

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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Application for a Permit to Use Ground Water



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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME RUSTIN SMITH		PHONE (HM) (775) 830-6642	
PHONE (WK)	CELL		FAX
ADDRESS P.O. BOX 885			
CITY BAKER CITY	STATE OR	ZIP 97814	E-MAIL* RUSTINSMITH@YAHOO.COM

Organization Information

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

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

AGENT / BUSINESS NAME SARA HAYNES / BROWNE CONSULTING, LLC		PHONE (541) 523-5170	FAX (541) 523-5170
ADDRESS 50809 ELLIS ROAD			CELL
CITY NORTH POWDER	STATE OR	ZIP 97867	E-MAIL* SARA@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.)

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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

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G-17802</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*).

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
#1	Powder River	> 1 mile	Approx. 10 ft
	Baldock Slough	> 1 mile	Approx. 0 ft
#2	Powder River	4,380 ft	Approx. 10 ft
	Baldock Slough	> 1 mile	Approx. 0 ft
#3	Powder River	> 1 mile	Approx. 10 ft
	Baldock Slough	> 1 mile	Approx. 0 ft
#4	Powder River	> 1 mile	Approx. 10 ft
	Baldock Slough	> 1 mile	Approx. 0 ft
#5	Powder River	> 1 mile	Approx. 10 ft
	Baldock Slough	2,570 feet	Approx. 0 ft

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 closest recent wells in the area are BAKE 52230, BAKE 51199, BAKE 50502, BAKE 50449 & BAKE 50162.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 4.585 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the 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 to obtain the necessary information.

5-17-2012

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)
#1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10", 8"	0-200, 10" 200-400, 8"	200-400	0-18	0-5 (BAKE 571)	Alluvium	400		
#2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10", 8"	0-200, 10" 200-400, 8"	200-400	0-18	0-5 (BAKE 571)	Alluvium	400		
#3	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10", 8"	0-200, 10" 200-400, 8"	200-400	0-18	0-5 (BAKE 571)	Alluvium	400		
#4	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10", 8"	0-200, 10" 200-400, 8"	200-400	0-18	0-5 (BAKE 571)	Alluvium	400		
#5	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10", 8"	0-200, 10" 200-400, 8"	200-400	0-18	0-5 (BAKE 571)	Alluvium	400		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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* 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.

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 to October 31	825.3

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: 6.1 Acres Supplemental: 269.0 Acres

List the Permit or Certificate number of the underlying primary water right(s): 73576, 73570, 4379, Special Order Volume 50, Page 108, 4145, Special Order Volume 50, Page 110

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 825.3

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

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): An 8-inch, 50-HP submersible turbine pump used in conjunction with a booster pump if necessary.

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The applicant plans to convey the water from the well to the pivot(s) using mainline.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
The applicant plans to install pivots with end guns on property north of Medical Springs Hwy and continue with wheel lines south of the road. Irrigation on tax lot 300 will most likely be wheel lines.

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 applicant needs the higher rate of water in order to operate his pivots and plans to actively conserve water by monitoring water usage via flow meter and ensure all connections from the well to application are secure.

SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR

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

Reservoir name: _____ Acreage inundated by reservoir: _____

Use(s): _____

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

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: As soon as possible after permit has been issued.

Date construction will be completed: Within five years of permit issuance.

Date beneficial water use will begin: Within a year of construction completion.

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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 Baker Valley Irrigation District	Address 3895 10 th Street	
City Baker City	State OR	Zip 97814

SECTION 10: REMARKS

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

The applicant is applying for primary and supplemental water to irrigate his land that currently has primary water rights on the majority of the land. Currently, his water runs out around the beginning of July each year and he hopes to drill a well to supplement his current water so that he may get multiple cuttings per season.

Mr. Smith's land is covered under four water rights certificates; 73570, 73576, 4145 and 4379. Both 4145 and 4379 have special orders (see attached) canceling part of his right for the right of way of the freeway, but new certificates have not yet been issued at this time. Research into maps showing the place of use of the existing water right(s) acreage has not yielded any result. Exact assessor tax lot acreage of the tax lots differ slightly from what is included in the water right certificates. This application includes the acreage covered under his water right certificates (in the case of tax lot 3200 & 3300, the assessor map acreage differs from the acreage included under the water right by 5.98 acres but includes the same land). It is assumed that the place of use is as it is shown on the attached ground water application map.

