO THE POINT OF BEGINNING.

THIS DESCRIPTION IS BASED UPON MAP B-2263 OF TILLAMOOK COUNTY, OREGON. SURVEYORS RECORD."

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Allan E. Duncan*

OREGON  
JULY 14, 1967  
ALLAN E. DUNCAN  
793

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EXHIBIT F

THE DAM / RESERVOIR SITE. RAW WATER SOURCE

"AN EASEMENT OVER A CIRCULAR AREA, FOR THE PURPOSE OF OPERATION, MAINTENANCE, AND REPAIR OF A DAM AND HEADWORKS UPON A TRACT DESCRIBED AS:

A CIRCULAR AREA , WITH A RADIUS OF 50 FEET, THE CENTER OF WHICH IS NORTH 1882.01 FEET AND EAST 1327.94 FEET FROM THE SOUTHWEST CORNER OF SECTION 29, TOWNSHIP 1 SOUTH, RANGE 10 WEST OF THE WILLAMETTE MERIDIAN, TILLAMOOK COUNTY, OREGON.

THIS DESCRIPTION IS BASED UPON MAP B-2263 OF TILLAMOOK COUNTY, OREGON, SURVEYORS RECORD.

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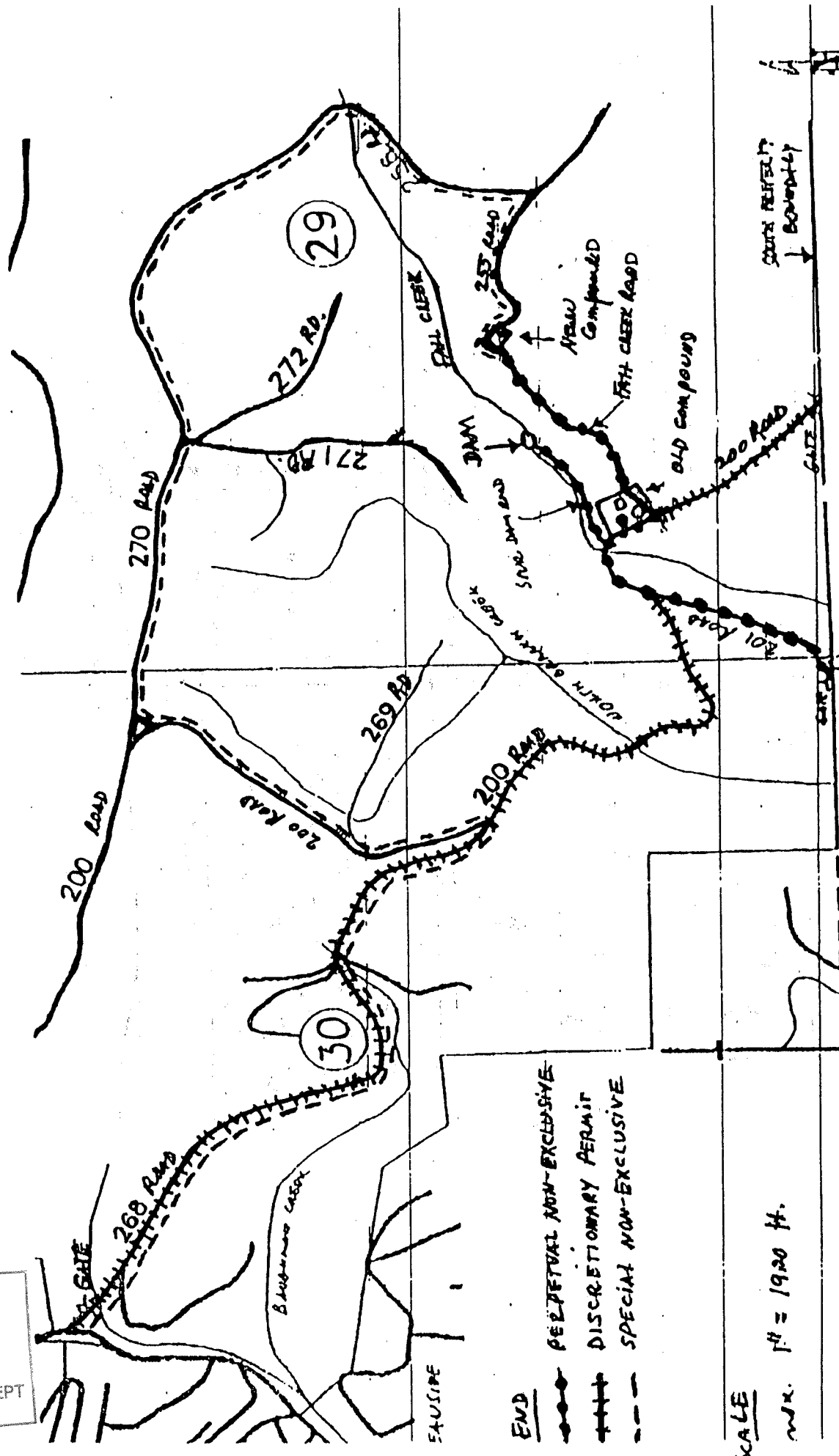
WATER RESOURCES DEPT  
SALEM, OREGON

