

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

Organization Information

NAME TREE TOP RANCHES, LP		PHONE 208-377-0998	FAX
ADDRESS P.O. BOX 8126		CELL	
CITY BOISE	STATE IDAHO	ZIP 83707	E-MAIL*

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

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:

- 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.

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

Applicant Signature

Larry D. Williams, President
Print Name and title if applicable

1/23/14
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. GT 17754

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

You must 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.

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
Tree Top Well #1	Dick Creek	2,600'	-20'

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 ex. well (Malh 54024) is app. 1/2 mile down stream of Dick Creek and app. 15' lower in elevation,

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: fractured basalt

Total maximum rate requested: 8.11 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.

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)
Tree Top Well #1	☐	☒	Malh 54204	☐	16"	+2 to - 250	Na	0-45 & 45-250	96' bgs 5/08/13	fractured basalt	601'	3,640	1,946.1
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

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

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

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

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	April 1 thru October 31	1,946.1

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: 16.30 Acres

Supplemental: 632.40 Acres

List the Permit or Certificate number of the underlying primary water right(s): 1638, 30110, 55591, 55592 & S-45717

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1946.1 AF

- 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): 150 Hp, Turbine

☐ Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. We plan to pump ground water from the new well and pipe it underground to the (3) existing pivots.

B. Application Method

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

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.

We want to apply for the maximum amount of water allowed in the event that water is not available from our other water rights. Using the pivots will greatly reduce any waste or runoff.

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*).

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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: 6/1/2014

Date construction will be completed: 10/1/2016

Date beneficial water use will begin: 10/1/2016

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SECTION 9: WITHIN A DISTRICT

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☒ 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
Na	Na
City	State
Na	Na
	Zip
	Na

SECTION 10: REMARKS

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

None

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

Applicant: Tree Top Ranches, LP
First Last

Mailing Address: P.O. Box 8126

Boise City Idaho State 83707 Zip Daytime Phone: 208-377-0998

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:
27S	38E	27,28, 33 & 34		1300		☒ Diverted	☒ Conveyed	☒ Used	
28S	38E	4	stwnw	500		☐ Diverted	☐ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Malheur 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: 8.11 ☒ 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:

Tree Top Ranches would like to apply for supplemental irrigation from a well for the (3) existing pivots.

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. →

Revised 3/4/2010

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For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

☒ Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC Chapter 6 Sec 6-6-7

☐ 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:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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

Name: W. Alvin Scott Title: Interim Director

Signature: W. Alvin Scott Phone: _____ Date: JAN 21, 2014

Government Entity: Malheur County 541 473-5185

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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INSTRUMENT NO 2003 - 2908
Page 1 of 2 Pages

Inst. No. 2003 - 2908
I certify that the within instrument of
writing was received for record on
the 15 day of April, 2003
at 2:53 O'clock P. M. FEE \$41
STATE OF OREGON, County of Malheur
DEBORAH R. DeLONG
County Clerk

By: Sheryl Johnson Deputy

WARRANTY DEED

SEND TAX STATEMENTS TO:
TREE TOP RANCHES,
LIMITED PARTNERSHIP
P.O. Box 8126
Boise, ID 83707

AFTER RECORDING RETURN TO:
First American Title Company
81 South Oregon Street
Ontario, OR 97914

FATCO # 18583

The true and actual consideration for this conveyance is not stated in the terms of dollars because said consideration consists of or includes other property or other value given or promised which other property or value is either a part of or the whole consideration.

NORMAN'S NURSERY, INC., a California corporation, fna Francis L. Norman's Nursery, Inc. and sometimes known and the same entity as Francis L. Norman Nursery, Inc. and F. L. Norman Nursery, Inc., Grantor, conveys and warrants to TREE TOP RANCHES, LIMITED PARTNERSHIP, an Idaho limited partnership, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

Title A

Land in Malheur County, Oregon, as follows:

In Twp 26 S., R. 37 E., W. M.: (Tax Lot 1300, 1301)

Sec. 29: W $\frac{1}{2}$ E $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 31: Govt Lots 3 and 4, E $\frac{1}{2}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 32: N $\frac{1}{4}$ NW $\frac{1}{4}$.

WARRANTY DEED -1-

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OFFICE OF LAW
399 S. OREGON STREET
ONTARIO, OREGON 97914
(541) 889-5372

In Twp. 27 S., R. 37 E., W.M.: (Tax Lot 200)

Sec. 6: Govt Lots 1 thru 5, inclusive, SW $\frac{1}{4}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.