The applicant's land is currently pasture land that is flood irrigated (north of Medical Springs Highway) and irrigated using wheel lines (south of Medical Springs Highway). Upon issuance of a permit to use ground water, the applicant would plan to drill a well and use mainline to transport the water to a pivot on each parcel (tax lot 3200) and continue use of wheel lines south of the road (tax lot 101). He would like to also use hand lines to irrigate the areas not accessible by pivot irrigation. Once the irrigation systems are installed, the applicant will be able to grow hay and alfalfa. Under this application, the landowner would like to drill one and up to five wells on his property in order to meet the rate being requested.

The applicant's tax lot 3200 is divided by the freeway and, prior to the freeway installation, the water was conveyed via ditches (from the west side of the property) to tax lots 3200 and 101. Upon construction of the freeway, the ditch system that conveyed water to these grounds was vastly obliterated. The landowner is not fully able to convey the water from the west side of the land/freeway to the east side despite the presence of a culvert on tax lot 3200. If he is able to drill a well, he plans to convey the water via mainline to his property on the west side of the freeway in order to grow grass hay.

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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

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: Rustin Smith
First Last

Mailing Address: P.O. Box 885

Baker City OR 97814 Daytime Phone: (775) 830-6642
City State Zip

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:
08S	40E	16	All SE 1/4	3200	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig
08S	40E	16	SESE	3300	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig
08S	40E	15	NWNW, SWNW	3200	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig
08S	40E	21	NE ¼	101	EFU	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrig

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

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B. Description of Proposed Use

Type of application to be filed with the Water Resources Department:

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 4.585 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 plans to drill a well to supplement water for irrigation of crops after primary water rights have run out for the season. The change will not involve the placement or modification of any structures.

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): 30.10 (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 L. Andrews Title: Planner
 Signature: Tara L. Andrews Phone: 541-523-8219 Date: 3/16/14
 Government Entity: Planning

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: _____

WARRANTY DEED

FLYING J FARMS, LLC, an Oregon limited liability company, Grantor, warrants and conveys to **RUSTIN SMITH, Grantee,** all of Grantor's right, title and interest in and to that certain real property situate in Baker County, Oregon, described more fully on Exhibit "A" attached hereto and by this reference incorporated herein.

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

SUBJECT TO reservations in federal patents and state deeds, covenants, conditions, restrictions, reservations and easements for roads and utility installations all as the same appear of record or are visible thereon, including without limit, rights of the public in and to any portion of the property lying within the boundaries of roads or highways or lying below the mean high water mark of any creeks crossing the Property.

SUBJECT TO regulations, including levies, assessments, easements, and other matters of record or are visible upon inspection concerning ditches, canals and other irrigation works, including without limit, any and all matters pertaining to ditches crossing the property and also statutory powers, including easements and assessments of the Powder Valley Water Control District and the Wilcox Subdistrict.

SUBJECT TO rights of the public and of governmental bodies in and to any portion of the Property lying below the mean high water mark of Salmon Creek and other creeks and/or ditches as they cross the Property.

SUBJECT TO rights of the public in and to any portion of the Property lying within the boundaries of roads or highways.

SUBJECT TO limited access, permanent easement, and all other matters set forth in Judgment Order entered November 12, 1971 in Case No. L-3408, Court Volume 71 46 008, Circuit Court for State of Oregon, Baker County.

SUBJECT TO the classification of the property as farm use. Buyer shall be responsible for any additional taxes or interest resulting from any disqualification of the property from such classification which arise as a consequence of actions of Buyer during Buyer's ownership; provided, Seller shall be responsible for any such additional taxes or interest resulting from any such disqualification which arise as a consequence of actions of Seller during Seller's ownership.

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

The true consideration for this conveyance is \$300,000.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 82.010 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 30.830, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED THIS 9 day of May, 2013.

