

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

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

### Organization Information

NAME CARLTON NURSERY Co., LLC (ALLAN ELLIOTT)		PHONE 503-868-7971	FAX
ADDRESS PO Box 398		CELL	
CITY DAYTON	STATE OR	ZIP 97114	E-MAIL *

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

AGENT / BUSINESS NAME MALIA KUPILLAS / PACIFIC HYDRO-GEOLOGY, INC.		PHONE 503-632-5016	FAX 503-632-5983
ADDRESS 18487 S. VALLEY VISTA ROAD		CELL 503-310-5553	
CITY MULINO	STATE OR	ZIP 97042	E-MAIL PHG@BCTONLINE.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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SALEM, OREGON

### By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot 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.



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

<i>Carlton Nursery Co. LLC</i> Applicant Signature	Print Name and title if applicable	Date
by: <i>F. Allan Elliott</i> Applicant Signature	<i>F. Allan Elliott</i> Print Name and title if applicable <i>Operations Mgr.</i>	<i>2/28/2013</i> Date

Revise	App. No. <i>S-87875</i>	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*).

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: Stored Water

Tributary to: Willamette River

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).

U.S. Bureau of Reclamation: Certificate 72755 and Certificate 72756.

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**B. Applications to Use Stored Water**

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

- Yes.
- No. (Please enclose a copy of your written notification to the operator of the reservoir of your intent to file this application, which you should have already mailed or delivered to the operator.)

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If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
  - A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.

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

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):

*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
Stored Water	Irrigation	March 1 to October 31	87 <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: 58 Acres

Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season 87

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

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): At Lambert Slough: 50 Hp, electric pump. Pump brand varies.

Other means (describe): None.

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

Water is pumped from Lambert Slough through existing mainline to the place of use. There is an existing fish screen that has been approved by Oregon Fish and Wildlife, and a flow meter.

**B. Application Method**

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

Application methods are with hard hose traveler or sprinklers with 9/64 inch nozzles. However, other methods of irrigation may be used depending on the crop type and best management practices.

**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.

Water will be used conservatively in amounts necessary to promote growth and maintain healthy plants. A meter will be used to record the amount of use.

**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: Existing OWFD approved fish screen will be used, a Clemons Model CW 600 self-cleaning screen with 10 mesh stainless steel screens.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No clearing will be needed, because system already exist.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No equipment operated in a water body because system already exist.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Existing check values currently protect the water quality.

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: May, 2013

Date construction will be completed: May, 2013

Date beneficial water use will begin: May, 2013

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**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.

This application proposes to use an existing diversion point on Lambert Slough that has been used to previously irrigate the land. However, the other rights that have been transferred and will no longer be available. Thus, a new BOR right is needed for irrigation.

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# 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.
- Fees - Amount enclosed: \$ *blank check ready to fill out*  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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) *P.O.D.*
- 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-87875*

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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

# 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.

## NOTE TO LOCAL GOVERNMENTS

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.

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# 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

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Applicant: Carlton Plants Nursery Co., LLC (Allen, Elliot)  
First

Last **MAR 01 2013**

Mailing Address: PO BOX 398

WATER RESOURCES DEPT  
 SALEM, OREGON

Dayton

City

OR

State

97114

Zip

Daytime Phone: 503-868-7971

## 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:
5S	3W	3		5 3 3 800	EFBO Ag/Forestry base Hold	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
5S	3W	4		5 3 4 203 & 401	" "	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
5S	3W	9		5 3 9 100	" "	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
						<input type="checkbox"/> Diverted	<input 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:

Yamhill 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: 150.75 /year   
 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:

The applicant intends to appropriate water authorized for storage under the U.S. Bureau of Reclamation water right Certificate 72755 and Certificate 72756.

**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

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): 402 of the Yamhill County TL 5303-800 / 5304-203/401 and 5309-100 zoning ordinance.
- 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.

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SALEM, OREGON

Name: Kenneth P. Friley Title: Planning Division Manager  
 Signature: [Handwritten Signature] Phone: 503 434-7516 Date: 2/28/2013  
 Government Entity: Yamhill 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: \_\_\_\_\_

AFTER RECORDING, RETURN TO:

David M. Roth  
Heltzel, Upjohn, Williams,  
& Yandell, P.C.  
PO Box 1048  
Salem, OR 97308-1048

Recorded in Official Yamhill County Records  
CHARLES STERN, COUNTY CLERK



105.00

199811201 2:28pm 06/15/98

001 10023038 10 04  
1 0 D08 15 75.00 10.00 20.00 0.00 0.00 0.00

WARRANTY DEED

JONATHAN BARTCH, as Grantor,

conveys and warrants to

CARLTON NURSERY COMPANY, LLC, as Grantee,

the following described real property, free of all encumbrances exce

See Exhibit "A," attached hereto and incorporated h

Excepted from the warranties provided by law are the follow

See Exhibit "B," attached hereto and incorporated l

Parcels:  
2, 3, 5 & 8  
should apply

Until a change is requested, all tax statements shall be sent to the following address: Carlton Nursery Company, LLC, 14301 SE Wallace Rd., Dayton, OR 97114-0398.

