

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			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL

Organization Information

NAME J & C BAYNE, LLC c/o EDWARD SCHULTZ, ESQ.			PHONE (541) 926-2255	FAX (541) 967-6579
ADDRESS 3309 GEARY STEET S.E.			CELL	
CITY ALBANY	STATE OR	ZIP 97322	E-MAIL	

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

AGENT / BUSINESS NAME VENELL FARMS, INC. ATTN: LARRY VENELL			PHONE (541) 752-2446	FAX (541) 752-2875
ADDRESS 30742 VENELL PLACE			CELL (541) 990-7688	
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL LARRY@VENELLFEED.COM	

Note: Attach multiple copies as needed

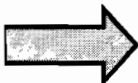
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WATER RESOURCES DEPT
SALEM, OREGON

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.



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

Corinne Murphy
Applicant Signature

CORINNE MURPHY
Print Name and title if applicable

6-16-10
Date

Theo D. Alvin
Applicant Signature

Theo D. Alvin
Print Name and title if applicable

6-16-10
Date

App. No. <u>S-87644</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*).

The lands south of the proposed irrigation that will contain the proposed POD and part of the pipeline are owned by:

Venell Farms, Inc. 30742 Venell Place Corvallis, OR 97333 Attn: Larry Venell

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WATER RESOURCES DIVISION
SALES OFFICE

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: Stored Water, Willamette River Project Tributary to: WILLAMETTE RIVER

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).
Certificates 72755 & 72756

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.)

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
Stored Water from Willamette River Project	Irrigation	March 1 to October 31	430.75 <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
			<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: 172.3 Acres Supplemental: NA Acres

List the Permit or Certificate number of the underlying primary water right(s): NA

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 430.75

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

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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): 100 hp Centrifugal

Other means (describe): _____

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

Water will be pumped from the river using a centrifugal pump and forwarded to a 12-inch-diameter mainline. The mainline will connect to a center pivot, which will irrigate a portion of the lands, and wheel lines.

B. Application Method

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

Center pivot and wheel lines.

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SALES, OREGON

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.

The amount of water requested for irrigation is consistent with other rights in the basin (1/80th and 2½AF/A). The water will be used to irrigate crops such as sweet corn and peppermint. The pivot has low-pressure nozzles on extensions to keep them low to the ground surface, thereby limiting evaporative losses.

SECTION 6: RESOURCE PROTECTION

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: Reclamation's water service contracts require inspection of the fish screen before they can issue a contract. (See Remarks in Section 8).
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The pump intake will be seasonally placed in the river. The pipeline between the intake and pump will be above-ground.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: See above.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: There is a buffer of undisturbed land between the irrigated area and the Willamette River and Albany Channel. The buffer will contain and filter any runoff.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as permit is issued

Date construction will be completed: October 1, 2015

Date beneficial water use will begin: October 1, 2016

SECTION 8: REMARKS

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

This property is outside of the Greenberry Irrigation District.

The proposed irrigated area is owned by J & C Bayne, LLC. The lands south of the proposed irrigated area, which will have the proposed POD and part of the pipeline is owned by Venell Farms, Inc.

The pump that will be used for this irrigation is already in place and used for other irrigation. The fish screen on the pump has already been inspected by Reclamation because of this other use, although Reclamation would be expected to conduct a new inspection as part of this application.

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SALEM, OREGON

Land Use Information Form



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

Applicant: J & C Bayne, LLC C/O EDWARD SCHULTZ, ESQ.
First Last

Mailing Address: 3309 Geary Street S.E.

Albany OR 97322 Daytime Phone: (541) 926-2255
City State Zip

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
Sec	Attachment					<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 all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Benton County

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B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 430.75
 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:

Water will be used to irrigate 172.3 acres. The water source will be stored water distributed from the U.S. Bureau of Reclamation Willamette River Project reservoirs. A water service contract application is also being filed with Reclamation as part of this application.

