

# Application for a Permit to Use Ground Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME JASON WILLIAMS		PHONE (HM) 541-898-2405	
PHONE (WK)	CELL 541-403-1210	FAX 541-898-2376	
ADDRESS 48857 HWY 30			
CITY NORTH POWDER	STATE OR	ZIP 97867	E-MAIL* hayinc8530@gmail.com

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### Organization Information

NAME HAY INC		PHONE	FAX
ADDRESS SAME AS ABOVE		CELL	
CITY	STATE OR	ZIP 97867	E-MAIL*

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

AGENT / BUSINESS NAME TYRELL MONTER/ BROWNE CONSULTING, LLC		PHONE 541-523-5170	FAX 541-523-5170
ADDRESS 50809 ELLIS RD		CELL	
CITY NORTH POWDER	STATE OR	ZIP 97867	E-MAIL* TYRELL@BROWNECONSULTING.BIZ


Note: Attach multiple copies as needed

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

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

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

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

  
Applicant Signature

Jason M Williams  
Print Name and title if applicable

4-11-13  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-17647</u>	Permit No. _____	Date _____

**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*).

NA

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Section 4 Well 1	Warm Springs		
Section 4 Well 2	Warm Springs		
Section 34 Well 1	Powder River		
Section 34 Well 2	Powder River		

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

The applicant is seeking 2,500 GPM from the above wells. Section 4 Well 1 and Section 34 Well 1 will be the primary wells to try and reach the 1,250 GPM for each of those two wells. If 1,250 GPM isn't reached on either well, a second well will be drill in 100' radius of the well in the same area and tied into the water system.

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Source (aquifer), if known: Bed Rock Ground Water

Total maximum rate requested: 5.57 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

6-1-2012

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Section 4 Well 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"-12"	12" 0-200 10" 180-375	Below Seal	0-20 180-200		Bed Rock Ground Water	375	1250- See comments Section 10	1175
Section 4 Well 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"-12"	12" 0-200 10" 180-375	Below Seal	0-20 180-200		Bed Rock Ground Water	375	See comments Section 10	See comments Section 10
Section 34 Well 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"-12"	12" 0-200 10" 180-400	Below Seal	0-20 180-200		Bed Rock Ground Water	400	1250- See comments Section 10	1175
Section 34 Well 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"-12"	12" 0-200 10" 180-400	Below Seal	0-20 180-200		Bed Rock Ground Water	400	See comments Section 10	See comments Section 10

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

\*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

\*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Supplemental Irrigation	March 1 through October 31	2350

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

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 0 Acres                      Supplemental: 1399.6 Acres

List the Permit or Certificate number of the underlying primary water right(s): 74002, 74001, 83742, 83765, 36834, 1525, 36834, 65136, 1451, 83766, 83798

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 2350

- 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

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 75-100 HP Line Shaft Turbine

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The water will be pumped from the well and piped into existing distribution system of approximately 4 miles of 6"- 12" PVC pipe to water land described on the map.

**B. Application Method**

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

**C. Conservation**

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

The applicants irrigated property has erodible soils and hilly topography, like most of eastern Oregon. A center pivot is the most efficient system in the basin. Hand lines and wheel lines with efficient nozzles are more cost effective than adding swing arms to pivots. The hand lines and wheel lines are moved every 12 hours to avoid soil erosion.

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**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

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

Reservoir name: NA Acreage inundated by reservoir: NA

Use(s): NA

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

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

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

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

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Permit issuance to 6 years

Date construction will be completed: Permit issuance to 6 years

Date beneficial water use will begin: Once wells are complete

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**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name Powder Valley Water Control District	Address Mailing - PO Box 189 Physical- 690 E Street	
City North Powder	State OR	Zip 97867

**SECTION 10: REMARKS**

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

The applicant plans to drill a well in the area of T7S R39E Sec 4 to receive 1,250 GPM. If this well does not produce that amount of water requested, the applicant plans to drill another well within a 100' radius of the well to be drilled first to reach the requested amount of water. The applicant plans to do the same in the area of T6S R39E Sec 34 where he plans to drill a well to receive another 1,250 GPM. If this well doesn't produce the amount requested, the applicant plans to drill another well within 100' radius of the well to be drilled first to reach the requested amount of water.

