

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 MICHAEL E. TOWNSEND		PHONE (HM) 503-512-1001	
PHONE (WK) 503-666-1780	CELL 503-793-1936	FAX 503-618-8257	
ADDRESS 23400 NE TOWNSEND WAY			
CITY FAIRVIEW	STATE OR	ZIP 97024	E-MAIL * MIKE@TOWNSEDFARMS.COM

Organization Information

NAME TOWNSEND FARMS, INC		PHONE 503-666-1780		FAX 503-618-8257	
ADDRESS 23400 NE TOWNSEND WAY				CELL	
CITY FAIRVIEW	STATE OR	ZIP 97024	E-MAIL * MIKE@TOWNSEDFARMS.COM		

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

AGENT / BUSINESS NAME JEFFREY E. JOHNSON		PHONE 503-519-6612		FAX 503-618-8257	
ADDRESS 23400 NE TOWNSEND WAY				CELL 503-519-6612	
CITY FAIRVIEW	STATE OR	ZIP 97024	E-MAIL * JEFFREY@TOWNSEDFARMS.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:

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

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

Michael E. Townsend
Applicant Signature

Michael E. Townsend
Print Name and title if applicable

2-4-15
Date

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. S-88057

For Department Use
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*).

The easements are for cellular phone towers and are unaffected by the water use.

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.

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SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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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: Margaret Reservoir (R-88018)

Tributary to: North Fork Deep Creek

Source 2: Townsend Reservoir (R-88017)

Tributary to: North Fork Deep Creek

Source 3: _____

Tributary to: _____

Source 4: _____

Tributary to: _____

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

B. Applications to Use Stored Water

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

☒ Yes.

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

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

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

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

SECTION 4: WATER USE

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

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

SOURCE	USE	PERIOD OF USE	AMOUNT
Margaret Reservoir (R-88018)	Multipurpose	Mar. 1 st -Oct. 31 st	6 ☐ cfs ☐ gpm ☒ af
Townsend Reservoir (R-88017)	Multipurpose	Mar. 1 st -Oct. 31 st	18 ☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

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

Primary: 50 Acres Supplemental: _____ Acres

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

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

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 15 hp; Vertical-Line Turbine

☐ Other means (describe): _____

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

B. Application Method

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

Drip irrigation

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.

Our irrigation method--drip irrigation--and the crop itself--raspberries--should allow for us to use a minimal amount of water in our irrigation times.

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: Don't fish bearing reservoir.

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

Describe planned actions: _____

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

Describe: _____

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

Describe: _____

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Construction of the ponds will begin once both permits have been approved

Date construction will be completed: Construction will be completed at the end of 2015.

Date beneficial water use will begin: Irrigation will begin during the allowed period of use in 2016 (i.e. March 2016)

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.

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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

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 503-986-0800.

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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: Michael First Townsend Last

Mailing Address: 23400 NE Townsend Way

Fairview City OR State 97024 Zip Daytime Phone: (503) 666-1780

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:
2S	3E	13	NE/NW	300	EFU	☒ Diverted	☒ Conveyed	☒ Used	Irrigation
2S	3E	13	SE/NW	300	EFU	☒ Diverted	☒ Conveyed	☒ Used	Irrigation
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Clackamas County; Beavering, Oregon	RECEIVED MAR 13 2015
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B. Description of Proposed Use

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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: 24 _____ ☐ 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:

50
Ponds will be used to irrigate approx. 55 acres of red raspberries via a drip-irrigation system (to minimize waste).

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.

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): SECTION 401, 'TABLE 401-1 A FARM USE
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

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.

FOR: MICHAEL TOWNSEND - 27000 SE REBMAN RD., BORING, OREGON LOCATION, 2-PONDS FOR IRRIGATION.