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

See bottom of Page 3. →

S-87644

ATTACHMENT TO:

Oregon Water Resources Department
Land Use Information Form

Applicant Name: **Venell Farms Inc.**

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	Water to be:	Proposed Land Use:
13 S	4 W	7	SE SW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	8	SW SW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	17	NE NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	17	NW NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	17	SW NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	17	SE NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	NE NE	1100	Farm (E.O.)	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	NW NE	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	SW NE	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	SE NE	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	NE NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	SE NW	1100		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	4 W	18	NE SE	300	Farm (E.O.)	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	4 W	18	SE SE	300		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input type="checkbox"/> Used	

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 SALEM, OREGON

S-87644

JUL 27 2010

For Local Government Use Only

WATER RESOURCES DEPARTMENT

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): BCC 55.123(1) farm use
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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.

Only 13-4-18-300 and 13-4-18-1100 are in Benton County. The other tax lots are in Lion County if they existed. It appears the applicant is stating the geographic section the referenced tax lot is in, not the section that tax lot appears in on the Tax Assessor's map.

Name: Kristin Anderson Title: Associate Planner
 Signature: *Kristin Anderson* Phone: 541-266-6298 Date: 7/30
 Government Entity: Benton County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

Oregon Water Resources Department

FORM I
FOR IRRIGATION USE

1. Please indicate whether you are requesting a primary or supplemental water right, as well as the number of acres that will be irrigated for each type. The acreages must match those shown on the map submitted with your application.

- Primary: 172.3 Acres
Supplemental: NA Acres (supplemental irrigation can be used only when the primary right is not available, and must match the season of the primary right)

List the permit or certificate number of the primary water right that underlies each supplemental right.

Table with 2 columns: Circle one, Season Allowed. Rows for Permit/Certificate #.

2. Indicate the maximum number of acre-feet of water you expect to use in an irrigation season:

430.75 acre-feet (typically 2.5 or 3.0 acre-feet per acre)
(1 acre-foot equals 12 inches of water spread over 1 acre, or 43,560 cubic feet, or 325,851 gallons)

3. For Limited License applications proposing to use water for irrigation. If for use of stored water, a limited license may be issued for up to one year with a valid contract for stored water per ORS 537.143(9). A limited license may also be issued for irrigation from live flow or groundwater, if the sole purpose is to establish a crop for which no further irrigation will be required after the crop is established per ORS 537.143(6)(a). Please describe the proposed project and indicate if stored water, live flow, or groundwater is to be used. When irrigation is needed to establish a crop, you must justify why more than one year is required.

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WATER RESOURCES DEPT
SALEM, OREGON

5-87644

LICENSE

This License Agreement made as of the date set forth below between Venell Farms, Inc., "Licensor" and J & C Bayne, LLC, "Licensee".

As Venell Farms, Inc. has been leasing adjacent non-irrigated crop land from Licensee for approximately seven crop years; and

As Venell Farms, Inc. is willing to pay the costs to install the necessary irrigation equipment and lines necessary to irrigate Licensee's property.

NOW, THEREFORE, IT IS AGREED AS FOLLOWS:

Licensor hereby grants a license to Licensee to establish, on the terms and conditions contained herein, a point of diversion in the SE 1/4 of the SE 1/4 of Township 13 South, Range 4 West, Section 18 (Tax Lot 300) as well as the right to convey water in an established pipeline over that portion of Licensor's property more particularly described below.

These rights are being granted to Licensee to assist Licensee's in its application for a permit to use surface water for the benefit of that property more particularly described in the application map, a copy of which is attached hereto and by this reference incorporated herein.