The true consideration for this conveyance is the receipt of an interest in the Grantee.

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.

Duly executed 5/21, 1998.

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Jonathan E. Bartch  
Jonathan Bartch

GRANTOR

WATER RESOURCES DEPT  
SALEM, OREGON  
Mary County, Oregon - ss.

On this 21st day of May, 1998, personally appeared JONATHAN BARTCH and acknowledged the foregoing instrument to be his voluntary act and deed.

Before me:



Linda Glasco  
Notary Public for Oregon  
My commission expires: 7/10/2000

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1/15

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## LEGAL DESCRIPTION

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STATE OF OREGON

-----PARCEL 1: A part of the Donation Land Claim of John M. Forrest and wife, Notification No. 1029, Claim No. 52, being parts of Sections 3 and 4 in Township 5 South, Range 3 West of the Willamette Meridian and Claim No. 58, being parts of Sections 33 and 34, Township 4 South, Range 3 West of the Willamette Meridian, and also a part of the Enoch Cooper Donation Land Claim No. 53, being parts of Sections 3, 4, 9, 10 and 16 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon and said lands being more particularly described as follows:

BEGINNING at a point 16.98 chains South of the Southwest corner of the John M. Forrest Donation Land Claim; thence North 31.92 chains; thence North 88-1/2° East, 23.30 chains to the center of County Road leading from Dayton to Wheatland (as said road was located November 3, 1888); thence Southerly following the center of said County Road to a point on the South boundary line of said Forrest Donation Land Claim and which point is 21.00 chains East of the Southwest corner of the Forrest Donation Land Claim; thence East 49.70 chains to the Northeast corner of the Enoch Cooper Donation Land Claim; thence South 16.98 chains to the North line of Ennis Alderman's land; thence West 70.70 chains to the place of beginning.

EXCEPTING THEREFROM a tract conveyed to Ivan Gubser et ux., by Deed recorded April 4, 1967 in Film Volume 59, Page 135, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM a tract conveyed to Ivan Gubser et ux., by Deed recorded September 10, 1975 in Film Volume 107, Page 2006, Deed and Mortgage Records.

\* PARCEL 2: All of Lot No. 8 in Section 3, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon.

\* PARCEL 3: Beginning at a point North 14.94 chains from the Southwest corner of the Donation Land Claim of John M. Forrest, Claim No. 52 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon; thence West to a point in the center of Palmer Creek; thence Southerly upstream following the meanderings of said creek to a point 10.95 chains, more or less, West and 73.92 chains North of the Southeast corner of the Donation Land Claim of John H. Thessing, Notification No. 1643, Claim No. 51; thence East 10.95 chains, more or less, to the East boundary line of said John H. Thessing Donation Land Claim; thence North to the place of beginning.

PARCEL 4: Part of the Enoch Cooper and wife Donation Land Claim, Notification No. 1490, Claim No. 53, in Sections 9 and 10, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, said part being more particularly described as follows, to-wit:

BEGINNING at a point on the West line of said Claim, 16.98 chains South of the Northwest corner of said Claim; thence South along the West line of said Claim, 28.10 chains to the division line of the Claim; thence East, 70.70 chains to the East line of

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said Claim; thence North along the East line of said Claim, 28.10 chains and thence West, 70.70 chains to the place of beginning.

EXCEPTING THAT tract conveyed by Deed from United States National Bank to Alderman Frozen Foods, by Deed recorded October 16, 1946 in Book 138, Page 287, Deed Records.

ALSO EXCEPTING that tract conveyed to Peavey Stations, Inc., recorded June 27, 1972 in Film Volume 89, Page 2417, Deed and Mortgage Records.

FURTHER EXCEPTING those tracts of land conveyed to Stayton Canning Company, Cooperative, a Cooperative Association, by Deed recorded in Film Volume 59, Page 176 and in Film Volume 74, Page 29, Deed and Mortgage Records of Yamhill County, Oregon.

AND FURTHER EXCEPTING a tract conveyed to Stayton Canning Company Cooperative, by Deed recorded March 24, 1971 in Film Volume 83, Page 508, Deed and Mortgage Records of Yamhill County, Oregon.

\* PARCEL 5: A part of the Donation Land Claim of John H. Thessing and wife, Notification No. 1643, Claim No. 51 in Section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon said part being more particularly described as follows: to-wit:

BEGINNING at a stone on the East boundary line of said Claim, 44.85 chains North of the Southeast corner of said Donation Land Claim and running thence North on the East line of said Claim, 13.30 chains; thence South 89°28' West, 15.095 chains; thence South 13.25 chains; thence North 89°28' East, 15.095 chains to the place of beginning.