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Name: GARY HEWITT Title: SR. PLANNER WATER RESOURCES DEPT
SALEM, OREGON

Signature: [Signature] Phone: 503-742-4519 Date: 2-23-15

Government Entity: CLATSOP COUNTY PLANNING DIVISION

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: _____



\$78.00

01799711201400514950060064

10/07/2014 01:37:25 PM

D-CON Cnt=1 Stn=9 COUNTER1
\$30.00 \$16.00 \$22.00 \$10.00

After Recording Return To:

Townsend Enterprises, LLC
23400 NE Townsend Way
Fairview, Oregon 97024

*Kerry Ren
COUNTER*

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Until Requested Otherwise, Send All

Tax Statements To:

Townsend Enterprises, LLC
23400 NE Townsend Way
Fairview, Oregon 97024

WATER RESOURCES DEPT
SALEM, OREGON

MEMORANDUM OF LAND SALE CONTRACT

DATED: September 25, 2014

BETWEEN: Townsend Enterprises, LLC, an Oregon limited liability company
("Buyer")

AND: J. Frank Schmidt & Son. Co. Profit Sharing Plan and Trust ("Seller")

This Memorandum of a certain Land Sale Contract dated as of the date hereof is made by and between the above named parties.

1. **Term.** The Term of the Land Sale Contract expires on or before September 25, 2016, unless sooner terminated pursuant to the terms of the Land Sale Contract.

2. **Binding Effect.** The terms of the Land Sale Contract are expressly binding on the heirs, Personal Representatives, successors and assigns of both the Seller and the Buyer. All other terms of the Land Sale Contract are hereby confirmed and incorporated herein by this reference.

In accordance with ORS 93.030, true and actual consideration of this conveyance is \$425,000.00.

The Agreement concerns the purchase of that certain real property legally described in the attached Exhibit "A" and incorporated herein by this reference (the "Property").

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 195.336 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..

In witness whereof, the Parties have executed this memorandum as of the dates set forth below.

SELLER:

J. Frank Schmidt & Son Co.
Profit Sharing Plan and Trust

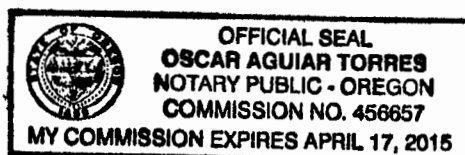
By: Jan E. Barkley
Jan E. Barkley, Trustee

Dated: ~~September~~ 1, 2014
October

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STATE OF OREGON)
)
County of CLACKAMAS)

Personally appeared the above named Jan E. Barkley, as Trustee of the J. Frank Schmidt & Son Profit Sharing Plan and Trust, and acknowledged the foregoing instrument to be his voluntary act and deed, before me this 1ST day of ~~September~~ OCTOBER, 2014.



Oscar A. Torres
Notary Public for Oregon
My Commission Expires: APRIL 17, 2015

BUYER:

Townsend Enterprises, LLC
an Oregon limited liability company

By: Michael E. Townsend
Michael E. Townsend

By: Margaret M. Townsend
Margaret M. Townsend

Dated: September 25, 2014

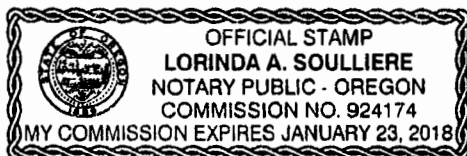
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STATE OF OREGON)
)
County of Multnomah)

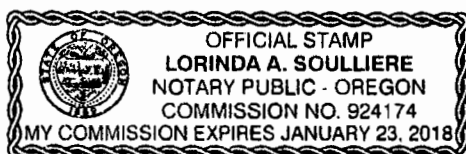
Personally appeared the above named Michael E. Townsend on behalf of Townsend Enterprises, LLC, and acknowledged the foregoing instrument to be his voluntary act and deed, before me this 25th day of September, 2014.



Lorinda A. Soulliere
Notary Public for Oregon
My Commission Expires: 01-23-2018

STATE OF OREGON)
)
County of Multnomah)

Personally appeared the above named Margaret M. Townsend on behalf of Townsend Enterprises, LLC, and acknowledged the foregoing instrument to be her voluntary act and deed, before me this 25th day of September, 2014.



Lorinda A. Soulliere
Notary Public for Oregon
My Commission Expires: 01-23-2018

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SALEM, OREGON

EXHIBIT A

LEGAL DESCRIPTION OF PROPERTY

EXHIBIT "A"

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

Parcel I:

The East one-half of the Northwest one-quarter of Section 13, Township 2 South, Range 3 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, lying West of county Road No. 1671, also known as Amisigger Road.

Except the North 20 feet.