This License is limited to the location, construction, installation, placement and maintenance of a point of diversion and an underground irrigation line on the following described portions of Licensor's property, more particularly:

An easement, forty (40.00) feet in width, lying twenty (20.00) feet on either side of the following described centerline:

Beginning at the Point of Diversion on the Willamette River, said point being approximately 750 feet North and 730 feet West of the Southeast corner of Section 18, Township 13 South, Range 4 West of the Willamette Meridian; thence North, along the centerline of the existing water line, a distance of 2720 feet, more or less, to the South line of that tract conveyed to J & C Bayne, LLC on July 7, 2009 by Document No. 2009-453792 of the Benton County Deed Records

for the purpose of providing irrigation water to Licensee's adjacent property, so long as neither Licensee nor its activities unreasonably interfere with Licensor's use of the property. This License shall terminate upon one year's written notice to Licensor or automatically when Licensor is no longer farming Licensee's property.

Dated: July 21, 2010.

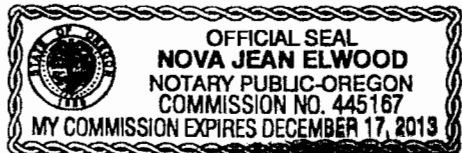
LICENSOR

VENELL FARMS, INC.

By: Rosetta Venell
Rosetta Venell, Secretary

STATE OF OREGON)
) ss.
County of Marion)
Benton

The foregoing License was acknowledged before me on this ___ day of July, 2010, by Rosetta Venell, Secretary of Venell Farms, Inc., an Oregon corporation, on behalf of the corporation.



[Signature]
Notary Public for Oregon
My Commission Expires: 12/17/13

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

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

S-87644

CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION *Managing Water in the West*

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): J & C Bayne, LLC
- 2) Address: 3309 Geary Street S.E. Albany, OR 97322
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number) ¹
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: This land is outside the Greenberry Irrigation District
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): Stored Water, Willamette River Project

3. Proposed point of diversion: 750 feet north and 730 feet west
of SE corner of Section 18, Township 13S, Range 4W,
Willamette Meridian.

S-E 7644

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Pending.

Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

5. Do you currently hold a right to natural flows for irrigating the property described herein?

No

If yes, what is/are the priority date(s)? _____

6. Total quantity of water from storage requested: 430.75 acre-feet.

7. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
See Attachment					

8. What is the present use of the land identified above? [*Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].

Farming

9. Is the land identified above currently being irrigated? No If yes, what is the source? (*natural flows, wells, etc.*) _____

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

Describe plan(s) to comply with State/Federal fish screen standards: A fish screen will be installed as required by Reclamation.

12. Telephone number where you can be reached during the day: J & C Bayne, LLC c/o Larry Venell (541) 990-7688

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE ², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹. Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

². The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

STATE OF OREGON
COUNTIES OF LANE, LINN, AND MARION
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUREAU OF RECLAMATION, U.S.A.
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

confirms the right to store the waters of COAST FORK WILLAMETTE RIVER, in COTTAGE GROVE RESERVOIR; ROW RIVER in DORENA RESERVOIR; LONG TOM RIVER in FERN RIDGE RESERVOIR; MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; NORTH SANTIAM RIVER in DETROIT RESERVOIR; tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-1625. The date of priority is AUGUST 16, 1954. The amount of water entitled to be stored each year under this right is NOT MORE THAN 835,000 acre-feet; BEING 30,000 AF from COAST FORK WILLAMETTE RIVER in COTTAGE GROVE RESERVOIR; 70,000 AF from ROW RIVER in DORENA RESERVOIR; 95,000 AF from LONG TOM RIVER in FERN RIDGE RESERVOIR; 340,000 AF from MIDDLE FORK WILLAMETTE RIVER in LOOKOUT POINT RESERVOIR; 300,000 AF from NORTH SANTIAM RIVER in DETROIT RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoirs are located as follows:

COTTAGE GROVE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 27, 28, 29, 32, AND 33
TOWNSHIP 21 SOUTH, RANGE 3 WEST, W.M.

SECTIONS 4, 5, AND 8
TOWNSHIP 22 SOUTH, RANGE 3 WEST, W.M.

DORENA RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 32, 33, AND 34
TOWNSHIP 20 SOUTH, RANGE 2 WEST, W.M.

