

# Application for a Permit to Use Ground Water



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law](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 a protest is filed and approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

## Include this checklist with the application

**Check that each of the following items is included.** The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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### Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- 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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$1,750 or \$2,200 if submitted with Permit Recording Fee  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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### Provide a map and check that each of the following items is included:

- 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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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 MYRON KUENZI		PHONE (HM) 503-585-8337	
PHONE (WK) 503-585-8337	CELL		FAX
ADDRESS 6500 STATE STREET			
CITY SALEM	STATE OR	ZIP 97301	E-MAIL* MYRON@KUENZITURFNURSERY.COM

### Organization Information

NAME KUENZI TURF AND NURSERY		PHONE 503-585-8337	FAX
ADDRESS 6475 STATE STREET			CELL
CITY SALEM	STATE OR	ZIP 97317	E-MAIL*

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

AGENT / BUSINESS NAME GREG KUPILLAS / PACIFIC HYDRO-GEOLOGY INC.		PHONE 503-632-5016	FAX
ADDRESS 18487 S VALLEY VISTA ROAD			CELL 503-939-3167
CITY MULINO	STATE OR	ZIP 97042	E-MAIL* PHGGEK@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.)

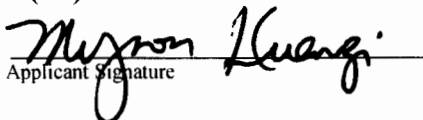
**RECEIVED**

### 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.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

  
Applicant Signature

Myron Kuenzi  
Print Name and title if applicable

9-9-15  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>G1-18157</u>	Permit No. _____	Date _____

**SECTION 2: PROPERTY OWNERSHIP**

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

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

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

NAME BRUCE WILSON – TL 7 2W 34 500		PHONE 503-932-0701	FAX
ADDRESS 601 74 <sup>TH</sup> AVE SE			CELL
CITY SALEM	STATE OR	ZIP 97317	E-MAIL*

NAME RUTH AND RICK METZGER – TL 7 2W 27 900		PHONE 503-371-3015	FAX
ADDRESS 6957 STATE SE			CELL
CITY SALEM	STATE OR	ZIP 97317	E-MAIL*

**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 (MARI 54600)	Little Pudding River	2,500 feet	55 feet
Well 2 (MARI 62761)	Little Pudding River	3,000 feet	40 feet

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*).

None.

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SALEM, OREGON WR

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**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 1/80 cfs per acre (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.

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 type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 54600	<input type="checkbox"/>	10 inches	1 to 112	295 to 395	0 to 112	66.09 3/27/2014	Basalt	400 feet	5.61/Acre	2.5/Acre
Well 2	<input type="checkbox"/>	<input checked="" type="checkbox"/>	MARI 62761	<input type="checkbox"/>	8 inches	2 to 201	150 to 170 & 180 to 190	0 to 38	53.0 11/5/2009	Basalt	220 feet	5.61/Acre	2.5/Acre

\* 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	March 1 through October 31	2.5/Acre
Supplemental Irrigation	March 1 through October 31	2.5/Acre

**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: 40.6 Acres                      Supplemental: 40.6 Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 101.5

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

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): Well 1 (MARI 54600): 50 Hp and submersible; Well 2 (MARI 62761): 30 Hp and submersible.

Other means (describe): \_\_\_\_\_

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be appropriated from Well 1 (MARI 54600) using a 50 Hp submersible pump and from Well 2 (MARI 62761) using a 30 Hp submersible pump and conveyed through 4-inch and 6-inch buried PVC mainline and applied to the proposed place of use using drip irrigation.

**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 aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

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

**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Use(s): NA

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

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

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

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

Annual volume (acre-feet): NA

USE OF STORED GROUND WATER	PERIOD OF USE
NA	NA

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: The proposed points of appropriation, Well 1 (MARI 54600) and Well 2 (62761) exist.

Date construction will be completed: The proposed points of appropriation, Well 1 (MARI 54600) and Well 2 (62761) exist.

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

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

None.

