

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME <b>Denis Landlette</b>		PHONE (HM) <b>503.842.5520</b>	
PHONE (WK) <b>503.842.5520</b>	CELL <b>503.702.5159</b>	FAX <b>503.842.5501</b>	
ADDRESS <b>PO Box 432</b>			
CITY <b>Tillamook</b>	STATE <b>OR</b>	ZIP <b>97141</b>	E-MAIL <b>LEL@oregoncoast.com</b>

### Organization Information

NAME <b>Alderbrook Golf Course</b>		PHONE <b>503.842.6410</b>	FAX <b>503.842.2350</b>
ADDRESS <b>7300 Alderbrook Rd.</b>			CELL
CITY <b>Tillamook</b>	STATE <b>OR</b>	ZIP <b>97141</b>	E-MAIL <b>Alderbrookgolf@oregoncoast.com</b>

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

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

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Note: Attach multiple copies as needed

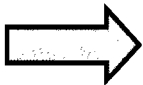
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**SALEM, OREGON**

**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.
- Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- 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.

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



*Denis Landlette*  
Applicant Signature

**Denis Landlette, owner**  
Print Name and title if applicable

**4.7.10**  
Date

**JUL 07 2010**

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\_\_\_\_\_  
Applicant Signature

\_\_\_\_\_  
Print Name and title if applicable

\_\_\_\_\_  
Date

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App. No. <u><b>S-67637</b></u>	For Department Use Permit No. _____	Date _____
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**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*).

N/A

**SECTION 3: SOURCE OF WATER**

**A. 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: Vaughn Creek

Tributary to: Tillamook Bay

Source 2: \_\_\_\_\_

Tributary to: \_\_\_\_\_

Source 3: \_\_\_\_\_

Tributary to: \_\_\_\_\_

Source 4: \_\_\_\_\_

Tributary to: \_\_\_\_\_

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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).

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**B. Applications to Use Stored Water**

Do you, or will you, own the reservoir(s) described in item 3A above?

Yes.

No. (Please enclose 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.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, 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 ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

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	USE	PERIOD OF USE	AMOUNT
Combined ponds #B + #C	MULTIPURPOSE	Annually	107.16 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
VAUGHN CREEK	IRRIGATION		6.25 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 70 Acres      Supplemental: 5 Acres

List the Permit or Certificate number of the underlying primary water right(s): 39326, 39324, 19590, 39325

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 113.43

- 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

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

What equipment will you use to pump water from your source?

Pump (give horsepower and type): \_\_\_\_\_

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water.

*Diverted by pipe previously constructed, operated by gravity flow to ponds from pumped from pond to irrigation lines*

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)

*High pressure sprinkler*

**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 adverse impact to public uses of affected surface waters.

*Propose watering when grass starts to turn brown & when wilting plants are observed. Computer will keep track of time water by each head thus yielding the amount of water used. No impact to Tillamook Bay (Tidal body)*

**SECTION 6: RESOURCE PROTECTION** Intent is using less than one inch per week.

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: *Will make use of the uptake prevention device previously installed.*

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: *No excavation will be done in riparian or streamside areas. Banks will be planted w/ aquatic friendly shrubs & vegetation where trees do not exist.*

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: *None anticipated. If necessary, will be done during in-stream period and coordinated with appropriate state agencies.*

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: *No sediment will be allowed to enter creek; silt fencing, straw mulch, bio bags, etc. Will be used should it be necessary to contain a sediment.*

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: April 12, 2010

Date construction will be completed: September 15, 2011

Date beneficial water use will begin: June 1, 2010

**SECTION 8: REMARKS**

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

\_\_\_\_\_ N/A

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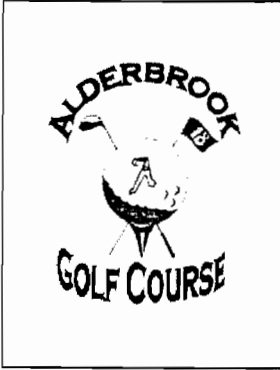
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ALDERBROOK GOLF COURSE

7300 ALDERBROOK ROAD

TILLAMOOK, OR 97141

PHONE: 503.842.6413 / FAX: 503.842.2350

ALDERBROOKGOLF@OREGONCOAST.COM

---

April 30, 2010

Oregon Water Resources Department  
Attn: Jerry Sauter  
725 Summer Street NE Suite A  
Salem, OR 97301-1266

Jerry-

Alderbrook Golf Course currently has four (4) water rights; they are certificate numbers 39325, 39326, 19590 and 39324 which provide for stored water in three (3) ponds (A, B & C) and irrigation of 7.8 acres. These applications are to increase our storage capacity through removal of an earthen barrier between ponds B & C and to provide irrigation water on 45.37 acres of new irrigation.