SHILOH FOREST ENTERPRISES L.L.C. & NETARTS WATER DISTRICT

RIGHT-OF-WAY & RESERVOIR EASEMENT AGREEMENT

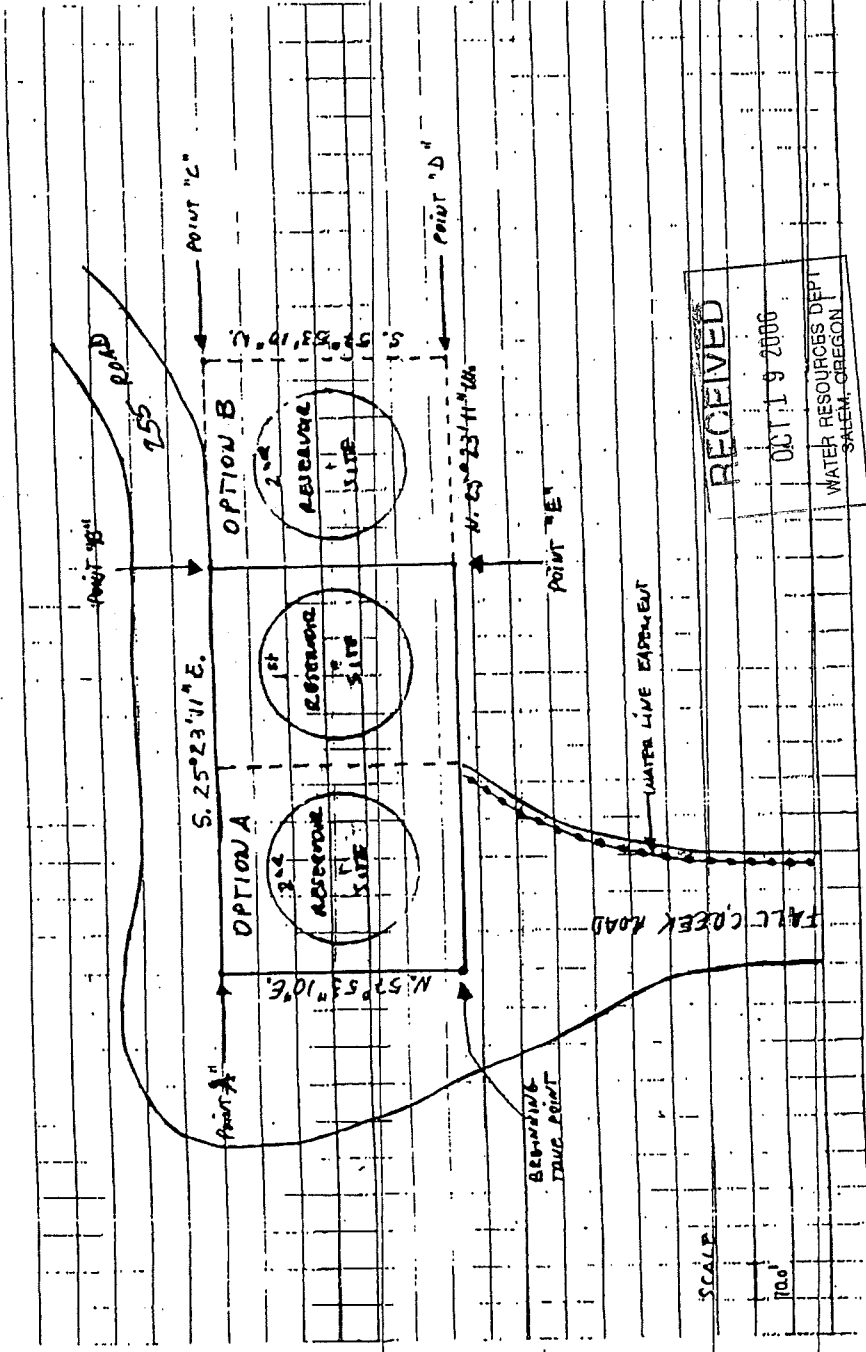
EXHIBIT G. ROADS RIGHT-OF-WAY

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SALEM, OREGON



RIGHT-OF-WAY & RESERVOIR EASEMENT AGREEMENT

EXHIBIT H: 2nd RESERVOIR OPTIONS



00386932

I hereby certify that the within instrument was received for record and recorded in the County of Tillamook, State of Oregon.

JAN. 13 11 42 AM '00

BOOK 414 PAGE 168

Witness by hand and seal affixed.  
JOSEPHINE W. HIRSH, County Clerk



ESMAT, DEPUTY 85.00  
A&T 10.00  
ADMIN 1.00  
OLISF 1.00  
PLCP 9.00

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