

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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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME Berrett Ranches		BERRETT RANCHES, INC. DALE & SHARON BERRETT		PHONE (HM) (541) 586-2889
PHONE (WK)	CELL	3540 Hwy 95 Jordan Valley, OR 97910		FAX
ADDRESS 3540 Hwy 95				
CITY Jordan Valley	STATE OR	ZIP 97910	E-MAIL* berrettcattle@yahoo.com	

Organization Information

NAME			PHONE	FAX RECEIVED BY OWRD
ADDRESS			CELL	MAR 31 2014
CITY	STATE	ZIP	E-MAIL* SALEM, OR	

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.)

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

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

App. No. 9-17832 6-17382	For Department Use	Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

Yes

- There are no encumbrances.
- This land is encumbered by easements, rights of way, roads or other encumbrances.

No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

List the names and mailing addresses of all affected landowners (*attach additional sheets if necessary*).

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.

See next pages

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	CROOKED CREEK		
# 2	CROOKED CREEK		
# 3	CROOKED CREEK		

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*).

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SECTION 3: WELL DEVELOPMENT, CONTINUED

3590.64 } 1/160**

Total maximum rate requested: 80 CFM (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.

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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"/>	unknown	<input type="checkbox"/>	}	nearest well is about 3 miles away well log is the page					700	1196.67	625.6
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	"	<input type="checkbox"/>							700	1196.67	625.6
3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	"	<input type="checkbox"/>							700	1196.67	625.6
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>		Before This one. That is all The information available in the area.							
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						RECEIVED BY OWRD			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						MAR 31 2014			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						SALEM, OR			

* 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.

NOTICE TO WATER WELL CONTRACTOR

The original and first copy of this report are to be filed with the

WATER WELL REPORT

STATE OF OREGON

(Please type or print)

RECEIVED

State Well No. 32s/40E-17

STATE ENGINEER, SALEM, OREGON 97310

within 30 days from the date of well completion.

APR 5 - 1976

State Permit No.

WATER RESOURCES DEPT. SALEM, OREGON

(1) OWNER:

Name Bureau of Land Management Address P.O. Box 700 - Vale, Oregon 97918

Fire Sta. Well at Burns Junction.

(2) TYPE OF WORK (check): New Well [X] Deepening [] Reconditioning [] Abandon []

(3) TYPE OF WELL:

Rotary [] Driven [] Cable [X] Jetted [] Dug [] Bored []

(4) PROPOSED USE (check):

Domestic [] Industrial [] Municipal [] Irrigation [] Test Well [] Other [X]

(5) CASING INSTALLED:

8" Diam. from 1 ft. to 450 ft. Gage 312

PERFORATIONS:

Type of perforator used Factory Size of perforations 1/8 in. by 3 in.

(7) SCREENS:

Well screen installed? [] Yes [X] No Manufacturer's Name Type Model No.

(8) WELL TESTS:

Drawdown is amount water level is lowered below static level. Yield: 22 gal./min. with 2 ft. drawdown after 4 hrs.

(9) CONSTRUCTION:

Well seal-Material used Cement Well sealed from land surface to 20 Diameter of well bore to bottom of seal 11 in.

(10) LOCATION OF WELL:

County Malheur Driller's well number S.W 1/4 N.W 1/4 Section 17 T. 32s R. 40E W.M.

(11) WATER LEVEL: Completed well.

Depth at which water was first found 250 ft. Static level 235 ft. below land surface. Date 3-20-76

(12) WELL LOG:

Diameter of well below casing 0 Depth drilled 150 ft. Depth of completed well 450 ft.

Formation: Describe color, texture, grain size and structure of materials; and show thickness and nature of each stratum and aquifer penetrated.

Table with columns: MATERIAL, From, To, SWL. Rows include Boulders & Clay, Grey Basalt, Red Cinders, Coarse Dark Sandstone, Mad. to fine Sandstone, Coarse Sandstone, Cavie Pea gravel, Redish Yellow Clay, Sandy redish & yellow clay, Sandstone, Sticky yellow clay & sand, Pea gravel & fractured clay, Yellow Clay, Mad. to Coarse Sand, Yellow Clay, Hard sandstone, Sand & yellow Clay, Coarse Sand, Yellow Clay.

