

# 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](http://www.wrd.state.or.us)

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## 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](http://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](http://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.

Application for a Permit to Use  
**Ground Water**  
 SALEM, OR

DEC 05 2014



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 R.B. WEBBER DEVELOPMENT, LLC		PHONE (HM) 541-740-8195	
PHONE (WK) 541-924-9756	CELL 541-740-8195	FAX 541-924-9866	
ADDRESS 3430 SPRINGHILL DR. NW			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL* KWEB@PEAK.ORG

**Organization Information**

NAME R.B. WEBBER DEVELOPMENT, LLC		PHONE 541-740-8195		FAX 541-924-9866	
ADDRESS 3430 Springhill Dr. NW				CELL 541-740-8195	
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL* KWEB@PEAK.ORG		

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

AGENT / BUSINESS NAME Tyler B. Parsons, Parsons Surveying		PHONE 541-752-7515		FAX 541-752-7515	
ADDRESS 1915 SE Stone Street				CELL 541-740-0261	
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL* Tyler@Parsons-Surveying.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.

*Robert Bryan Webber*  
 Applicant Signature

Robert Bryan Webber, Member  
 Print Name and title if applicable

*12-4-14*  
 Date

*Kim A. Webber Per.*  
 Applicant Signature

Kim A. Webber Per.  
 Print Name and title if applicable

*12-4-14*  
 Date

*R.B. Webber Development*

For Department Use		
App. No. <i>A-17971</i>	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*).

Grand Prairie Water Control District, 719 9th Ave SW, Albany, OR 97321  
 Channel easement along Truax Creek: Grand Prairie Water Control District of Linn County, Oregon, MF432-895, Linn County Deed Records. Easement is "to improve the channel of Truax Creek, for and in connection with the operation, maintenance and inspection of said channel, and for flowage of any waters in, over, upon, or through said channel."

***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	Truax Creek	2500 FT	<10 FT
Well 2	Truax Creek	1000 FT	<10 FT
Well 3	Truax Creek	140 FT	<10 FT
Well 4	Truax Creek	1100 FT	<10 FT

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*).

There are no existing wells on the property . I propose up to 4 wells in the approximate location shown,.

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**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 2.0 cfs (897gpm) total (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.

H 2011-10

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)
Well 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	8"	100	40-80	25	NONE	Aluvium	100'		
Well 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	8"	100	40-80	25	NONE	Aluvium	100'		
Well 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	8"	100	40-80	25	NONE	Aluvium			
Well 4	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	8"	100	40-80	25	NONE	Aluvium			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* 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)
Irrigation	1 April - 1 October	601 af

**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: 240.7 Acres                      Supplemental:        Acres  
 List the Permit or Certificate number of the underlying primary water right(s):         
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 601 af

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

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**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): Approximately 40 hp total, 15 hp each well depending on yield

Other means (describe):       

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Up to 4 wells will be drilled to obtain amount of water permitted. Submersible pumps will be installed. Initial distribution system is anticipated to be an above ground mainline to be replaced with a buried mainline.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Initial irrigation equipment is proposed to be one or more Big Gun type travelling sprinkler system. If sufficient water is available, I propose to install a linear irrigation system.

**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.

The amount of water requested is needed for irrigation of turf grass seed and row crops. The amount of water diverted will be measured by a meter installed at each well. Sprinkler irrigation will be monitored for amount of water and time applied to minimize runoff and waste. The minimum amount of water required for the type of crop will be used. Particular care will be used to avoid runoff into Truax Creek, a Grand Prairie Water Control District channel.

G-1797H

**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: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

Use(s): \_\_\_\_\_

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

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

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

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

Annual volume (acre-feet): \_\_\_\_\_

USE OF STORED GROUND WATER	PERIOD OF USE

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: July 2015

Date construction will be completed: October 2019

Date beneficial water use will begin: April 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	
City	State	Zip

G-17974

Ground Water/7

**SECTION 10: REMARKS**

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

The property is transected by an easement to the the Grand Prairie Water Control District (PO Box 765, Albany, OR 97321) along the alignment of Truax Creek. Truax Creek is reportedly an intermittent stream usually dry during a portion of the year. Grand Prairie Water Control District owns several irrigated areas under Certificates 43277, 43283, 43287, and 44767 but they are not in the immediate vicinity of the properties covered in this application and the District does not currently supply water to these properties. The nearest area irrigated under the District's certificates is approximately 2 miles away, the others are considerably farther.

