

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 BOYER FARMS II, LLC C/O JOE BOYER		PHONE (HM)	
PHONE (WK)	CELL 503-539-7448	FAX 541-424-3397	
ADDRESS P.O. BOX 373			
CITY MONROE	STATE OR	ZIP 97456	E-MAIL

Organization Information

NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL

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


AGENT / BUSINESS NAME Cortney Duke / Schroeder Law Offices, P.C.		PHONE (503) 281-4100	FAX (503)-281-4600
ADDRESS 1915 NE Cesar E. Chavez Blvd.		CELL	
CITY Portland	STATE OR	ZIP 97212	E-MAIL counsel@water-law.com

Note: Attach multiple copies as needed

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- 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.


Applicant Signature

Joe M. Boyer
Print Name and title if applicable

12-07-11
Date

Applicant Signature

Print Name and title if applicable

Date

RECEIVED

DEC 23 2011

App. No. <u>S-07774</u>	For Department Use Permit No. _____	Date _____	WATER RESOURCES DEPT SALEM, OREGON
-------------------------	--	------------	---------------------------------------

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*).

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: Fern Ridge Reservoir

Tributary to: Long Tom 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).

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.) (*See Enclosed Contract Data Sheet*)

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

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
Fern Ridge Reservoir	Irrigation	March 31 - October 31	725 <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: 290 Acres Supplemental: Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 725

** All irrigable areas are proposed for irrigation*

- 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:

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
 SALEM, OREGON

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): 100hp

Other means (describe): _____

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

B. Application Method

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

Travelers and pivot.

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.

Quantity of water requested is needed to produce approximately 290 acres of grass seed. No waste will incur. Proposed source of water is water stored in Fern Ridge Reservoir.

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: Any required screening will be completed.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: N/A

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: N/A

Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: N/A

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

SECTION 7: PROJECT SCHEDULE

Date construction will begin: 2013

Date construction will be completed: 2013

Date beneficial water use will begin: 2013

SECTION 8: REMARKS

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

The proposed source of water is water stored in Fern Ridge Reservoir, operated by the Bureau of Reclamation. A Contract Data Sheet has been submitted to the Bureau of Reclamation (enclosed herein).

RECEIVED

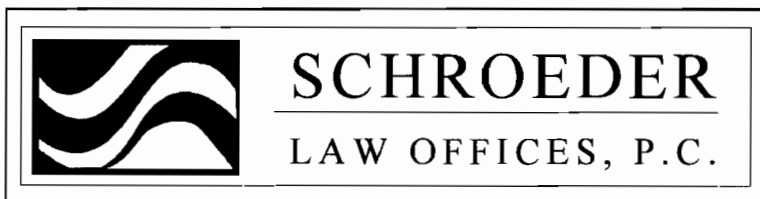
DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Cortney D. Duke
Oregon, Nevada

Sarah R. Liljefelt
Oregon, California

Wyatt E. Rolfe
Oregon, Nevada,
Washington

Therese A. Ure
Oregon, Nevada

December 22, 2011

VIA U.S. MAIL ONLY

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301

**RE: Application for a Permit to Use Surface Water
Boyer Farms II, LLC c/o Joe Boyer**

To Whom It May Concern:

Please find enclosed herein the following documents:

- (1) Application for a Permit to Use Surface Water in the name of Boyer Farms II, LLC c/o Joe Boyer;
- (2) Associated Application Map;
- (3) Copy of Contract Data Sheet as submitted to the U.S. Bureau of Reclamation;
- (4) Land Use Information Form; and
- (5) Check in the amount of \$2,005.00 (\$400 base fee + \$25 for each of the first 20 acre-feet of use requested + \$1 for each acre foot requested over the first 20 + a \$400 permit recording fee.)

If you have any questions, please contact the undersigned at (503) 281-4100.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.