Sincerely,

Dan Laviolette  
Alderbrook Golf Course - Owner/President

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Total Acres of Irrigation by  $\frac{1}{4}$   $\frac{1}{4}$   
Township 1 South, Range 10 West, Section 1

NW $\frac{1}{4}$ SW $\frac{1}{4}$	14.03
NE $\frac{1}{4}$ SW $\frac{1}{4}$	15.57
NW $\frac{1}{4}$ SE $\frac{1}{4}$	2.19
SW $\frac{1}{4}$ SW $\frac{1}{4}$	1.92
SE $\frac{1}{4}$ SW $\frac{1}{4}$	8.93
SW $\frac{1}{4}$ SE $\frac{1}{4}$	<u>2.73</u>

Total Irrigation 45.37 acres

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# Oregon Water Resources Department Land Use Information Form

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

Applicant Name: Denis Landlette  
Mailing Address: PO Box 432  
City: Tillamook State: OR Zip: 97141 Day Phone: 503-842-5520

### A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
13	10W	01	1800			<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	irrigation
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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

### B. Description of Proposed Use

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

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

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Source of water: Reservoir/Pond  Ground Water  Surface Water (name) VAUGHN CR. & POND A & B

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

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

Briefly describe: \_\_\_\_\_

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

### Receipt for Request for Land Use Information

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

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# For Local Government Use Only

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

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

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

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:	
Allowed outright		<input checked="" 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.

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Name: Garrett Parker Title: Direct Comm. Dev.  
 Signature: [Signature] Phone: 503-842-3408 Date: 4-13-10  
 Government Entity: Tillamook 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 re-evaluate 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: Alderbrook Golf Course  
 City or County: Tillamook Staff contact: Dan Lavolette  
 Signature: [Signature] Phone: 503-842-5520 Date: 4.13.10

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DEPARTMENT OF COMMUNITY DEVELOPMENT  
BUILDING, PLANNING & ON-SITE SANITATION SECTIONS



Land of Cheese, Trees and Ocean Breeze

201 Laurel Avenue  
Tillamook Oregon 97141  
www.tillamook.or.us

Building (503) 842-3407  
Planning (503) 842-3408  
On-Site Sanitation (503) 842-3409  
FAX (503) 842-1819  
Toll Free 1 (800) 488-8280

DATE: 4/13/10 \_\_\_\_\_ LU \_\_\_\_\_  
Applicant: Denis D Lavidette  
Mailing Address: PO Box 432  
City, State, Zip: 97141 Tillamook Or.  
Township 15 Range 10 Section 1 Tax Lot # 1800

REQUEST FOR INFORMATION

The Department of Community Development needs your request for information in writing showing the parcel identification numbers of the property.

Information Requested: LUC for DEC + water rights

Requests for information and assistance are now based on the following schedule:

_____	Consultation Fee (per hour – one hour minimum)	\$ 74.00
_____	Consultant Fee (Cost) (consultant/expert retained by County to review application)	\$ _____
_____	Planning Affidavits for State / Federal Agency applicants	\$134.00
<u>X</u>	Land Use Compatibility Review	<u>\$134.00</u>
_____	Land Use Verification Letter	\$186.00
_____	Research Fee (per hour – one hour minimum)	\$ 89.00
_____	Lot of Record Verification	\$134.00
_____	Similar Use Ruling	\$371.00
_____	Pre-Construction Meeting	\$100.00
_____	TOTAL	\$ <u>134</u>

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Please make your check in the amount specified above, payable to:

**Tillamook County Department of Community Development,**  
201 Laurel Avenue, Tillamook, OR 97141

For your convenience, our office is open Monday through Friday, 8:00 am to 4:00 pm, should you wish to obtain information from our records.