GROUND WATER APPLICATION

Brian Webber

NE1/4 NW1/4	DLC 60	2.5 ACRES
NW1/4 NW1/4	DLC 60	3.4 ACRES
NW1/4 NW1/4	LOT 11	0.1 ACRES
SW1/4 NW1/4	DLC 41	38.9 ACRES
SE1/4 NW1/4	DLC 41	28.7 ACRES
NE1/4 SW1/4	DLC 41	29.5 ACRES
NW1/4 SW1/4	DLC 41	39.8 ACRES
SW1/4 SW1/4	DLC 41	39.8 ACRES
SE1/4 SW1/4	DLC 41	29.5 ACRES

SECTION 1

TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

NE1/4 NE1/4	LOT 1	0.8 ACRES
SE1/4 NE1/4	DLC 41	9.1 ACRES
NE1/4 SE1/4	DLC 41	9.3 ACRES
SE1/4 SE1/4	DLC 41	9.3 ACRES

SECTION 2

TOWNSHIP 11 SOUTH, RANGE 3 WEST, W.M.

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G-17271



After recording return to:  
R.B. Webber Development, LLC  
3430 NW Springhill Rd.  
Albany, OR 97321

Until a change is requested all tax statements  
shall be sent to the following address:  
R.B. Webber Development, LLC  
3430 NW Springhill Rd.  
Albany, OR 97321

File No.: 7091-1325111 (CLH)  
Date: January 05, 2009

LINN COUNTY, OREGON

2010-02849

D-WD

Cnt=1 Stn=7 S. WILSON

02/16/2010 12:13:43 PM

\$25.00 \$11.00 \$15.00 \$9.00 \$10.00

\$70.00



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



### STATUTORY WARRANTY DEED

**Koos Family LLC, an Oregon Limited Liability Company**, Grantor, conveys and warrants to **R.B. Webber Development, LLC, an Oregon limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

**Subject to:**

1. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$544,275.00**. (Here comply with requirements of ORS 93.030)

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APN: R0068755

Statutory Warranty Deed  
- continued

File No.: 7091-1325111 (CLH)  
Date: 01/05/2009

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, OF CHAPTER 424, OREGON LAWS 2007. 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, OF CHAPTER 424, OREGON LAWS 2007.

Dated this 7<sup>th</sup> day of January, 2009.

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SALEM, OR

APN: R0068755

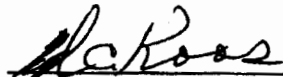
Statutory Warranty Deed  
- continued

File No.: 7091-1325111 (CLH)  
Date: 01/05/2009

Koos Family, LLC, an Oregon limited liability  
company

  
By: Michael F. Koos, Member

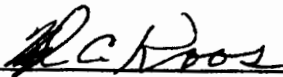
By: The Fred C. Koos Revocable Living  
Trust-Member

  
By: Fred C. Koos, Trustee

  
By: Sue A. Koos, Trustee

By: The Sue A. Koos Revocable Living  
Trust-Member

  
By: Sue A. Koos, Trustee

  
By: Fred C. Koos, Trustee

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SALEM, OR

APN: R0068755

Statutory Warranty Deed  
- continued

File No.: 7091-1325111 (CLH)  
Date: 01/05/2009

STATE OF Oregon )  
 )ss.  
County of Linn )

This instrument was acknowledged before me on this 7<sup>th</sup> day of January, 2009  
by Michael F. Koos as Member of Koos Family, LLC, on behalf of the limited liability company.



Cindy L Hurst  
Notary Public for Oregon  
My commission expires: 6-6-12

STATE OF Oregon )  
 )ss.  
County of Linn )

This instrument was acknowledged before me on this 7<sup>th</sup> day of January, 2009  
by Fred C. Koos and Sue A. Koos as Trustees of The Fred C. Koos Revocable Living Trust, on behalf of the Trust.