Work started 2-3-76 19 Completed 3-20-76 19 Date well drilling machine moved off of well 3-20-76 19

Drilling Machine Operator's Certification:

This well was constructed under my direct supervision. Materials used and information reported above are true to my best knowledge and belief. [Signed] Date 3-31-76

Water Well Contractor's Certification:

This well was drilled under my jurisdiction and this report is true to the best of my knowledge and belief. Name Page Brothers Drilling Address Rt. 2 Box 371 - Vale, Oregon 97918 [Signed] Contractor's License No. 564 Date 3-31-76

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
irrigation	March 1 - October 30 th	1876.8

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: 625.6 Acres Supplemental: Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 1876.8

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

SECTION 5: WATER MANAGEMENT

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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): 40 HP Turbine

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Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Main Line Pipe (PUC)

B. Application Method

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

Center Pivot

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.

Dry Arid Desert Climate

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): _____

Volume of Reservoir (acre-feet): NA 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
<u>NA</u>	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: _____ as soon as permit is Given

Date construction will be completed: _____ As soon as possible

Date beneficial water use will begin: _____ March 2015

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	Address	
<u>NA</u>		
City	State	Zip

SECTION 10: REMARKS

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

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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(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: _____
Mailing Address: _____
City _____ State _____ Zip _____
Daytime Phone: 541-586-2889

BERRETT RANCHES, INC.
DALE & SHARON BERRETT
First **3540 Hwy 95**
Last _____
Jordan Valley, OR 97910

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:
32 S	40 E	10	NENE	2100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
32 S	40 E	11	SESE	2100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
32 S	40 E	15	SWSE	23201		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

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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: 1876.8 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:

Applying for Ground water Rite

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.

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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): MCC Title six chapter 6-6-3
- 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: W. Alvin Scott Title: Interim Planning Director

Signature: *W. Alvin Scott* Phone: 541-473-5185 Date: 3-19-14

Government Entity: _____

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: _____



Permit Applicant: Berrett Ranches

A description of the proposed place of use under this permit is as follows:

Township	Range	Section	TL	1/4	1/4	Section	Acres
32S	40E	10	2100	SW	1/4	NE 1/4	16.7
			2100	SE	1/4	NE 1/4	24.0
			2100	SW	1/4	NW 1/4	2.6
			2100	SE	1/4	NW 1/4	23.1
			2100	NE	1/4	SW 1/4	40.0
			2100	NW	1/4	SW 1/4	18.1
			2100	SW	1/4	SW 1/4	7.9
			2100	SE	1/4	SW 1/4	36.9
			2100	NE	1/4	SE 1/4	24.7
			2100	NW	1/4	SE 1/4	40.0
			2100	SW	1/4	SE 1/4	31.6
			2100	SE	1/4	SE 1/4	0.8

Township	Range	Section	TL	1/4	1/4	Section	Acres
32S	40E	11	2100	SW	1/4	NE 1/4	21.7
			2100	SE	1/4	NE 1/4	2.8
			2100	SW	1/4	NW 1/4	34.7
			2100	SE	1/4	NW 1/4	13.8
			2100	NE	1/4	SW 1/4	39.7
			2100	NW	1/4	SW 1/4	30.4
			2100	SE	1/4	SW 1/4	25.8
			2100	NE	1/4	SE 1/4	19.4
			2100	NW	1/4	SE 1/4	40.0
			2100	SW	1/4	SE 1/4	35.8
			2100	SE	1/4	SE 1/4	8.8

Township	Range	Section	TL	1/4	1/4	Section	Acres
32S	40E	15	3201	NE	1/4	NE 1/4	3.8
			3201	NW	1/4	NE 1/4	38.7
			3201	SW	1/4	NE 1/4	21.1
			3201	SE	1/4	NE 1/4	0.9
			3201	NE	1/4	NW 1/4	15.4
			3201	SE	1/4	NW 1/4	6.4

