

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

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Water-Use Permit Application Processing

JAN 07 2013

1. Completeness Determination

SALEM, OR

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law.our). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$300.00 for the applicant and \$600.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

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: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: 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. ***Please see attached Deed.
 - Fees - Amount enclosed: \$ **855**
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)
 - 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:

S-87856

Application for a Permit to Use Surface Water



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725 Summer Street NE, Suite A
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(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 POPEYE'S GIRLFRIEND, LLC ATTN: DENNIS WILDE, MANAGER			PHONE	FAX
ADDRESS 3720 SW BOND AVE., UNIT 408			CELL	503-720-0066
CITY PORTLAND	STATE OR	ZIP 97239	E-MAIL * MAGYCORP2@ME.COM	

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

AGENT / BUSINESS NAME TED RESSLER, RG, CWRE/GSI WATER SOLUTIONS			PHONE 971-200-8509	FAX 503-239-8940
ADDRESS 55 SW YAMHILL ST., SUITE 300			CELL	503-701-4535
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL * TRESSLER@GSIWS.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.)

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By my signature below I confirm that I understand:

JAN 07 2013

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. 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.

SALEM, OR

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


Applicant Signature

Dennis J. Wilde
Print Name and title if applicable

12.8.2012
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>S-87856</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*).

Popeye's Girlfriend LLC owns the majority of the lands associated with the project. The only portion of the lands not owned by Popeye's Girlfriend LLC are the lands on which the point of diversion and a small section of the transmission mainline are located (tax lot 900); however, Popeye's Girlfriend LLC has an existing easement with Oregon Pacific West Development, LLC for this portion of its water system (see attached).

ATTN: Tony Luther, Oregon Pacific West Development, LLC, PO Box 1001, Roseburg, OR 97470

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: <u>Ford's Pond</u>	Tributary to: <u>Ford's Creek</u>
Source 2: <u>n/a</u>	Tributary to: _____
Source 3: <u>n/a</u>	Tributary to: _____
Source 4: <u>n/a</u>	Tributary to: _____

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

S-87856

B. Applications to Use Stored Water

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

- 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.)

****Popeye's Girlfriend, LLC holds a water right for 50 acre-feet of stored water (for irrigation) in Ford's Pond per Transfer T-6695 (see recorded Assignment attached). A COBU for Transfer T-6695 is currently being processed through Reimbursement Authority.**

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.

N/A – Popeye's Girlfriend, LLC holds a water right for 50 acre-feet of stored water (for irrigation) in Ford's Pond under Transfer T-6695 (see recorded Assignment attached).

- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

N/A – Popeye's Girlfriend, LLC will have its own pump station for diverting the 50 acre-feet of stored water authorized under Transfer T-6695 (see recorded Assignment attached). RECEIVED BY OWRD

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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
Ford's Pond	Irrigation	March 1 – October 31	50 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 163 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: 50

- 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

A. Diversion and Conveyance

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

Pump (give horsepower and type): Anticipate using a 15 HP centrifugal pump

Other means (describe): _____

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

A 15 HP centrifugal pump will be used to divert stored water from Ford's Pond. It is anticipated that a 6" transmission mainline will be used to convey the water from the point of diversion to the place of use. The 6" mainline will feed laterals that will in turn supply the drip irrigation system used to irrigate the place of use.

Construction is anticipated to begin as soon as weather and site conditions permit, and development of the project is planned to occur in phases. Each phase of development will add approximately 15 to 30 acres into production. Full build-out is anticipated to take five to seven years to complete.

B. Application Method

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

A highly efficient drip irrigation system is planned that will apply water only to the roots of the production crop.

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 public uses of affected surface waters.

The amount of water requested for use by this application is the amount of water already stored for use by Popeye's Girlfriend, LLC under Transfer T-6695 (see recorded Assignment attached). A drip irrigation system will be used to irrigate the crops. The rate of water application is not expected to exceed the intake rate of the local soil, thereby avoiding runoff and evaporation. The amount of water diverted will be measured using a flow meter installed on the 6" transmission mainline. The water conveyance and irrigation system will be inspected visually and maintained on a regular basis for proper functioning.