And except that portion lying within the Hazelwood Cemetery; And excepting therefrom the following Parcels:

Parcel A:

A tract of land in the Northwest one-quarter of Section 13, Township 2 South, Range 3 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, being more particularly described as follows:

Commencing at the North one-quarter corner of said Section 13; thence South 0° 09'40" West along the centerline of Amisigger Road No. 1071 a distance 413.80 feet; thence South 89° 34'37" West parallel with the North line of said Section 13, a distance of 30.00 feet to the West line of said road and the true point of beginning of the tract herein described; thence from said true point of beginning South 0° 09'40" West along said West line a distance of 325.93 feet to a point of curvature; thence along said West line on the arc of a 519.74 foot radius curve to the right, through a central angle of 28° 34'30" (the long chord of which bears South 14° 26'65" West 256.53 feet) an arc distance of 259.21 feet to a point of tangency; thence South 28° 44'10" West along the Westerly line, of said road a distance of 214.70 feet; thence North 61° 15'50" West a distance of 175.52 feet; thence North 0° 46'47" East a distance of 675.97 feet; thence North 88° 34'37" East a distance of 313.06 feet to the point of beginning. .

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Parcel B:

A tract of land located in the East one-half of the Northwest one-quarter of Section 13: Commencing at the North one-quarter corner of said Section 13; thence South $89^{\circ} 34'37''$ West along the section line, a distance of 30.00 feet to the West line of Amisigger Road No. 1671 and the true point of beginning of the tract herein described; thence from said true point of beginning, South $0^{\circ} 09'40''$ West along said West line a distance of 413.80 feet; thence South $89^{\circ} 34'37''$ West parallel with the North line of said Section 13, a distance of 513.06 feet; thence North $0^{\circ} 45'47''$ East a distance of 413.87 feet to the North line of said Section 13; thence North $89^{\circ} 34'37''$ East along said North line a distance of 508.71 feet to the true point of beginning.

Parcel C:

A tract of land located in the East one-half of the Northwest one-quarter of Section 13 Beginning at the North one-quarter corner of said Section 13; thence South $0^{\circ} 09'40''$ West along the centerline of Amisigger Road No. 1671, a distance of 413.80 feet; thence South $89^{\circ} 34'37''$ West parallel with the North line of said Section 13, a distance of 343.06 feet to the true point of beginning of the tract herein described; thence from said true point of beginning South $0^{\circ} 45'47''$ West a distance of 675.97 feet; thence South $61^{\circ} 15'50''$ East a distance of 175.52 feet to the Westerly line of said Road No. 1671; thence South $28^{\circ} 44'10''$ West along said Westerly line a distance of 450.65 feet; thence North $74^{\circ} 47'40''$ West a distance of 148.27 feet; thence North $0^{\circ} 45'47''$ East a distance of 1115.18; thence North $89^{\circ} 34'37''$ _ East a distance of 200.00 feet to the true point of beginning.

Parcel II:

A tract of land located in the East one-half of the Northwest one-quarter of Section 13: Commencing at the North one-quarter corner of said Section 13; thence South $89^{\circ} 34'37''$ West along the section line, a distance of 30.00 feet to the West line of Amisigger Road No. 1671 and the true point of beginning of the tract herein described; thence from said true point of beginning, South $0^{\circ} 09'40''$ West along said West line a distance of 413.80 feet; thence South $89^{\circ} 34'37''$ West parallel with the North line of said Section 13, a distance of 513.06 feet; thence North $0^{\circ} 45'47''$ East a distance of 413.87 feet to the North line of said Section 13; thence North $89^{\circ} 34'37''$ East along said North line a distance of 508.71 feet to the true point of beginning.

Parcel III:

A tract of land located in the East one-half of the Northwest one-quarter of Section 13: Beginning at the North one-quarter corner of said Section 13; thence South $0^{\circ} 09'40''$ West along the centerline of Amisigger Road No. 1671, a distance of 413.80 feet; thence South $89^{\circ} 34'37''$ West parallel with the North line of said Section 13, a distance of 343.06 feet to the true point of beginning of the tract herein described; thence from said

true point of beginning South 0°45'47" West a distance of 675.97 feet; thence South 61°15'50" East a distance of 175.52 feet to the Westerly line of said Road No 1671; thence South 28° 44'10" West along said Westerly line a distance of 450.65 feet; thence North 74° 47'40" West a distance of 148.27 feet; thence North 0° 45'47" East a distance of 1115.18; thence North 89° 34'37" East a distance of 200.00 feet to the true point of beginning.

Tax Parcel Number 00624998 and 04000611 and 04000612 and 00625014 and 00625023

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