

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 \$300.00 for the applicant and \$600.00 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, conditions or conditions that the Department deems appropriate.

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

APPLICANT/BUSINESS NAME MARK AND JOLLY KRAUTMANN /HERITAGE SEEDLINGS INC		PHONE NO. 503-585-9835	WATER RESOURCES DEPT SALEM, OREGON CONTACT NO.	
ADDRESS 4194 71ST AVE SE				
CITY SALEM	STATE OR	ZIP 97301	E-MAIL	

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.

CWRE NAME MALIA R. KUPILLAS / PACIFIC HYDRO-GEOLOGY INC.		PHONE NO. 503-939-3167	ADDITIONAL CONTACT NO. 503-310-5553
ADDRESS 18487 S VALLEY VISTA ROAD			
CITY MULINO	STATE OR	ZIP 97042-8741	E-MAIL PHG@BCTONLINE.COM

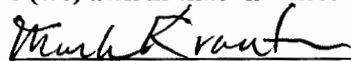
Note: Attach multiple copies as needed

* 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

Applicant Signature

Mark Krautmann, Pres. for
Heritage Seedlings, Inc.

Print Name and title if applicable

Oct 6 '14
Date

Date

For Department Use		
App. No. <u>G-17954</u>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

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

Yes

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

No

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

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

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
A Well (MARI 910/58887/59310/L-75019)	Little Pudding River	110 feet	None.

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*).

On March 25, 2014, Karl Wozniak confirmed that OWRD performed a video survey on the proposed well. He stated that no evidence was found of cross bore hole flow. Therefore, from his preliminary review of the data, there are no well construction issues.

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SECTION 3: WELL DEVELOPMENT, CONTINUED

Source (aquifer), if known: Basalt

Total maximum rate requested: 1.1 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

Complete the table below. If this is an existing well, the following information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
A Well	<input type="checkbox"/>	<input checked="" type="checkbox"/>	(MARI 910/58887/59310/L-75019)	<input type="checkbox"/>	12 inch and 8 inch	0-20 and +2-101	90 to 101	0-20, 0-20, 20-50, and 70-90	8	Basalt	204 feet	400	2.5

- * Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
- ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
- *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Nursery	Year-Round	2.5

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: 100.5 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: NA

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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Berkley pump, model: 6T20225, 20 Hp.

Other means (describe): NA

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water is conveyed to the places of use through a 6-inch buried mainline with risers set at 200 foot intervals running north of the well.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)
Drip irrigation is used to irrigate nursery crops.

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.

Water will be applied to crops when needed. The most water efficient method of irrigation will be used for the crop being irrigated.

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): NA

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

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

SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR

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

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Construction will begin the summer following the year the water right permit is issued.

Date construction will be completed: Within 5 years from date of permit issuance.

Date beneficial water use will begin: Within 5 years from date of permit issuance.

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		
City	State	Zip

SECTION 10: REMARKS

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

None.

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SALEM, OREGON

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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SALEM, OREGON



THIS SPACE RESERVED FOR RECORDER'S USE

REEL PAGE
2062 20

After recording return to:
The Krautmann Family Nursery, LLC
4199 75th Avenue SE
Salem, OR 97301

Until a change is requested all tax statements shall be sent to the following address:
The Krautmann Family Nursery, LLC
4199 75th Avenue SE
Salem, OR 97301

Escrow No. 311584DS
Title No.

STATUTORY WARRANTY DEED

John D. White, M.D.P.C., Employees Retirement Trust, as to a 100% interest in Parcel I, and as to a 50% interest in Parcel II, Grantor, conveys and warrants to The Krautmann Family Nursery, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

This property is free of liens and encumbrances, EXCEPT:

The assessment roll and tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed; Rights of the public and of governmental bodies in and that portion of the premises herein described lying below the high water mark of Little Pudding River; Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Little Pudding River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created; Subject to the rights of various property owners and occupants in and to any portion of the herein described property lying beneath the waters of unnamed lake; The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways: CCR'S recorded 10-1-1973 Deed book 762 Page 13.