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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: The pump intake will be fitted with a fish screen. It is anticipated that a Sure-Flo SCS4 self-cleaning screen will be used.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: _____
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: _____
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Irrigation water will be applied by drip irrigation. The rate of water application is not expected to exceed the intake rate of the local soil, thereby avoiding erosion and runoff.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: 2013

Date construction will be completed: 10 years after date of permit issuance

Date beneficial water use will begin: 10 years after date of permit issuance

SECTION 8: 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 9: REMARKS

Use this space to clarify any information you have provided in the application.

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SALEM, OR

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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

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NOTE TO LOCAL GOVERNMENTS

SALEM, OR

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

R26394
R46966

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 948-2900
www.wrd.state.or.us

JAN 07 2013

Applicant: Dennis First Wilde Last SALEM, OR

Mailing Address: 3720 SW Bond St. #408

Portland City OR State 97239 Zip 503-720-0066 Daytime Phone:

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:
25S	6W	14	SESW SWSE	TL0102	Exclusive Farm Use (FG)	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
25S	6W	23	All NW All NE	TL0102	Exclusive Farm Use (FG)	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
25S	6W	14	SWSE	TL0900	Exclusive Farm Use (FG)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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

Sutherlin, Douglas 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) Ford's Pond

Estimated quantity of water needed: 50 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 conveyed from Ford's Pond to irrigate new olive trees for the production of olive oil.

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-87856

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): 3, 3.050(1)

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
		<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.

I PROPOSED STRUCTURES CONSTRUCTED, WILL REQUIRE PLANNING CLEARANCE TO BE OBTAINED PRIOR TO CONSTRUCTION/PLACEMENT ON PROPERTY

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DOUGLAS COUNTY PLANNING DEPARTMENT
ROOM 106, JUSTICE BUILDING
DOUGLAS COUNTY COURTHOUSE
ROSEBURG, OR 97470

JAN 07 2013

Name: SALEM, OR JOHN LAZUR Title: PLANNER
 Signature: [Signature] Phone: 541-440-4289 Date: 12/17/12
 Government Entity: DOUGLAS 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: _____



Douglas County

Planning and Sanitation Pre-Application Worksheet

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OTHER ACTION

SALEM, OR

Worksheet Number <h2 style="margin: 0;">WS12-0745</h2>	Applicant GSI WATER SOLUTIONS 55 SW YAMHILL ST PORTLAND, OR 97204 (971) 200-8518	Owner POPEYE'S GIRLFRIEND LLC > DENNIS WILDE 3720 SW BOND UNIT 408 PORTLAND, OR 97239
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SITE INFORMATION

Site Address 2201 FORT MCKAY RD SUTHERLIN, OR 97479	MTL 25-06W-23-00102	Property ID Number (Primary) <h2 style="margin: 0;">R26384</h2>	Size (Acres) 156.59
Improvement LUCS FOR WRD		Proposed Use Land Use Compatibility Statement	
Existing Structures (Number and Type) NA		Distance of Building Site from River, Creek, or Stream Bank NA	
Directions NA			

As, for, or on behalf of, all property owners:
APPLICANT SIGNATURE: _____ DATE: _____

PLANNING DEPARTMENT INFORMATION

Zoning FG	Overlays SWO
---------------------	------------------------

SETBACKS (EFU - Grazing)

Front Property Line of Right of Way 30 Feet	Rear Line 10 Feet	Side Line 10 Feet	Exterior Side Line NA
Sign Code NO SIGN PROPOSED - N/A	Special Setback NA	Riparian Setback 50 FEET	
Parking Spaces Required NA	Building Height None	Flood Plain No	Floor Height Above Ground NA

Conditions of Approval
**LUCS FOR WRD FOR WATER IRRIGATION RIGHTS FOR IRRIGATION OF OLIVE TREES FOR PRODUCTION OF OLIVE OIL.
 NO STRUCTURAL DEVELOPMENT AUTHORIZED.**

Sanitation N/A	Sanitary District	Water N/A	Access Permit Required? NO
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Report Codes
NONSTRUCTURAL N/A N/A

Refer To
NONE

Approved By: JKL	Date: 12/17/2012	Receipt #: P14411	Amount: \$ 55.00	Expiration Date: 12/17/2013
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SANITATION INFORMATION

SE#	STP#	Existing System	System: Approved ___ Denied ___
Remarks			
By:	Date:	CSC Date:	

S-87856

Land Use Information Form



Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
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Applicant: Dennis Wilde
First Last

Mailing Address: 3720 SW Bond St. #408

Portland OR 97239 Daytime Phone: 503-720-0066
City State Zip

A. Land and Location

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25S	6W	23	All NW All NE	TL0102	Exclusive Farm Use (FG)	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
25S	6W	14	SWSE	TL0900	Exclusive Farm Use (FG)	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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

Sutherlin, Douglas 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

SALEM, OR

Source of water: Reservoir/Pond Ground Water Surface Water (name) Ford's Pond

Estimated quantity of water needed: 50 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 conveyed from Ford's Pond to irrigate new olive trees for the production of olive oil.