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Total 625.6

SALEM, OR

G-17832

EXHIBIT 'A'

Malheur County, Oregon, as follows:

Title A

Land in Malheur County, Oregon, as follows:

In Twp. 31 S., R. 40 E., W.M.:

- Sec. 23: S1/2 NE1/4, N1/2 N1/2 NE1/4, N1/2 NE1/4 NW1/4, S1/2 NW1/4 NW1/4, S1/2 NW1/4 SW1/4, NE1/4 SW1/4, N1/2 SE1/4 SW1/4, SW1/4 SW1/4, S1/2 S1/2 SE1/4, NE1/4 SE1/4.

Sec. 31: Lot 3 and 1/2 Lot 4:

SUBJECT TO County road rights of way: NE1/4 SW1/4 NW1/4, N1/2 NW1/4 SW1/4, NE1/4 SW1/4, N1/2 NW1/4 SE1/4.

In Twp. 32 S., R. 40 E., W.M.:

- Sec. 9: N1/2 NE1/4 NE1/4, NE1/4 SE1/4, SW1/4 SE1/4.
- Sec. 13: SE1/4 NW1/4.

Sec. 15: All that portion of said Sec. 15 lying Northerly of U.S. Highway No. 96, now known as Unsurveyed Parcel 2 of Partition Plat No. 00-9, the statute, an additional tax may be levied recorded June 20, 2000, Instrument No. 2000-4340, records of Malheur County, Oregon.

EXCEPTING THEREFROM the S1/2 SW1/4 NW1/4 of said Sec. 15.

In Twp. 32 S., R. 41 E., W.M.:

- Sec. 3: S1/2 of Lots 1 and 2, N1/2 of Lot 3, Lot 4, SE1/4 NE1/4, NW1/4 SW1/4, N1/2 SW1/4 NW1/4, SE1/4 SW1/4, S1/2 NE1/4 SW1/4, NW1/4 SE1/4, E1/2 SE1/4.

Sec. 7: S1/2 NW1/4 SE1/4.

Sec. 9: SW1/4, SE1/4 NW1/4, W1/2 NW1/4, NE1/4, E1/2 SE1/4, SW1/4 SE1/4.

Sec. 15: NE1/4 NE1/4, SW1/4 NE1/4, S1/2 NW1/4, NW1/4 NW1/4, S1/2 NE1/4 NW1/4, NW1/4 SE1/4.

Sec. 17: SW1/4 NW1/4, W1/2 SW1/4, SE1/4 SE1/4.

Sec. 19: S1/2 of Lot 1, Lots 2 and 3, NE1/4, SE1/4 NW1/4, NE1/4 SW1/4, SE1/4 SW1/4, S1/2 SE1/4.

Sec. 21: N1/2 NE1/4, NE1/4 NW1/4, SW1/4 NW1/4, N1/2 SW1/4.

Sec. 29: N1/2 NE1/4 NE1/4, W1/2 NE1/4, N1/2 SE1/4, SW1/4 SE1/4, SW1/4 NW1/4.

SUBJECT TO right of way for Old ION Hwy. South.

Title B

Land in Malheur County, Oregon, as follows:

In Twp. 32 S., R. 40 E., W.M.:

Sec. 1: Lots 1, 2, 3 and 4, S1/2 N1/2, SW1/4, W1/2 SE1/4, NE1/4 SE1/4.

Sec. 2: ALL.

Sec. 10: ALL.

Sec. 11: NE1/4, E1/2 NW1/4, SW1/4 NW1/4, N1/2 SW1/4 SE1/4 SW1/4, N1/2 SE1/4, SW1/4 SE1/4, W1/2 SE1/4 SE1/4.

Sec. 12: ALL.

Sec. 13: SE1/4 NE1/4, W1/2 NE1/4, W1/2 NE1/4 NE1/4, SW1/4 NW1/4, S1/2 NW1/4 NW1/4, NE1/4 NW1/4, N1/2 SW1/4, N1/2 SE1/4, SE1/4 SE1/4, N1/2 SW1/4 SE1/4.