The applicant is requesting that the time frame be extended to a six year period to allow time for a possible 4 wells to be drilled. This time frame is dependent on well driller's availability in the area and crop production.

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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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## NOTE TO APPLICANTS

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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.

# 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: Jason

First

Williams

Last

APR 15 2013

Mailing Address: 48857 HWY 30

SALEM, OR

North Powder  
City

OR  
State

97867  
Zip

Daytime Phone: 541-898-2405

## 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:
06S	39E	34	SESE	101	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
06S	39E	34/35		3300, 2300		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
07S	39E	4	NESE	701	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
07S	39E	4/3/2/9/10		701, 400, 300, 200		<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	IRR

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

Baker 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: 2,500     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:

New well application for 4 new wells located (2 wells on TL 701) (2 wells on TL 101) to be used for irrigation On Tax Lots 701, 400, 300, 200, 101, 3300, and 2300.

**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): BCZSO Section 301.A
- 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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Name: Tara Andrews, Planner Title: \_\_\_\_\_

Signature: Tara Andrews

541-523-8219

Phone: \_\_\_\_\_ Date: 4/9/13

Government Entity: Planning Dept.

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



**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

DEED FOR  
TC 39E  
TL 701

After recording return to:

Return To: Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

Until a change is requested,  
send tax statements to:

Jason & Rosemarie Williams  
PO Box 171  
Haines OR 97833

SPECIAL WARRANTY DEED

JOHN C. SKILES and BARBARA S. SKILES, individually, and JOHN C. SKILES and BARBARA S. SKILES, Trustees of the John and Barbara Skiles Family Trust, Grantors, convey and warrant to JASON M. WILLIAMS and ROSEMARIE B. WILLIAMS, husband and wife, Grantees, the real property described on Exhibit A attached hereto and incorporated herein by reference, free of encumbrances created or suffered thereon by the Grantor except as specifically set forth herein.

The true consideration for this conveyance is \$665,000.00

Ref. No. 2508 739 701 17086

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging to or otherwise appertaining.

SUBJECT TO reservations, restrictions, encumbrances, easements and rights of way of record or visible thereon and shortages in acreage and boundary disputes which a true and accurate survey would reveal.

SUBJECT TO rights of the public in and to any portion of the above described premises lying within the boundaries of roads or highways, including but not limited to U.S. Highway 30.

SUBJECT TO statutory powers including easements and assessments, if any, of Powder Valley Water Control District and the Pilcher Creek Subdistrict thereof, as disclosed by order recorded July 22, 1980 in Deeds 80 30 628.

SUBJECT TO additional taxes, penalties and interest, if any are imposed in the event of declassification of the property from its present classification as farm or forest land which Grantee assumes and agrees to pay and hold Grantor harmless therefrom unless the condition requiring the declassification is the result of action taken by the Grantor in which case the Grantor shall be liable for such additional taxes, penalties and interest.

SUBJECT TO discrepancies, conflicts in boundary lines, shortage in area, encroachments or any other facts which a correct survey would disclose.

SUBJECT TO zoning ordinances, building and use restrictions, reservations in federal patents, easements of record, including but not limited to:

(a) Rights of way reserved in deeds from the Oregon Railway and Navigation Company:

- (1) Recorded February 17, 1906 in Deed Book 61, Page 480;
- (2) Recorded February 20, 1903 in Deed Book 53, Page 469; and,
- (3) Recorded August 11, 1905 in Deed Book 60, Page 528.

(b) Any and all matters including elements and assessments relating to the Van Patten Lake Reservoir as disclosed by deed recorded September 15, 1944 in Deed Book 135, Page 409.