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. →**

For Local Government Use Only

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Please check the appropriate box below and provide the requested information

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

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

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

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

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JAN 07 2013

Name: SALEM, OR DAN HUFF Title: COMMUNITY DEVELOPMENT DIR.
 Signature: [Signature] Phone: 541-459-2856 Date: 12-27-12
 Government Entity: CITY OF SUTHERLIN

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: _____

Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____

Land Use Information Form _____

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.

Fees _____

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MAP

- 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)
- 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 _____



January 3, 2013

ATTN: Water Right Application Submittal
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1271

RE: Application for a Permit to Use Surface Water

Application Caseworker:

On behalf of the applicant, Popeye's Girlfriend, LLC, please find enclosed an Application for a Permit to Use Surface Water and a check totaling \$855 to cover the necessary filing fees for the application. The application proposed the use of surface water (from storage) for irrigation uses at the applicant's property at 2201 Fort McKay Road in Sutherlin, Oregon.

Please send copies of all correspondence relating to this application to both the applicant and to my attention. If you have any questions regarding the enclosed application or the information contained therein, please call me at (503) 239-8799 x106. Thank you for your assistance and I look forward to hearing from you soon.

Sincerely,

A handwritten signature in black ink, appearing to read "Theodore R. Ressler", is written over a faint, larger version of the same signature.

Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

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Enclosures: Application for a Permit to Use Surface Water
Check totaling \$855 to cover the necessary filing fee

CC: Dennis Wilde

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Attachment 2
Property Deed and Easement
Popeye's Girlfriend LLC - Application for a Permit to Use Surface Water

S-87856

After recording return to:

Popeye's Girlfriend, LLC
c/o Dennis Wilde
3720 SW Bond, Unit 408
Portland, OR 97239

Until a change is requested, all tax statements
shall be sent to the following address:

Popeye's Girlfriend, LLC
c/o Dennis Wilde
3720 SW Bond, Unit 408
Portland, OR 97239

CERTIFIED TO BE A TRUE AND CORRECT
COPY OF THE ORIGINAL RECORDED
ON 8-20-2012
IN/AS 2012-13338
FIRST AMERICAN TITLE INSURANCE
COMPANY, Escrow Department
By M. Sylvester

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SPECIAL WARRANTY DEED

OREGON PACIFICWEST DEVELOPMENT LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to POPEYE'S GIRLFRIEND, LLC, an Oregon limited liability company, Grantee, the real property described on the attached Exhibit A free of encumbrances created or suffered by the Grantor except as specifically set forth herein.

Grantor conveys the property to Grantee subject to the exceptions to title set forth in the attached Exhibit B.

The true consideration for this conveyance is \$700,000.00.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated August 16, 2012.

Grantor:

OREGON PACIFICWEST DEVELOPMENT LLC, an Oregon limited liability company

By: Lone Rock Timber Management Company, a Washington corporation, its Member

By: [Signature]
Toby A. Luther, President

STATE OF OREGON)
)
County of Douglas) ss.

This instrument was acknowledged before me on August 16, 2012, by Toby A. Luther, as President of Lone Rock Timber Management Company, a Washington corporation, as the sole Member of Oregon Pacificwest Development LLC, an Oregon limited liability company.