In Twp. 32 S., R. 41 E., W.M.:

Sec. 3: N1/2 of Lot 2, S1/2 of Lot 3, SW1/4 NE1/4, SW1/4 SW1/4.

Sec. 6: Lot 7, SW1/4 SW1/4.

Sec. 7: Lot 1, S1/2 of Lot 2, Lot 3, E1/2 SE1/4, N1/2 NW1/4 SE1/4, NE1/4 SW1/4, N1/2 SE1/4 SW1/4.

Sec. 9: NE1/4 NW1/4.

Sec. 17: NE1/4 SE1/4, SW1/4 SE1/4.

Sec. 19: N1/2 SE1/4, NE1/4 NW1/4, N1/2 NW1/4 NW1/4.

Sec. 29: NE1/4 NW1/4, S1/2 NE1/4 NE1/4, SE1/4 SE1/4, SE1/4 SW1/4, SE1/4 NW1/4.

EXCEPTING FROM the above lands in Secs. 11 and 12, Twp. 32 S., R. 40 E., W.M., and Sec. 6, Twp. 32 S., R. 41 E., W.M., those parcels conveyed to the State of Oregon, by and through its State Highway Commission, and recorded

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WATER RESOURCES DEPT SALEM, OREGON

G-17832

SUBJECT TO right of way for Old ION Hwy. South.

in County, Oregon, as follows:

R. 40 E., W.M.:

Lots 1, 2, 3 and 4, S1/2 N1/2, SW1/4, W1/2 SE1/4, NE1/4 SE1/4.
ALL.

Sec. 10: ALL.

Sec. 11: NE1/4, E1/2 NW1/4, SW1/4 NW1/4, N1/2 SW1/4, SE1/4 SW1/4,
N1/2 SE1/4, SW1/4 SE1/4, W1/2 SE1/4 SE1/4.

Sec. 12: ALL.

Sec. 13: SE1/4 NE1/4, W1/2 NE1/4, W1/2 NE1/4 NE1/4, SW1/4 NW1/4,
S1/2 NW1/4 NW1/4, NE1/4 NW1/4, N1/2 SW1/4, N1/2 SE1/4,
SE1/4 SE1/4, N1/2 SW1/4 SE1/4.

R. 41 E., W.M.:

Sec. 5: N1/2 of Lot 2, S1/2 of Lot 3, SW1/4 NE1/4, SW1/4 SW1/4.

Sec. 6: Lot 7, SE1/4 SW1/4.

Sec. 7: Lot 1, S1/2 of Lot 2, Lot 3, E1/2 SE1/4, N1/2 NW1/4 SE1/4,
NE1/4 SW1/4, N1/2 SE1/4 SW1/4.

Sec. 9: NE1/4 NW1/4.

Sec. 17: NE1/4 SE1/4, SW1/4 SE1/4.

Sec. 19: N1/2 SE1/4, NE1/4 NW1/4, N1/2 NW1/4 NW1/4.

Sec. 29: NE1/4 NW1/4, S1/2 NE1/4 NE1/4, SE1/4 SE1/4, SE1/4 SW1/4,
SE1/4 NW1/4.

EXCEPTING FROM the above lands in Secs. 11 and 12, Twp. 32 S., R. 40 E.,
W.M., and Sec. 6, Twp. 32 S., R. 41 E., W.M., those parcels conveyed to the
State of Oregon, by and through its State Highway Commission and recorded
Oct. 16, 1939, in Book 49, at Pages 11 thru 13, and recorded Oct. 26, 1939, in
Book 49, at Pages 47 thru 49, and recorded Oct. 30, 1939, in Book 49, at Page 60,
and filed Feb. 5, 1970, Inst. No. 106257 and recorded Feb. 11, 1976, Inst. No. 13466,
Deed Records.

In Twp. 33 S., R. 41 E., W.M.:

Sec. 7: N1/2 SW1/4 SE1/4.

SUBJECT TO right of way for Old ION Hwy. South.