Cindy L Hurst  
Notary Public for Oregon  
My commission expires: 6-6-12

STATE OF Oregon )  
 )ss.  
County of Linn )

This instrument was acknowledged before me on this 7<sup>th</sup> day of January, 2009  
by Sue A. Koos and Fred C. Koos as Trustees of The Sue A. Koos Revocable Living Trust, on behalf of the Trust.



Cindy L Hurst  
Notary Public for Oregon  
My commission expires: 6-6-12

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SALEM, OR

APN: R0068755

Statutory Warranty Deed  
- continued

File No.: 7091-1325111 (CLH)  
Date: 01/05/2009

**EXHIBIT A**

**LEGAL DESCRIPTION:** Real property in the County of Linn, State of Oregon, described as follows:

**BEGINNING AT A STONE 8X10X18 INCHES MARKED CS WHICH IS NORTH 12.41 CHAINS DISTANT AND WEST 29.53 CHAINS DISTANT FROM THE SOUTHEAST CORNER OF THE DONATION LAND CLAIM OF CHRISTIAN MILLER BEING NOT. NO. 712 AND CLAIM NO. 41 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; THENCE NORTH PARALLEL WITH EAST LINE OF SAID CLAIM 61.64 CHAINS TO A STONE 6X8X12 INCHES MARKED CS IN THE CENTER OF A COUNTY ROAD; THENCE WEST 9.78 CHAINS TO A STONE 8X10X12 INCHES MARKED CS WHICH IS EAST 41.24 CHAINS DISTANT FROM THE WEST LINE OF SAID CLAIM; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID CLAIM 61.62 CHAINS TO A STONE 10X12X14 INCHES MARKED CS WHICH IS NORTH 12.41 CHAINS DISTANT FROM THE SOUTH LINE OF SAID CLAIM; THENCE EAST 9.90 CHAINS TO THE PLACE OF BEGINNING.**

**AND ALSO:**

**BEGINNING AT A POINT WHICH IS NORTH 12.41 CHAINS AND WEST 19.586 CHAINS DISTANT FROM THE SOUTHEAST CORNER OF THE DONATION LAND CLAIM OF CHRISTIAN MILLER AND MARY MILLER, HIS WIFE, BEING NOT. NO. 712 AND CLAIM NO. 41 IN TOWNSHIP 11 SOUTH, RANGE 3 WEST OF THE WILLAMETTE MERIDIAN, LINN COUNTY, OREGON; AND RUNNING THENCE NORTH PARALLEL WITH THE EAST BOUNDARY LINE OF SAID CLAIM 61.15 CHAINS TO THE CENTER OF A COUNTY ROAD; THENCE WEST ALONG THE CENTER OF SAID COUNTY ROAD 9.793 CHAINS; THENCE SOUTH PARALLEL WITH THE EAST BOUNDARY LINE OF SAID CLAIM 61.15 CHAINS; THENCE EAST PARALLEL WITH THE SOUTH BOUNDARY LINE OF SAID CLAIM 9.793 CHAINS TO THE PLACE OF BEGINNING.**

**NOTE:** This legal description was created prior to January 1, 2008.

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EASEMENT

SALEM, OR

THAT for and in consideration of the sum of ONE THOUSAND FOUR HUNDRED SIXTY-FOUR DOLLARS (\$1,464.00), receipt of which is hereby acknowledged, WILLIAM J. HART, LUCILE HART, husband and wife, of Albany, Oregon, MOBIL OIL CORPORATION, and AMERICAN QUASAR PETROLEUM COMPANY OF NEW MEXICO, hereinafter called Grantors, do hereby grant, convey, bargain, sell and release unto GRAND PRAIRIE WATER CONTROL DISTRICT of Linn County, Oregon, hereinafter called Grantee, its successors and assigns, an easement in, over and upon property situated in Linn County, State of Oregon, the legal description of which is more particularly described in Exhibit 'A' which is attached hereto and by this reference incorporated herein.