[Signature]
Notary Public for Oregon
My Commission Expires: 6-20-2014



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EXHIBIT A

Real property in the County of Douglas , State of Oregon, described as follows:

PARCEL 1:

Beginning at a 5/8 Inch Iron rod at a fence corner post junction which bears South 35° 28' 37" East 1529.47 Feet from the Southwest Section Corner of Section 14, Township 25 South Range 6 West Willamette Meridian and which bears North 02° 25' 13" West 982.59 Feet along an existing fence line from a 5/8 inch iron rod at a fence corner post on the north right of way of Douglas County Road 9; thence North 00° 08' 02" East 1088.06 Feet to a 5/8 inch Iron in the fence line; thence North 00° 20' 22" East 156.36 Feet to a 5/8 inch Iron rod at a fence corner post junction; thence South 89° 12' 06" East 903.11 Feet along the existing fence line to a 5/8 inch Iron rod at a fence corner post; thence North 00° 33' 15" West 656.02 Feet along the existing fence line to a 5/8 inch Iron rod at a fence corner post; thence North 89° 34' 12" East 771.87 Feet along the existing fence line to a fence corner post, from which a reference 5/8 Inch iron rod bears North 02° 52' 06" West 5.00 Feet; thence South 87° 54' 33" East 5.00 Feet along the existing fence line to a 5/8 inch iron rod in the fence line; thence South 88° 52' 05" East 921.56 Feet along the existing fence line to a 5/8 Inch iron rod at the edge of a cultivated field; thence leaving the fence line and continuing South 88° 49' 41" East 344.34 Feet through a wet land and pond to a calculated point in Ford's Pond on the west line of neighboring Woodruff property, from which a reference 5/8 Inch iron on the bank of Ford's Pond bears North 05° 51' 56" West 22.06 Feet; thence along the west line of the neighboring Woodruff property South 05° 51' 56" East 538.73 Feet to a 5/8 Inch iron rod in a fence line from which the fence line bears North 05° 59' 66" West 88.75 Feet to a fence corner post ;thence South 05° 51' 20" East 1028.14 Feet to a 5/8 Inch iron rod in the fence line; thence South 05° 51' 16" East 401.39 Feet a 5/8 inch Iron rod in the fence line ; thence South 05° 51' 33" East 448.59 Feet to a 5/8 inch Iron rod at a fence corner post on the north right of way boundary of Douglas County Road 9; thence Westerly along said northerly right of way line of Douglas County Road a distance of 2,360.00 feet, more or less, to the Southwest corner of Lot 4, Block 2, Calapooya Walnut Farm, a subdivision in Sections 22 and 23, Township 25 South, Range 6 West, W.M., Douglas County, Oregon; thence leaving said Northerly right of way line of Douglas County Road No. 9 and bearing North along the West line of said Lot 4 a distance of 1,080.00 feet, more or less to the Northwest corner of said Lot 4; thence South 79°36' West along the North line of Lot 3, Block 2, said Calapooya Walnut Farm a distance of 300.00 feet, more or less; thence South 71°43' West along the North line of said Lot 3 and the North line of Lot 2, Block 2, said Calapooya Walnut Farm, a distance of 610.00 feet, more or less to the Northeast corner of Lot 1, Block 2, said Calapooya Walnut Farm; thence North 2°18'00" West a distance of 150.00 feet to the point of beginning.

PARCEL 2:

All of Lots 2 and 3 of Block 2 of the Calapooya Walnut Farm, a subdivision in Sections 22 and 23, Township 25 South, Range 6 West, W.M., Douglas County, Oregon.

Excepting therefrom all that portion of Lot 2, Block 2, Calapooya Walnut Farm, a subdivision in Sections 22 and 23, Township 25 South, Range 6 West, W.M., Douglas County, Oregon; lying West of the following described line:

Beginning at a 5/8 Inch Iron rod at a fence corner post junction which bears South 35° 28' 37" East 1529.47 Feet from the Northwest corner of Section 23, Township 25 South Range 6 West; thence South 2°25'13" East a distance of 982.59 feet to a 5/8 Inch iron rod on the Northerly right of way line of the Douglas County Road No. 9 and the South boundary of Block 2 of the Calapooya Walnut Farm, a subdivision in Sections 22 and 23, Township 25 South, Range 6 West, W.M., Douglas County, Oregon and there terminating.

