

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.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.oar). 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 resolve the protest, but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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WATER RESOURCES DEPT
SALEM, OREGON

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.us

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME WILLAMETTE VALLEY LAND LLC/PAUL KUEHNE, MBR		PHONE 503-437-4833	FAX
ADDRESS PO BOX 99			CELL
CITY LAFAYETTE	STATE OR	ZIP 97324	E-MAIL *

97127

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

AGENT / BUSINESS NAME MALIA KUPILLAS / PACIFIC HYDRO-GEOLOGY INC.		PHONE 503-632-5016	FAX 503-632-5983
ADDRESS 18487 S VALLEY VISTA ROAD			CELL
CITY MULINO	STATE OR	ZIP 97042	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.)

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot 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.

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

Paul Kuehne
Applicant Signature

Paul Kuehne, Owner
Print Name and title if applicable

8/28/14
Date

Applicant Signature

Print Name and title if applicable

Date

Revise

App. No. <u>S-88017</u>	For Department Use Permit No. _____	Date _____
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SECTION 2: PROPERTY OWNERSHIP

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

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

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

NA

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: Stored Water

Tributary to: Willamette River

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).

U.S. Bureau of Reclamation: Certificate 72755 and Certificate 72756.

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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
Stored Water	Supplemental Irrigation	March 1 to October 31	413.0 <input checked="" type="checkbox"/> af

For irrigation use only:

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

Primary: None Acres Supplemental: 165.2 Acres

List the Permit or Certificate number of the underlying primary water right(s): App: S-84780, Permit: S-54030

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 413.0

- 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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

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Pump (give horsepower and type): Pump size and still needs to be determined.

Other means (describe): _____

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

Point of diversion is located at an existing site where a centrifugal pump will be installed. Water will be conveyed through the existing mainline system to the sprinklers. The appropriate size and materials of the mainlines and laterals will be determined.

B. Application Method

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

Depending on the type of crop grown, water will be applied through wheel lines or high-pressure sprinklers.

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.

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: 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: A fish screen that meets ODFW requirements will be installed.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: No clearing will be needed because the point of diversion already exists.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: No equipment will be operated in a water body because the point of diversion already exists.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: No erosion or run-off of waste or chemical products will occur because the point of diversion is already exists and there is an established riparian buffer.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: The property has an existing water delivery system that will be connected to the proposed POD within 5 years from date of permit issuance.

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

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

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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	Address	
City	State	Zip

SECTION 9: REMARKS

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

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: WILLAMETTE VALLEY LAND LLC
First Last

Mailing Address: PO BOX 99

LAFAYEET OR 97127 Daytime Phone: 503-437-4833
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:
10S	3W	20		10 3W 20 402		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Supplemental Irrigation
10S	3W	19, 20, 29 & 30		10 3W 29 101		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Supplemental Irrigation
10S	3W	29		10 3W 29 106	General Industrial	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Supplemental Irrigation

City of Millersburg

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

Linn County. *CITY OF MILLERSBURG*

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: 413.0 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 Supplemental Irrigation

Briefly describe:

The applicant proposes to appropriate stored water authorized under certificate 72755 and 72756 for supplemental irrigation use on 165.2 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.

See bottom of Page 3. →

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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

Applicant: WILLAMETTE VALLEY LAND LLC
First Last

Mailing Address: PO BOX 99

LAFAYEET
City

OR
State

97127
~~97321~~
Zip

Daytime Phone: 503-437-4833

A. Land and Location

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10S	3W	20		10 3W 20 402	AG	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Supplemental Irrigation
10S	3W	19, 20, 29 & 30		10 3W 29 101	AG	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Supplemental Irrigation
10S	3W	29		10 3W 29 105 106		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Supplemental Irrigation

City of Millersburg

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Linn 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: 413.0
 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 Supplemental Irrigation

Briefly describe:

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See bottom of Page 3. →

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 SALEM, OREGON

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): LCC 920.100(B)(104)

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.