1. The purpose of this easement is to provide property for construction necessary to improve the channel of Truax Creek located on the above described property, for and in connection with the operation, maintenance and inspection of said channel, and for flowage of any waters in, over, upon or through said channel.

2. This easement includes the rights of ingress and egress at any time over and upon the above described land of the Grantors, and other land of the Grantors adjoining said easement that is necessary to exercise the rights of ingress and egress.

3. There is reserved to Grantors, their heirs and assigns, the right and privilege to use the above described land of the Grantors at any time, in any manner and for any purpose not inconsistent with the

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full use and enjoyment by the Grantee, its successors and assigns, of the rights and privileges herein granted.

4. Grantee shall be responsible for operating and maintaining the above described improvements on the easement granted.

5. A copy of the appraisal documents concerning the purchase of this easement and the consideration therefore is contained in Exhibit 'B', which is attached hereto and by this reference incorporated herein.

6. Grantee agrees to install at its own expense a galvanized steel culvert at or near station PC 301+2757. Grantee further agrees that the aforementioned culvert will be adequate to meet engineer's estimation of water flow. The culvert will be installed according to Soil Conservation Service specifications.

7. In addition to the permanent easement granted herein, Grantors hereby grant and convey unto Grantee a temporary construction easement, a description of which is contained in Exhibit 'C', which is attached hereto and by this reference incorporated herein. The purpose of this construction easement is to provide an area in which Grantee may permanently deposit and spread out excavation materials removed from the channel. Access to this construction easement area by Grantee or its agents, assigns, or successors shall be allowed only during the period of construction of the improvements to the creek channel.

8. Grantors acknowledge that all trees within the permanent easement area are the exclusive property of Grantee. Further, Grantors acknowledge that an unknown number of trees may have to be

removed within the temporary construction easement area. After completion of construction, Grantee will contact Grantors and determine the amount of compensation due Grantors for said trees. Grantors and Grantee agree that said compensation shall be calculated pursuant to the formula contained within Exhibit 'D', which is attached hereto and by this reference incorporated herein. Grantee will not remove any trees, bushes, or brush from the temporary easement area which is not necessary to allow the deposit and spreading of excavation materials removed from the channel.

9. Grantors hereby expressly retain, and Grantee acknowledges, the right to build crossings across the easement granted herein, and that Grantors will not be charged or assessed for any permits, easements or rights-of-way needed by Grantors to complete construction of said crossings built to Grantee's specifications.

TO HAVE AND TO HOLD the aforementioned easement in, over and upon the above described land of the Grantors, with all rights, privileges and appurtenances thereto belonging or in any way appertaining unto Grantee, its successors and assigns, forever. This easement shall be perpetual as long as Grantee is in existence.

IN WITNESS WHEREOF, we have set our hands hereto this 15 day of January, 1985.

Ray Schrad  
PRESIDENT, GRAND PRAIRIE WATER CONTROL DISTRICT, GRANTEE

Best W. Clark  
SECRETARY, GRAND PRAIRIE WATER CONTROL DISTRICT, GRANTEE

William J. Hart  
WILLIAM J. HART, GRANTOR

Lucile E. Hart  
LUCILE E. HART, GRANTOR

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Page 3 - Easement: Truax Hart

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SALEM, OR

Representative of AMERICAN QUASAR  
PETROLEUM COMPANY OF NEW MEXICO

Representative of MOBIL OIL CORP.

STATE OF OREGON )  
                          ) ss.  
County of Linn )

Personally appeared Ray Schroek and Bert Chambers, who being first duly sworn, each for himself and not for the other, did say that the former is the Grand Prairie Water Control District President and the latter is the Grand Prairie Water Control District Secretary, and that the seal affixed to the foregoing instrument is the corporate seal of said District, and that the said instrument was signed and sealed on behalf of said District by authority of its Board of Directors, and acknowledged said instrument to be its voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 13 day of JANUARY  
1986

R. E. Mc...  
Notary Public for Oregon  
My Commission Expires: 9-13-87

STATE OF OREGON )  
                          ) ss.  
County of Linn )

Personally appeared the above named WILLIAM J. HART AND LUCILE E. HART, husband and wife and acknowledged the foregoing instrument to be their voluntary act and deed.