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WATER RESOURCES DEPT
SALEM, OREGON

G-17832

Mineral Deed to Red Wing Oil, LLC, recorded July 22, 2005, Inst. No. 2005-5324, records of Malheur County, Oregon
Affects: Sec. 7, Twp. 32 S., R. 41 E.

Mineral Deed, Lease Assignment to Sherin Jester, as Trustee of the Sherin Jester Trust dated 12/21/04, recorded Dec. 27, 2005, Inst. No. 2005-9489, records of Malheur County, Oregon
Affects: Secs. 17, 19 & 29, Twp. 32 S., R. 41 E.

Trustee's Mineral Deed to Chew Minerals, LLC and El Charolyn Properties, LLC, recorded Jan. 10, 2006, Inst. No. 2006-224, records of Malheur County, Oregon
Affects: Secs. 7, 19 & 29, Twp. 32 S., R. 41 E.

Special Warranty Deed to Joe Burnett, recorded Feb. 6, 2006, Inst. No. 2006-852, records of Malheur County, Oregon
Affects: Secs. 17, 19 & 29, Twp. 32 S., R. 41 E.

Statement of claim by Sempra Energy Production Company, recorded April 17, 2006, Inst. No. 2006-2735, records of Malheur County, Oregon
Affects: Sec. 19, Twp. 32 S., R. 41 E.

Mineral Deed to Harlequin Royalty, LLC, recorded May 17, 2006, Inst. No. 2006-3483, records of Malheur County, Oregon
Affects: Secs. 17, 19 & 29, Twp. 32 S., R. 41 E.

Mineral Deed to Hydrocarbon Minerals, LLC, recorded Sept. 12, 2006, Inst. No. 2006-6765, Corrected recorded Oct. 26, 2006, Inst. No. 2006-7905, records of Malheur County, Oregon
Affects: Secs. 17, 19 & 29, Twp. 32 S., R. 41 E.

Assignment and Assumption Agreement of unrecorded purchase agreement of mineral rights, To Franco-Nevada US Corporation, recorded Oct. 23, 2008, Inst. No. 2008-7502, records of Malheur County, Oregon
Affects: Sec. 29, Twp. 32 S., R. 41 E.

Mineral Deed to Lynne W. Phillips, Trustee of the Lynne W. Phillips Trust, et al, recorded March 23, 2009, Inst. No. 2009-1972, records of Malheur County, Oregon
Affects: Sec. 7, Twp. 32 S., R. 41 E.

Special Warranty Deed to Joe Burnett, Trustee of the Joe and Terri Burnett Revocable Trust, recorded Jan. 4, 2010, Inst. No. 2010-10, records of Malheur County, Oregon
Affects: Secs. 17, 19 & 29, Twp. 32 S., R. 41 E.

Mineral Deed to Daniel Lee Smith, recorded May 10, 2010, Inst. No. 2010-2848, records of Malheur County, Oregon
Affects: Secs. 7, 17, 19 & 29, Twp. 32 S., R. 41 E.

Quitclaim Deed to BRP, LLC, recorded Aug. 9, 2010, Inst. No. 2010-4919, records of Malheur County, Oregon
Affects: Secs. 1 & 2, Twp. 32 S., R. 40 E.; Secs. 3, 9, 17, 19 & 29, Twp. 32 S., R. 41 E.,

Unpatented mining claims; reservations or exceptions in patents, or an act authorizing the issuance thereof; water rights, claims or title to water.

An easement for electrical pole telephone lines created by instrument, including the terms and provisions thereof;
Recorded: October 7, 1937, Book 44, Page 419, Instrument No. 114382, official records of Malheur County, Oregon
Favor of: Coast Land Company, Ltd.

An easement for utilities created by instrument, including the terms and provisions thereof;
Recorded: Feb. 4, 1976, as Instrument No. 25936, official records of Malheur County, Oregon
Favor of: Pacific Power & Light Company
Affects: SE1/4 SW1/4, Sec. 29, Twp. 32 S., R. 41 E.