Water is used for farm use as allowed in
LCC 920.100(B)(104) and LCC 928.310(B)(1)
only 105-3W-29-101 and 105-3W-20-402

Name: Olivia Glantz Title: Assistant Planner
 Signature: [Signature] Phone: 541-967-3816 Date: 10-6-14
 Government Entity: Linn 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 RECEIVED

Applicant name: _____ OCT 30 2014
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ WATER RESOURCES DEPT
SALEM, OREGON
Date: _____

CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise ID 83706-1234
(208) 378-5344

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1. Applicant Information:

A. Landowners

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- 1) Name of landowner(s): Willamette Valley Land LLC
- 2) Address: PO BOX 99, Lafayette OR, 97127
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): Employee Identification Number:
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? Yes.

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: Willamette Valley Land LLC
- 2) Name & Title of Applicant: Paul Kuhne, Owner
- 3) Mailing Address of Organization: PO Box 99, Lafayette OR, 97321
- 4) Taxpayer Identification Number: Employee Identification Number:
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (*name of stream, river*) Willamette River

3. Proposed point of diversion: 535 feet east and 1490 feet south
of NW corner of Section 29, Township 10S, Range 3W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: _____

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

6. Do you currently hold a right to natural flows for irrigating the property described herein? No.
If yes, what is/are the priority date(s)? NA

7. Total quantity of water from storage requested: 413.0 acre-feet.

8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP

9. What is the present use of the land identified above? [*Farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].
planted in grass seed.

10. Is the land identified above currently being irrigated? If yes, what is the source? (*natural flows, wells, etc.*)

11. Diversion must be screened to prevent uptake of fish and other aquatic life.
Describe plan(s) to comply with State/Federal fish screen standards: The proposed point of diversion will meet all state and federal fish screen standards.

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12. Telephone Number where you can be reached during the day: 503-437-4833

Before returning the completed Contract Data Sheet to the address appropriate for your agency, please check the following items:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEETS AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMITTED FOR THE APPROPRIATE COUNTY AND ADMINISTRATION TO THE BUREAU OF RECLAMATION

Section 1001(a) of the Debt Collection Improvements Act of 1996 (Public Law 104-134) requires each contractor, officer, agency of the United States to furnish their taxpayer identification number (social security number or other unique identification number) and each agency to disclose to that contractor its identification number to any person to whom it collects or is to collect any amounts arising out of such contractor's relationship with the Government.

The minimum contract administration fee to a contractor is \$100,000 per administrative contract. This fee is to cover the cost of the United States. We recommend you contact the appropriate administrative contractor, contractor, or agency in the event that the cost to the United States for evaluating the application for the contract is more than the amount of the estimate of the reimbursable costs for which advance payment of such fee will be required.

S-88027

SUPPLEMENTAL - CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise ID 83706-1234
(208) 378-5344

5) Please provide the following information:

(a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)

The applicant proposes to divert water for irrigation and supplemental irrigation use for grass seed, row crops and other crops suitable for the soil.

(b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States. NA.

8. Location of land to be irrigated in each 40-acre tract:

Township	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
10S	3W	19	NE SE	1.1	Grass seed, row crops, others suitable to soil type
10S	3W	19	SE SE	6.1	Grass seed, row crops, others suitable to soil type
10S	3W	20	NW SW	2.4	Grass seed, row crops, others suitable to soil type
10S	3W	20	SW SW	39.9	Grass seed, row crops, others suitable to soil type
10S	3W	20	SE SW	32.9	Grass seed, row crops, others suitable to soil type
10S	3W	20	SW SE	12.6	Grass seed, row crops, others suitable to soil type
10S	3W	29	NW NE	8.3	Grass seed, row crops, others suitable to soil type
10S	3W	29	NE NW	28.2	Grass seed, row crops, others suitable to soil type
10S	3W	29	NW NW	33.6	Grass seed, row crops, others suitable to soil type
10S	3W	30	NE NE	0.1	Grass seed, row crops, others suitable to soil type