SUBSCRIBED AND SWORN to before me this 31 day of MAY

R. E. Mc...  
Notary Public for Oregon  
My Commission Expires: 9-13-87



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STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Personally appeared the above named authorized representative of MOBILE OIL CORPORATION, and acknowledged the foregoing instrument to be his voluntary act and deed.

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

STATE OF \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

Personally appeared the above named authorized representative of AMERICAN QUASAR PETROLEUM CO. OF NEW MEXICO, and acknowledged the foregoing instrument to be his voluntary act and deed.

SUBSCRIBED AND SWORN to before me this \_\_\_\_\_ day of \_\_\_\_\_, 1985.

Notary Public for \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

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SALEM, OR

TRACT T-2-52

A parcel of land in Township 11 South, Range 3 West, Section 1 of the Willamette Meridian, Linn County, Oregon, being a portion of that tract of land conveyed by that certain deed to William J. Hart and Lucile E. Hart, as tenants in common, each an undivided one-half interest, recorded October 14, 1975 in Microfilm Volume 199, Page 363.

Said parcel being all that portion of said property included in a strip of land variable in width on each side of the centerline of the channel improvement by the agents of the Grand Prairie Water Control District, said centerline being described as follows:

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SALEM, OR

G-17971

## TRUAX CREEK - PHASE II

DEC 05 2014

EASEMENT

SALEM, OR

Beginning at Engineer's centerline station 287+81.74, being South 76° 49' 09" East 2,734.16 feet from the Northeast Corner of Christian Miller Donation Land Claim No. 41 Section 1, Township 11 South, Range 3 West, Willamette Meridian. From said Engineer's centerline station run North 61° 53' West, 28.37 feet to Station 288+10.11 P.C.; thence along the arc of a 572.96 foot radius curve Left (the chord of which bears North 73° 08' West, 223.56 feet) a distance of 225.00 feet to station 290+35.11 P.T.; thence North 84° 23' West, 1.65 feet to station 290+36.76 P.C.; thence along the arc of a 520.87 foot radius curve Left (the chord of which bears South 76° 28' 30" West, 341.59 feet) a distance of 348.03 feet to station 293+84.79 P.T.; thence South 57° 20' West, 94.58 feet to station 294+79.37 P.C.; thence along the arc of a 163.70 foot radius curve right (the chord of which bears North 69° 11' West, 263.13 feet) a distance of 305.62 feet to station 297+84.99 P.T.; thence North 15° 42' West, 342.58 feet to station 301+27.57 P.C.; thence along the arc of a 168.52 foot radius curve Left (the chord of which bears North 44° 00' West, 159.79 feet) a distance of 166.47 feet to station 302+94.04 P.T.; thence North 72° 18' West, 111.99 feet to station 304+06.03 P.C.; thence along the arc of a 716.20 foot radius curve Right (the chord of which bears North 62° 49' 30" West, 235.80 feet) a distance of 236.87 feet to station 306+42.90 P.T.; thence North 53° 21' West, 206.57 feet to station 308+49.47 P.C.; thence along the arc of a 520.87 foot radius curve Left (the chord of which bears North 63° 26' 30" West, 182.54 feet) a distance of 183.48 feet to station 310+32.95 P.T.; thence North 73° 32' West, 102.60 feet to station 311+35.55 P.C.; thence along the arc of a 318.31 foot radius curve Right (the chord of which bears North 50° 21' West, 250.62 feet) a distance of 257.59 feet to station 313+93.14 P.T.; thence North 27° 10' West, 149.90 feet to station 315+43.04 P.C.; thence along the arc of a 204.63 foot radius curve Left (the chord of which bears North 39° 59' West, 90.79 feet) a distance of 91.55 feet to station 316+34.59 P.T.; thence North 52° 48' West, 626.70 feet to station 322+61.29 P.C.; thence along the arc of a 572.96 foot radius curve Left (the chord of which bears North 63° 34' West, 214.07 feet) a distance of 215.33 feet to station 324+76.62 P.T.; thence North 74° 20' West, 210.17 feet to station 326+86.79 P.C.; thence along the arc of a 190.99 foot radius curve Left (the chord of which bears South 79° 54' West, 166.05 feet) a distance of 171.78 feet to station 328+58.57 P.T.; thence South 54° 08' West, 392.41 feet to station 332+50.98 P.C.; thence along the arc of a 179.05 foot radius curve Right (the chord of which bears South 73° 35' West, 119.24 feet) a distance of 121.56 feet to station 333+72.54 P.T.; thence North 86° 58' West, 812.08 feet to station 341+84.62 P.C.; thence along the arc of a 440.74 foot radius curve Right (the chord of which bears North 78° 11' 30" West, 134.47 feet) a distance of 135.00 feet to station 343+19.62 P.T.; thence North 69° 25' West, 31.53 feet to station 343+51.15 P.C.; thence along the arc of a 954.53 foot radius curve Left (the chord of which bears North 75° 32' West, 203.50 feet) a distance of 203.89 feet to station 345+55.04 P.T.; thence North 81° 39' West, 7.66 feet to station 345+62.70 P.C.; thence along the arc of a 954.93 foot radius curve Right (the chord of which bears North 75° 03' 30" West, 219.24 feet) a distance of 219.72 feet to station 347+82.42 P.T.; thence North 68° 28' West, 21.08 feet to station 348+03.90 P.C.; thence along the arc of a 572.96 foot radius curve Left (the chord of which bears North 78° 39' West, 202.60 feet) a distance of 203.67 feet to station 350+07.17

