

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

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Water-Use Permit Application Processing

OCT 16 2014

1. Completeness Determination

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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 ROY VARDANEGA			PHONE (HM) 541-421-3036		
PHONE (WK) 541-421-3036		CELL NA		FAX NA	
ADDRESS 29496 HWY 395					
CITY FOX		STATE OR	ZIP 97856	E-MAIL* NA	

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Organization Information

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

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

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

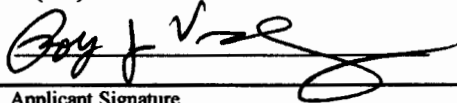
Note: Attach multiple copies as needed

* 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.



ROY VARDANEGA

Applicant Signature

Print Name and title if applicable

Applicant Signature

Print Name and title if applicable

Date

9-22-14

Date

For Department Use

Revised 2/1/2012 App. No. G-17944

Permit No. _____
Ground Water: 3

Date _____

WR

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*).

ROBERT SHINN 29439 HWY 396 FOX, OR 97856

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
Well # 1	Wiley Creek	1/4 mile	10 feet

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

See Well Log

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 35 gpm (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.

										PROPOSED USE			
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)	SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
Well 1	☐	☒	GRAN 197	☐	6"	20 ft.	None	0-18 to 20'	10 ft 8/19/66	soft red rock porous with water	107 ft	35	180 Irr. 17.2 storage
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* 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.

9-17944

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1- October 31	180

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: 60.0 Acres Supplemental: NA Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 180

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

SECTION 5: WATER MANAGEMENT

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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): 25 HP, Submersible

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☒ Other means (describe): Water from the well together with developed springs, snow and rain runoff to fill two ponds, then, the water will be conveyed via gravity flow pipelines to wheel lines and hand lines to sprinkler irrigate the fields.

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water from the well together with developed springs, snow and rain runoff to fill two ponds then, the water will be conveyed via gravity flow pipelines to wheel lines and hand lines to sprinkler irrigate the fields.

B. Application Method

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

Through proper management of irrigation practices

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: Pond #1 Acreage inundated by reservoir: 0.37 ac.

Use(s): Irrigation

Volume of Reservoir (acre-feet): 4 Dam height (feet, if excavated, write "zero"): 9 ft+/-.

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): 4 ac. ft.

USE OF STORED GROUND WATER	PERIOD OF USE
Irrigation	March 1- Oct. 31
(SP) Storage	March 1 - Oct. 31

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 4/1/2015

Date construction will be completed: 4/1/2020

Date beneficial water use will begin: 4/1/2020

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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	Address	
NA	NA	
City	State	Zip
NA	NA	NA

SECTION 10: REMARKS

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

Land Use Information Form

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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.

Land Use Information Form

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

Applicant: Roy First WARDANEGA Last

Mailing Address: 29496

FOX City OR State 97856 Zip Daytime Phone: 541-421-3036

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:
						☐ Diverted	☐ Conveyed	☐ Used	
		SEE		ATTACHED		☐ 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:

GRANT COUNTY

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 35 ☐ 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:

PUMP WATER FROM WELL - PIPE LINE TO POND #1 - PUMP FROM POND #1 TO IRRIGATE EAST FIELD & PIPE LINE ON TO PONDS 2 & 3 FOR STORAGE THEN ON THROUGH PIPE LINE TO IRRIGATE WEST FIELD.

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. →

Vardoniega
 11-29 TL 1301
 11-30 TL 1303, 2501
 1305

Land Use Information Form

Attachment

Land and Location

Township	Range	Section	1/41/4	Tax Lot #	Plan Designation	Water to be:			Proposed Land Use
						Diverted	Conveyed	Used	
11S	29E	13	NENE	1301	EFU		X	X	IRRIGATION
		13	SENE	1301	EFU		X		IRRIGATION
		13	NWNE	1301	EFU		X	X	IRRIGATION
11S	30E	18	LOT 1	1303	EFU		X	X	IRRIGATION
		18	LOT 2	1303	EFU		X		
		18	LOT 3	1303	EFU		X		
		18	NESW	1303	MUR		X		
		18	SESW	1303	MUR		X		
		18	SWSE	1303	MUR	X	X	X	
		18	SESE	1303	MUR		X	X	IRRIGATION
		19	NENE	2501	MUR		X		
		19	NENE	1303	MUR		X	X	
		20	NWNW	1305	MUR	X	X		

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G-17944

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For Local Government Use Only

Vardanega

11-29 1305

11-30 1303, 2501, 1305

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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): Article 16.4 + 16.6 GCLDC
- ☐ 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.

emigration is allowed use in farm zone.