(c) Ditch easements contained in Partition Agreement including the terms and provisions thereof recorded May 23, 1901, in Deed Book 42, Page 193.

(d) Ditch easement disclosed by instrument recorded July 25, 1916 in Deed Book 85, Page 87.

(e) Telephone line easements granted to Pacific Telephone and Telegraph Company by instruments recorded as follows:

- (1) Recorded April 2, 1924 in Deed Book 101, Page 228; and,

ETC 18281

2508 739 701 #17086

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(2) Recorded February 6, 1930 in Deed Book 113, Page 492.

(f) Irrigation Contract for Pilcher Ditch Reservoir Storage including the terms and provisions thereof between Powder Valley Water Control District and J. LaRon Zundell and Kathleen T. Zundell, recorded February 25, 1983 in Deeds 83 05 079.

(g) Irrigation Contract for Pilcher Creek Reservoir Storage, including the terms and provisions thereof, between Powder Valley Water Control District and Carol M. Holmes and Penny Holmes, recorded February 25, 1983 in Deeds 83 08 094.

Assignment of Contract wherein Louis E. Marks and Marie Y. Marks assign and convey their interest in the above contract to Gary Kramer, aka Gary L. Kramer and Elizabeth A. Kramer, recorded May 20, 1999 in Book 99 21 036.

(h) Electric power line easements granted to Oregon Trail Electric Consumer Cooperative, a corporation, as follows:

- (1) Recorded May 7, 1990 in Deeds 90 19 037;
- (2) Recorded April 3, 1991 in Deeds 91 14 086; and,
- (3) Recorded February 13, 1995 in Deeds 95 07 084.

(i) Easement between Louis B. Marks and Marie Y. Marks, and Gary L. Kramer and Elizabeth A. Kramer, granted by instrument recorded May 20, 1999 in Book 99 21 039.

(j) Pipeline easement, including the terms and provisions thereof, granted by Louis E. Marks and Marie Y. Marks by instrument recorded May 20, 1999 in Book 00 21 039.

**BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.305. 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 197.352**

DATED this 12 day of Feb, 2009.

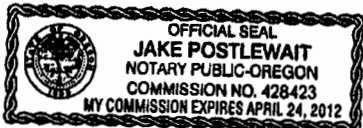
John C. Skiles  
John C. Skiles, individually and as Trustee  
of the John and Barbara Skiles Family Trust

Barbara S. Skiles  
Barbara S. Skiles, individually and as  
Trustee of the John and Barbara Skiles  
Family Trust

STATE OF OREGON            )  
  :ss.  
County of Lincoln        )

Personally appeared the above named JOHN. C. SKILES and BARBARA S. SKILES, individually and as Trustees of the John and Barbara Skiles Family Trust, and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME this 12 day of FEBRUARY, 2009.



Jake Postlewait  
Notary Public for Oregon  
My Commission expires: April 24, 2012

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A tract of land situate in the Southwest quarter of Section 3, the East half of the Southeast quarter of Section 4, the East half of the Northeast quarter of Section 9, and the Northwest quarter of Section 10, all in Township 7 South, Range 39 East of the Willamette Meridian, County of Baker and State of Oregon, more particularly described as follows:

Beginning at the South quarter corner of said Section 3;  
thence North 0°12'43" West along the East line of the Southwest quarter of said Section 3, a distance of 1151.77 feet;  
thence South 89°47'17" West a distance of 40.00 feet to the West right of way line of U.S. Highway No. 30 (Old Oregon Trail Highway);  
thence North 24°10'33" West a distance of 722.39 feet;  
thence North 51°03'10" West a distance of 590.24 feet;  
thence North 79°14'59" West a distance of 655.26 feet;  
thence South 72°17'53" West a distance of 592.86 feet;  
thence South 89°32'20" West a distance of 658.34 feet;  
thence North 5°38'37" West a distance of 286.94 feet;  
thence South 79°44'20" West a distance of 821.10 feet formerly described as South 79°41'40" West 821.35 feet);  
thence North 84°10'34" West a distance of 449.55 feet (formerly described as North 84°06'02" West 449.30 feet), more or less, to the West line of the East half of the Southeast quarter of said Section 4;  
thence South along said West line, and along the West line of the East half of the Northeast quarter of said Section 9, a distance of 4990 feet, more or less, to the Southwest corner of the East half of the Northeast quarter of said Section 9;  
thence East along the South line of the East half of the Northeast quarter of said Section 9, a distance of 1320 feet, more or less, to the quarter corner common to Section 9 and 10;  
thence East along the South line of the Northwest quarter of said Section 10, a distance of 2640 feet, more or less, to the Southeast corner of the Northwest quarter of said Section 10;  
thence North along the East line of said Northwest quarter, a distance of 2640 feet, more or less, to the point of beginning.

EXCEPTING THEREFROM that portion lying with the right of way of U.S. Highway No. 30 (Old Oregon Trail Highway).

This legal description was created prior to January 1, 2008.

1 of 1

STATE OF OREGON )  
COUNTY OF BAKER )  
I CERTIFY THAT THIS  
INSTRUMENT WAS RECEIVED  
AND RECORDED IN THE BOOK  
OF RECORDS OF SAID COUNTY  
TAMARA J. GREEN, BAKER CO. CLERK  
BY *Loren Phillips* DEPUTY  
DOC#: 09070241B  
2/19/2009 10:45 AM  
REFUND: .00 36.00

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DEED FOR:  
7S 39E 4

After recording return to:  
Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

Until a change is requested,  
send tax statements to:  
Jason M. Williams & Rosemarie B. Williams  
48857 Old Hwy 30  
North Powder, OR 97867

QUITCLAIM DEED

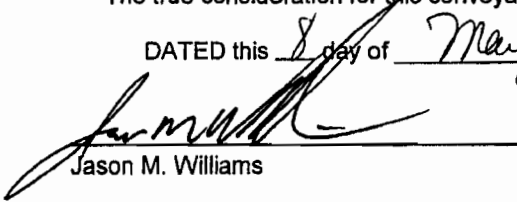
JASON M. WILLIAMS and ROSEMARIE B. WILLIAMS, husband and wife,  
Grantor, releases and quitclaims to WILLIAMS LAND LLC, Grantee, all right, title and  
interest in and to the real property described on Exhibit A attached hereto.

Ref. No. ~~10405~~ & 10406

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE  
PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE  
PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS  
2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES,  
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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE  
37(2004)).

The true consideration for this conveyance is \$0-good and valuable consideration.

DATED this 8 day of May, 2006.

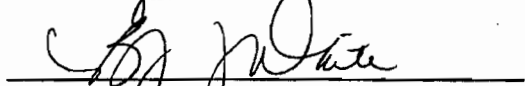
  
Jason M. Williams

  
Rosemarie B. Williams

STATE OF OREGON     )  
                                  : ss.  
County of Baker     )

Personally appeared the above named JASON M. WILLIAMS and ROSEMARIE B.  
WILLIAMS, husband and wife, and acknowledged the foregoing instrument to be their  
voluntary act and deed.

BEFORE ME this 8 day of May, 2006.

  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



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APR 15 2013

SALEM, OR

Various parcels  
Elkhorn Title Company #16202

## EXHIBIT "A"

## PARCEL I

In TOWNSHIP 6 SOUTH, RANGE 39 EAST, of the Willamette Meridian in the County of Baker and State of Oregon:

Section 34: The Northeast quarter, and the Southeast quarter; EXCEPTING THEREFROM a strip on the South side thereof, of approximately two acres.

Section 35: That portion of the Northwest quarter lying West of the portion awarded to State of Oregon, by and through its State Highway Commission by Final Judgment entered July 17, 1972, Case No. L-3421, Court 72 29 064.