Title C

Land in Malheur County, Oregon, as follows:

In Twp. 27 S., R. 38 E., W.M.: (Tax Lot 300, 500, ptn 1000, ptn 1300)

Sec. 5: S $\frac{1}{2}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 6: Govt Lot 3, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 7: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and E $\frac{1}{2}$ E $\frac{1}{2}$.
Sec. 8: W $\frac{1}{2}$ W $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 9: SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 15: NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 17: N $\frac{1}{2}$ N $\frac{1}{2}$ and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 18: NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Sec. 22: SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$ and S $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 23: SW $\frac{1}{4}$ NW $\frac{1}{4}$ and W $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 27: All.
Sec. 28: S $\frac{1}{4}$ NE $\frac{1}{4}$ and SE $\frac{1}{4}$.
Sec. 30: NE $\frac{1}{4}$ and NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 32: SW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ SE $\frac{1}{4}$.
Sec. 33: East $\frac{1}{2}$ and SW $\frac{1}{4}$.
Sec. 34: NW $\frac{1}{4}$.

In Twp. 28 S., R. 37 E., W.M.: (Tax Lot 300, ptn 600, 1200, 1300, 1301, ptn 1600, 2000)

Sec. 3: Govt Lot 3 and SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 24: S $\frac{1}{2}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ NE $\frac{1}{4}$, South $\frac{1}{2}$, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Sec. 25: N $\frac{1}{2}$ N $\frac{1}{2}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 26: E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 35: SE $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$ and NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 36: All.

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In Twp. 28 S., R. 38 E., W.M.: (Tax Lot 500, 800, 1000, 1100)

Sec. 4: Govt Lot 4.
Sec. 7: SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 8: W $\frac{1}{2}$ SW $\frac{1}{4}$ and SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Sec. 19: Govt Lot 2 and 4.
Sec. 30: Govt Lot 1.

In Twp. 29 S., R. 37 E., W.M.: (Tax Lot 200)

Sec. 2: Govt Lot 3.

In Twp. 29 S., R. 37 E., W.M.: (Tax Lot 1000, 1100)

Sec. 19: Govt Lots 2, 3 and 4, and E $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 20: E $\frac{1}{2}$ NE $\frac{1}{4}$.
Sec. 21: W $\frac{1}{2}$ NE $\frac{1}{4}$ and NW $\frac{1}{4}$.
Sec. 30: Govt Lots 1 and 2, and E $\frac{1}{2}$ NW $\frac{1}{4}$.

Title D

Land in Malheur County, Oregon, as follows:

In Twp. 28 S., R. 37 E., W.M.: (Tax Lot 400)

Sec. 3: E $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 10: E $\frac{1}{2}$ NW $\frac{1}{4}$ and NE $\frac{1}{4}$ SW $\frac{1}{4}$.

TOGETHER WITH any and all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith, and all water and water rights used upon or appurtenant to the above property, however evidenced.

SUBJECT TO:

1. Any fact which could be ascertained by a physical inspection or correct survey of the above property; any fact which could be ascertained by making inquiry of persons owning or in possession of adjoining property; and reservations and exceptions in patents or in Acts authorizing the issuance thereof.

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2. Taxes have not been assessed as to a part of the above property because the State of Oregon exemption from taxation has not been removed by the Assessor as to that part. If the exempt status is terminated under the statute in the year in which said taxes should have been assessed, an additional tax may be levied.

3. The above property is specially assessed as farm land, and if that land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

4. The rights of the public in and to that portion of the above property lying within streets, roads and highways.

5. A part of the above property has no ingress or egress of record to a dedicated right-of-way or access easement.

6. Easement and right-of-way of the USA Department of Interior, BLM, recorded October 3, 1967, Book 137, Instrument No. 83824, Malheur County Public Records (Affects E $\frac{1}{2}$ NW $\frac{1}{4}$ Sec. 3, Twp. 28, R. 37).

7. Mineral reservation as reserved by Thomas T. Dowell and Norma Dowell as to an undivided one-half interest, and all rights of said parties and their successors in interest as owners thereof in Contract recorded July 6, 1978, as Instrument No. 48355, Malheur County Public Records.

8. Non-exclusive easement for an existing dirt road and public access from Charles R. Norman to the State of Oregon recorded February 4, 1992, as Instrument No. 92-802, Malheur County Public Records. (Affects Twp. 28, R. 37 and Twp. 27, R. 38).

9. Part of the above property has been segregated and the Grantee should check with the appropriate county planning department to verify requirements and uses in order to comply with applicable land use laws and regulations.

"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."

WARRANTY DEED -4-

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ONTARIO, OREGON 97914
(541) 889-3372

The true and actual consideration for this conveyance is stated above and is incorporated herein by this reference.

DATED this 4-9-2003 day of ~~March~~, 2003.

Norman's Nursery, Inc., a California corporation

By: Charles R. Norman
Charles R. Norman, President

By: Carolyn I. Norman
Carolyn I. Norman, Secretary

STATE OF CALIFORNIA)
County of Los Angeles) ss.