TRACT T-2-50: T-2-51: T-2-52: T-2-54: T-2-55: T-2-56: T-2-57: T-2-58: T-2-60

G-1797

P.T.; thence North 88° 50' West, 258.33 feet to station 352+65.50 P.C.; thence along the arc of a 249.11 foot radius curve Right (the chord of which bears North 71° 03' 30" West, 152.10 feet) a distance of 154.57 feet to station 354+20.07 P.T.; thence North 53° 17' West, 162.93 feet to station 355+83.00 P.C.; thence along the arc of a 119.37 foot radius curve Right (the chord of which bears North 31° 57' West, 86.85 feet) a distance of 88.89 feet to station 356+71.89 P.T.; thence North 10° 37' West, 143.17 feet to station 358+15.06 P.C.; thence along the arc of a 114.59 foot radius curve Left (the chord of which bears North 29° 01' West, 72.34 feet) a distance of 73.60 feet to station 358+88.66 P.T.; thence North 47° 25' West, 18.80 feet to station 359+07.46 P.C.; thence along the arc of a 249.11 foot radius curve Right (the chord of which bears North 21° 45' 30" West, 215.73 feet) a distance of 223.12 feet to station 361+30.58 P.T.; thence North 3° 54' South, 2.02 feet to station 361+32.60 P.C.; thence along the arc of a 163.70 foot radius curve Left (the chord of which bears North 19° 01' 30" West, 127.53 feet) a distance of 131.00 feet to station 362+63.60 P.T.; thence North 41° 57' West, 154.40 feet to station 346+18.00 P.C.; thence along the arc of a 381.97 foot radius curve Right (the chord of which bears North 31° 38' West, 136.81 feet) a distance of 137.56 feet to station 365+55.58 P.T.; thence North 21° 19' West, 14.44 feet to Station 365+70.00 P.C.; thence along the arc of a 818.51 foot radius curve Right (the chord of which bears North 13° 34' West, 220.75 feet) a distance of 221.43 feet to station 367+91.43 P.T.; thence North 5° 49' West, 56.38 feet to station 368+47.81 P.C.; thence along the arc of a 127.32 foot radius curve Left (the chord of which bears North 28° 45' 30" West, 99.26 feet) a distance of 101.96 feet to station 369+49.77 P.T.; thence North 51° 42' West, 495.00 feet to station 374+44.77 P.C.; thence along the arc of a 477.46 foot radius curve Left (the chord of which bears North 60° 04' 30" West, 139.09 feet) a distance of 139.58 feet to station 375+84.35 P.T.; thence North 68° 27' West, 165.65 feet to station 377+50 E.O.P.; said engineer's centerline station being South 2° 07' 18" West, 133.43 feet from the Northeast property corner of School District No. 19 of Linn County in Township 11 South, Range 3 West, Willamette Meridian, in Linn County, Oregon; said property corner is described on CS4965 in Linn County Survey Records. The bearings and distances herein are based upon the Oregon Coordinate System, North Zone.