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 LAWSUTTS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$1,000,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 28 day of January, 2003

John D. White, M.D.P.C., Employees Retirement Trust

By: John D. White M.D.
Trustee

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SALEM, OREGON

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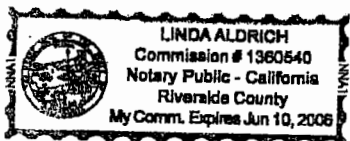
F.A.T. 7081-57631

Statutory Warranty Deed
continued...

STATE OF
County of } ss.

This instrument was acknowledged before me on this 28 day of January, 2003

by



Linda Aldrich

Notary Public for Oregon
CALIFORNIA

My commission expires: 6-10-06

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Exhibit "A"

Real property in the County of Marion, State of Oregon, described as follows:

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PARCEL I: Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2,063.55 feet South 84° 25' East from the Southwest corner of said Claim, thence North 00° 52' West 739.96 feet; thence North 00° 49' West 60.00 feet; thence North 68° 41' East 220.00 feet; thence North 26° 35' West 240.00 feet; thence North 54° 05' West 529.31 feet; thence North 20° 10' West 612.68 feet; thence North 17° 04' East 162.65 feet; thence North 46° 34' West 308.57 feet; thence South 89° 26' West 158.00 feet; thence North 04° 00' 10" East 1,051.80 feet; thence North 44° 01' East 461.22 feet; thence North 10° 15' 50" West 125.99 feet; thence North 27° 37' 38" West 456.08 feet to the South line of a tract of land conveyed to C. L. and E. C. Smith as recorded on Reel 52, Page 0190, Marion County Records, said point bears 333.93 feet South 05° 37' West and 922.78 feet South 84° 18' 30" East from the Southeast corner of the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 565.00 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence South 25° 17' East along said right-of-way line, 5,174.16 feet to a point in Joseph Street; thence South 89° 47' 40" West in said street, 235.34 feet; thence North 65° 56' West in said street, 952.40 feet; thence North 84° 25' West 943.80 feet to the place of beginning.

SUBJECT TO the rights of the public in and to that portion of the above-described tract lying within Joseph Street (County Road No. 854).

TOGETHER WITH a non-exclusive easement for road and roadway purposes extending from the Northerly Northwest corner of the above-described parcel to County Road No. 851, the North line of which easement way is the Westerly extension of the North line of the above-described parcel, which easement way is for the common use of the parties to this instrument, their heirs, successors and assigns.

PARCEL II: Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 333.93 feet South 5° 37' West from the Southeast corner of the John Stipp Donation Land Claim No. 51, in said Township and Range; thence South 5° 37' West 4165.92 feet to the Southwest corner of said Waldo Claim; thence South 84° 25' East along the South line of said Waldo Claim, 722.05 feet; thence North 5° 30' East 1560.70 feet to the Northwest corner of a tract of land conveyed to Richard Hill by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East, along the North line of said Hill's Tract of land, 97.85 feet to a point on the Northerly line of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 36° 24' East 52.10 feet to an angle in said Northerly line; thence North 59° 47' East 77.37 feet to the most Northerly corner of said Peterson's Tract of Land; thence South 68° 05' East 85.53 feet to the Northeast corner of said Peterson's Tract of land; thence South 16° 36' East 19.90 feet to a point on the North line of said Hill's Tract of Land; thence South 68° 05' East 416.48 feet to the Northeast corner of said Hill's Tract of Land; thence North 57° 14' 30" East 38.25 feet; thence South 26° 33' East 269.06 feet; thence North 62° 50' East 39.93 feet; thence South 54° 05' East 529.31 feet; thence South 26° 35' East 240.00 feet; thence South 68° 41' West 220.00 feet; thence South 0° 49' East 60.00 feet; thence North 64° 08' West 816.60 feet; thence North 87° 54' West 145.07 feet to a point in the center of a 60.00 foot roadway easement; thence South 0° 49' East, along the center of said roadway, 1016.19 feet to a point on the South line of said Waldo Claim; thence South 84° 25' East along the center of Joseph Street 1823.80 feet; thence South 65° 56' East along the center of said Street, 952.40 feet; thence North 89° 47' 40" East, along the center of said Street, 235.34 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence North 25° 17' West, along said Railroad right-of-way, 5174.16 feet to a point which bears South 84° 18' 30" East from the place of beginning; thence North 84° 18' 30" West 1487.78 feet to the place of beginning.