On this 9th day of APRIL, 2003, personally appeared Charles R. Norman and Carolyn I. Norman who, being duly sworn, each for himself/herself and not for the other, did say that the former is the President and the latter is the Secretary of Norman's Nursery, Inc., a California corporation; that the foregoing instrument was signed on behalf of said corporation by authority of its board of directors; and that each of them acknowledge said instrument to be its voluntary act and deed.

Dorothy Inman
Notary Public for
My Commission Expires: 1-8-2005

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399 S. OREGON STREET
ONTARIO, OREGON 97914
(541) 889-3372



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Sec. 13: SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 24: NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Sec. 25: SE $\frac{1}{4}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$ and E $\frac{1}{2}$ SW $\frac{1}{4}$.
Sec. 26: E $\frac{1}{2}$ SE $\frac{1}{4}$ and SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Sec. 35: N $\frac{1}{2}$ NE $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$ and SE $\frac{1}{4}$ SE $\frac{1}{4}$.

In Twp. 28 S., R. 38 E., W.M.: (Tax Lot ptn 101, ptn 900)

Sec. 17: W $\frac{1}{2}$ E $\frac{1}{2}$ and West $\frac{1}{2}$.
Sec. 18: East $\frac{1}{2}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$ and Govt Lots 3 and 4,
EXCEPTING THEREFROM the NW $\frac{1}{4}$ of said Govt Lot 3.
Sec. 19: N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ and Govt Lots 1 and 3.
Sec. 20: NW $\frac{1}{4}$ NE $\frac{1}{4}$ and N $\frac{1}{2}$ NW $\frac{1}{4}$.

TOGETHER WITH any and all tenements, hereditaments and appurtenances thereunto belonging or used in connection therewith, and all water and water rights used upon or appurtenant to the above property, however evidenced.

SUBJECT TO:

1. Any fact which could be ascertained by a physical inspection or correct survey of the above property; any fact which could be ascertained by making inquiry of persons owning or in possession of adjoining property; and reservations and exceptions in patents or in Acts authorizing the issuance thereof.

2. Taxes have not been assessed as to a part of the above property because the State of Oregon exemption from taxation has not been removed by the Assessor as to that part. If the exempt status is terminated under the statute in the year in which said taxes should have been assessed, an additional tax may be levied.

3. The above property is specially assessed as farm land, and if that land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

4. The rights of the public in and to that portion of the above property lying within streets, roads and highways.

5. A part of the above property has no ingress or egress of record to a dedicated right-of-way or access easement.

WARRANTY DEED -2-

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SALEM, OR

TAGGART & TAGGART
OFFICE OF LAW
399 S. OREGON STREET
ONTARIO, OREGON 97144
(541) 882-5372

6. Mineral reservation for lifetime of survivor as reserved by Marvin E. Young and Marie T. Young as to an undivided one-half interest, and all rights of said parties and their successors in interest as owners thereof in deed recorded March 15, 1962, Book 120, as Instrument No. 36551, Malheur County Public Records.

7. Non-exclusive easement for an existing dirt road and public access from Charles R. Norman to the State of Oregon recorded February 4, 1992, as Instrument No. 92-802, Malheur County Public Records. (Affects Twp. 28, R. 37 and Twp. 27, R. 38).

8. Mineral reservation as reserved by the State of Oregon Division of State Lands, and rights of said party and its successors in interest as owners thereof in deed recorded February 4, 1992, as Instrument No. 92-804, Malheur County Public Records.

9. Part of the above property has been segregated and the Grantee should check with the appropriate county planning department to verify requirements and uses in order to comply with applicable land use laws and regulations.

"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."

The true and actual consideration for this conveyance is stated above and is incorporated herein by this reference.

DATED this 4th day of March, 2003.

GRANTOR:

Charles R. Norman
Charles R. Norman

STATE OF CALIFORNIA)
) ss.
County of Los Angeles)

Personally appeared the above named Charles R. Norman and acknowledged the foregoing instrument to be his voluntary act and deed before me this 4th day of March, 2003.

Dorothy Inman
Notary Public for

My Commission Expires: 1-8-2005

WARRANTY DEED -3-



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TAGGART & TAGGART
OFFICE OF LAW
399 S. OREGON STREET
ONTARIO, OREGON 97914
(541) 885-5372



January 23, 2014

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1266

RE: Water-Use Permit Application

VIA Certified Mail

Permitting Department,

Enclosed please find Our Water-Use Permit Application with attached documentation and check in the amount of \$4600 for fees.

Please contact our office at 208-377-0998 with any questions or concerns.

Sincerely,

William J. Mulder
Tree Top Ranches

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JAN 27 2014

SALEM, OR

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

Water-Use Permit Application Processing

1. Completeness Determination

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). 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 \$350.00 for the applicant and \$700.00 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.

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JAN 27 2014