Thank you,  
TILLAMOOK COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

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Date: 4-13-10 Rcvd By: DT Fee Paid: 134.00 Check #: \_\_\_\_\_  
Action taken: \_\_\_\_\_  
Planner: David J. [Signature] Date: \_\_\_\_\_

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Receipt

# Tillamook County

## Permit Transaction Receipt

4/13/2010

Permit 10-0998 LAVIOLETTE HOLDINGS LLC  
 Account 147237 7300 ALDERBROOK RD

Item	Qty	Cost
Planning	1	\$134.00
		\$134.00

CHLOETTE R LAVIOLETTE  
 DENIS LAVIOLETTE  
 PO BOX 356  
 TILLAMOOK, OR 97141-0356  
 PH 503-842-6930

3100  
 24-680/1230 3968  
 9686595951

4-13-10 DATE

PAY TO THE ORDER OF Tillamook County \$ 134.00

One Hundred Thirtyfour and 00/100 DOLLARS

WELLS FARGO Wells Fargo Bank, N.A. Oregon wellsfargo.com

FOR Chloette R Laviolette

⑆ 123006800⑆ 9686595951⑆ 03100

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AFTER RECORDING RETURN TO:

Christian K. Hooley  
Attorney at Law  
P.O. Box 220  
Tillamook, Oregon 97141

SEND TAX STATEMENTS TO:

Laviolette Holdings, LLC  
P.O. Box 356  
Tillamook, OR 97141

**STATUTORY WARRANTY DEED**

ALDERBROOK GOLF, INC., an Oregon Corporation (which took title under its former corporate name of Boyle Golf, Inc.) hereinafter called Grantor, conveys and warrants to LAVIOLETTE HOLDINGS, LLC, an Oregon Limited Liability Company, hereinafter called Grantee, all that real property situated in Tillamook County, Oregon, as more particularly described in the attached Exhibit A, incorporated herein by reference.

The true and actual consideration for this conveyance is the sum of \$1,415,000.00.

Grantor covenants that it is the owner of the above described property, free and clear of all encumbrances and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

EXECUTED by the Grantor on the date set forth in the notary acknowledgment below.

ALDERBROOK GOLF INC., an  
Oregon Corporation

By: Neal Abrahamson, Jr., President

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STATE OF OREGON        )  
                                  ) ss.  
County of Tillamook     )

\_\_\_\_\_, 2009. Personally appeared Neal Abrahamson, Jr., President of ALDERBROOK GOLF INC., an Oregon Corporation, and acknowledged the foregoing instrument. Before me:

\_\_\_\_\_  
Notary Public for Oregon

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EXHIBIT A

(Alderbrook Golf, Inc. to Laviolette Holdings, LLC)

TRACT 1:

Beginning at a point on the North line of the Hiram Smith Donation Land Claim, in Section 1, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, which point is 950 feet Westery from the Northeast corner of said Donation Land Claim;

thence North 100 feet;

thence Westery parallel with the Donation Land Claim line 435.6 feet;

thence South 100 feet to the Donation Land Claim line;

thence Easterly along the Donation Land Claim line 435.6 feet to the point of beginning.

TRACT 2:

All that portion of the Hiram Smith Donation Land Claim lying EAST of the East line of that tract conveyed to Oliver F. Fries, et ux, recorded March 23, 1945 in Book 104, page 436, Tillamook County Deed Records;

EXCEPTING THEREFROM that portion lying East of the County Road.

TRACT 3:

That portion of the following described property lying NORTH of Old U.S. Highway 101:

Beginning at a point on the North line of W. N. Vaughn Donation Land Claim No., 37, in Sections 1, 2, 11 and 12, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, said point being North 89° 54' West 2384.9 feet more or less from the Northeast corner of said Donation Land Claim, and also being the partition line of the Vaughn Donation Land Claim, and Northwest corner of the tract conveyed to Warren B. Vaughn, and Northeast corner of the Myrtle Holden Tract;

thence South 1° 49' West along said partition line 527 feet more or less to the Southeast corner of Lot 11,

Block 2, Homer Addition to Idaville;

thence North 66° 23' East along the North line of the Vaughn 1 acre tracts, 743.4 feet, more or less, to the Northeast corner of said 1 acre tracts, thence North 31° 23' East 259 feet, more or less, to the North line of the Vaughn Donation Land Claim;

thence North 89° 54' West along the North line of said Donation Land Claim to the place of beginning.