Cortney D. Duke

CDD:bmw
Enclosures
cc: Client

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

THIS SPACE FOR COUNTY USE ONLY:

Division of Chief Deputy Clerk
Lane County Deeds and Records

2005-102355



\$31.00

12/27/2005 03:10:26 PM

RPR-DEED Cnt=1 Stn=15 CASHIER 01
\$10.00 \$11.00 \$10.00

After recording, return to: Donald J. Churnside Gaydos, Churnside & Balthrop, P.C. 440 E. Broadway, Suite 300 Eugene, OR 97401	Until a change is requested, send all tax statements to: BOYER FARMS II, LLC <u>440 E. Broadway, Suite 300</u> <u>Eugene, OR 97401</u>
--	---

BARGAIN AND SALE DEED

John Boyer, Grantor, conveys to Boyer Farms II, LLC, Grantee, the following described real property:

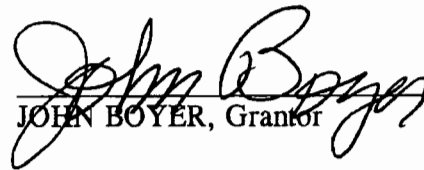
See **Exhibit A** attached hereto.

The true consideration for this conveyance is: other value given.

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

DATED this 23 day of December, 2005.

- Re-recording to correct legal Exhibit "A"


JOHN BOYER, Grantor

STATE OF Nevada)
County of Clark) ss.

Before me on this 23rd day of December, 2005, personally appeared the above named JOHN BOYER and acknowledged the foregoing instrument to be his voluntary act and deed.




Notary Public

RECEIVED

DLC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

S-87774

EXHIBIT A

Commencing at a 1991 Benton County Brass Cap marking the Northeast corner of the John Loose Donation Land Claim No. 53, in Section 18, Township 14 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the North line of said John Loose Claim No. 53, South 89°52'44" West 30.23 feet to a point on the Westerly right of way line of Benton County Road No. 45500 (McFarland Road), said point being the TRUE POINT OF BEGINNING; thence along said Westerly right of way line South 7°11'47" East 1599.24 feet to a 5/8 inch iron rod at the Northeast corner of that property conveyed to Van Beek Dairy Farms, a Partnership, and described in Benton County Microfilm Records M-250828-98; thence along the North line of the Van Beek Dairy Farms property, South 88°49'00" West 881.63 feet to a 5/8 inch iron rod on the East line of that property conveyed to Thomas Joseph Allen and Belinda D. Allen and described in Benton County Microfilm Records M-150146-92; thence along the East line of said Allen property North 6°50'34" West 768.79 feet to a 3/4 inch iron pipe; thence continuing along the East line of said Allen property North 6°50'34" West 21.50 feet to the centerline of Benton County Road No. 45501 (Occidental Lane); thence along the centerline of said road the following courses: North 67°36' West 492.62 feet, North 49°48'30" West 149.70 feet, and North 30°08'30" West 214.23 feet to the most Northerly-Northwest corner of said Allen property; thence continuing North westerly along the centerline of said road to the aforementioned North line of the John Loose Claim No. 53; thence along said North line North 89°52'44" East to a point on the Northeasterly right of way line of said Road No. 45501; thence along said Northeasterly right of way line 1050 feet, more or less, to a point of intersection with the Southerly right of way line of Benton County Road No. 45200 (Dawson Road); thence along said Southerly right of way line, Easterly 2020 feet, more or less to the point of intersection with the aforementioned Westerly right of way line of Road No. 45500; thence along said Westerly right of way line, Southerly 1030 feet, more or less, to the TRUE POINT OF BEGINNING.

EXCEPTING THEREFROM that portion lying within the right of way Benton County Road No.45501 (Occidental Lane).

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

S-87774

EXHIBIT A

PROPERTY DESCRIPTION PARCEL 1:

Beginning at a point on the East line of the Harry Eccleston D.L.C. No. 46 in Township 16 South, Range 5 West of the Willamette Meridian, said point being 915.42 feet Northerly of the East Southeast corner of said H. Eccleston D.L.C.No.46;thence leaving said East line and running perpendicular to said East line North 89° 49' 00" West 1100 feet more or less to a point in the centerline of State Highway No. 36, said point being the true point of beginning; thence continuing North 89° 49' 00" West 1040 feet more or less to the West line of said D.L.C. No. 46; thence along said West line North 00° 11' 00" East 3383.05 feet to an existing 1 1/4" iron pipe marking the South side of vacated ditch; thence leaving said West line and running along the original location of said ditch North 85° 01' 16" East 2152.75 feet to a point on the East line of said D.L.C. No: 46; thence leaving said original ditch line and running along the East line of said D.L.C.No.46 South 00° 11' 00" West 2316.50 feet to a point which is 2174.42 feet Northerly of the East Southeast corner of the H. Eccleston D.L.C.No.46; thence leaving said East line and running perpendicular to the East line of said H. Eccleston D.L.C. No. 46 North 89° 49' 00" West 584.70 feet; thence parallel to the East line of said D.L.C. No. 46 South 00° 11' 00" West 1113 feet more or less to the centerline of State Highway No. 36;thence Southwesterly along the centerline of State Highway No. 36 to the true point of beginning, all in Lane County.

PARCEL 2:

Beginning at the Northwest corner of the Wm.H. McAtee Donation Land Claim No.49, Notification No. 5226, in Township 16 South, Range 5 West, Willamette Meridian, Oregon, and running thence East along the North line of said Claim 31.23 chains to the Northeast corner thereof; thence South along the East line of the Claim 54.30 chains; thence East 32.48 chains to a point on the East line of the Harry Eccleston Donation Land Claim No. 46, 13.87 chains North of the East Southeast corner of said Claim; thence South 19.65 chains to the North line of Claim No. 51 of said Township; thence West 13.51 chains to the East boundary of said claim No. 46; thence South 50.00 chains to the North boundary of the Enos Ellmaker Land Claim No. 48 of said Township; thence West 29.72 chains to the Southeast corner of a tract of land formerly sold to Lee Chesher; thence North 53.50 chains to the middle of the County Road; thence along the middle of the County Road South 67° 40' West 2.23 chains to the East line of a tract of land formerly sold to R. E. Cooley; thence North 43.16 chains to the Northeast corner of a tract of land formerly sold to Clarence M. Cooley; thence West 17.83 chains to the West line of said Claim No. 49; thence North along said West line 30.01 chains to the place of beginning, in Lane County, Oregon;

EXCEPT all that portion of described in Memorandum of Contract, between William Johnson and Howard L. Johnson, recorded December 27,1978, Reception No. 7884253, Lane County Oregon Records; ALSO EXCEPT all that portion described in deed from William Johnson to George C. Johnson, recorded August 26, 1971, Reception No. 60763, Lane County Oregon Records;

ALSO EXCEPT all that portion described in deed from William Johnson to George C. Johnson and Rebecca H. Johnson, recorded June 24, 1974, Reception No. 7427124, Lane County Oregon Records; ALSO EXCEPT all that portion described in deed from William Johnson to Howard L. James and Jean B. James, recorded April 08,1985, Reception No. 8512237, Lane County Oregon Records; ALSO EXCEPT all that portion described in deed from William Johnson to Mike Evoniuk, recorded June 04, 1985, Reception No.8519569, Lane County Oregon Deed Records; ALSO EXCEPT that portion described as Land Partition Plat No.93-P0347, filed May 14, 1993, Land Partition Plat Records, in Lane County, Oregon.

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

S-87774

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: Bayer Farms II, LLC c/o Joe Bayer
First Last

Mailing Address: P.O. Box 373

Monroe OR 97456 Daytime Phone: 503-539-7448
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:
16S	5W	10	SWSW	1400		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
16S	5W	9	NENE	101		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
16S	5W	9	SENE	101		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
16S	5W	9	NESE	101		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

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

LANE County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 725 af 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:

Stored water from Fern Ridge Reservoir will be diverted pursuant to contract with BOR for irrigation of 290 acres

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

A. Land and Location Continued

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g. Rural Residential/RR-5)	Water to be:	Proposed Land Use:
16S	5W	9	SESE	101		Conveyed and Used	
16S	5W	9	NWNE	300		Conveyed and Used	
16S	5W	9	NENW	300		Conveyed and Used	
16S	5W	9	SESW	300		Conveyed and Used	
16S	5W	9	NESW	300		Conveyed and Used	
16S	5W	9	NWSE	300		Conveyed and Used	
16S	5W	9	SWSE	300		Conveyed and Used	
16S	5W	10	NWNW	101		Conveyed and Used	
16S	5W	10	SWNW	101		Conveyed and Used	
16S	5W	10	NWSW	101		Conveyed and Used	
16S	5W	10	SWSW	101		Conveyed and Used	

RECEIVED

DEC 23 2011

WATER RESOURCES DEPT
SALEM, OREGON

S-07774

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): LC 16.212(3)(a) + 16.253(2)(d)(iv)

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.