Name: Shannon Springer Title: Assistant Planner
 Signature: Shannon Springer Phone: 541-575-1519 Date: 9/19/14
 Government Entity: Grant County Planning Department

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: _____

CONTRACT OF SALE

042889 OCT. 16 2014

PARTIES:

SALEM, OR

Sellers: Gazelle Land & Timber L.L.C., PO Box 310 Canyon City, Oregon 97820.
Hereinafter referred to as "Gazelle".

Purchaser: William Marks and Donna Marks, Trustees of the
William and Donna Marks Trust, 1230 Juneberry Place, Oxnard,
California, 93036. Hereinafter referred to as "Marks"



AGREEMENT:

Gazelle agrees to sell and Marks agrees to buy the following described real property:

That particular real property described in Exhibit "A" attached hereto and incorporated herein by reference.

1830 It is further agreed that Gazelle shall reserve an easement for a well, reservoir, pipeline and electrical service to well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 11 South, Range 30 East of the Willamette Meridian, to provide and convey domestic water, including irrigation of a residential lawn, to the house situated upon Tax Lot 2501 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian, together with the right of ingress and egress to maintain the well, reservoir, pipeline and electrical service. The easement shall be perpetual and inure to the benefit of Grantor, their heirs, successors and assigns and shall be appurtenant to the aforementioned NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian.

1831 It is further agreed that the holder of the easement referenced above shall have the obligation to pay all costs and expenses in any way associated with said referenced easement, including but not limited to all electrical and maintenance costs for the well and pipeline and shall be solely responsible for maintenance of any and all rights of way to cross any public highway. The holder of the easement will hold the owner of the land on which the well is situated harmless from any and all claims in any way related to the easement.

PURCHASE PRICE:

The purchase price is agreed to be Two Hundred Thirty Two Thousand Five Hundred dollars, \$232,500.00.

DOWN PAYMENT:

\$150,000.00 on or before closing

19235

042869

CONTRACT BALANCE AND TERMS:

The balance of \$82,500.00 shall be paid as follows:

- (a) The sum of \$82,500. including interest at the rate of 8 % per annum on the principal amount of \$82,500.00 to Gazelle in 83 payments of \$690.06 per month beginning November 1, 2004 and the final payment due October 1, 2011 in the amount of \$67,040.20.
- (b) The 83 monthly payments shall be paid by the first day of each month and shall accrue a late fee of \$25 if received after the 10th of the month. Such late fee does not alter the default provisions contained within this contract of sale.
- (c) There shall be no pre-payment penalties associated with the Purchaser (Marks) paying off this contract before the term set forth herein.

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POSSESSION:

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Marks shall be entitled to possession of the property upon closing.

SALEM, OR

MAINTENANCE OF LIENS:

During the life of this contract Marks agrees that they will permit no liens or encumbrances to attach to the premises which are or claim to be prior and superior to the interests of the Seller (Gazelle).

PAYMENT TO THIRD PARTIES:

If Marks fails to pay when due any amounts required of purchaser to be paid to third parties hereunder, including but not limited to , taxes and mortgage payments, Seller, Gazelle, may pay any or all such amounts, and any amounts so paid by seller shall be immediately due and payable. Such amounts will be secured by this contract. Payments will bear interest at ten percent (10%) per annum from the date of the payment. Any payments so made by seller shall not constitute a waiver of Seller's rights to declare Purchaser in default of this contract.

HAZARDOUS MATERIALS WARRANTY:

Seller warrants that:

The property has never been used for the storage or disposal of any hazardous material or waste. There are no environmentally hazardous materials or waste contained on or under the Property and the Property has not been identified by any governmental agency as a site upon which environmentally hazardous materials have been located or deposited.

REPRESENTATIONS AND CONDITION OF PROPERTY:

Purchasers acknowledge:

042887

- 1) Sellers or their agents have made no representations and extended no warranties, other than those expressly set forth herein and Purchaser is purchasing said realty pursuant to their own independent examination, study and inspection.
- 2) The Purchasers take said property and improvements thereon in their present condition, AS IS.
- 3) 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(S) ACCEPTING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY, OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES.
- 4) No warranty has been made as to the exact boundary locations and Purchasers are aware that the fence lines may or may not be on the exact property lines.