G-17984

SAVE AND EXCEPT from Parcel II, all that portion thereof lying within Parcel I, herein above described, and these portions thereof lying within the following described tracts of land, to wit:

A) Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2061.61 feet North 05° 37' East from the Southwest corner of said Claim, thence North 05° 37' East along the West line of said Claim, 2104.31 feet to a point which is 333.93 feet South 05° 37' West from the John Stipp donation Land Claim No. 51, in said Township and Range; thence South 84° 18' 30" East 922.78 feet; thence South 27° 37' 38" East 456.08 feet thence South 10° 15' 50" East 125.99 feet; thence South 44° 01' West 461.22 feet; thence South 04° 00' 10" West 1051.80 feet; thence South 89° 26' West 480.10 feet; thence South 83° 56' West 346.17 feet; thence South 69° 10' West 150.54 feet to the place of beginning.

B) Beginning at the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence South 84° 25' East along the South line of said Claim, 2063.55 feet; thence North 00° 52' West 739.96 feet; thence North 64° 08' West 816.60 feet; thence South 87° 54' West 145.07 feet; thence North 00° 49' West 120.00 feet to a point on the South line of a tract of land conveyed to Gordon Peterson by Deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

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SALEM, OREGON

G-77954



After recording return to:
The Krautmann Family Nursery, LLC
4199 75th Ave. SE
Salem, Oregon 97301

Until a change is requested all tax statements
shall be sent to the following address:
The Krautmann Family Nursery, LLC
4199 75th Ave. SE
Salem, Oregon 97301

File No.: 7081-263434 (DSS)
Date: October 09, 2003

THIS SPACE RESERVED FOR RECORDER'S USE

READ AND APPROVED

By: Muel E. Kraut
Joe J. Kraut

STATUTORY WARRANTY DEED

Tellelyn K. Peterson and Gordon K. Peterson, Co-Trustees of the Tellelyn K. Peterson Revocable Trust under Agreement dated June 1, 1993 as to Parcels I and III, Gordon K. Peterson and Tellelyn K. Peterson, as tenants by the entirety as to Parcel II, Grantor, conveys and warrants to **The Krautmann Family Nursery, LLC, a Oregon Limited Liability Company,** the following described real property free of liens and encumbrances, except as specifically set forth herein:

Parcel I:

Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2061.61 feet North 05° 37' East from the Southwest corner of said Claim; thence North 05° 37' East along the West line of said Claim, 2104.31 feet to a point which is 333.93 feet South 05° 37' West from the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 922.78 feet; thence South 27° 37' 38" East 456.08 feet; thence South 10° 15' 50" East 125.99 feet; thence South 44° 01' West 461.22 feet; thence South 04° 00' 10" West 1051.80 feet; thence South 89° 26' West 480.10 feet; thence South 83° 56' West 346.17 feet; thence South 69° 10' West 150.54 feet to the place of beginning.