Those portions of the Southwest quarter and the West half of the Southeast quarter lying West of that portion awarded to State of Oregon, by and through its State Highway Commission by Final Judgment entered July 29, 1971, Case No. L-3438, Court 71 30 326.

## PARCEL II

IN TOWNSHIP 7 SOUTH, RANGE 39 EAST of the Willamette Meridian, in the County of Baker and State of Oregon:

Section 2: The West half of Lot 2 of the Northwest quarter (the Northwest quarter of the Northwest quarter);

All that portion of the West half of Lot 1 of the Northwest quarter (the Southwest quarter of the Northwest quarter) lying Northwesterly of the James Dalton Ditch;

the Southwest quarter of the Southwest quarter; the West half of the Northwest quarter of the Southwest quarter, and the West half of the East half of the Northwest quarter of the Southwest quarter.

Section 3: Lots 1 and 2 of the Northeast quarter (the Northeast quarter), and the Southeast quarter.

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APR 15 2013

SALEM, OR

G-17647

STATE OF OREGON

County of Baker

} SS

I certify that this instrument was received and recorded in the book of records of said county.

Tamara J. Green  
Baker County Clerk

by: *Tam Phillips* Deputy.

DOC#: 06200015B  
RCPT: 92890 36.00

5/11/2006 3:00 PM

REFUND: ETC CHG .00

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SALEM, OR

*A-17647*

DEED FOR:  
7S 39E 30C

After recording return to:  
Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

Until a change is requested,  
send tax statements to:  
Jason M. Williams & Rosemarie B. Williams  
48857 Old Hwy 30  
North Powder, OR 97867

QUITCLAIM DEED

L. BRENT KERNS and MARY D. JOHNSON, husband and wife, Grantor, releases and quitclaims to WILLIAMS LAND LLC, Grantee, all right, title and interest in and to the real property described on Exhibit A attached hereto.

Ref. No. 10405 & 10406

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37(2004)).

The true consideration for this conveyance is \$0-good and valuable consideration.

DATED this 11 day of May, 2006.

L. Brent Kerns  
L. Brent Kerns

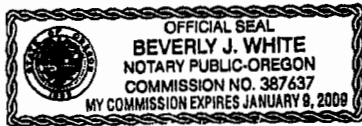
Mary D. Johnson  
Mary D. Johnson

STATE OF OREGON )  
                                  : ss.  
County of Baker )

Personally appeared the above named L. BRENT KERNS and MARY D. JOHNSON, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME this 11 day of May, 2006.

Beverly J. White  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_



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APR 15 2013

SALEM, OR

G-17647

Elkhorn Title Company #16202  
Various parcels



EXHIBIT A

PARCEL II

IN TOWNSHIP 7 SOUTH, RANGE 39 EAST of the Willamette Meridian, in the County of Baker and State of Oregon:

Section 2: The West half of Lot 2 of the Northwest quarter (the Northwest quarter of the Northwest quarter);

All that portion of the West half of Lot 1 of the Northwest quarter (the Southwest quarter of the Northwest quarter) lying Northwesterly of the James Dalton Ditch;

the Southwest quarter of the Southwest quarter; the West half of the Northwest quarter of the Southwest quarter, and the West half of the East half of the Northwest quarter of the Southwest quarter.

Section 3: Lots 1 and 2 of the Northeast quarter (the Northeast quarter), and the Southeast quarter.

STATE OF OREGON

County of Baker

SS

I certify that this instrument was received and recorded in the book of records of said county.

Tamara J. Green  
Baker County Clerk

by: *Karen Phillips* Deputy.