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EXHIBIT B

1. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
3. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Fords Pond.
4. Easement, including terms and provisions contained therein:
Recording Information: Book 91, Page 501, Recorder's No. 77330
In Favor of: The California Oregon Power Company
For: Right of Way
5. Easement, including terms and provisions contained therein:
Recording Information: Book 259, Recorder's No. 223950
In Favor of: The United States of America
For: Transmission Line and Access Road
6. Easement, including terms and provisions contained therein:
Recording Information: Book 330, Recorder's No. 333338
In Favor of: Pacific Power and Light Company
For: Right of Way
7. Easement, including terms and provisions contained therein:
Recording Information: Book 1491, Page 242, Recorder's No. 97-17836
For: Well and Pipeline
8. Covenant, including terms and provisions thereof.
Recorded: Book 1491, Page 242, Recorder's No. 97-17836
9. Boundary Line Agreement and the terms and conditions thereof:
Between: Lone Rock Timberland Co.
And: Kurt M. Spencer and Veronica J. Spencer
Recording Information: February 27, 2007 as Recorder's No. 2007-5076 and re-recorded April 10, 2007 as Recorder's No. 2007-8410

Modification and/or amendment by Instrument:
Recording Information: August 18, 2008 as Recorder's No. 2008-15660
10. Reservations contained in Deed, including terms and provisions thereof.
Recorded: December 15, 2008 as Recorder's No. 2008-021944
11. The affect, if any, of a document entitled "Declaration of Boundary Line Clarification and Abstract" recorded May 24, 2012 as Instrument No. 2012-008542 of Official Records.
12. The affect, if any, of a document entitled "Boundary Line Clarification Agreement" recorded May 24, 2012 as Instrument No. 2012-008543 of Official Records.

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13. General and special taxes and assessments for the fiscal year 2012-2013, a lien not yet due or payable.

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Waterline Easement

An easement for the installation, maintenance, and replacement of a private intake and necessary appurtenances over a strip of land 30 feet in width, which affects a portion of a parcel of land which lies within the South West Quarter of the South East Quarter of Section 14, Township 25 South, Range 6 West of the Willamette Meridian, Douglas County, Oregon with the centerline of said 30 foot strip of land being more particularly described as follows:

Beginning at a point which lies 1,779.92 feet (+/-) Easterly of the North West corner of Section 23: Said point being marked by an aluminum cap; Thence North $71^{\circ} 23' 53.38''$ East, 1936.91 Feet to a point which lies along the Northerly boundary of Tax Lot 102 Tax Map Sec. 23 T. 25S R.6W. Said point is the true point of beginning:

Thence North $46^{\circ} 40' 13.29''$ East, 270 feet thus ending said line.

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S-87857

TAXMAP: SEC 23 T. 25S R. 14W
 TAXLOT: 00000

POINT OF TRUE BEGINNING. FOR
 FURTHER DESCRIPTION SEE FIGURE B

N71° 23' 53.38"E
 1936.91

70.558
 ALUM CAP

TAXMAP: SEC 23 T. 25S R. 6W
 TAXLOT: 102

TAXMAP: SEC 23 T. 25S R. 6W
 TAXLOT: 100

SECTION
 CORNER

15,14
 22,23

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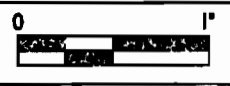
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BEGINNING AT A POINT WHICH LIES 1,779.92 FEET (+/-) EASTERLY
 OF THE NORTH WEST CORNER OF SECTION 23; SAID POINT
 BEING MARKED BY AN ALUMINUM CAP; THENCE NORTH 71° 23'
 53.38" EAST, 1936.91 FEET TO A POINT WHICH LIES ALONG THE
 NORTHERLY BOUNDARY OF TAX LOT 102 TAX MAP SEC. 23 T. 25S
 R. 6W. SAID POINT IS THE TRUE POINT OF BEGINNING:



Civil West
 Engineering Services, Inc.