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PARCEL II: Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 333.93 feet South 5° 37' West from the Southeast corner of the John Stipp Donation Land Claim No. 51, in said Township and Range; thence South 5° 37' West 4165.92 feet to the Southwest corner of said Waldo Claim; thence South 84° 25' East along the South line of said Waldo Claim, 722.05 feet; thence North 5° 30' East 1560.70 feet to the Northwest corner of a tract of land conveyed to Richard Hill by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East, along the North line of said Hill's Tract of land, 97.85 feet to a point on the Northerly line of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 36° 24' East 52.10 feet to an angle in said Northerly line; thence North 59° 47' East 77.37 feet to the most Northerly corner of said Peterson's Tract of Land; thence South 68° 05' East 85.53 feet to the Northeast corner of said Peterson's Tract of land; thence South 16° 36' East 19.90 feet to a point on the North line of said Hill's Tract of Land; thence South 68° 05' East 416.48 feet to the Northeast corner of said Hill's Tract of Land; thence North 57° 14' 30" East 38.25 feet; thence South 26° 33' East 269.06 feet; thence North 62° 50' East 39.93 feet; thence South 54° 05' East 529.31 feet; thence South 26° 35' East 240.00 feet; thence South 68° 41' West 220.00 feet; thence South 0° 49' East 60.00 feet; thence North 64° 08' West 816.60 feet; thence North 87° 54' West 145.07 feet to a point in the center of a 60.00 foot roadway easement; thence South 0° 49' East, along the center of said roadway, 1016.19 feet to a point on the South line of said Waldo Claim; thence South 84° 25' East along the center of Joseph Street 1823.80 feet; thence South 65° 56' East along the center of said Street, 952.40 feet; thence North 89° 47' 40" East, along the center of said Street, 235.34 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence North 25° 17' West, along said Railroad right-of-way, 5174.16 feet to a point which bears South 84° 18' 30" East from the place of beginning; thence North 84° 18' 30" West 1487.78 feet to the place of beginning.

SAVE AND EXCEPT from Parcel II and these portions thereof lying within the following described tracts of land, to wit:

A) Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2061.61 feet North 05° 37' East from the Southwest corner of said Claim, thence North 05° 37' East along the West line of said Claim, 2104.31 feet to a point which is 333.93 feet South 05° 37' West from the John Stipp donation Land Claim No. 51, in said Township and Range; thence South 84° 18' 30" East 922.78 feet; thence South 27° 37' 38" East 456.08 feet thence South 10° 15' 50" East 125.99 feet; thence South 44° 01' West 461.22 feet; thence South 04° 00' 10" West 1051.80 feet; thence South 89° 26' West 480.10 feet; thence South 83° 56' West 346.17 feet; thence South 69° 10' West 150.54 feet to the place of beginning.

B) Beginning at the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence South 84° 25' East along the South line of said Claim, 2063.55 feet; thence North 00° 52' West 739.96 feet; thence North 64° 08' West 816.60 feet; thence South 87° 54' West 145.07 feet; thence North 00° 49' West 120.00 feet to a point on the South line of a tract of

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land conveyed to Gordon Peterson by Deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

C) Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2,063.55 feet South 84° 25' East from the Southwest corner of said Claim, thence North 00° 52' West 739.96 feet; thence North 00° 49' West 60.00 feet; thence North 68° 41' East 220.00 feet; thence North 26° 35' West 240.00 feet; thence North 54° 05' West 529.31 feet; thence North 20° 10' West 612.68 feet; thence North 17° 04' East 162.65 feet; thence North 46° 34' West 308.57 feet; thence South 89° 26' West 158.00 feet; thence North 04° 00' 10" East 1,051.80 feet; thence North 44° 01' East 461.22 feet; thence North 10° 15' 50" West 125.99 feet; thence North 27° 37' 38" West 456.08 feet to the South line of a tract of land conveyed to C.L. and E.C. Smith as recorded on Reel 52, Page 0190, Marion County Records, said point bears 333.93 feet South 05° 37' West and 922.78 feet South 84° 18' 30" East from the Southeast corner of the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 565.00 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence South 25° 17' East along said right-of-way line, 5,174.16 feet to a point in Joseph Street; thence South 89° 47' 40" West in said street, 235.34 feet; thence North 65° 56' West in said street, 952.40 feet; thence North 84° 25' West 943.80 feet to the place of beginning.

Parcel III:

Beginning at the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, thence South 84° 25' East along the South line of said Claim, 2063.55 feet; thence North 00° 51' West 739.96 feet; thence North 64° 08' West 816.60 feet; thence South 87° 54' West 145.07 feet; thence North 00° 49' West 120.00 feet to a point on the South line of a tract of land conveyed to Gordon Peterson by deed recorded in Volume 585, Page 633, Deed Records of said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

TOGETHER WITH

A 60.00 foot roadway easement and being 30.00 feet on each side of the following described center line:

Beginning at a point which is 1183.55 feet South 84° 25' East from the Southwest corner of

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the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence North 00° 49' West 1136.19 feet.