DOC#: 06200011B

RCPT: 92888 31.00

5/11/2006 3:00 PM

REFUND: ETC CHG .00

RECEIVED BY OWRD

APR 15 2013

SALEM, OR

G-17647

B06 20 0018

After recording return to:  
Elkhorn Title Company  
1725 Main Street  
Baker City, OR 97814

Until a change is requested,  
send tax statements to:  
Williams Land LLC  
48857 Old Hwy 30  
North Powder, OR 97867

(4)  
DEED FOR:  
6S 39E 2300  
3300  
6S 39E 34 101  
200

WARRANTY DEED

DOUGLAS R. STANFORD and SHARON R. STANFORD, as tenants by the entirety, Grantor, conveys and warrants to WILLIAMS LAND LLC, an Oregon limited liability company, Grantee, the real property described on Exhibit A attached hereto and incorporated herein by reference, free of encumbrances except as specifically set forth herein.

Ref. Nos. 10379, 10391, 17272 & 10390

TOGETHER WITH all tenements, hereditaments and appurtenances thereunto belonging to or otherwise appertaining.

SUBJECT TO reservations, restrictions, encumbrances, easements and rights of way of record or visible thereon and shortages in acreage and boundary disputes which a true and accurate survey would reveal, including but not limited to those listed on Exhibit B attached hereto and incorporated herein by reference.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37(2004)).

The true consideration for this conveyance is \$ 629,299.52.

DATED this 9 day of May, 2006.

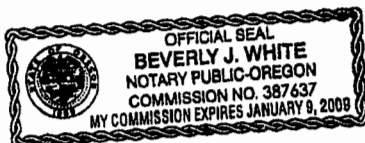
Douglas R. Stanford  
Douglas R. Stanford

Sharon R. Stanford  
Sharon R. Stanford

STATE OF OREGON )  
                                  :ss.  
County of Baker    )

Personally appeared the above named DOUGLAS R. STANFORD and SHARON R. STANFORD and acknowledged the foregoing instrument to be their voluntary act and deed.

BEFORE ME this 9 day of May, 2006.



Beverly J. White  
Notary Public for Oregon  
My Commission expires: \_\_\_\_\_

RECEIVED BY OWRD

APR 15 2013

SALEM, OR

Elkhorn Title Company #16202

Various parcels

EXHIBIT A

PARCEL I

In TOWNSHIP 6 SOUTH, RANGE 39 EAST, of the Willamette Meridian in the County of Baker and State of Oregon:

Section 34: The Northeast quarter, and the Southeast quarter; EXCEPTING THEREFROM a strip on the South side thereof, of approximately two acres.

Section 35: That portion of the Northwest quarter lying West of the portion awarded to State of Oregon, by and through its State Highway Commission by Final Judgment entered July 17, 1972, Case No. L-3421, Court 72 29 064.

Those portions of the Southwest quarter and the West half of the Southeast quarter lying West of that portion awarded to State of Oregon, by and through its State Highway Commission by Final Judgment entered July 29, 1971, Case No. L-3438, Court 71 30 326.

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SALEM, OR

61-17647

Any and all matters, including easements and assessments, if any, pertaining to the creeks crossing said property.

Rights of the public in and to any portion of the herein described premises lying within the boundaries of roads or highways.

Statutory powers, including easements and assessments if any, of Powder Valley Water Control District and the North Powder Rock Creek Subdistrict thereof, as disclosed by Order recorded December 27, 1983, in Deeds 83 52 015.

Any and all matters, including easements and assessments, if any, pertaining to the Tanner McPhee and Smith Ditch and the Tanner Smith Ditch, as disclosed by deed recorded April 1, 1901, in Deed Book 39, page 213, and in other documents of record.

Power line easements granted to Eastern Oregon Development Company by the following instruments, including the terms and provisions thereof:

- (a) Recorded August 26, 1927, in Deed Book 108, page 473, over the W 1/2 NW 1/4 of Section 35, T. 6 S., R. 39 E. W.M.
- (b) Recorded September 13, 1927, in Deed Book 108, page 549, over the West 1/2 SW 1/4 of Section 35, T. 6 S., R. 39 E. W.M.