TITLE INSURANCE:

Gazelle and Marks agree that within 30 days after the execution of this agreement the Marks will be furnished with an owners standard form title insurance policy in the amount of \$232,500, which said policy shall be subject to the usual printed exceptions contained in such policies, and exceptions as contained in said title report.

It is further agreed that Gazelle and Marks shall share equally in the cost of said Title Insurance policy.

ESCROW:

The parties hereto do hereby make, constitute and appoint Land Title of Grant County located at 103 W Main Street, in John Day, Oregon 97845, their escrow agent. Sellers shall deliver to said escrow agent a warranty deed conveying marketable title to the property sold hereunder, subject to the escrow instructions authorizing delivery of the instruments after satisfaction of the payments due herein.

PRIOR AGREEMENTS:

This document is the final agreement of the parties pertaining to this sale and purchase of the property and supersedes and replaces all written and oral agreements previously made or existing between the parties hereto.

DEFAULT PROVISIONS:

Contract of Sale - Gazelle Land & Timber L.L.C. to William and Donna Marks Trust

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SALEM, OR

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In the event the Purchaser (Marks) shall fail to perform any of the terms of this contract, time of the payment and performance being of the essence, said Seller (Gazelle) shall, at the Seller's option, subject to the requirements of notice as herein provided, and in addition to any other claims for relief provided by law, have the following rights:

- 1) Declare the entire balance of the purchase price and interest immediately due and payable.
- 2) Foreclose this contract by suit in equity.
- 3) Specifically enforce the terms of the contract by suit in equity.

Purchaser shall not be deemed in default for failure to perform any covenant or condition of this contract until notice of said default has been given by Seller to Purchaser and Purchaser shall have failed to remedy said default within thirty (30) days after giving notice.

WAIVER:

Failure of Seller at any time to require performance by Purchaser of any of the provisions herein shall not limit Seller's right to enforce them, nor shall any waiver by Seller of any breach be held to be a waiver of any succeeding breach or a waiver of this clause.

COSTS AND ATTORNEY FEES:

In the event Seller or Purchasers shall take any action, judicial or otherwise, to enforce or interpret any of the terms of this contract, the prevailing party shall be entitled to recover from the other party all expenses which they may reasonably incur in taking such action, including but not limited to costs incurred in searching records, the cost of title reports or foreclosure reports and attorney fees, whether incurred in suit or action or appeal from a judgement or decree therein or in connection with non-judicial action.

NOTICE:

Any notice under this contract shall be in writing and shall be effective when deposited in the United States Mail, certified, return receipt requested, and addressed to the party given notice at their last known post office address, as shown herein:

SELLER

Gazelle Land & Timber L.L.C.
PO Box 310 Nelson Road
Canyon City, Oregon 97820

PURCHASER

William and Donna Marks Trust
% William Marks
1230 Juneberry Place
Oxnard, California 93036

STATE OF OREGON)
)ss.
COUNTY OF GRANT)

042889

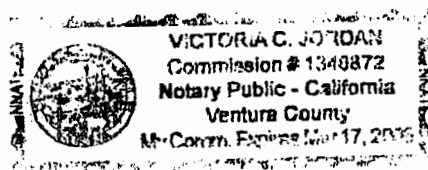
On this 30 day of Sept, 2004, personally appeared the above named King Williams and acknowledged the foregoing instrument to be his free and voluntary act and deed.



Susie V. Brown
Notary Public in and for the State of Oregon
My commission expires 5/12/2008

STATE OF CALIFORNIA)
)ss.
COUNTY OF VENTURA

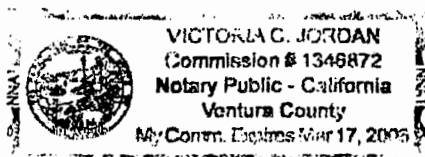
On this 7th day of Oct, 2004, personally appeared the above named William A. Marks , Trustee** and acknowledged the foregoing instrument to be his free and voluntary act and deed.
**of the William and Donna Marks Trust,



Victoria C. Jordan
Notary Public in and for the State of California
My commission expires March 17, 2006

STATE OF CALIFORNIA)
)ss.
COUNTY OF VENTURA

On this 7th day of Oct, 2004, personally appeared the above named Donna R. Marks , Trustee** and acknowledged the foregoing instrument to be his free and voluntary act and deed.
**of the William and Donna Marks Trust,



