

Application for a Permit to Use Surface Water



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

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JUL 22 2014

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME MARK TALSO		PHONE (HM) 503-812-6924 503-377-2822		SALEM, OR	
PHONE (WK)	CELL 503-812-6924		FAX		
ADDRESS 8,000 HOBSONVILLE POINT DRIVE P.O. BOX 3021					
CITY BAY CITY	STATE OR	ZIP 97107	E-MAIL * MARK TALSO@EARTHLINK.NET		

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		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 packet.
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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


Applicant Signature

MARK A TALSO
Print Name and title if applicable

7-15-14
Date

Applicant Signature

Print Name and title if applicable

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*).

____ DEPARTMENT OF FORESTRY
2600 STATE STREET, SALEM OR 97310

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: SOURCE OF WATER**A. Proposed Source of Water**

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

Source 1: Unnamed Stream

Tributary to: Tillamook Bay

Source 2: _____

Tributary to: _____

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

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

☒ Yes.

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

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

☐ By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

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

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

SOURCE	USE	PERIOD OF USE	AMOUNT
Unnamed Stream	Domestic Expanded for two households	year-round	<u>.01</u> ☒ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 1.0 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: _____

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: 2
- If the use is **mining**, describe what is being mined and the method(s) of extraction:

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☐ Pump (give horsepower and type): _____

☒ Other means (describe): GRAVITY

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

____ USE EXISTING DAM AND WATERLINE

B. Application Method

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

____ LAWN SPRINKLER.

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

____ FOR 2 HOUSES AND LAWN
SETTLE TANK IS WATER OUT, WATER IN. OTHERWISE WATER
STAYS IN CREEK

SECTION 6: RESOURCE PROTECTION

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

☒ Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: INTAKE IS SCREENED.

☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: _____

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: _____

☐ Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: _____

SECTION 7: PROJECT SCHEDULEDate construction will begin: Within five years of permit issuance*SYSTEM IN PLACE*Date construction will be completed: Within five years of permit issuanceDate beneficial water use will begin: Within five years of permit issuance**SECTION 8: WITHIN A DISTRICT**

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

Irrigation District Name NA	Address	
City	State	Zip

SECTION 9: REMARKS

Use this space to clarify any information you have provided in the application.

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SALEM, OR

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.

Date _____

(For staff use only)



Oregon Water Resources Department
725 Summer Street NE, Suite A
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WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- ☐ SECTION 1: _____
- ☐ SECTION 2: _____
- ☐ SECTION 3: _____
- ☐ SECTION 4: _____
- ☐ SECTION 5: _____
- ☐ SECTION 6: _____
- ☐ SECTION 7: _____
- ☐ SECTION 8: _____
- ☐ SECTION 9: _____
- ☐ Land Use Information Form _____
- ☐ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- ☐ Fees _____

MAP

- ☐ Permanent quality and drawn in ink
- ☐ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- ☐ North Directional Symbol
- ☐ Township, Range, Section, Quarter/Quarter, Tax Lots
- ☐ Reference corner on map
- ☐ Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- ☐ Indicate the area of use by Quarter/Quarter and tax lot clearly identified
- ☐ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
- ☐ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- ☐ Other _____

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SALEM, OR

WR

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
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JUL 22 2014

SALEM, OR

S-07997

Land Use Information Form



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

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Applicant: MARK TALSO JUL 22 2014
First Last
Mailing Address: PO BOX 3021 SALEM, OR
BAY CITY OR 97107 Daytime Phone: 503-812-6924
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:
1N	10	27	NESW	300 502	RR	☒ Diverted	☒ Conveyed	☒ Used	RR
						☐ 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:

TILLAMOOK

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) UNNAMED STREAM

Estimated quantity of water needed: .01 ☒ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☐ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for 2 household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☐ Other _____

Briefly describe:

USE PRESENT SYSTEM FOR TWO MORE HOUSEHOLDS

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. →

5-0777

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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 water use is 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): TCLUD Section 3.010(2)(a) allows for a single family dwelling outright provided all supplemental standards are met. (attached)
- ☐ 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
		☐ 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.

A geologic hazard report was submitted for the approved partition of the subject property. The partition (MN-14-02) was approved on May 14, 2014.