TRACT 4:

Part of the W. N. Vaughn Donation Land Claim more particularly described as follows:

Beginning at the Northeast corner of said Vaughn Donation Land Claim;

thence North 89° 54' West along the North line of said claim a distance of 981 feet;

thence South 28° 13' West a distance of 721.65 feet to the North line of the Old Coast Highway;

thence Southeasterly along the Northerly line of the Old Coast Highway to the East line of said Vaughn Claim;

thence North 89° 54' West along the North line of said Donation Land Claim to the place of beginning.

EXCEPTING THEREFROM that tract known as the Bay City I.O.O.F. Cemetery, described in Book 7, page 452, Tillamook County Deed Records; ALSO EXCEPTING that tract conveyed to R. E. McFalls by Deed recorded September 7, 1939 in Book 78, page 92, Tillamook County Deed Records; ALSO EXCEPTING that tract conveyed to Pacific Lodge No. 105, I.O.O.F. by Deed recorded February 4, 1948 in Book 111, page 506, Tillamook County Deed Records.

TRACT 5:

Beginning at a point on the North line of W. N. Vaughn Donation Land Claim No. 37, in Section 1, 2, 11 and 12, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, said point being

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North 89 ° 54' West 1500 feet, more or less, from the Northeast corner of said Donation Land Claim;  
thence South 31 ° 23' West a distance of 239 feet;  
thence South 69 ° 44' East a distance of 513.3 feet to the Westerly line of that certain tract conveyed to R. E. McFalls by Deed recorded in Book 78, page 92, Tillamook County Deed Records;  
thence North 28 ° 13' East to the North line of the Vaughn Claim;  
thence West along the North line of the Vaughn Claim to the point of beginning.

EXCEPTING THEREFROM that tract conveyed to Gary Lee and Judy H. Trattner in Bargain and Sale Deed recorded June 11, 1997 in Book 387, page 359, Deed Records of Tillamook County, Oregon.

TRACT 6:

Beginning at a point on the North line of the Vaughn Donation Land Claim No. 37, North 89 ° 54' West 2384.9 feet from the Northeast corner of the Vaughn Donation Land Claim and running thence South 53.0 feet, more or less, to the North line of Old Kilchis River Railroad right of way;  
thence South 36 ° 46' West 648.0 feet along the North line of said right of way;  
thence North 93.2 feet, more or less, to the North line of Vaughn Donation Land Claim;  
thence South 89 ° 54' East 683.0 feet to the point of beginning.

TRACT 7:

All that part of the following described tracts lying NORTH of the Old Coast Highway:  
Commencing at the corner common to Sections 1, 2, 11 and 12, Township 1 South, Range 10 West, of the Willamette Meridian, in Tillamook County, Oregon, and running thence North 81 ° East 1.40 chains to a iron pipe 2 inches by 3 feet driven in ground at angle of County Road;  
thence North 66 ° East 18.22 chains to a iron pipe 2 inches by 3 feet driven 3 feet in ground on North margin of County Road for beginning point;  
thence North 66 ° East 2.00 chains;  
thence North 24 ° West 5.00 chains;  
thence South 66 ° West 2.00 chains;  
thence South 24 ° East 5.00 chains to the place of beginning.

ALSO, commencing at the corner common to Sections 1, 2, 11 and 12, Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon, and running North 81 ° East. 1.4 chains to a iron pipe 2 inches by 3 feet driven 3 feet in ground at angle in County Road;  
thence North 66 ° East 20.22 chains to a iron pipe 2 inches by 3 feet driven 3 feet in ground on North margin of County Road for beginning point;  
thence North 66 ° East 2.00 chains;  
thence North 24 ° West 5.00 chains;  
thence South 66 ° West 2.00 chains;  
thence South 24 ° East 5.00 chains to the point of beginning.

TRACT 8:

That portion of the following described tract lying NORTH of the Old U. S. Highway 101:  
Beginning at the corner common to Sections 1, 2, 11 and 12, in Township 1 South, Range 10 West of the Willamette Meridian, in Tillamook County, Oregon;  
thence North 81 ° East 1.40 chains to a iron pipe at angle in the County Road;  
thence North 66 ° East 1070.52 feet to a 2 inch pipe and the true point of beginning of the property herein described;  
thence North 24 ° West a distance of 5 chains;  
thence North 66 ° East a distance of 2 chains;  
thence South 24 ° East a distance of 5 chains;  
thence South 66 ° West a distance of 132 feet to the point of beginning.