SECTIONS 2, 3, 4, 5, 10, 11, 13, AND 14
TOWNSHIP 21 SOUTH, RANGE 2 WEST, W.M.

SEE NEXT PAGE

FERN RIDGE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 3, 4, 5, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22,
23, 26, 27, 28, 29, 30, 32, 33, AND 34
TOWNSHIP 17 SOUTH, RANGE 5 WEST, W.M.

LOOKOUT POINT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 13 AND 24
TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

SECTIONS 18, 19, 20, 21, 27, 28, 29, 30, 33, 34, AND 35
TOWNSHIP 19 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 1, 2, 3, 4, 10, 11, AND 12
TOWNSHIP 20 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 7, 17, 18, 19, 20, 21, 27, AND 28
TOWNSHIP 20 SOUTH, RANGE 2 EAST, W.M.

DETROIT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 35 AND 36
TOWNSHIP 9 SOUTH, RANGE 5 EAST, W.M.

SECTION 24
TOWNSHIP 10 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 1, 2, 3, 7, 10, 11, 12, 14, 15, 16, 17, 18, 19, 20, 21, 22,
27, AND 28
TOWNSHIP 10 SOUTH, RANGE 5 EAST, W.M.

SECTIONS 7, 17, AND 18
TOWNSHIP 10 SOUTH, RANGE 6 EAST, W.M.

THIS CERTIFICATE IS ISSUED SUBJECT TO THE TERMS AND CONDITIONS AS SET OUT IN
"EXHIBIT B" OF THE APPLICATION.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of
use described.

WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

 S **Steven P. Applegate**

Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72755.

STATE OF OREGON
COUNTIES OF LANE AND LINN
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

BUREAU OF RECLAMATION, U.S.A.
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

confirms the right to store the waters of MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR, SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR, BLUE RIVER in BLUE RIVER RESERVOIR, FALL CREEK in FALL CREEK RESERVOIR, SOUTH SANTIAM RIVER in FOSTER RESERVOIR, MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR, tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-5363. The date of priority is SEPTEMBER 16, 1968. The amount of water entitled to be stored each year under this right is NOT MORE THAN 805,100 ACRE-FEET, BEING 194,600 AF FROM MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR; 144,000 AF FROM SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR; 79,000 AF FROM BLUE RIVER in BLUE RIVER RESERVOIR; 107,500 AF FROM FALL CREEK in FALL CREEK RESERVOIR; 30,000 AF FROM SOUTH SANTIAM RIVER in FOSTER RESERVOIR; AND 250,000 AF FROM MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoir is located as follows:

HILLS CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 34, 35, AND 36
TOWNSHIP 21 SOUTH, RANGE 3 EAST, W.M.

SECTION 31
TOWNSHIP 21 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 2, 3, 4, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 33, AND 34
TOWNSHIP 22 SOUTH, RANGE 3 EAST, W.M.

SECTION 6
TOWNSHIP 22 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 3 AND 4
TOWNSHIP 23 SOUTH, RANGE 3 EAST, W.M.

SEE NEXT PAGE

R-45396.GJT

C-87644

COUGAR RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 31 AND 32
TOWNSHIP 16 SOUTH, RANGE 5 EAST, W.M.

SECTIONS 4, 5, 6, 7, 8, 17, 20, 28, 29, AND 33
TOWNSHIP 17 SOUTH, RANGE 5 EAST, W.M.

BLUE RIVER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 9, 10, 11, 12, 13, 14, 15, 16, AND 22
TOWNSHIP 16 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 6 AND 7
TOWNSHIP 16 SOUTH, RANGE 5 EAST, W.M.

FALL CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTION 36
TOWNSHIP 18 SOUTH, RANGE 1 WEST, W.M.

SECTION 1
TOWNSHIP 19 SOUTH, RANGE 1 WEST, W.M.

SECTIONS 26, 27, 31, 32, 33, AND 34
TOWNSHIP 18 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 4, 5, 6, 7, 8, 9, AND 16
TOWNSHIP 19 SOUTH, RANGE 1 EAST, W.M.