Name: Sarah Absher Title: Senior Planner
 Signature: Sarah Absher Phone: 503-842-3408 Date: 6-23-2014
 Government Entity: Tillamook County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

S-87997

JUL 22 2014

SECTION 3.010: RURAL RESIDENTIAL 2 ACRE AND 10 ACRE ZONE (RR-2) (RR-10) SALEM, OR

- (1) **PURPOSE:** The purpose of the RR zone is to provide for the creation and use of small-acreage residential homesites. Land that is suitable for Rural Residential use has limited value for farm or forest use; it is physically capable of having homesites on parcels of five acres or less; and it can be utilized for residential purposes without constraining the use of surrounding resource-zoned properties for resource-production purposes.
- (2) **USES PERMITTED OUTRIGHT:** In the RR zone, the following uses and their accessory uses are permitted outright, subject to all applicable supplementary regulations contained in this Ordinance.
 - (a) Single-family dwelling.
 - (b) Mobile or Manufactured Home.
 - (c) Recreational vehicle used during the construction or placement of a use for which a building or placement permit has been issued.
 - (d) Home occupations according to the provisions of Section 4.140 of this Ordinance.
 - (e) Farm uses, including aquaculture.
 - (f) Forest uses.
 - (g) Roadside stands for produce grown on the premises.
 - (h) Signs, subject to Section 4.020.
 - (i) Electrical distribution lines.
- (3) **USES PERMITTED CONDITIONALLY:** In the RR zone, the following uses and their accessory uses are permitted subject to the provisions of Article 6 and the requirements of all other applicable supplementary regulations contained in this Ordinance.
 - (a) Planned Developments subject to Section 3.080, or Mixed Use Developments subject to Section 4.130. The number of attached single family dwelling units in a cluster shall be established in the Planned Development approval process and may exceed four units per cluster if it is demonstrated that benefits in protection of natural conditions, better views, or access will be achieved by such clustering. This shall apply only to RR/PD zoned property located within a community growth boundary.
 - (b) Mobile or manufactured home, in those areas identified in Section 5.160 as being subject to special mobile/manufactured home standards, which do not comply with those standards.

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- (c) Cottage industries.
- (d) Recreational vehicle where not allowed outright by Section 5.130.
- (e) A temporary real estate sales office.
- (f) Churches and schools.
- (g) Accessory structures or accessory uses without an on-site primary structure.
- (h) Nonprofit community meeting buildings.
- (i) Cemeteries.
- (j) Fire or ambulance stations.
- (k) Golf courses and associated facilities.
- (l) Animal hospital, kennel, or other animal boarding service.
- (m) Towers for communications, wind energy conversion systems, or structures having similar impacts.
- (n) Public utility facilities, including substations and transmission lines.
- (o) Mining, quarrying, and the processing and storage of rock, sand, gravel, peat, or other earth products; on a contiguous ownership of 10 or more acres.
- (p) Small-scale primary wood processing facilities, such as a shake mill, chipper, or stud mill, on a contiguous ownership of 10 or more acres.
- (q) Rural industries on a contiguous ownership of 10 or more acres.
- (r) Foster family homes accommodating six or more children or adults.
- (s) Bed and breakfast enterprise.
- (t) Temporary placement of a mobile home or recreational vehicle to be used because of health hardship, subject to Section 6.050.
- (u) Parks, recreational campgrounds, primitive campgrounds hunting and fishing preserves, and other recreational uses and associated facilities, on a contiguous ownership of 10 or more acres.

- (v) Residential care, training, or treatment facility as defined by ORS 443.400; any facility which provides care, training, or treatment for six or more physically, mentally, emotionally, or behaviorally disabled individuals. Facilities that provide for five or less are addressed as ADULT FOSTER HOMES or FOSTER FAMILY HOMES.
 - (w) Home occupations according to the provisions of Section 4.140 of this Ordinance.
- (4) STANDARDS: Land divisions and development in the RR-2 and RR-10 zone shall conform to the following standards, unless more restrictive supplemental regulations apply:
- (a) The minimum lot size is two acres for parcels zoned before October 4, 2000.
 - (b) The minimum parcel/lot size is 10 acres for lots/parcels rezoned Rural Residential on or after October 4, 2000.
 - (c) Parcels less than two acres in size that were legally established prior to December 18, 2002 may be built upon provided that all other requirements of this Ordinance and other applicable development requirements are met.
 - (d) Lots in an approved preliminary subdivision plat that is being maintained in an active status as of the date of adoption of this Ordinance may be built upon after approval and recording of the final plat.
 - (e) The minimum lot width and depth shall both be 100 feet.
 - (f) The minimum front yard shall be 20 feet.
 - (g) The minimum side yard shall be 5 feet; on the street side of a corner lot, it shall be no less than 15 feet.
 - (h) The minimum rear yard shall be 20 feet; on a corner lot, it shall be no less than 5 feet.
 - (i) The maximum building height shall be 35 feet, except on ocean or bay frontage lots, where it shall be 24 feet. Higher structures may be permitted only according to the provisions of Article 8.
 - (j) Livestock can be located closer than 100 feet to a nonfarm residential building on an adjacent lot only if one of the following conditions are met:
 - 1. The location of the livestock is a nonconforming use according to the provisions of Article VII of this Ordinance.