The width in feet of the strip of land referred to above is as follows: From station 287+81.74 to the Southerly right-of-way of Knox Butte Road, approximate station 381+35.45 feet on the Westerly side and 30 feet on Easterly side of centerline.

From the Northerly side of Knox Butte Road, approximate station 372+05, 30 feet on the Westerly side and 45 feet on the Easterly side of centerline.

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G-77971

Property Tract Number:	T-2-52
Ownership:	William J. Hart, et al
Estimated Acres:	Parcel Total 121.40 acres
	Easement 3.05 acres
	Permit 9.15 acres

The proposed easement identified as Tract T-2-52 on the land rights map is indicated to be 3.05 acres. There is a short piece of line fence that appears to be of no purpose remaining otherwise all line fence on both east and west sides have been removed and Tract T-2-50, 52 and 53 farmed, for grass seed, as a unit. Most of the creek banks have been cleared on this parcel with cultivation up to the stream edge. There is a double culvert equipment crossing close to the east line.

The easement is not anticipated to reduce the value of the remainder. All benefits are considered to be general with no specific benefits accruing to the subject property. Compensation is estimated at 20% of fair market value of the land described in the easement. Market information indicates a fair market value of \$1,500 per acre.

Easement:

3.05 acres @ \$1,500 per acre = \$4,575 x 20% = \$915

Fair market rent for the permit area of 9.15 acres is estimated to be \$60 per acre per year for cultivated land.

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SALEM, OR

G-1797H

Permit:

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9.15 acres @ \$60 per acre = \$549

Seeding and restoration of the permit area and installation of access gates, if any, will be provided by Water Control District according to the terms outlined in appraisal report.

Compensation for Tract T-2-52

Basement \$ 915

Permit 549

Total \$1,464

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SALEM, OR

VL 432 PNE 892

EXHIBIT "C"

CONSTRUCTION PERMIT

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G-17791

EXHIBIT "D"

Grantor and Grantee agree that Grantor shall be compensated by Grantee for any trees removed from the temporary construction easement. Said compensation shall be based upon the value of the trees as firewood. Firewood shall be valued at the rate of \$40 per cord. The number of cords shall be determined by reference to the U. S. Department of Agriculture, Soil Conservation Service publication entitled "Technical Note Subject: Forestry, Series No. 15, Reference: White Oak, Date 5-5-83".

STATE OF OREGON  
County Of Linn  
I hereby certify that the attached was received and duly recorded by me in Linn County records:  
Volume: MF 432 Page: 882  
JAN 15 2 06 PM '87  
STEVE DRUCKENMILLER  
Linn County Clerk  
By *[Signature]*, Deputy

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SALEM, OR

G-1799H



Date \_\_\_\_\_

(For staff use only)



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

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

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

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SALEM, OR

**MAP**

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

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**Land Use**

DEC 05 2014



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

**Information Form** SALEM, OR

## 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  
Salem, Oregon 97301-1266  
(503) 986-0900  
www.wrd.state.or.us

SALEM, OR

Applicant: RB Webber Development LLC  
First

Last

Mailing Address: 3430 NW SPRINGHILL RD

ALBANY

City

OR

State

97321

Zip

Daytime Phone: 541-740-8195

## 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:
11S	3W	01		200	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
11S	3W	02		300	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
						<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:

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: 2.0     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 \_\_\_\_\_

Briefly describe:

Irrigation of grass for seed and row crops

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. →

## 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 928.310(B)(1)
- 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
		<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.

Farm use only.

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SALEM, OR

Name: Olivia Blantz Title: Planner

Signature: [Signature] Phone: 541-967-3816 Date: 11/12/14

Government Entity: \_\_\_\_\_

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_