FOSTER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 22, 23, 24, 25, 26, AND 27
TOWNSHIP 13 SOUTH, RANGE 1 EAST, W.M.

SECTIONS 16, 17, 19, 20, 28, 29, 30, 32, AND 33
TOWNSHIP 13 SOUTH, RANGE 2 EAST, W.M.

SEE NEXT PAGE

GREEN PETER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 24, 25, 26, 35, AND 36
TOWNSHIP 12 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 9, 10, 16, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32,
33, 34, AND 35
TOWNSHIP 12 SOUTH, RANGE 3 EAST, W.M.

SECTIONS 1, 2, 10, 11, AND 12
TOWNSHIP 13 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 3, 4, 5, AND 6
TOWNSHIP 13 SOUTH, RANGE 3 EAST, W.M.

SECTION 19
TOWNSHIP 12 SOUTH, RANGE 4 EAST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

 S **Steven P. Applegate**

Martha O. Page

Recorded in State Record of Water Right Certificates numbered 72756.

R-45396.GJT

S-87644

Water Right Information Query Results	
Contact Information	Documents View all scanned documents
<p>▼ Current contact information</p> <p>OWNER: ▶ U.S. BUREAU OF RECLAMATION; PACIFIC NW REGION 1150 N CURTIS RD BOISE, ID 83706-1234</p>	<p>▶ Application: R 45396</p> <p>▶ Permit: R 5363 document</p> <p>▶ Certificate: 72756 document, paper map</p> <p>▶ View right with Web Mapping</p> <p>▶ View Places of Use from Water Rights in the Same Area</p>
Water Right Information	
<p>Status: Non-Cancelled</p> <p>County: Lane, Linn</p> <p>File Folder Location: Salem</p>	
Point(s) of Diversion	
<p>▶ POD 1 - MIDDLE FORK WM R/ HILL CR RIVER > WILLAMETTE RIVER</p> <p>▶ POD 2 - SOUTH FORK MCK R/ COUGAR RIVER > MCKENZIE RIVER</p> <p>▶ POD 3 - BLUE R/BLUE RESERVOIR > MCKENZIE RIVER</p> <p>▶ POD 4 - FALL CR/FALL CR RESERVOIR > MIDDLE FORK WILLAMETT RIVER</p> <p>▶ POD 5 - SOUTH SANTIAM R/FOSTER RIVER > SANTIAM RIVER</p> <p>▶ POD 6 - M SANTIAM R/ G PTE RIVER > SOUTH SANTIAM RIVER</p>	
Place(s) of Use Add TRS grouping	
<p>▶ Use - STORAGE (Primary); Priority Date: 9/16/1968</p> <p>▶ Use - SUPPLEMENTAL IRRIGATION (Supplemental); Priority Date: 9/16/1968</p>	
Water Right Genealogy	
<p>.... No genealogy records available for this water right, try the family link below instead.</p>	

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

S-87644

Water Right Information Query Results	
Contact Information	Documents View all scanned documents
▼ Current contact information OWNER: U.S. BUREAU OF RECLAMATION ▶ BOX 043 550 W FORT ST BOISE, ID 83706-1234	▶ Application: R 29397 ▶ Permit: R 1625 document ▶ Certificate: 72755 document , paper map ▶ Order(s) ▶ View right with Web Mapping ▶ View Places of Use from Water Rights in the Same Area
Water Right Information	
Status: Non-Cancelled County: Lane, Linn, Marion File Folder Location: Salem	
Point(s) of Diversion	
▶ POD 1 - C FORK WILLAMETTE RIVER > WILLAMETTE RIVER ▶ POD 2 - ROW RIVER > COAST FORK WILLAMETTE RIVER ▶ POD 3 - LONG TOM RIVER > WILLAMETTE RIVER ▶ POD 4 - MIDDLE FORK WILLAMETTE RIVER > WILLAMETTE RIVER ▶ POD 5 - NORTH SANTIAM RIVER > SANTIAM RIVER	
Place(s) of Use Add TRS grouping	
▶ Use - STORAGE (Primary); Priority Date: 8/16/1954	
Water Right Genealogy	
--- No genealogy records available for this water right, try the family link below instead.	