DWG BY: JRP
 DATE: JUNE 20, 2012



Irrigation Intake Waterline

FIGURE

T 25S & 23S, R 6W
 TAX LOT 102

POPEYE'S GIRLFRIEND RANCH
 DOUGLAS COUNTY, OREGON

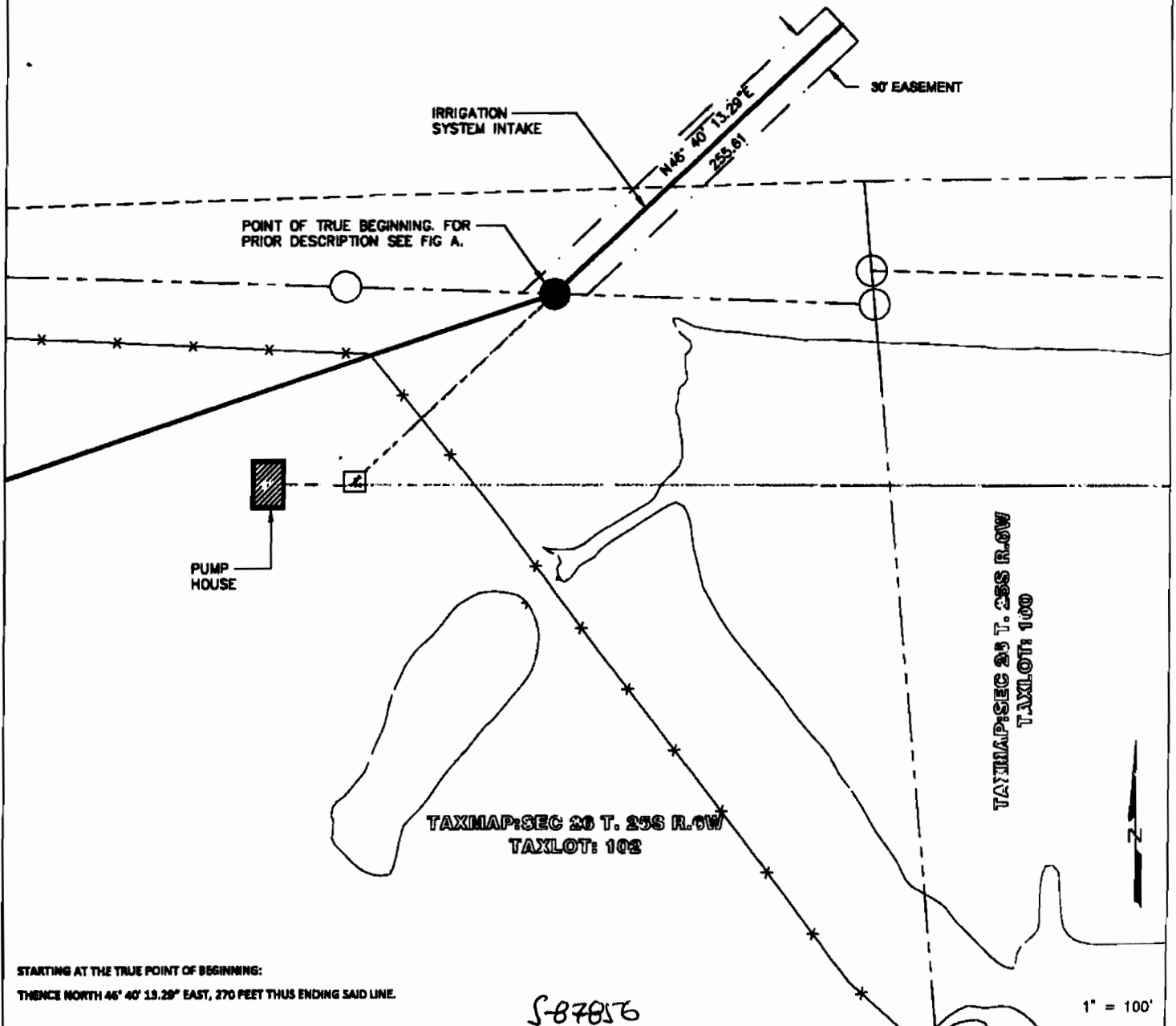
A

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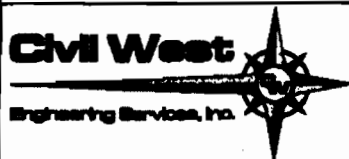
TAXMAP: SEC 20 T. 25S R. 14W
TAXLOT: 00000



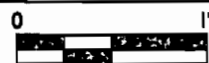
STARTING AT THE TRUE POINT OF BEGINNING:
THENCE NORTH 46° 40' 13.29" EAST, 270 FEET THUS ENDING SAID LINE.

