

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$1250.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

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

G-17574

Application for a Permit to Use Ground Water



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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

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Applicant Information

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

Organization Information

NAME AURORA EAST LP % PHIL CANBY, PRESIDENT		PHONE 503-658- 8375 8375	FAX
ADDRESS 14812 SE ONDO RIVERA DRIVE		CELL 503-880-1705	
CITY DAMASCUS	STATE OR	ZIP 97089	E-MAIL* phil@canbysales.com

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

AGENT / BUSINESS NAME JEANNE BOATWRIGHT		PHONE 503-363-9225	FAX 503-363-1051
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE		CELL	
CITY SALEM	STATE OR	ZIP 97301	E-MAIL* JEANNE@BOATWRIGHTENGR.COM

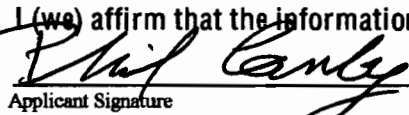
Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

By my signature below I confirm that I understand:

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

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


Applicant Signature

Phil Canby, president, Aurora East LP
Print Name and title if applicable

AUGUST 6, 2012
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

Revised 2/1/2012

App. No. G-17574

Permit No. _____

Date _____

WR

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: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Intermittent Unnamed Tributary of Senecal Creek	1300'	30'±

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

Well request is based on basalt groundwater review for Application G-17267 (MARI 63260) located west, across I-5

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Columbia River Basalt

Total maximum rate requested: 125 gpm (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

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OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	8"	0-150	150±-250±	0-170	na	Columbia River Basalt	250'±	125	20 to 120

- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
- ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
- *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1- October 31	20 to 120

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

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).
 Primary: 78.0 Acres Supplemental: 0 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: 120

- 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: _____

SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): To be determined
- Other means (describe): _____

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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 well and distributed by pipeline to the fields. Crop(s), and therefore application method, has not been determined. Will be based on amount of water available, but options may include small grains, grass seed, or vegetables.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
 Not known at this time as it will be crop dependent. Probably standard impact sprinkler or big gun for small grains, grasses, or vegetables.

C. Conservation

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

Water will be applied only as weather and plant requirements dictate. Measurement will be by totalizing flow meter. The nearby and on-site drainage areas are protected with wide riparian areas and are separated from the farm fields so that no runoff from the fields is anticipated and no adverse impact to the surface water will occur.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

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

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Permit date + 5 years

Date construction will be completed: Permit date + 5 years

Date beneficial water use will begin: Permit date + 5 years

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

Sections 3 & 4 above: Volume of use may vary widely and will depend on the crop(s) planted, weather year, etc.

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G-17574

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(s): Aurora East LP

Mailing Address: 14812 SE Ondo Rivera Drive

City: Damascus

State: OR

Zip Code: 97089

Daytime Phone: 503-880-1705

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:
_____	_____	_____	<u>SEE</u>	<u>LIST</u>	<u>ATTACHED</u>	<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:

Marion

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: 125 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:

A new irrigation well for farm property

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

See bottom of Page 3. →

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 17-136-020

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.

Name: Patty Dorr Title: Assistant Planner

Signature: *Patty Dorr* Phone: 502-588-5228 Date: 8-9-12

Government Entity: Marion County Planning Dept.

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: _____

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SALEM, OREGON

After Recording Return to:
J. Terrence Bittner
Bittner & Hahs, P.C.
4949 SW Meadows Road
Suite 260
Lake Oswego, OR 97035

Until a change is requested, all tax statements shall be sent to the following name and address:
Arthur J. & Mary J. Canby
364 Catherine Street, S-1
Walla Walla, WA 99362

The true and actual consideration paid for this transaction is other valuable consideration

**CORRECTION
BARGAIN AND SALE DEED**

This deed is being recorded to correct the legal description of the Bargain and Sale Deed recorded on December 30, 2008, Reel 3021, Page 253 at 1:27pm.

Arthur J. Canby and Mary J. Canby, cotrustees under the Arthur J. Canby Trust dated August 5, 1992 and cotrustees under the Mary J. Canby Trust dated August 5, 1992 (hereinafter "Grantors") do hereby grant, bargain, sell and convey unto the Aurora East Limited Partnership, a Washington limited partnership (hereinafter "Grantee") that certain real property described on Exhibit "A" which is attached hereto and incorporated by reference.