This proposal is for irrigation use only. Any changes will require additional Review.

Name: Lindsey A. Eichner Title: Planner
 Signature: *Lindsey A. Eichner* Phone: 541-682-3998 Date: 6/22/2011
 Government Entity: Lane 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

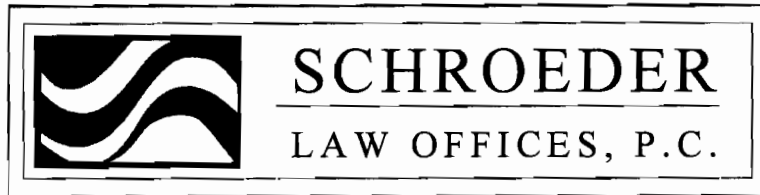
Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

RECEIVED

Laura A. Schroeder
Licensed in Oregon, Idaho,
Nevada and Washington

V. Scott Borison, Ph.D.
Certified Legal Manager

Daryl N. Cole
Office Manager



Cortney D. Duke
Oregon, Nevada

Sarah R. Liljefelt
Oregon, California

Wyatt E. Rolfe
Oregon, Nevada,
Washington

Therese A. Ure
Oregon, Nevada

January 5, 2012

VIA ELECTRONIC AND U.S. MAIL

RECEIVED

JAN 09 2012

WATER RESOURCES DEPT
SALEM, OREGON

Herb Mosgar
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301
Email: herbert.l.mosgar@state.or.us

RE: Application Map for a Permit to Use Surface Water

Dear Herb:

On December 22, 2011 our office submitted an Application for a Permit to Use Surface Water and supporting documents, including a map, on behalf of Boyer Farms LLC, c/o Joe Boyer. Please note the following corrections to the application map:

1. The scale of the map is 1 inch for approximately 1,320 feet;
2. The section labeled NWNE of Section 10 should be **NWNW** of Section 10;
3. The section labeled NWNE of Section 9 should be **NWSE** of Section 9;
4. The proposed point of diversion should be approximately 1,320 feet east and 470 feet south of the NW Corner of Section 10;

Finally, the proposed number of acres for irrigation in each quarter quarter is detailed in the following chart. Pursuant to our telephone conversation with you on January 3, 2012 we understand that the Department acknowledges that the proposed number of acres in each quarter quarter detailed below may vary slightly upon perfection.

Township	Range	Section	Quarter Quarter	Number of Acres
16S	5W	9	NENE	32
16S	5W	9	SENE	40
16S	5W	9	NESE	40
16S	5W	9	SESE	13

1915 NE Cesar E. Chavez Boulevard, Portland, Oregon 97212 (503) 281-4100

440 Marsh Avenue, Reno, Nevada 89509 (775) 786-8800

www.water-law.com counsel@water-law.com

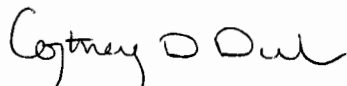
Herb Mosgar
Oregon Water Resources Department
January 5, 2012
Page 2 of 2

16S	5W	9	NWNE	8
16S	5W	9	NENW	4
16S	5W	9	SWNW	40
16S	5W	9	SEW	18
16S	5W	9	NESW	.8
16S	5W	9	NWSE	32
16S	5W	9	SWSE	17.2
16S	5W	10	SWSW	1
16S	5W	10	NWNW	16
16S	5W	10	SWNW	20
16S	5W	10	NWSW	8
TOTAL				290

We have enclosed a new map which incorporates these changes herein for your convenience. Please contact our office at 503-281-4100 if you have any questions or concerns.

Very truly yours,

SCHROEDER LAW OFFICES, P.C.