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12/18/2002

Tillamook County Land Use Ordinance 3.010 (RR-2, RR-10)

JUL 22 2014 3

SALEM, OR

S-87977

2. The property has been taxed at the farm use rate during three of the past five year.
 3. The location of the livestock has been reviewed and approved as a conditional use according to the provisions of Article VI of this Ordinance.
- (k) No residential structure shall be located within 100 feet of an F-1, F, or SFW-20 zone boundary, unless it can be demonstrated that natural or man-made features will act as an equally effective barrier to conflicts between resource and residential used; or that a residential structure could not otherwise be placed on the property without requiring a variance to the 100 foot requirement. In either case, all yard requirements in this zone shall still apply.

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JUL 22 2014

SALEM, OR

INDEXED

BOOK 305 PAGE 802

FORM No. 723—BARGAIN AND SALE DEED (Individual or Corporate).

STEVENS-NESS LAW PUB. CO., PORTLAND, OR. 97204

OK

BARGAIN AND SALE DEED

KNOW ALL MEN BY THESE PRESENTS, That I, **FRANK L. HARPER**, hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto **MARK A. TALSO**, hereinafter called grantee, and unto grantee's heirs, successors and assigns all of that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated in the County of **Tillamook**, State of Oregon, described as follows, to-wit:

A tract of land in Government Lot 4, Section 27, Township 1 North, Range 10 West of the Willamette Meridian in Tillamook County, Oregon, said tract being more particularly described as follows: Commencing at a railroad spike in the apparent centerline of "Old Highway 101", said spike being North 69° 25' 49" West 452.90 feet from the South one-quarter corner of said Section 27, as shown on Drawing #B-540 (Tillamook County Surveyor's Records), said spike also being South 19° 30' East 2595.50 feet from the 2 inch iron pipe set by W. C. Coates as shown on aforesaid Drawing #B-540; thence South 74° 08' West to the westerly right of way boundary of "Old Highway 101", the point of beginning of the tract to be conveyed; thence South 74° 08' West to the Easterly right of way boundary of the Southern Pacific Company; thence northerly along said easterly right of way boundary to the North line of aforesaid Government Lot 4; thence easterly along said North line of Government Lot 4 to the westerly right of way boundary of "Old Highway 101"; thence southerly along said westerly right of way boundary to the point of beginning.

TOGETHER WITH an easement to lay, construct, maintain and operate sewer and water lines to the City of Bay City, Oregon sewer and water systems if and when available, over, under and across Grantor's adjoining property on the following conditions: (1) That there shall be no expense to Grantor; (2) The location, width and depth of said easement shall be mutually agreed upon between Grantor and Grantee' (3) Grantee shall be liable for any damages to Grantor's property.

Grantor warrants that the real property taxes on subject premises are or will be paid by Grantor through October 15, 1986.

S-87777

JUL 22 2014

SALEM, OR

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the said grantee and grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ None.

①However, the actual consideration consists of or includes other property or value given or promised which is the whole consideration (indicate which). ① (The sentence between the symbols ①, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

In Witness Whereof, the grantor has executed this instrument this 22 day of September, 1986; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

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.

(If the signer of the above is a corporation, use the form of acknowledgment opposite.)

(ORS 194.570)

STATE OF OREGON,

) ss.

County of Tillamook

The foregoing instrument was acknowledged before me this 22 day of September, 1986, by

Frank L. Harper

PUBLIC

Betty Spindley

Notary Public for Oregon

(SEAL)

My commission expires: 8-10-88

STATE OF OREGON, County of) ss.

The foregoing instrument was acknowledged before me this

, 19, by

president, and by

secretary of

a corporation, on behalf of the corporation.

Notary Public for Oregon

(SEAL)

My commission expires:

(If executed by a corporation, affix corporate seal)

FRANK L. HARPER

6665 Tillamook Ave.

Bay City, Or. 97107

GRANTOR'S NAME AND ADDRESS

MARK A. TALSO

P. O. Box 21

Bay City, Or. 97107

GRANTEE'S NAME AND ADDRESS

After recording return to:

Mark A. Talso

P. O. Box 21

Bay City, Or. 97107

NAME, ADDRESS, ZIP

Until a change is requested all tax statements shall be sent to the following address.