The true and actual consideration paid for this transfer, stated in terms of dollars is \$ None. However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration.

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: 14 day of May, 2009.

GRANTORS:


Arthur J. Canby, cotrustee of the Arthur J. Canby Trust dated August 5, 1992

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Mary J. Canby
Mary J. Canby, cotrustee of the Arthur J. Canby Trust dated August 5, 1992

Arthur J. Canby
Arthur J. Canby, cotrustee of the Mary J. Canby Trust dated August 5, 1992

Mary J. Canby
Mary J. Canby, cotrustee of the Mary J. Canby Trust dated August 5, 1992

WASHINGTON)
STATE OF OREGON)
WALLA WALLA) ss.
COUNTY OF CLACKAMAS)

Personally appeared before me on the 14 day of ^{may} ~~December~~, 2008, the above-named Arthur J. Canby as cotrustee of the Arthur J. Canby Trust dated August 5, 1992 and as cotrustee of the Mary J. Canby Trust Dated August 5, 1992, and acknowledged that he executed the foregoing as his voluntary act and deed.

[Signature]
NOTARY PUBLIC for Oregon, WASHINGTON
My Commission expires: 3/19/13



WASHINGTON)
STATE OF OREGON)
WALLA WALLA) ss.
COUNTY OF CLACKAMAS)

Personally appeared before me on the 14 day of ^{may} ~~December~~, 2008, the above-named Mary J. Canby as cotrustee of the Arthur J. Canby Trust dated August 5, 1992 and as cotrustee of the Mary J. Canby Trust Dated August 5, 1992, and acknowledged that she executed the foregoing as her voluntary act and deed.

[Signature]
NOTARY PUBLIC for Oregon, WASHINGTON
My Commission expires: 3/19/13



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**EXHIBIT A
LEGAL DESCRIPTION**

A tract of land situated in Sections 9 and 10, Township 4 South, Range 1 West of the Willamette Meridian, Marion County, Oregon, being a portion of the Amable Arquat Donation Land Claim (DLC) No. 45 and more particularly described as follows:

Beginning at a 4-inch brass cap at the Southeast Corner of said DLC No. 45; thence South 73°08'12" West, along the Southerly line of said DLC No. 45, a distance of 2884.33 feet to a 1-inch iron pipe at the Northeast corner of that tract of land described by deed in Reel 1038, Page 80, Marion County Deed Records; thence South 72°27'34" West along the Northerly line of said tract, a distance of 1921.81 feet to a 1 and 1/2-inch iron pipe at the Northwest corner thereof; thence South 78°16'28" West, a distance of 36.36 feet to a 5/8-inch iron rod at a point of curvature on the Southeasterly right-of-way line of Interstate Highway No. 5 described by deed in Volume 633, Page 408, Marion County Deed Records; thence along said Southeasterly right-of-way line the following courses: thence northeasterly along a curve concave to the southeast, having a radius of 2795.59 feet and a central angle of 8°57'42" (the chord of which bears North 24°49'14" East, 436.81 feet) a distance of 437.26 feet to a 5/8-inch iron rod; thence North 29°18'05" East tangent to said curve, a distance of 816.56 feet to a 5/8-inch iron rod; thence North 29°15'06" East, a distance of 18.87 feet to the Southwest corner of that tract of land described by deed in Reel 1715, Page 467, Marion County Deed Records; thence leaving said Southeasterly right-of-way line, North 73°38'12" East along the Southerly line of said tract and prolongation thereof, a distance of 3964.84 feet to the Southeast corner of that tract of land described as Parcel 2, by deed in Reel 237, Page 134, Marion County Deed Records and the Easterly line of said DLC No. 45; thence South 15°48'54" East, along the Easterly line of said DLC No. 45, a distance of 850.93 feet to the Point of Beginning.

(Bearings used herein are based on Survey Number 35673 of the Marion County Survey Records).

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**WATER RESOURCES DEPT
SALEM, OREGON**

G-17574

REEL:3065

PAGE: 103

May 22, 2009, 11:12 am.

CONTROL #: 248806

**State of Oregon
County of Marion**

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

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