Pipeline easements granted to Salt Lake Pipe Line company, a Nevada corporation, by instruments, including the terms and provisions thereof:

- (a) Recorded October 26, 1949, in Deed Book 151, page 495, over the South half of Section 34, T. 6 S., R. 39 E. W.M.  
(EXACT LOCATION NOT GIVEN)
- (b) Recorded October 26, 1949, in Deed Book 151, page 497, over the Northeast quarter of Section 34, T. 6 S., R. 39 E. W.M.  
(EXACT LOCATION NOT GIVEN)

Power line easement granted to Eastern Oregon Light and Power Company, a corporation, by instruments, including the terms and provisions thereof, recorded August 24, 1945, in Deed Book 137, page 362, over a parcel starting at a point approximately 30 feet East and 485 feet South of the Northwest corner of the Northwest quarter of the Southeast quarter of Section 34, T. 6 S., R. 39 E. W.M., and extending 30 feet in an Easterly direction to a point approximately 59 feet East and 477 feet South of said corner.

Pipeline easement granted to Northwest Pipeline Corporation by instrument, including the terms and provisions thereof, recorded January 3, 1956, in Deed Book 165, page 207, as amended June 16, 1980, in Deeds 80 25 023, over the South half of Section 34, T. 6 S., R. 39 E. W.M., and other properties.

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G-17647

APR 15 2013

Limited access in the following Final Judgments entered in the Circuit Court of the State of Oregon for the County of Baker, which provides that no right or easement of right of access to, from or across the State Highway shall attach to the abutting property other than expressly therein provided for:

- (a) Final Judgment entered July 17, 1972, in Case No. L-3421, as to the Northwest quarter of Section 35, T. 6 S., R. 39 E. W.M.
- (b) Judgment Order entered July 29, 1971, in Case No. L-3438, as to the South half of Section 35, T. 6 S., R. 39 E. W.M.

Easements for drainage and irrigation facilities, set forth in Final Judgment filed July 17, 1972, Court Volume 72 29 064, in Case No. L-3421 in the Circuit Court of the State of Oregon for the County of Baker.

Communication system easement granted to Worldcom Network Services, Inc., by instrument, including the terms and provisions thereof, recorded September 9, 1996, in Deeds 96 37 098, over a strip of land 10 feet in width and parallel and adjacent to the existing Salt Lake Pipeline Company's right of way as it now exists across the herein described property.

Option and easement granted to Level 3 Communications, LLC, by instrument, including the terms and provisions thereof, recorded August 9, 1999, in Book 99 32 170. (AFFECTS PARCEL I)

Any adverse claim arising due to the uncertainty of that portion of the legal description in the Southeast quarter of Section 34, T. 6 R. 39 E. W.M., which excepts "A strip on the South side thereof, of approximately two acres."

Easements as set forth in Minor Land Partition recorded April 20, 2001, in Book 01 17 0092, as follows:

"Subject to easements and rights of way for storage of water, ditches, canals, pipelines and headgates used for valid subsisting water rights as they presently exist and appertain to properties downstream from the above described property. The easements for said ditches and other conveyances shall be thirty (30) feet in width, fifteen (15) feet on either side of the banks of the ditch or the center of the pipeline and are for the purposes of regulating water flow, repair and maintenance. With regard to storage facilities and headgates, the easement shall be large enough to allow ingress and egress of heavy equipment to repair and maintain the structures. The servient estate owner shall have reasonable control over access to the easements granted herein."

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APR 15 2013

G-17697

SALEM, OR

B06 20 0022

STATE OF OREGON

County of Baker

} SS

I certify that this instrument was received and recorded in the book of records of said county.

Tamara J. Green  
Baker County Clerk

by: Taren Phillips Deputy.

DOC#: 06200018B

RCPT: 92891 46.00

5/11/2006 3:00 PM

REFUND: ETC CHG .00

RECEIVED BY OWRD

APR 15 2013

SALEM OF

CI-17647

# Application for a Permit to Use Ground Water



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

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## Water-Use Permit Application Processing

APR 15 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](http://www.oregon.gov/owrd/law)). 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](http://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 issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.