Victoria C. Jordan
Notary Public in and for the State of California
My commission expires March 17, 2006

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OCT. 16 2014

SALEM, OR

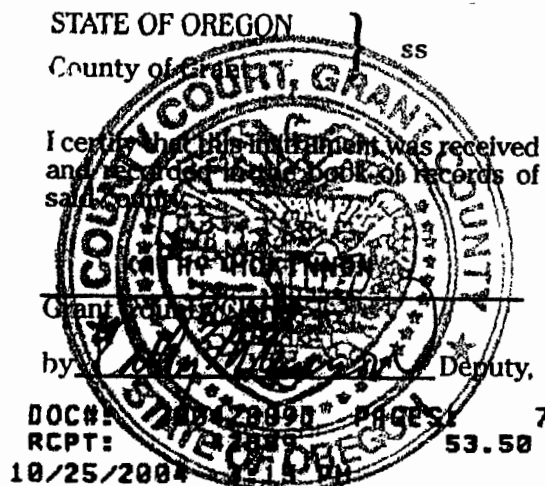
EXHIBIT "A"

642887

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

- Section 17: S½S½.
Section 18: That portion of the SE¼SE¼ lying Easterly of the Pendleton-John Day Highway.;
Section 19: That portion of the NE¼NE¼ lying Easterly of the Pendleton-John Day Highway.;
Section 20: That portion of the N¼N½ lying Easterly of the Pendleton-John Day Highway.

RESERVING THEREFROM an easement for a well, reservoir, pipeline and electrical service to well located in the NW¼NW¼ of Section 20, Township 11 South, Range 30 East of the Willamette Meridian, to provide and convey domestic water, including irrigation of a residential lawn, to the house situated upon Tax Lot 2501 in the NE¼NE¼ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian, together with the right of ingress and egress to maintain the well, reservoir, pipeline and electrical service. The easement shall be perpetual and inure to the benefit of Grantor, their heirs, successors and assigns and shall be appurtenant to the aforementioned NE¼NE¼ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian.
(Tax Acct's. 17 11-30 1305 & portions of 1300 & 1306; Ref's. 38410; 38411; 6868)



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STATUTORY WARRANTY DEED

Gazelle Land & Timber L.L.C., Grantor, convey(s) and warrant(s) to William Marks and Donna Marks, Trustees of the William and Donna Marks Trust, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:

- Section 17: S $\frac{1}{2}$ S $\frac{1}{2}$.
 Section 18: That portion of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ lying Easterly of the Pendleton-John Day Highway.;
 Section 19: That portion of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ lying Easterly of the Pendleton-John Day Highway.;
 Section 20: That portion of the N $\frac{1}{2}$ N $\frac{1}{2}$ lying Easterly of the Pendleton-John Day Highway.

Together with
 RESERVING THEREFROM an easement for a well, reservoir, pipeline and electrical service to well located in the NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 20, Township 11 South, Range 30 East of the Willamette Meridian, to provide and convey domestic water, including irrigation of a residential lawn, to the house situated upon Tax Lot 2501 in the NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian, together with the right of ingress and egress to maintain the well, reservoir, pipeline and electrical service. The easement shall be perpetual and inure to the benefit of Grantor, their heirs, successors and assigns and shall be appurtenant to the aforementioned NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Section 19, Township 11 South, Range 30 East of the Willamette Meridian.

This property is free of liens and encumbrances, EXCEPT:

1. As disclosed by the tax roll the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property may be subject to additional taxes or penalties and interest.
2. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
3. Easement, including the terms and provisions thereof:

For	: Right of way easement for utility and incidental purposes thereto.
Granted to	: California-Pacific Utilities Company, a corp.
Recorded	: August 28, 1951
Book	: 63
Page	: 483
Affects	: NW $\frac{1}{4}$ of Sec. 20, Twp. 11 S, R. 30 E., W.M.
4. Easement, including the terms and provisions thereof:

For	: Right of way easement for utility and incidental purposes thereto.
Granted to	: California-Pacific Utilities Company, a corp.
Recorded	: August 28, 1951
Book	: 63
Page	: 484
Affects	: NE $\frac{1}{4}$ NE $\frac{1}{4}$ of Sec. 19, and the E $\frac{1}{2}$ SE $\frac{1}{4}$ of Sec. 18, Twp. 11 S., R. 30 E. W.M.
5. Easement, including the terms and provisions thereof:

For	: Right of way easement for utility and incidental purposes thereto.
Granted to	: California-Pacific Utilities Company, a corp.
Recorded	: December 19, 1951
Book	: 64
Page	: 319
Affects	: NW $\frac{1}{4}$ NW $\frac{1}{4}$ of Sec. 20, Twp. 11 S., R. 30 E., W.M.