Courtney D. Duke

CDD:bmw

Enclosure

cc: Client

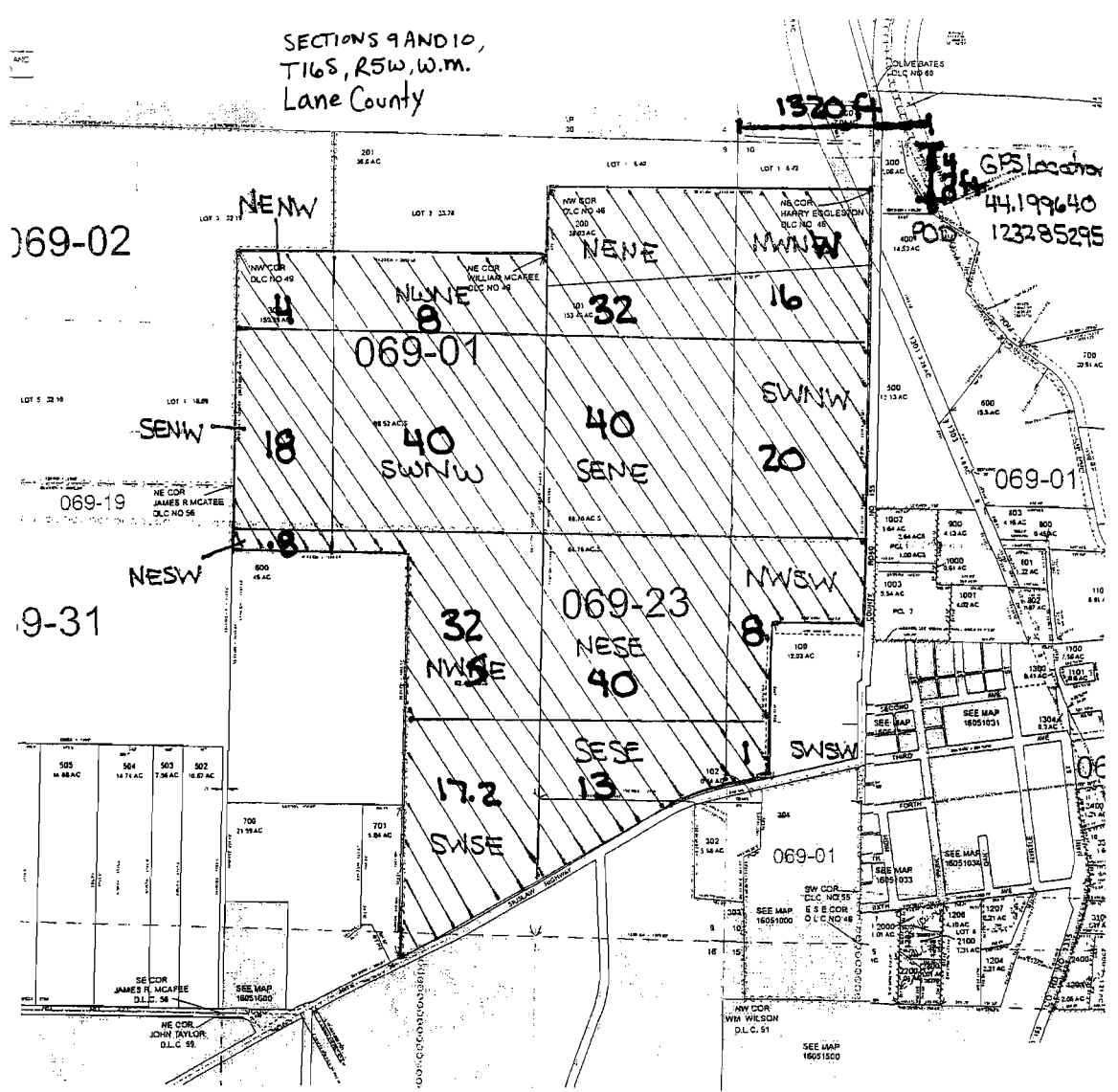
RECEIVED

JAN 09 2012

WATER RESOURCES DEPT
SALEM, OREGON

SECTIONS 9 AND 10,
T16S, R5W, W.M.
Lane County

↑
NORTH
Scale: 1" = 1320 ft



RECEIVED

JAN 09 2012

WATER RESOURCES DEPT
SALEM, OREGON

Herb Mosgar

From: Cortney Duke <cortney@water-law.com>
Sent: Tuesday, January 03, 2012 11:07 AM
To: Herb Mosgar
Subject: Map for Boyer Farms Application