Lack of a right of access to and from the following lands. No apparent means of ingress or egress or road to be from the herein described property.
Affects: T. 31 S., R. 41 E., Secs. Ptn. 28, 31; T. 32 S., R. 40 E., Secs. Ptn. 1, 2, 9, 10, 13;
T. 32 S., R. 41 E., Secs. Ptn. 3, 7, 9, 11, ptn. 15, 17, 19 ptn. 21, ptn. 29.
T. 33 S., R. 40 E., ptn. Sec. 23

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SALEM, OREGON

Title C

Land in Malheur County, Oregon, as follows:

In Twp. 32 S., R. 40 E., W.M.; L.L.C. recorded July 22, 2004, Inst. No. 2004-3324, records of Malheur County, Oregon
Sec. 13: N1/2 NW1/4 NW1/4, SE1/4 SW1/4, S1/2 SW1/4 SW1/4.

In Twp. 33 S., R. 40 E., W.M.; to Sherin Jester, as Trustee of the Sherin Jester Trust dated 12/21/04, recorded Dec. 27,
Sec. 23: NW1/4 SE1/4

Title D

Land in Malheur County, Oregon, as follows:

In Twp. 32 S., R. 41 E., W.M.; and Et Carolyn Properties, L.L.C. recorded Jan. 10, 2006, Inst. No.
Sec. 11: W1/2 NE1/4, E1/2 NW1/4, SW1/4 NW1/4, N1/2 NW1/4 SW1/4,
NE1/4 SW1/4, N1/2 NW1/4 SE1/4.

SUBJECT TO:

The assessment roll and the tax roll disclose that the within described premises were specially assessed as range/farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

The rights of the public in and to that portion of the premises herein lying within streets, roads and highways.

Reservations, claims and conveyances of oil, gas and mineral rights as contained in various documents of record, including the terms and provisions thereof, as follows:

As reserved by Lloyd E. Dinger, et al, and all rights of said Lloyd E. Dinger, et al, and their successors in interest as owners thereof, in Deed
Recorded: Jan. 11, 1956, Book 98, Inst. No. 13891, Deed records of Malheur County, Oregon
Affects: Sec. 17, Sec. 19 and Sec. 29, in Twp. 32 S., R. 40 E

As reserved by Kenneth A. Johnson, et ux, and all rights of said Kenneth A. Johnson, et ux, and their successors in interest as owners thereof, in Deed
Recorded: July 7, 1958, Book 110, Page 151, Deed records of Malheur County, Oregon
Affects: Sec. 13, Twp. 32 S., R. 40 E.

As reserved by John Howard Raley, et ux, and all rights of said John Howard Raley, et ux, and their successors in interest as owners thereof, in Deed
Recorded: July 9, 1958, Book 110, Page 162, Deed records of Malheur County, Oregon
Affects: Sec. 13, Twp. 32 S., R. 40 E.

As reserved by Anna Jo McDannald, et al, and all rights of said Anna Jo McDannald, et al, and their successors in interest as owners thereof, in Deed
Recorded: Aug. 9, 1965, Book 130, Inst. No. 66640 Deed records of Malheur County, Oregon
Affects: Secs. 1 & 13, Twp. 32 S., R. 40 E.; Secs. 3, 7, 9, 15, 17, 19 & 29, Twp. 32 S., R. 41 E.

As reserved by General Crude Oil Company, and all rights of said General Crude Oil Company, and their successors in interest as owners thereof, in Deed
Recorded: Aug. 9, 1965, Book 130, Inst. No. 66641 Deed records of Malheur County, Oregon
Affects: Secs. 1 & 13, Twp. 32 S., R. 40 E.; Secs. 3, 7, 9, 15, 17, 19 & 29, Twp. 32 S., R. 41 E.

Statement of claim by Walter Duncan, Inc., recorded Jan. 4, 1984; Inst. No. 84-119016, records of Malheur County, Oregon
Affects: Secs. 3, 7, 19 and 29, Twp. 32 S., R. 41 E.

Statement of claim by John W. Phillips recorded Oct. 7, 1985; Inst. No. 85-131382, records of Malheur County, Oregon
Affects: Sec. 7, Twp. 32 S., R. 41 E.