Mark A. Talso

P. O. Box 21

Bay City, Or. 97107

NAME, ADDRESS, ZIP

278056

State of Oregon, County of Tillamook
I hereby certify that the within instrument
was received for record at,

SEP 24 1 09 PM '86

BOOK 305 PAGE 802

Tillamook County OFFICIAL Records.
Witness my hand and seal affixed.
JUNE WAGNER, County Clerk

Deputy

600
Dad

5-8777

JUL 22 2014

BOOK 332 PAGE 283

SALEM, OR

314.29882

WATERLINE EASEMENT

In consideration of One Dollar (\$1.00), the STATE OF OREGON, acting by and through its Board of Forestry, GRANTOR, grants to Mark A. Talso, GRANTEE, a non-exclusive easement in gross, personal to the GRANTEE, and located as follows across the property of the GRANTOR:

The Northeast Quarter of the Southwest Quarter (NE $\frac{1}{4}$ SW $\frac{1}{4}$) of Section 27, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon, said easement being 10 feet in width, 5 feet either side of the centerline, said centerline being more particularly described in Exhibit "A" and shown on Exhibit "B" which are attached hereto and incorporated herein.

This easement is subject to all prior easements or encumbrances of record and the following term:

1. The rights herein granted are for the purposes of installing, maintaining, and using a pipeline and related facilities by GRANTEE, for taking water from a point of diversion shown on Exhibit "B" and transporting it to GRANTEE'S property in Section 27, Township 1 North, Range 10 West, Willamette Meridian, Tillamook County, Oregon. This easement may not be assigned or transferred by GRANTEE.
2. GRANTOR reserves the exclusive right to grant further easements across the above described land or from the same point of diversion.
3. GRANTEE shall comply with all federal, state, and local laws and regulations which in any manner affect the activities of GRANTEE under this easement.
4. GRANTEE shall hold harmless and indemnify the GRANTOR, State of Oregon, the Department of Forestry and all its officers, agents, employes and members from all claims, suits or actions resulting from GRANTEE'S use of GRANTOR'S property.
5. GRANTEE shall provide GRANTOR with a copy of the Water Right Permit and/or Water Right Certificate issued by the Water Resources Department authorizing the appropriation of the water by the Grantee at the point of diversion shown on Exhibit "B". GRANTEE shall provide the said Water Right Permit and/or Water Right Certificate to GRANTOR within 30 days of issuance by the Water Resources Department.

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6. GRANTEE is responsible for all maintenance, repair and replacement of the pipeline and related facilities necessitated by ordinary wear and tear or damage from any cause, including that arising directly or indirectly from the activities of GRANTOR, its members, officers, employees, permittees or licensees under paragraph 7 of this easement.
7. All improvements, additions, fixtures and other property of whatever nature constructed or placed upon GRANTOR'S land by GRANTEE, unless otherwise agreed to in writing, shall remain the property of GRANTEE and may be removed by GRANTEE within ninety (90) days from the date this easement is terminated or canceled. Any improvements remaining on GRANTOR'S land after ninety days, shall become the property of GRANTOR. GRANTEE shall be responsible for any costs incurred by GRANTOR in removing said property. Any modifications, improvements or additions to the facilities herein shall only be done with prior written approval of the GRANTOR. Upon termination, GRANTEE shall restore said premises to a condition, which in the judgment of GRANTOR, is as good as existed prior to the commencement of the easement, unless otherwise agreed to in writing by the GRANTOR. GRANTEE shall complete the restoration of the premises in a time period designated by GRANTOR. If GRANTEE fails to restore the premises in accordance with this agreement, GRANTOR may do so, and GRANTEE shall be responsible for all restoration costs.
8. GRANTEE agrees that GRANTOR, its officers, employees, agents, permittees and licensees, at their sole discretion, may carry out land management activities such as logging, slash disposal and pesticide and herbicide applications on GRANTOR'S property described in paragraph 1 of this easement. GRANTEE assumes all risk arising out of such activities and agrees that GRANTOR shall not be responsible for any damage to the waterline and related facilities caused by the activities of GRANTOR, its officers, members, employees, agents, permittees or licensees under this paragraph. In the event the pipeline and related facilities interfere with the use of GRANTOR'S land, GRANTEE shall, within 90 days after receipt of written notice from GRANTOR, at GRANTEE'S sole cost and expense, remove the pipeline and related facilities or move the pipeline and facilities to a location designated by GRANTOR. Otherwise, GRANTEE may not relocate the easement except with GRANTOR'S written permission.
9. GRANTEE assumes all risk arising out of the use of the easement and GRANTOR shall have no liability to GRANTEE or others for any condition of the easement, including but not limited to, quality and quantity of water.