[View Water Rights in same Family](#)

[Help understanding and working with the Water Rights Information System](#)

[Report Errors with Water Right Data](#)

[Return to WRIS Query](#)

S-87644

WEATHERFORD, THOMPSON, COWGILL, BLACK & SCHULTZ, P.C.
(FOUNDED BY J.K. WEATHERFORD - 1875)
ATTORNEYS AT LAW

MICHAEL G. COWGILL
THOMAS L. BLACK
EDWARD F. SCHULTZ

P.O. BOX 667
130 W. FIRST AVENUE
ALBANY, OREGON 97321-0219
TELEPHONE: (541) 926-2255
FACSIMILE: (541) 967-6579
EMAIL: eschultz@wtlegal.com
WEBSITE: www.wtlegal.com

ANDREW J. BEAN
JOEL D. KALBERER
DENNIS D. ASHENFELTER
(Of Counsel)

July 29, 2010

Herb Mosgar
Water Resources Department
725 Summer St. NE, Suite A
Salem, OR 97301

Re: File Number: 87644

Dear Mr. Mosgar:

It is my understanding that you are working on an Application for Water Rights for property located in Benton County under the above-referenced file number. This firm represents Jo Alvin and Corinne Murphy who are the sole members of J & C Bayne, LLC. Enclosed please find a copy of the deed transferring the title into the LLC.

If you need further information in order to process the above-referenced file, please do not hesitate to contact me.

Very truly yours,



Edward F. Schultz

EFS:cd
Enclosure

cc: Clients
Larry Venell

N:\ATTY\EFS\IEFS Clients\ALVIN\VENELL.WATER RIGHTS\Mosgar.ltr.doc

RECEIVED

JUL 30 2010

WATER RESOURCES DEPT
SALEM, OREGON

8-87644



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

Edward F. Schultz, Attorney
Weatherford-Thompson
P.O. Box 667
Albany, OR 97321

1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Statutory Special Warranty Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Theo D. Alvin and Corinne A. Murphy, an undivided one-half interest each
as tenants in common
3309 Geary Street
Albany, OR 97321

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

J & C Bayne, LLC
3309 Geary Street
Albany, OR 97321

4) TRUE AND ACTUAL CONSIDERATION
ORS 93.030(5) – Amount in dollars or other

\$ _____ Other

5) SEND TAX STATEMENTS TO:

J & C Bayne, LLC
3309 Geary Street
Albany, OR 97321

6) SATISFACTION of ORDER or WARRANT
ORS 205.125(1)(e)

CHECK ONE: FULL
(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in accordance with ORS 205.244: "RERECORDED TO CORRECT _____

PREVIOUSLY RECORDED IN
BOOK _____ AND PAGE _____, OR AS FEE NUMBER _____."

S-87644

RECEIVED

JUL 30 2010

WATER RESOURCES DEPT
SALEM, OREGON

AFTER RECORDING, RETURN TO

Edward F. Schultz, Attorney
Weatherford-Thompson
P.O. Box 667
Albany, OR 97321

**UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHOULD BE SENT TO**
J & C BAYNE, LLC
c/o 3309 Geary Street
Albany, OR 97321

Grantor

Theo D. Alvin and
Corinne A. Murphy
3309 Geary Street
Albany, OR 97321

RECEIVED
JUL 30 2010

Grantee

J & C BAYNE, LLC
c/o 3309 Geary Street
Albany, OR 97321

STATUTORY SPECIAL WARRANTY DEED

THEO D. ALVIN and CORINNE A. MURPHY, an undivided one-half interest each, as tenants in common, Grantor, conveys and specially warrants to **J & C BAYNE, LLC, Grantee,** the following described real property free of encumbrances created or suffered by the grantor except as specifically set forth herein:

See Exhibit "A" attached hereto and by reference incorporated herein.