Gazette - Marks Deed - Page 1 of 2

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SALEM, OR

STATE OF OREGON

County of Grant

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

Grant County Clerk, Oregon
 by _____ Deputy,

DOC# 20060212 PAGES 2
 RCPT# 60212 28.50
 1/31/2006 3:26 PM

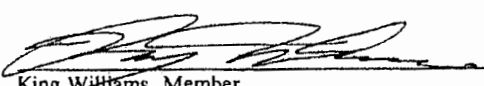
6-17944

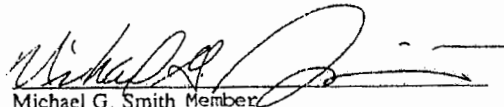
060212

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$232,500.00.

DATED: Oct. 26, 2004.

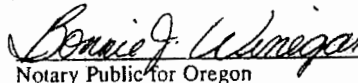

King Williams, Member
For Gazelle Land & Timber L.L.C.


Michael G. Smith Member
For Gazelle Land & Timber L.L.C.

STATE OF Oregon, County of Grant) ss.

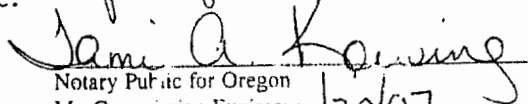
The foregoing instrument was acknowledged before me on October 26, 2004, by King Williams as a member of Gazelle Land & Timber, LLC.




Notary Public for Oregon
My Commission Expires: 11-2-07

STATE OF Oregon, County of Grant) ss.

The foregoing instrument was acknowledged before me on January 30, 2004, by Michael G. Smith, as a member of Gazelle Land & Timber, LLC.


Notary Public for Oregon
My Commission Expires: 11/20/07

AFTER RECORDING, RETURN TO:

Land Title Company
103 West Main
John Day, Oregon 97845

SEND TAX STATEMENTS TO:
William & Donna Marks Trust
1230 Juneberry Place
Oxnard, California 93036



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OCT. 16 2014

SALEM, OR

STATE OF OREGON ss

County of Grant

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

BRENDA PEREZ Grant County Clerk

by [Signature] Deputy

DOC# 1720560
RCPT: 10/02/2012 5:30 PM

SF 10/02/2012 5:30 PM

After recording return to: (Name, Address, Zip)
Land Title Company of Grant County, Inc.
145 NE Dayton St.
John Day OR 97845

Until requested otherwise, send all tax statements to:
(Name, Address, Zip)
Roy J. Vardanega
29456 Hwy 395 North
Long Creek, OR 97856

WARRANTY DEED (Individual Grantor)

ANDREW R. WILBURN and MITSIE WILBURN, husband and wife, Grantor, conveys and warrants to Roy J. Vardanega and Sherri L. Vardanega, as tenants by the entirety, Grantee, the following described real property free of encumbrances, except as specifically set forth herein situated in Grant County, State of Oregon, described as follows, to-wit:

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

Subject to and excepting: Matters of record

23082
"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. 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 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009."

The true and actual consideration for this conveyance is \$415,000.00 is pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor. (Here comply with requirements of ORS 93.030.)

Dated this 1 day of October, 2012.

[Signature]
Andrew R. Wilburn

[Signature]
Mitsie Wilburn

STATE OF OREGON }

County of Grant }

This instrument was acknowledged before me on this 1 day of October, 2012 by Andrew R. Wilburn and Mitsie Wilburn.