Herb -

I spoke with Joe Boyer on designating the number of acres proposed for irrigation in each quarter quarter. He gave me his best guess estimates based on his review of the map (comparison with the full 40's) and his familiarity with the land. However, because the land hasn't been surveyed a few estimates may be slightly high or low, as you would expect.

We need to know what are the consequences of being off in any one quarter quarter if any? Can any inaccuracies be corrected at the certificate stage so long as we only irrigate the requested (and permitted) amount?

Thank you for your feedback,

Cortney

Cortney D. Duke

Schroeder Law Offices, PC
1915 NE Cesar Chavez Blvd
Portland, OR 97212
(503) 281-4100 (ph)
(503) 281-4600 (f)
www.water-law.com

S-87774

Herb Mosgar

From: Briana Witt <b.witt@water-law.com>
Sent: Thursday, January 05, 2012 3:57 PM
To: herbert.l.mosgar@state.or.us
Cc: Cortney Duke
Subject: Boyer Farms LLC: Schroeder Law Offices, P.C. to Herb Mosgar regarding Application Map for a Permit to Use Surface Water
Attachments: SLO to Herb Mosgar of OWRD re Application Map for a Permit to Use Surface Water (P0213942).PDF

Dear Herb,

Please find attached to this email a copy of the letter from our office regarding *Application Map for a Permit to Use Surface Water*. A hard copy will follow by U.S. first class mail.

Please contact our office if there is any difficulty opening the attachment.

Sincerely,
Briana

Briana M. Witt

Paralegal
Schroeder Law Offices, P.C.
1915 NE Cesar Chavez Blvd.
Portland, OR 97212
Phone: 503-281-4100
Fax: 503-281-4600
b.witt@water-law.com
www.water-law.com

S-07774

Herb Mosgar

From: Cortney Duke <cortney@water-law.com>
Sent: Wednesday, January 04, 2012 11:11 AM
To: Herb Mosgar
Subject: FW: Map for Boyer Farms Application

Hi Herb -

I re-read the application requirements and see that I need to have an equal map scale.

I will try to get this scaled down.

Hopefully I will get it to you by the end of the week.

Thanks.

From: Cortney Duke
Sent: Tue 1/3/2012 03:20 PM
Rcvd: Tue 1/3/2012 03:20 PM
To: Herb Mosgar (mosgarhl@wrd.state.or.us)
CC:
BCC:
Subject: RE: Map for Boyer Farms Application

=====
Hi Herb -

Thank you for the follow up call.

Without blowing up the map it looks like 1 inch = 942.85 feet. These numbers make the POD distances very close to the numbers you gave me (1300 feet east and 400 feet south).

Not sure what number you came up with but does that look close?

Sorry to keep bugging you - I just hope to complete the required amendments in one update!

Thanks

Cortney

From: Cortney Duke
Sent: Tuesday, January 03, 2012 11:07 AM
To: 'Herb Mosgar'
Subject: Map for Boyer Farms Application

Herb -

S-07774

I spoke with Joe Boyer on designating the number of acres proposed for irrigation in each quarter quarter. He gave me his best guess estimates based on his review of the map (comparison with the full 40's) and his familiarity with the land. However, because the land hasn't been surveyed a few estimates may be slightly high or low, as you would expect.

We need to know what are the consequences of being off in any one quarter quarter if any? Can any inaccuracies be corrected at the certificate stage so long as we only irrigate the requested (and permitted) amount?

Thank you for your feedback,

Cortney

Cortney D. Duke

Schroeder Law Offices, PC
1915 NE Cesar Chavez Blvd
Portland, OR 97212
(503) 281-4100 (ph)
(503) 281-4600 (f)
www.water-law.com