S-87856

1" = 100'



DWG BY: JRP
DATE: JUNE 20, 2012



Irrigation Intake Waterline

FIGURE

T 25S & 23S, R 6W
TAX LOT 102

POPEYE'S GIRLFRIEND RANCH
DOUGLAS COUNTY, OREGON

B

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Attachment 3

Water Right for Stored Water to be Accessed

Popeye's Girlfriend LLC - Application for a Permit to Use Surface Water

5-87856

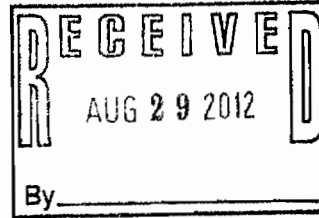


Oregon

John A. Kitzhaber, MD, Governor

August 23, 2012

Dunn Carney Allen Higgins & Tongue LLP
Attorneys at Law
851 SW Sixth Avenue, Suite 1500
Portland, Oregon 97204-1357



Water Resources Department
North Mall Office Building
725 Summer St. NE, Suite A
Salem, OR 97301
Phone 503-986-0900
FAX 503-986-0904
www.wrd.state.or.us

Reference: Transfer T-6695

The partial assignment from Oregon Pacificwest Development, LLC to Popeye's Girlfriend, LLC has been recorded in the records of the Water Resources Department. This assignment concerns 50 acre-feet of stored water for irrigation.

The Departments records will now show Oregon Pacificwest Development, LLC and Popeye's Girlfriend, LLC as the transfer holders of record.

Our records have been changed accordingly and the original request is enclosed. Receipt number 106595 covering the recording fee is also enclosed.

Please review the permit to be familiar with the conditions and timelines contained in the permit. These conditions and timelines will have to be met before a Certificate of Water Right can be issued.

Sincerely,

Jerry Sauter
Water Rights Program Analyst
Water Right Services Division

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Enclosure: receipt 106595

cc: Watermaster 15
Oregon Pacificwest Development, LLC
Popeye's Girlfriend, LLC
Tedd Ressler, GSI
Data Center, OWRD (cover letter & request)
OWRD Transfers
Hydrographics
File

S-87856





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

Request for Assignment

If for multiple rights, a separate form and fee for each right will be required.

I, Oregon Pacificwest Development LLC Attn.: Toby A. Luther
 (Name of Applicant / Permit / Transfer Holder / License Holder / GR Certificate of Registration)

PO Box 1001 Roseburg OR 97470 541-673-0141
 (Mailing Address) (City) (State) (Zip) (Phone #)

- hereby assign all my interest in and to application/permit/transfer/license/GR Certificate of Registration;
- hereby assign all my interest in and to a portion of application/permit/transfer/license/GR Certificate of Registration; (You must include a map showing the portion of the application/permit/transfer/license/GR Certificate of Registration to be assigned.)
- hereby assign a portion of my interest in and to the entire application/permit/transfer/license/GR Certificate of Registration:

Application # _____; Permit # _____; Transfer # T-6695
 License # _____; GR Statement # _____; GR Certificate of Registration # _____

As filed in the office of the Water Resources Director, to:

Popeye's Girlfriend, LLC. Attn: Dennis Wilde, Manager
 (Name of New Owner)

3720 SW Bond, Unit 408 Portland OR 97239 503-720-0066
 (Mailing Address) (City) (State) (Zip) (Phone #)

Note: If there are other owners of the property described in the Application, Permit, Transfer, License, or GR Certificate of Registration, you must provide a list of all other owners' names and mailing addresses and attach it to this form.

I hereby certify that I have notified all other owners of the property described in this Application, Permit, Transfer, License, or GR Certificate of Registration of this Request for Assignment

Witness my hand this 16th day of August, 20 12

Applicant/Permit Holder _____

Applicant/Permit Holder _____

Assigned Perennial - 2/20/12/12

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THIS DOCUMENT IS SIGNATURE CHANGE at Oregon Water Resources Department effective 8:00 a.m. on date of receipt at Salem, Oregon. Fee receipt #106575 For Director by Jerry Sauter, Program Analyst in Water Rights Division

The completed "Request for Assignment" form must be submitted to the Department along with the recording fee of \$75.