FLYING J FARMS, LLC

John Taylor Rohner
Title: managing member

STATE OF OREGON }
County of Baker } ss:

The foregoing instrument was acknowledged before me this 9 day of May, 2013, by **JOHN TAYLOR ROHNER, aka J. T. Rohner, as member, on behalf of FLYING J FARMS, LLC.**



Lynne D Ewing
Notary Public for Oregon
My Commission Expires: 12/26/16

AFTER RECORDING RETURN TO:
Elkhorn Title Company
1725 Main Street
Baker City, Oregon

SEND TAX STATEMENTS TO:
Rustin Smith
P.O. BOX 583, Baker City, OR 97814

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Elkhorn Title Company #10161

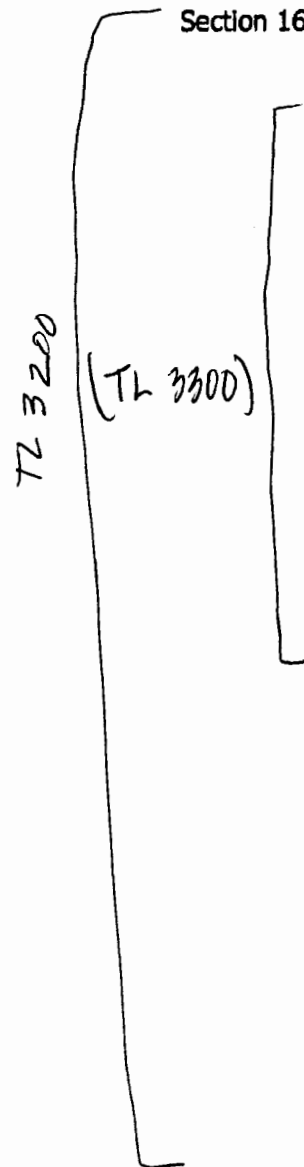
EXHIBIT "A"

Parcel I:

In Township 8 South, Range 40 East, Willamette Meridian, in County of Baker and State of Oregon, as follows:

TL 300 [Section 15: West half of the Northwest quarter.

Section 16: Southeast quarter, EXCEPTING THEREFROM the following three Parcels:



Parcel No. 1: A parcel in the Southeast quarter of the Southeast Quarter described as follows: Beginning at a point Where the North right of way line of the Medical Springs Highway and the West right of way line of the County Road intersect, said point being 30 feet North And 20.3 feet West of the Southeast corner of said Section, and being opposite and 30 feet Northerly from Engineer's Center Line Station 228+78.9 of said Highway;

Thence North 89°20' West 299.4 feet along said North Highway right of way line to a point 30 feet Northerly From Engineer's Center Line at Station 225+78.9;

Thence North 0°40' East 145 feet;

Thence South 89°20' East 296.3 feet to the West right Of way line of said County Road;

Thence South 0°33' East 145 feet along said West right Of way line to the Point of Beginning.

Parcel No. 2: Highway right of way conveyed to State of Oregon, by And through its State Highway Commission, recorded October 22, 1948, in Deed Book 148, Page 583, Records of Baker County, Oregon.

Parcel No. 3: Those tracts designated as Parcels No. 1, 2 and 3 in Final Judgment in favor of State of Oregon, by and Through its State Highway Commission, Case No. L-3408, entered November 12, 1971, in Court 71 46 008, in the Circuit Court of the State of Oregon for the County of Baker, being U.S. Highway 84 right of way, A frontage road right of way, and Chandler Lane County Road right of way.

(08S40 3200; 08S4015 300)

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MAP 17 2014

SALEM, OR

Parcel II:

A parcel of land lying in the Southeast quarter of the Southeast quarter of Section 16, Township 8 South, Range 40 East, Willamette Meridian, in County of Baker and State of Oregon, and being a portion of that property described in that deed to the State of Oregon, by and through its State Highway Commission, recorded in Deed Book 128, Page 332, Records of Baker County, Oregon; the said parcel being that portion of said property lying Northerly of a line parallel with and 20 feet Northerly of the Southerly line of said property, more particularly described as follows:

TL 3300

Beginning at a point which is the intersection of the North line of the Medical Springs Highway and the West right of way line of Baker County Road No. 819; said point being 30 feet North and 20.3 feet West of the Southeast corner of Section 16, said township and range; said point also being opposite and 30 feet Northerly from Engineer's Centerline Station 228+78.9 of the Medical Springs Highway;
Thence North 89°20' West along the Northerly right of way line of said Highway, 299.4 feet to a point 30 feet Northerly from (when measured at right angles to) Engineer's centerline at Station 225+78.9 of said Highway;
thence North 0° 40' East 145 feet;
thence South 89°20' East 296.3 feet to the West line of said county road;
thence South 0°33' East along said West line, 145 feet to the Point of Beginning.

EXCEPTING THEREFROM those portions lying within Medical Springs Highway.