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 SALEM, OREGON

2-88027

LINN COUNTY, OREGON **2014-01001**
 D-WD
 Sm=2 5 WILSON 01/29/2014 01:09:28 PM
 \$20.00 \$11.00 \$10.00 \$19 00 \$20 00 **\$80.00**
 I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
 Steve Druckenmiller - County Clerk

RECORDING REQUESTED BY:
 Ticor Title Company

GRANTOR:
 Millersburg Power LLC

GRANTEE:
 Willamette Valley Land, LLC

SEND TAX STATEMENTS AND RECORDING TO:
 Willamette Valley Land, LLC
 13140 NE Kuehne Road
 Carlton, OR 97111

Escrow No: 471813028237-TTMIDWIL20

Tax Lots 101 & 106 Sec 29; & 402 Sec 20
 Millersburg, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Millersburg Power LLC, an Oregon limited liability company, Grantor, conveys and warrants to

Willamette Valley Land, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

See EXHIBIT 'A' attached hereto and made a part hereof

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,150,000.00.
 (See ORS 93.030)

Subject to and excepting: See EXHIBIT 'A' attached hereto and made a part hereof

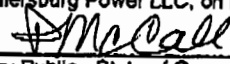
BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.335 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 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 196.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

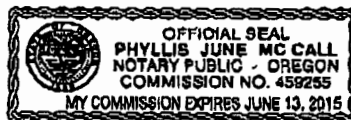
DATED: January 28, 2014

Millersburg Power LLC
 By: 
 Charles A. Sides, Member

State of OREGON, County of Marion

This instrument was acknowledged before me on January 28, 2014, by Charles A. Sides, as Member of Millersburg Power LLC, on behalf of the limited liability company.


 Notary Public - State of Oregon
 My commission expires: 6-13-2015



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WATER RESOURCES DEPT
 SALEM, OREGON

471813028237-TTMIDWIL20
 Deed (Warranty-Statutory)

5-80027

TICOR TITLE 471813028237

EXHIBIT 'A'
Legal Description

PARCEL 1:

The following described real property situated in the County of Linn and State of Oregon:

Beginning at a stone on the Southeasterly boundary line of the Donation Land Claim of Silas Haight, et ux, Claim No. 55 in Township 10 South and Range 3 West of the Willamette Meridian, Linn County, Oregon, said stone being South 52° 50' West, 897.60 feet distant from the most Easterly corner of said Claim No. 55 and from thence running South 52° 50' West, 1777.60 feet to the Willamette River, thence down said Willamette River the following courses and distances: North 41° 06' West, 542.86 feet; thence North 61° 42' West, 132 feet; thence North 79° 06' West, 57.58 feet to a point South 1° 9' West of a 1 1/2-inch pipe, said pipe being West, 2660.50 feet and South 1093.81 feet distant from the said most Easterly corner of said Donation Land Claim No. 55; thence North 1° 09' East, 40 feet, more or less to said first above mentioned 1 1/2-inch pipe; thence North 1° 09' East, 332.55 feet to a 5/8-inch bolt; thence North 75° 29' East, 1119.77 feet to a 5/8-inch bolt; thence North 34° 30' East, 232.36 feet to a 1 inch x 40 inch pipe, thence South 89° 46' East, 771.83 feet to a 5/8-inch bolt, thence North 25° 00' East, 973.54 feet to a 1 inch x 50 inch pipe, thence North 18° 28' West, 671.68 feet to a 3/4-inch pipe, thence South 77° 33' East, 46.62 feet; thence South 18° 28' East, 677.33 feet to a 1 inch x 50 inch pipe; thence South 24° 27' West, 1227.10 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1990 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN - 10S03W2900 00106

PARCEL 2:

Part of Sections 19, 20, 29 and 30 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and described as follows:

Beginning in the centerline of Linn County Market Road No. 34, at a point South 89°55' East 137.08 feet, South 889.69 feet, and South 77°32' East 1001.67 feet from the most Westerly Southwest corner of the George Miller, Sr., Donation Land Claim No. 58 in Section 19, Township 10 South, Range 3 West, said Donation Land Claim corner being on the Northwesterly line of the Silas Haight Donation Land Claim No. 55; and running thence South 1°18' West, along the center line of a ditch, 1319.24 feet to the intersection of said ditch with a second ditch; thence Southerly, along the center line of the last mentioned ditch, following the meanders thereof, approximately 1750 feet to the right bank of the Willamette River; thence, following the meanders of said right bank Easterly upstream approximately 1150 feet to a point South 1°09' West of a 1-1/2 inch iron pipe, said pipe being West 2660.50 feet and South 1093.81 feet from the most Easterly corner of said Silas Haight Donation Land Claim No. 55; thence North 1°09' East 40 feet, more or less, to said 1-1/2 inch iron pipe; thence, continuing North 1°09' East 322.05 feet, to a 5/8 inch iron bolt; thence North 75°29' East 1119.77 feet to a 5/8 inch iron bolt; thence North 34°30' East 232.36 feet to a 1 inch iron pipe; thence South 89°46' East 771.83 feet to a 5/8 inch iron bolt; thence North 25°00' East 973.54 feet to a 1 inch iron pipe; thence North 18°28' West 706.65 feet to the center line of the aforementioned Linn County Market Road No. 34; thence North 77°32' West, along said centerline, to the point of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1990 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

471813028237-TTMDWIL20
Deed (Warranty-Statutory)

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WATER RESOURCES DEPT
SALEM, OREGON

5-88027

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN 10S03W2000 00402 and 10S03W2900 00101

Subject to and excepting:

Unpaid Property Taxes, if any

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
Affects: Parcel 2

Any rights, liens, claims or equities, if any, in favor of Linn Soil and Water Conservation District.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Any adverse claim based upon the assertion that:

a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River and Murder Creek (Powell Creek) in the event the boundary of said Willamette River and Murder Creek (Powell Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River and Murder Creek (Powell Creek) is in its natural state.

b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.

c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River and Murder Creek (Powell Creek), or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of the Willamette River and Murder Creek (Powell Creek).

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Anchors, wires and fixtures

Recording Date: February 6, 1937

Recording No: Book 145, Page 403

Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Electric transmission or distribution lines

Recording Date: March 2, 1937

Recording No: Book 145, Page 470

Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Electric transmission and distribution lines

Recording Date: October 3, 1947

Recording No: Book 196, Page 196

Affects: Parcel 2 - exact location not disclosed of record

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Western Kraft Corporation, an Oregon corporation

Purpose: Pipe lines

Recording Date: December 2, 1954

Recording No: Book 240, Page 507

Affects: Various parcels - see document for specifics

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Deed (Warranty-Statutory)

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5-8807

Road Relocation Agreement, including the terms and provisions thereof,
Recording Date: August 9, 1960
Recording No.: Book 272, Page 536

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Millersburg
Purpose: Water and sewer pipelines
Recording Date: May 19, 1967
Recording No: Volume 442, Page 738
Affects: Parcels 1 and 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: PacifiCorp
Purpose: Electric transmission lines, distribution lines, and communication lines
Recording Date: October 10, 1986
Recording No: Volume 830, Page 628
Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by an
Instrument,
Entitled: Notice of Supplemental Final Order and Judgment
Court: U.S. District Court for the Southern District of Indiana
Case No.: 1:02-cv-7004-DFH-TAB
In favor of: AT&T Corp. and AT&T Communications-East, Inc.
Purpose: Cable, conduits, power and replacement technology
Recording Date: November 14, 2008
Recording No: 2008-21446
Affects: Portions adjacent to railroad corridor

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471813028237-TTMDWIL20
Deed (Warranty-Statutory)

72080-5

Receipt for Request for Land Use Information

Applicant name: Willamette Valley Land U.C.

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City or County: Millsburg

Staff contact: _____

OCT 30 2014

Signature: [Handwritten Signature]

Phone: 541-928-4523

Date: 10/22/14

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Revised 2/1/2012

Surface Water/9