Subject to the Exceptions set forth on the following page

RECEIVED

JUL 07 2000

WATER RESOURCES DEPT  
SALEM, OREGON

EXCEPTIONS TO TITLE:

1. Rights of the public in and to that portion lying within streets, roads and highways.
2. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:  
Entitled: Marvin Pangborn and Esther Pangborn  
  
In favor of: Tillamook Peoples' Utility District  
Purpose: Public utilities  
Recording Date: July 5, 1950  
Recording No: Book: 123 Page: 433  
Affects: other property also
3. Easement(s) for the purpose(s) shown below and rights incidental thereto as set forth in a document:  
  
Entitled: Alderbrook Incorporated, an Oregon corporation  
In favor of: Norbert F. Doyle and Maragaret N. Boyle, husband and wife  
Purpose: Easement  
Recording Date: May 1, 1980  
Recording No: Book: 269 Page: 278  
  
Affects: Tract 4
4. Easement Agreement  
  
Executed by: Norbert F. Boyle and Customers of Alderbrook Golf Course  
Recording Date: August 20, 1981  
Recording No.: Book: 277 Page: 656

**RECEIVED**

JUL 07 1980

WATER RESOURCES DEPT.  
SALEM, OREGON



STATE OF OREGON  
COUNTY OF TILLAMOOK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That ALDERBROOK INCORPORATED**

of **Route 1, Box 153, Bay City**, State of **Oregon**, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Three reservoirs constructed under application number R-43320, permit number R-4970**

a tributary of **Vaughn Creek (Tillamook Bay)** for the purpose of **supplemental irrigation of 3.3 acres and landscaping**

under Permit No. **32384** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **February 27, 1967**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **1.48 acre feet, being 1.33 acre feet from pond B and C for irrigation and 0.15 acre foot from pond A for landscaping**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$  SW $\frac{1}{4}$ , SE $\frac{1}{4}$  SW $\frac{1}{4}$** , both as projected within **Smith DLC 45, Section 1, T. 1 S., R. 10 W., W. M. Ponds B and C - 930 feet West both from SE Corner, Smith DLC 45.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to a diversion of ~~of one cubic foot per second per acre~~ **2 $\frac{1}{2}$  acre feet for each acre irrigated during the irrigation season of each year, provided further that the right allowed herein shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein,**

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.1 acre Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
1.2 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
0.3 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$   
Both as projected within Smith DLC 45  
0.5 acre SW $\frac{1}{4}$  SW $\frac{1}{4}$   
0.2 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$   
Both as projected within Vaughn DLC 37  
0.4 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$   
0.2 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
0.2 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$   
All as projected within Smith DLC 45  
0.2 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$   
As projected within Vaughn DLC 37  
Section 1  
T. 1 S., R. 10 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. **July 5, 1973**

**CHRIS L. WHEELER**

State Engineer

## STATE OF OREGON

COUNTY OF TILLAMOOK

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That ALDERBROOK INCORPORATED

of Route 1, Box 153, Bay City, State of Oregon 97107, has made proof

to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of Vaughn Creek, tributary of Tillamook Bay, appropriated under application number 43321, permit number 32384 in three reservoirs

for the purposes of  
 supplemental irrigation of 3.3 acres and landscaping  
 under Reservoir Permit No. E-4970 of the State Engineer, and that said right to store said  
 waters has been perfected in accordance with the laws of Oregon; that the priority of the right  
 hereby confirmed dates from February 27, 1967

that the amount of water entitled to be stored each year under such right, for the purposes afore-  
 said, shall not exceed 1.48 acre feet being 0.15 acre foot from Pond A for land-  
 scaping and 0.33 acre foot from Pond B and 1.0 acre foot from Pond C for irri- \*  
 The reservoir is located in

NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Both as projected within Smith DLC 45  
 Section 1  
 T. 1 S., R. 10 W., W. M.

Off channel reservoir diversion points located: 1300 feet North and 550 feet  
 West; 250 feet North and 850 feet West from SE Corner, Smith DLC 45.