(08S40 3300)

RECEIVED BY OWRC

MAR 17 2014

SALEM, OR

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 Karen Phillips DEPUTY
DOC#: 13190056B
5/10/2013 3:30 PM
REF .00 51.00
ETC CHG

WARRANTY DEED

FRASER BROTHERS LLC, an Oregon Limited Liability Company herein after called Grantor, convey(s) to Rustin S Smith and Sue Ann Cook, husband and wife herein after called Grantee, the following described real property situated in the County of Baker, State of Oregon, described as:

See Exhibit "A" attached hereto and incorporated herein by this reference

and covenants that grantor is the owner of the above-described property free of all encumbrances except covenant(s) conditions, restrictions, reservations, assessments, easements, rights of way of record or visible thereon; shortages in acreages, boundary disputes, encroachments or any other matters which a true and accurate survey would reveal; and will warrant and defend the same against all persons who may lawfully claim the same, except as shown above.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS AND 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

The true consideration for this conveyance is \$387,000.00. which is being paid by Grantee as part of an IRC Section 1031 tax deferred exchange

Dated this 15th day of October, 2009.

Fraser Brothers LLC

By: Margaret Sackos
Margaret Sackos, Managing Member

STATE OF OREGON)
COUNTY OF Baker) SS:

On October 19, 2009 personally appeared the above-named Margaret Sackos as Managing Member of Fraser Brothers LLC and acknowledged the foregoing instrument to be a voluntary act and deed.



Before me:

My appointment expires: _____

Grantor(s):
Fraser Brothers LLC

Grantee(s)/Tax Statements To:
Rustin S Smith and Sue Ann Cook
PO Box 583
Baker City, OR 97814

Return To:

Elkhorn Title Company
1725 Main Street
Baker City OR 97814

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MAR 17 2014

SALEM, OR

532 8 40 22 300 #8786 Elkhorn Title Co. Order # 18526

PARCEL I

In TOWNSHIP 8 SOUTH, RANGE 40 EAST of the Willamette Meridian in the County of Baker and State of Oregon:

Section 22: The Northwest quarter; and
The West 165 feet of the West half of the Northeast quarter;
EXCEPT that portion conveyed to the State of Oregon, by and through its State Highway Commission, by deed recorded January 14, 1949, in Deed Book 149, page 392.

PARCEL II

TL 101

The East half of the Northeast quarter, and that portion of the West half of the Northeast quarter lying East of the County Road leading from Baker City, Oregon, to the Old Slough House, all in Section 21, Township 8 South, Range 40 East of the Willamette Meridian, in the County of Baker and State of Oregon;

EXCEPTING THEREFROM those certain parcels of land conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated July 17, 1948, and recorded in Deed Book 148, page 39, and by deed dated December 8, 1948, recorded February 25, 1949, in Deed Book 149, page 543;

ALSO EXCEPTING THEREFROM that portion conveyed to Ray Kizer Construction Co., by deed recorded September 19, 1972, in Deeds 72 38 023.

FURTHER EXCEPTING THEREFROM the West 875 feet of the South 450 feet.

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MAR 17 2014

1 of 1

SALEM, OR

G-7802

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 Karen Phillips DEPUTY
DOC#: 09430034B
10/22/2009 2:20 PM
REFUND: .00 46.00

Smith Well Ground Water Application - Place of Use for Primary and Supplemental Ground Water
T 8S., R 40E.

Primary WR Certificate	Irrigation Type	Section	NE				NW				SW				SE				Total:
			NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	NE	NW	SW	SE	
		15																	0.0
73576	SUPP	15					37.90	38.80											76.7
		16																	0.0
4379	SUPP	16												40.0	31.3	24.1	40.0	135.4	
	PRIM	21		0.80	5.3													6.1	
73570	SUPP	21	21.9			35.0												56.9	
Total:			21.9	0.8	5.3	35.0	0.0	37.9	38.8	0.0	0.0	0.0	0.0	0.0	40.0	31.3	24.1	40.0	

Total Primary Acreage in Ground Water Application: 6.1
 Total Supplemental Acreage in Ground Water Application: 269.0
 Total Acreage: 275.1

Requested rate:
 275.1 acres x $\frac{1}{60}$ CFS/acre = 4.585 CFS
 = 2057.89 GPM

Requested duty:
 275.1 acres x $\frac{3}{1}$ acre-ft/acre = 825.3 acre-ft

G-14802

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 MAR 17 2014
 SALEM, OR