[Signature]
Notary Public for Oregon
My commission expires: November 20, 2015



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SALEM, OR

G-17944

Exhibit A
LEGAL DESCRIPTION

File Number: 23082

20122056

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OCT. 16 2014

SALEM, OR

Township 11 South, Range 29 East, Willamette Meridian, Grant County, Oregon:
Section 13: NE1/4; SAVE & EXCEPT the North 80 feet of the said NE1/4, conveyed to Grant County, Oregon, by deed dated Aug. 22, 1956, recorded Sept. 11, 1956 in Book 75, page 333, Deed Records of Grant County, Oregon.
(Tax Acct. 17-3 11-29 TL1301; Ref. 38402)

Township 11 South, Range 29 East, Willamette Meridian, Grant County, Oregon:
Section 13: E1/2SE1/4.
(Tax Accts. 17-3 11-29 TL1300, TL1302; Ref's. 6828, 38403)

Township 11 South, Range 29 East, Willamette Meridian, Grant County, Oregon:
Section 24: NE1/4NE1/4.
(Tax Acct. 17-3 11-29 TL1303; Ref. 38404)

Township 11 South, Range 29 East, Willamette Meridian, Grant County, Oregon:
Section 13: W1/2SE1/4.
(Tax Acct. 17-3 11-29 TL1304; Ref. 38405)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:
Section 18: Government Lots 1 and 2; SAVE & EXCEPT the North 80 feet of said Government Lot 1, conveyed to Grant County, Oregon, by deed dated Aug. 22, 1956, recorded Sept. 11, 1956 in Book 75, page 333, Deed Records of Grant County, Oregon.
(Tax Acct. 17-3 11-30 TL1302; Ref. 38407)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:
Section 18: Government Lots 3 and 4; E1/2W1/2; SW1/4NE1/4 and all that portion of the SE1/4 and the SE1/4NE1/4 lying Westerly of the John Day-Pendleton Highway
Section 19: Government Lot 1; NE1/4NW1/4; NW1/4NE1/4; and All that portion of NE1/4NE1/4 lying Westerly of the John Day-Pendleton Highway.
Section 20: All that portion of the NW1/4NW1/4 lying Westerly of the John Day-Pendleton Highway.

SAVE & EXCEPT the following parcels:

- (a) That portion of the SE1/4SE1/4 of Sec. 18, and NE1/4NE1/4 of Sec. 19, conveyed to the State of Oregon, by and through its State Highway Commission, by Deed dated Aug. 25, 1938, recorded Sept. 8, 1938, in Book 42, page 583, Deed Records of Grant County, Oregon, for highway right of way.
- (b) That portion of the NW1/4NW1/4 of Sec. 20, conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated Aug. 25, 1938, recorded Sept. 30, 1938 in Book 42, page 606, Deed Records of Grant County, Oregon, for highway right of way.
- (c) That portion of the NE1/4SE1/4, SW1/4NE1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to the State of Oregon, by and through its State Highway Commission, by deed dated June 29, 1938, recorded July 9, 1938, in Book 42, page 532, Deed Records of Grant County, Oregon, for highway right of way.
- (d) The North 80 feet of the NE1/4NW1/4 of Sec. 18, Twp. 11 S., R. 30 E., W.M., conveyed to Grant County, Oregon, by deed dated Aug. 22, 1956, recorded Sept. 11, 1956, in Book 75, page 332, Deed Records of Grant County, Oregon.

(Tax Accts. 17-3 11-30 TL1303, TL2501; Ref's. 38408, 6872)

Township 11 South, Range 30 East, Willamette Meridian, Grant County, Oregon:
Section 18: NW1/4NE1/4, SAVE & EXCEPT that portion conveyed to Grant County, Oregon, by deed dated Aug. 22, 1956, recorded Sept. 11, 1956, in Book 75, page 334, Deed Records of Grant County, Oregon.
(Tax Acct. 17-3 11-30 TL1304 Ref. 38409)

ROBERT D. BAGETT, PLS, CWRE

Certified Water Rights Examiner

217 North Canyon Blvd.

P.O. Box 476

John Day, Oregon 97845

Phone (541) 575-1251

Fax (541) 575-2707

e-mail bob@johndaysurveyors.com

Office Location – 217 N. Canyon Boulevard

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OCT 16 2014

SALEM, OR

September 20, 2014

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

Re: Water Right Application for Roy Vardanega

This cover letter is written on behalf of Roy Vardanega of Fox, Oregon

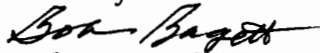
The applications contained in the enclosed packet are for Ground Water, Surface Water, and Storage Ponds. Each application is a part of Mr. Vardanega's overall project.

Consider all the applications together as one project contingent on approval.

Ponds 1, 2 and 3 are included as one application under the Standard Review Application process for storage.

Please contact me or Mr. Vardanega if you have any questions.

Thank you.


Bob Bagett, CWRE

G-17944