SUBJECT TO AND EXCEPTING: easements, conditions and restrictions of record, together with all and singular the tenements, hereditaments and appurtenances and all other rights there unto belonging or in anywise now or hereafter appertaining, and the rents, issues and profits thereof and all fixtures now or hereafter attached to or used in connection with the property.

The true consideration for this conveyance is for the exchange of other property.

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.

DATED this 25 day of June, 2009.

Theo D. Alvin
THEO D. ALVIN

Corinne A. Murphy
CORINNE A. MURPHY

STATE OF OREGON, County of Linn) ss.

Acknowledged before me this 25 day of June, 2009, by **THEO D. ALVIN and CORINNE A. MURPHY.**

OFFICIAL SEAL
CHERYL DOAN
NOTARY PUBLIC-OREGON
COMMISSION NO. 415224
MY COMMISSION EXPIRES MARCH 15, 2011
9-87644

Cheryl Doan
Notary Public for Oregon
My Commission Expires: 3-15-2011

EXHIBIT "A"

(Farm Property)

Beginning at an iron pipe which is North 18.40 chains distant from the Northwest corner of the Donation Land Claim of James S. Dill and wife, Notification No. 2572 and Claim No. 44, in Township 15 South, Range 4 West of the Willamette Meridian, Oregon; thence East 32.97 chains to the West bank of the channel of the Willamette River; thence Northerly along the West bank of said river to the North line of Section 17 in said Township and Range; thence North 89°30' West 11.18 chains to the Northwest corner of said Section No. 17; thence South 89°30' West along the North line of Section No. 18 in said Township and Range 20.59 chains to the meander corner of the right bank of what was formerly the main channel of the Willamette River; thence following the Government meanders of said river as follows: South 56 1/2° West 12.50 chains; thence South 79 1/2° West 26.00 chains; South 27° West 8.00 chains; South 51 1/4° East 13.50 chains to a point due West of the place of beginning; thence East to the Point of Beginning. SAVING AND EXCEPTING THEREFROM the right-of-way for road purposes 30 feet wide, being 15 feet on each side of the following described line: Beginning at an iron bar which is North 18.40 chains distant and East 25.35 chains distant from the Northwest corner of said Donation Land Claim of James S. Dill; thence North 28°20' East 4.19 chains to an iron rod 3 x 12 inches; thence North 69° East 6.68 chains to an iron bar 1 x 32 inches; thence North 7 1/4° West 9.44 chains to an iron pipe; thence North 39° West 7.11 chains to an iron pipe 1 x 24 inches; thence North 26 3/4° East 2.00 chains to the ferry landing on the West bank of the main channel of the Willamette River, all lying and being situated in what was formerly Linn County, but now being in Benton County, State of Oregon.

TOGETHER WITH ALL that land extending easterly from the easterly boundary of the above described parcel to the center of the main channel of the Willamette River.

ALSO TOGETHER WITH that land that has accreted to the above described parcel.

ALSO TOGETHER WITH ALL that land extending northerly and westerly from the northerly and westerly boundary of the above described parcel to the center of the former main channel of the Willamette River.

EXCEPTING THEREFROM that land conveyed to the State of Oregon Parks Department that is identified as Benton County Tax Lot 900 on Assessor's Map 13-4W-18 (said Tax Lot formerly being identified as Tax Lots 300 and 400 on Linn County Assessor's Map 13-4W-18).

July 2, 2009
EXHIBIT "A"
FARM PROPERTY CONVEYANCE
(09-39) JRB:ls
File Ref: nlm/shared documents/legals/09-39 Exh A - Farm Property desc.doc

RECEIVED

JUL 30 2010

WALTON COUNTY CLERK
SALEM, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Jack R. Burrell
OREGON
JULY 14, 1978
JACK R. BURRELL
1630

RENEWAL DATE 12/31/09

S-87644