\* gation

WITNESS the signature of the State Engineer, affixed

this date. July 5, 1973

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 31, page 39325

S-87637

## STATE OF OREGON

COUNTY OF TILLAMOOK

## CERTIFICATE OF WATER RIGHT

This Is to Certify, That **ALDERBROOK INCORPORATED**

of **Route 1, Box 153, Bay City**, State of **Oregon**, <sup>97107</sup>, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of **Vaughn Creek**

a tributary of **Tillamook Bay** for the purpose of **irrigation of 2.9 acres**

under Permit No. **29434** of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from **March 5, 1964**

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed **0.03 cubic foot per second**

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the **NE $\frac{1}{4}$  SW $\frac{1}{4}$**  as projected within **Smith DLC 45, Section 1, T. 1 S., R. 10 W., W. M., 250 feet North and 850 feet West from SE Corner, Smith DLC 45.**

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to **one-eightieth** of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed **2 $\frac{1}{2}$  acre feet per acre** for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.1 acre Lot 3 (NE $\frac{1}{4}$  SW $\frac{1}{4}$ )  
 1.1 acres NE $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.3 acre NW $\frac{1}{4}$  SW $\frac{1}{4}$   
 Both as projected within Smith DLC 45  
 0.5 acre SW $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.2 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 Both as projected within Vaughn DLC 37  
 0.3 acre SE $\frac{1}{4}$  SW $\frac{1}{4}$   
 0.1 acre NW $\frac{1}{4}$  SE $\frac{1}{4}$   
 0.1 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 All as projected within Smith DLC 45  
 0.2 acre SW $\frac{1}{4}$  SE $\frac{1}{4}$   
 As projected within Vaughn DLC 37  
 Section 1  
 T. 1 S., R. 10 W., W. M.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

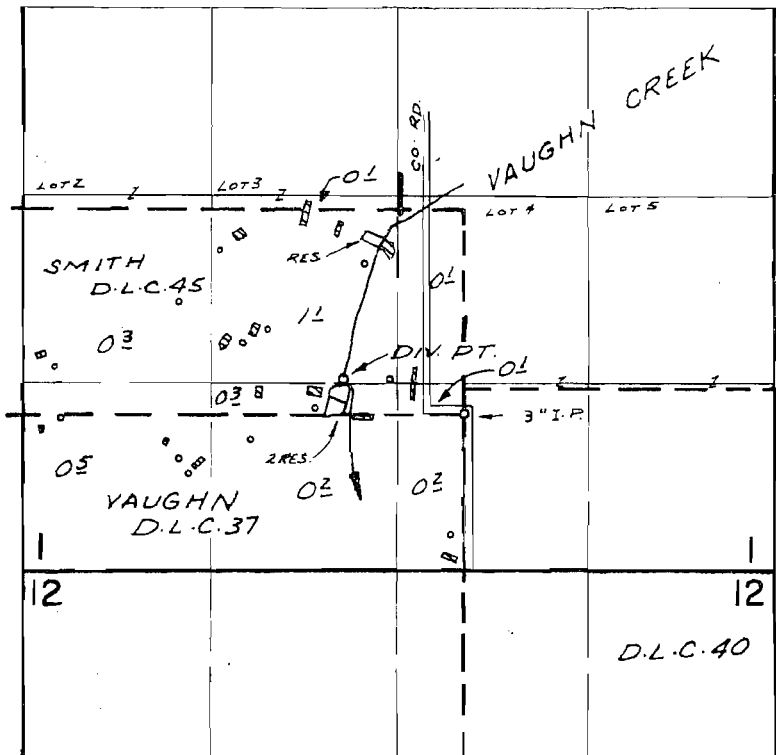
WITNESS the signature of the State Engineer, affixed

this date, **July 5, 1973**

**CHRIS L. WHEELER**

State Engineer

# T.I.S.R.IOW.W.M.



○ — GREENS  
 □ — TREES

DIV. PT. LOC: 850' W & 2.50' N. FROM S.E. COR. SMITH D.L.C. 45  
 NOTE: TREES & GREENS ARE NOT TO SCALE

## FINAL PROOF SURVEY UNDER

Application No. 39610 Permit No. 29434  
 IN NAME OF

ALDERBROOK INCORPORATED

Surveyed JUNE 21 1971, by G. BACA

S-87637

R.G.M.  
 1971-B

STATE OF OREGON  
COUNTY OF TILLAMOOK  
**CERTIFICATE OF WATER RIGHT**

**This Is to Certify, That** MARVIN PANGBORN

of 1201 E. 12th Street, Tillamook, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Vaughan Creek a tributary of Tillamook Bay for the purpose of

irrigation under Permit No. 17732 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from May 2, 1947 for 0.002 c.f.s.