Bargain and Sale Deed conveying to The Young Women's Christian Association (.8441375%)
Recorded: March 9, 1987, Inst. No. 87-9161, records of Malheur County, Oregon
Affects: Sec. 9, Twp. 32 S., R. 40 E.

Trustee's Mineral Deed conveying to Kalkman Habeck Company an Oklahoma general partnership APR 08 20
Recorded: June 2, 1997, Inst. No. 97-4216, records of Malheur County, Oregon
Affects: Secs. 7 & 29, Twp. 32 S., R. 41 E.

Conveyance to Prince Minerals, Ltd. & Prince Minerals II, Ltd., recorded May 10, 1999,
Inst. No. 99-3394, correction conveyance recorded Jan. 16, 2001; Inst. No. 2001-330, records of Malheur County, Oregon
Affects: Sec. 19, Twp. 32 S., R. 41 E.

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G-17852

13, Twp. 32 S., R. 40 E.

by John Howard Raley, et ux, and all rights of said John Howard Raley, et ux, and their successors in interest as
of, in Deed
July 9, 1958, Book 110, Page 162, Deed records of Malheur County, Oregon
13, Twp. 32 S., R. 40 E.

by Anna Jo McDannald, et al, and all rights of said Anna Jo McDannald, et al, and their successors in interest as
of, in Deed
Aug. 9, 1965, Book 130, Inst. No. 66640 Deed records of Malheur County, Oregon
1 & 13, Twp. 32 S., R. 40 E.; Secs. 3, 7, 9, 15, 17, 19 & 29, Twp. 32 S., R. 41 E.

As received by General Crude Oil Company, and all rights of said General Crude Oil Company, and their successors in interest
as owners thereof, in Deed
Recorded: Aug. 9, 1965, Book 130, Inst. No. 66641 Deed records of Malheur County, Oregon
Affects: Secs. 1 & 13, Twp. 32 S., R. 40 E.; Secs. 3, 7, 9, 15, 17, 19 & 29, Twp. 32 S., R. 41 E.

Statement of claim by Walter Duncan, Inc., recorded Jan. 4, 1984, Inst. No. 84-119016, records of Malheur County, Oregon
Affects: Secs. 3, 7, 19 and 29, Twp. 32 S., R. 41 E.

Statement of claim by John W. Phillips recorded Oct. 7, 1985, Inst. No. 85-331382, records of Malheur County, Oregon
Affects: Sec. 7, Twp. 32 S., R. 41 E.

Bargain and Sale Deed conveying to The Young Women's Christian Association (.8441375%)
Recorded: March 9, 1987, Inst. No. 87-9161, records of Malheur County, Oregon
Affects: Sec. 9, Twp. 32 S., R. 40 E.

Trustee's Mineral Deed conveying to Kalkman Habeck Company, an Oklahoma general partnership.
Recorded: June 2, 1997, Inst. No. 97-4216, records of Malheur County, Oregon
Affects: Secs. 7 & 29, Twp. 32 S., R. 41 E.

Conveyance to Prince Minerals, Ltd. & Prince Minerals II, Ltd., recorded May 10, 1999,
Inst. No. 99-3394, correction conveyance recorded Jan. 16, 2001, Inst. No. 2001-330, records of Malheur County, Oregon
Affects: Sec. 19, Twp. 32 S., R. 41 E.

Mineral Deed to Black Stone Mineral Company, L.P., recorded Aug. 13, 2001, Inst. No. 2001-5670,
records of Malheur County, Oregon
Affects: Sec. 9, Twp. 32 S., R. 41 E.

Statement of claim by Exxon Mobile Corporation/A.T. McDannald, et ux, recorded Oct. 25, 2001, Inst. No. 2001-7586,
document creating mineral interest recorded Jan. 24, 1958, Book 108, Page 527, records of Malheur County, Oregon
Affects: Sec. 1, Twp. 32 S., R. 40 E., Secs. 3, 7, 9, 17, 19 & 29, Twp. 32 S., R. 41 E.

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