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10. GRANTEE may not remove, injure or destroy timber on the GRANTOR'S land unless approved and designated by the GRANTOR and by making payment therefore. GRANTEE shall not injure, damage or destroy any property except as permitted by GRANTOR. Any damage done to said property shall be immediately repaired by GRANTEE or payment made as directed by GRANTOR.
11. GRANTEE shall pay when due all assessments that may be legally charged on public lands which are levied against the property subject to this easement, whether or not such assessments have been levied against the easement holder or GRANTOR by the assessing agency. In the event that GRANTEE fails to pay any such taxes or assessments, GRANTOR shall have the right to pay the taxes or assessments and recover that amount from GRANTEE. GRANTEE shall reimburse GRANTOR within 30 days from date billed.
12. Termination
 - a. The GRANTOR has the right to terminate this easement if any of the following events occur:
 1. GRANTEE fails to use the easement for a period of one year or otherwise abandons it; or
 2. GRANTEE fails, neglects, or refuses to perform any of the conditions or agreements herein contained 30 days after the GRANTOR has given written notice to comply; or
 3. GRANTEE assigns or attempts to assign this easement; or
 4. GRANTOR determines that the termination of the easement is necessary to allow GRANTOR to properly manage its lands.

Termination shall be effective upon issuance of written notice of termination.

- b. This easement shall automatically terminate if GRANTEE conveys or loses title to the property (or any part thereof) described in provision number one of this easement.
- c. Upon GRANTOR'S written notice of termination, GRANTEE or GRANTEE'S personal representative shall execute a recordable document evidencing termination of said easement.

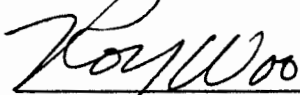
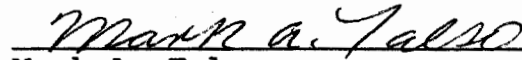
S-8797

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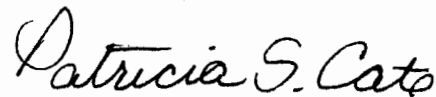
SALEM, OR
314.29882
Page 4Executed this 5 day of Dec., 1990.

GRANTOR:

GRANTEE:

STATE OF OREGON, acting by and
through its Board of ForestryRoy Woo,
Acting Assistant State Forester

Mark A. Talso

STATE OF OREGON)
) ss.
County of Marion)The instrument was acknowledged before me on this 5th day
of December 1990, by Roy Woo as the authorized representative
of the STATE OF OREGON.

Notary Public for Oregon

My Commission expires: 6/23/92

After recording return to:

Mark A. Talso
P.O. Box 21
Bay City, Oregon 97107

PC\TALSO\0707(Y)

S-87997

RECEIVED BY OWRD

JUL 22 2014

SALEM, OR

EXHIBIT "A"

A non-exclusive easement for installation, operation and maintenance of a headworks and waterline located in Government Lot 3 of Township 1 North, Range 10 West of the Willamette Meridian, Tillamook County, Oregon, over a strip of land 10 feet in width, being 5 feet on each side of a centerline which is described as:

Commencing at the northeast corner of said Government Lot 3, which is monumented with a 3" Oregon State Department of Forestry brass cap, thence South 53°40'31" West 371.75 feet to the point of beginning; thence along said centerline the following courses, to wit; South 18°32' West 116.77 feet; South 21°28' West 96.29 feet; South 14°55' West 33.26 feet; South 23°42' West 112.48 feet; South 43°13' West 76.84 feet; South 37°22' West 74.39 feet; South 19°25' West 42.39 feet; South 14°45' West 46.81 feet; South 5°29' East 52.56 feet; South 25°43' West 8.56 feet; South 31°54' West 30.70 feet; South 36°29' West 96.72 feet; South 29°47' West 153.06 feet; South 46°58' West 57.74 feet; South 16°34' West 100.00 feet; South 45°02' West 61.68 feet to a point 15 feet east of the centerline of a roadway easement herein above described. Bearings used in this description are based upon the N-S centerline of Section 27, T. 1 N., R. 10 W., W.M., being North 0°25'27" East."

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