SAVE AND EXCEPT

Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 722.05 feet South 84° 25' East from the Southwest corner of said Claim; thence North 5° 30' East 1485.08 feet to the most Westerly corner of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence South 52° 02' East 116.86 feet; thence South 23° 27' East 84.37 feet; thence South 3° 21' West 162.86 feet; thence South 63° 22' East 113.22 feet; thence South 73° 13' East 85.00 feet; thence South 0° 49' East 1136.19 feet to a point on the South line of said Claim; thence North 84° 25' West 461.50 feet to the place of beginning.

Subject to the rights of the public in and to that portion of the above described tract of land lying within Joseph Street and also subject to a 60 foot roadway easement, along the East line of the above described tract of land.

ALSO SAVE AND EXCEPT

Beginning at a point which is 722.05 feet South 84° 25' East and 1485.03 feet North 5° 30' East from the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, said point being the most Westerly corner of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 5° 30' East 75.62 feet to the Northwest corner of a tract of land conveyed to Richard Hill, by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East 97.85 feet to a point on the Northerly line of said Peterson's Tract of land; thence South 36° 24' West 154.70 feet to the place of beginning.

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This property is free from liens and encumbrances, EXCEPT: Taxes for the fiscal year 2003/04 a lien due, but not yet payable; The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed (Parcels I, II and III; Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark or Little Pudding River (Parcels I and II); Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Little Pudding River of has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created (Parcels I and II); Subject to the rights of various property owners and occupants in and to any portion of the herein described property lying beneath the waters of unnamed lake (Parcels I, II and III); The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways (Parcels I, II and III); Covenants, conditions, restrictions and/or easements recorded 9/16/60 in Volume 537, Page 752, Marion County, Oregon; Covenants, conditions, restrictions and/or easements recorded 10/1/73 in Book 762, Page 13, Deed Records (Parcels I, II and III); An easement reserved in a deed recorded 6/12/87 in Reel 552, Page 420, Marion County, Oregon; Easement recorded 6/1/93 in Reel 1065, Page 427, Marion County, Oregon; An easement recorded 6/1/93 in Reel 1065, Page 427, Marion County, Oregon.

- 1. Covenants, conditions, restrictions, reservations, easements for public utilities, districts, water companies, alleys and streets, rights and rights of way of record, if any; also exceptions of oil, gas, minerals an hydrocarbons, and/or lease, if any, without the right of surface entry.

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 **\$697,248.00**. The true consideration for this conveyance is pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor.
(Here comply with requirements of ORS 93.030)

Tellelyn K. Peterson, Trustee

Gordon K. Peterson, Trustee

Tellelyn K. Peterson

Gordon K. Peterson

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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: MARK AND JOLLY KRAUTMANN / HERITAGE SEEDLINGS INC
First Last

Mailing Address: 4194 71ST AVE SE

Salem OR 97301 Daytime Phone: 503-585-9835
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:
See Attached Table						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input 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:

Marion 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: 1.1
 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 Nursery

Briefly describe:

The applicant proposes to appropriate water from a well (MARI 910/58887/59310/L-75019) for nursery use On 99.3 acres.

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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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 17.136
- 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: _____ Title: LISA MILLIMAN ASSOCIATE PLANNER
 Signature: Lisa Milliman Phone: 503 588-5038 Date: 10/30/14
 Government Entity: MARION 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: _____

Name Mark and Jolly Krautmann / Heritage Seedlings Inc
Street 4194 71st Ave SE
State, City, Zip Code Salem, OR 97301

**Oregon Water Resources Department
 Land Use Information Form**

Land and Location Table

6-1-7954

Township	Range	Section	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be: (check all that apply)		
8S	2W	2 & 11		8S 2W 2D 200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
8S	2W	1, 2, 11 & 12		8S 2W 12 300	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
8S	2W	11A		8S 2W 11A 600	"	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
8S	2W	11A		8S 2W 11A 800	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used
8S	2W	11A		8S 2W 11A 1200	"	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used

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