July 25, 1950 for 0.018 c.f.s.; that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.02 cubic feet per second,

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected on H. Smith D.L.C. #45, Section 1, Township 1 South, Range 10 West, W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$  acre feet per acre for each acre irrigated during the irrigation season of each year, and shall be still further limited to a diversion of not to exceed 60 gallons per hour,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

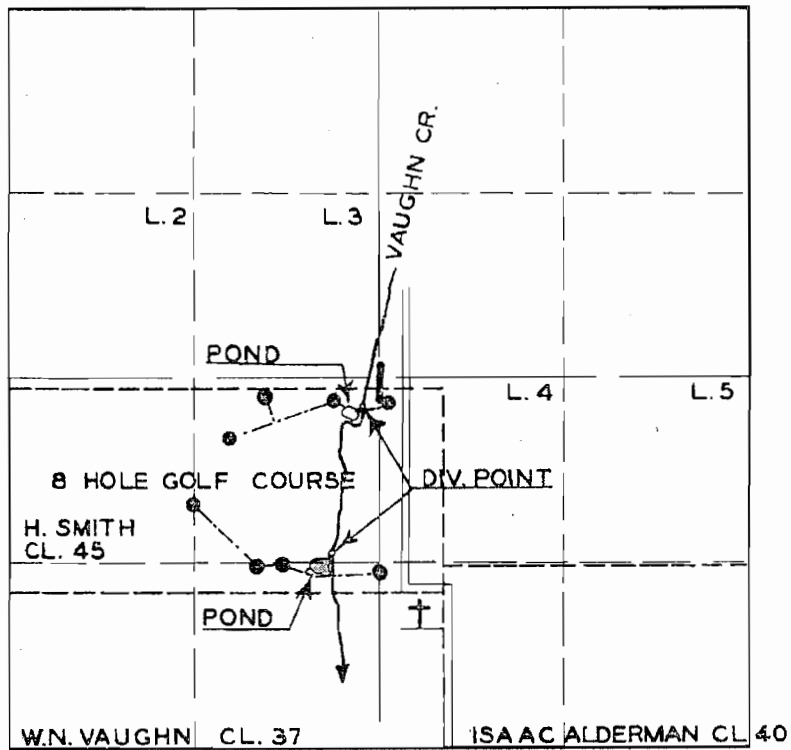
1.0 acres in NE $\frac{1}{4}$  SW $\frac{1}{4}$ ,  
as projected on H. Smith D.L.C. #45;  
0.2 acres in SE $\frac{1}{4}$  SW $\frac{1}{4}$ , as projected on H. Smith D.L.C. #45;  
0.2 acres in NW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected on H. Smith D.L.C. #45;  
0.2 acres in SW $\frac{1}{4}$  SE $\frac{1}{4}$ , as projected on H. Smith D.L.C. #45;  
Section 1, Township 1 South, Range 10 West, W.M.

Land on which water is to be used is a part of that more explicitly described by appropriator as follows:

All of the east one hundred and fifteen acres of the east half of the Hiram Smith, and Sarah Jane Smith, his wife, Donation Land Claim No. 45, in Sections 1, 2 and 3, township 1 south range 10 west of Willamette Meridian, excepting, however out of said one hundred and fifteen acres, ten acres of land off the extreme east end of said Donation Land Claim No. 45, heretofore conveyed to Gustavis C. Trimpter, by deed recorded in Book B, page 143, and also further excepting three-fourths of an acre sold by S. W. Elliott and Lucy A. Elliott, husband and wife, to the Whitney Company, Limited, in the year 1916.

S-87637

# T.I.S. R.10 W.W.M.



## FINAL PROOF SURVEY

UNDER

Application No. 22495. Permit No. 17.732

IN NAME OF

MARVIN PANGBORN

Surveyed AUG. 17, 1950, by H.L. COFFMAN

S-87637

1950 G

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this 30th day of April, 1951.

CHAS. E. STRICKLIN

State Engineer

Recorded in State Record of Water Right Certificates, Volume 14, page 19590.

S-67637