PARCEL 6: Part of the Donation Land Claim of Enoch Cooper and Esther Cooper, his wife, in Section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, said part being bounded as follows, to-wit:

BEGINNING at a point on the division line between the North and South halves of said Donation Land Claim, 873-1/2 feet East of the Northwest corner of the South half of said Claim; thence East along said division line, 1430 feet to the center of the Dayton and Salem County Road; thence South 3-1/2° West, 45.2 feet to center of Cross County Road now there; thence North 88°52' West along center of said County Road, 1427.3 feet; thence North, 17.5 feet to the place of beginning.

PARCEL 7: A tract of land in the Enoch Cooper Donation Land Claim No. 53 in Section 9, Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a point 25.60 chains West of the Northeast corner of the South Half of said Donation Land Claim; thence South 11.317 chains to stone; thence West, 27.10 chains to the Southeast corner of that tract of land conveyed by Deed from Alec Robertson to C.A. Warner, recorded February 3, 1912 in Book 63, Page 39, Deed Records; thence North, 11.04 chains to center of County Road; thence South 88°52' East along center of County Road, 1113.8 feet to center of Dayton-Salem County Road; thence North 3-1/2° East along center of Dayton-Salem Road, **RECEIVED** thence East to the

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EXHIBIT A  
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place of beginning.

EXCEPTING THEREFROM a tract of land conveyed to Stayton Canning Company, Cooperative, a Cooperative Association, by Deed recorded April 4, 1967 in Film Volume 59, Page 176, Deed and Mortgage Records.

ALSO EXCEPTING THEREFROM a tract of land conveyed to Farmers Cooperative Oil of Yamhill County, by Deed recorded February 23, 1967 in Film Volume 58, Page 345, Deed and Mortgage Records of Yamhill County, Oregon.

\* PARCEL 8: Beginning at an anchor post on the East line of the John H. Thessing Donation Land Claim, Notification No. 1643, Claim No. 51 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon at the Southeast corner Lot No. 1 of County Survey No. 2514 and being 58.15 chains North of the Southeast corner of said Claim; thence North along the East line of Claim, 1042.8 feet to anchor post at the Northeast corner of said Survey; thence North 89°47' West with North line of said Survey (at 10.11 chains, a stone for witness corner on the East bank of creek) 1062 feet to point for Northwest corner; thence South 6°35' West, 1075 feet to a stake on South line of County Survey No. 2514; thence North 89°28' East with said South line, 1185 feet to the place of beginning.

PARCEL 9: Beginning at a point on the East boundary line of the Donation Land Claim of John H. Thessing and wife, Notification No. 1643, Claim No. 51, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, 37.15 chains North from the Southeast corner of said Claim; thence North on East boundary of said Claim, 7.70 chains to a stone; thence West, 6.56 chains; thence South to center of County Road; thence East to the place of beginning.

PARCEL 10: The East one-half acre of the following described tract of land:

A tract of land in the John H. Thessing Donation Land Claim No. 51, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a point North 37.15 chains and West 6.56 chains from the Southeast corner of said Donation Land Claim, which point is also the Southwest corner of that tract conveyed by Deed from Chandler Warner to Julia A. Putnam, recorded October 28, 1941 in Book 118, Page 614, Deed Records; thence West, 9.69 chains to the Southeast corner of a tract of land conveyed by Deed from Hannah S. Hoyt to C.G. Robertson, recorded September 9, 1891 in Book 25, Page 605, Deed Records; thence North, 8.12 chains to the Northeast corner of said Robertson Tract; thence East, 9.69 chains to the Northwest corner of said Putnam Tract; thence South along the West line of said Putnam Tract to the place of beginning.

PARCEL 11: Being a part of Lot No. 2, Section 9, a part of Lot No. 3, Section 16 and a part of the Albert Gaines Donation Land Claim No. 50, Notification No. 1845 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, and

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WATER RESOURCES DEPT  
SALEM, OREGON

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

THIS CERTIFICATE ISSUED TO

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

**RECEIVED**

MAR 01 2013

WATER RESOURCES DEPT  
OREGON

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

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

The reservoirs are located as follows:

COTTAGE GROVE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

DORENA RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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FERN RIDGE RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

LOOKOUT POINT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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

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

DETROIT RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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

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

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

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

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

     Steven P. Applegate  
Martha O. Pagel

Recorded in State Record of Water Right Certificates numbered 72755.

R-29397.GJT

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MAR 01 2013

WATER RESOURCES DEPT  
SALEM, OREGON

50-87875



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

**RECEIVED**

THIS CERTIFICATE ISSUED TO

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

MAR 01 2013

WATER RESOURCES DEPT  
SALEM, OREGON

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

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

The reservoir is located as follows:

HILLS CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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

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

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

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WATER RESOURCES DEPT  
SALEM, OREGON

COUGAR RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

BLUE RIVER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

FALL CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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

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

FOSTER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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**GREEN PETER RESERVOIR**

WITHIN PORTIONS OF THE FOLLOWING:

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

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

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

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

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

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

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

S **Steven P. Applegate**  
Martha O. Pagel

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WATER RESOURCES DEPT  
SALEM, OREGON

Recorded in State Record of Water Right Certificates numbered 72756.

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