This document is dated August 27, 2012 and is a Request for Assignment

WR

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AUG 22 2012

SALEM, OR

TRANSFER APPLICATION MAP

IN THE NAME OF ROSEBURG FOREST PRODUCTS

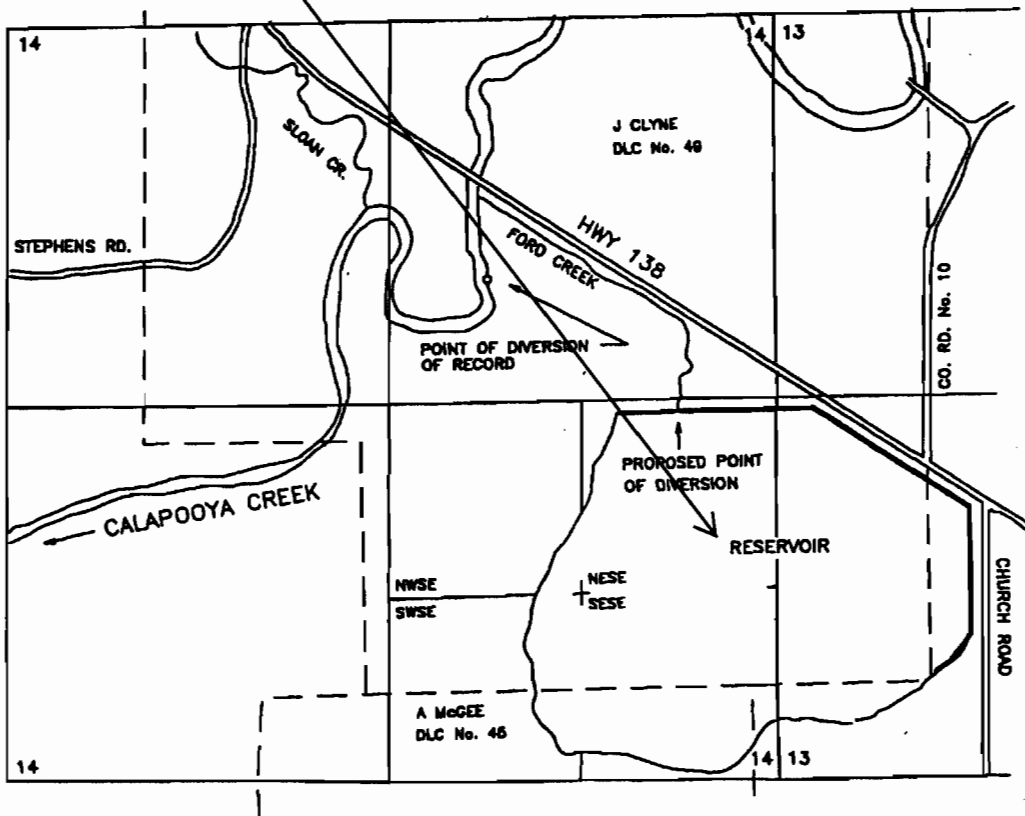
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SECTIONS 13 & 14, T25S, R6W, W.M.

JAN 07 2008

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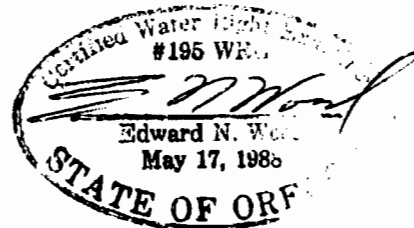
1040 acre-feet total storage
Oregon Pacific West Development LLC.
940 acre-feet recreation
50 acre-feet irrigation
Popeye's Girlfriend, LLC
50 acre-feet irrigation



THE ORIGINAL POINT OF DIVERSION IS LOCATED WITHIN THE SW $\frac{1}{4}$ NE $\frac{1}{4}$ AS PROJECTED WITHIN CLYNE DLC #49, SECTION 14, TOWNSHIP 25 SOUTH, RANGE 6 WEST, W.M., DOUGLAS COUNTY.

THE NEW POINT OF DIVERSION IS TO BE LOCATED 2560 FEET NORTH AND 670 FEET WEST FROM THE SOUTHEAST SECTION CORNER OF SECTION 14, BEING WITHIN THE NE $\frac{1}{4}$ SE $\frac{1}{4}$ OF SECTION 14, TOWNSHIP 25 SOUTH, RANGE 6 WEST, W.M., DOUGLAS COUNTY.

THE PURPOSE OF THIS MAP IS TO IDENTIFY THE LOCATION OF THE WATER RIGHT. IT IS NOT INTENDED TO PROVIDE INFORMATION RELATIVE TO THE LOCATION OF PROPERTY OWNERSHIP BOUNDARY LINES.



S-078576