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WATER RESOURCES DEPT  
SALEM, OREGON

G-18157

# 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: Myron Kuenzi  
First Last

Mailing Address: 6500 State Street

Salem OR 97317 Daytime Phone: 503-585-8337  
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:
7S	2W	27		900	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation
7S	2W	34B		100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
7S	2W	34		300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
7S	2W	34		500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Irrigation

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

Marion County.

## B. Description of Proposed Use

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

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

Source of water:  Reservoir/Pond   
 Ground Water   
 Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 0.5   
 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:

The applicant proposes to appropriate water from two wells for irrigation use on 40.6 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

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# For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land-use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): MCC 17.136
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: LISA MILLIMAN Title: ASSOCIATE PLANNER  
 Signature: Lisa Milliman Phone: 503 588 5038 Date: 10/21/15  
 Government Entity: MARION COUNTY

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

**Receipt for Request for Land Use Information** **RECEIVED**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: WATER RESOURCES DEPT  
OCT 21 2015  
SALEM, OREGON

NA

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That BRUCE A. WILSON

hereinafter called the grantor, for the consideration hereinafter stated, to grantor paid by BRUCE A. WILSON

hereinafter called the grantee, does hereby grant, bargain, sell and convey unto the grantee and grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in MARION County, State of Oregon, described as follows, to-wit:

EXHIBIT A

(IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE SIDE)

To Have and to Hold the same unto the grantee and grantee's heirs, successors and assigns forever. And grantor hereby covenants to and with grantee and grantee's heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances

and that grantor will warrant and forever defend the premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

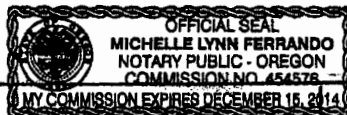
The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ N/A. However, the actual consideration consists of or includes other property or value given or promised which is the whole part of the consideration (indicate which). (The sentence between the symbols @, if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural. In Witness Whereof, the grantor has executed this instrument this 23 day of April, 2014.

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

STATE OF OREGON, County of MARION ) ss. This instrument was acknowledged before me on APRIL 23, 2014, by Bruce Wilson

[Signature] Notary Public for Oregon My commission expires DEC 15, 2014



REEL 3599 PAGE 200  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
04-23-2014 04:11 pm  
RECEIVED

Grantor's Name and Address  
Grantor's Name and Address  
After recording return to (Name, Address, Zip):  
BRUCE WILSON ✓  
601 74th Ave SE  
SALEM, OR 97317  
Until requested otherwise send all tax statements to (Name, Address, Zip):  
SAME

SPACE FOR RECORDER'S USE  
and/or as fee/title/instrument No. \_\_\_\_\_ of the \_\_\_\_\_ Records of said County.  
WATER RESOURCES DEPT and seal of SALEM, OREGON  
By \_\_\_\_\_, Deputy.

G-18157

EXHIBIT A

Land Markers Surveying

581 Lancaster Dr. SE #397  
Salem, OR 97317  
503-581-0911

April 5, 2014  
Job No. 2014-26  
Description for Myron Keunzi

Wilson adjusted tract

A tract of land situated in the Northwest quarter of Section 34, Township 7 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, said tract being a portion of those tracts of land described Reel 2646, Page 327, and Reel 3503, Page 169, Deed Records for Marion County, Oregon and being more particularly described as follows:

Beginning at the Northwest corner of the John Stipp Donation Land Claim Number 46 in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence North 00°15'00" East 724.68 feet to the Southeast corner of that tract of land described in Reel 2731, Page 89, Deed Records for Marion County, Oregon; thence North 90°00'00" West along the South line of said tract, 1089.86 feet to the West line of that tract of land described in Volume 90, Page 306, Deed Records for Marion County, Oregon; thence North 00°00'00" West along said West line, 441.24 feet to the Southeast corner of that tract of land described in Volume 103, Page 270, Deed Records for Marion County, Oregon; thence North 90°00'00" West along the South line of said tract, 330.00 feet to the Southwest corner thereof; thence South 00°00'00" East 441.24 feet; thence North 90°00'00" East 312.84 feet; thence South 00°00'00" East 20.00 feet; thence North 90°00'00" East 20.00 feet to the West line of that tract of land described in Reel 2646, Page 327, Deed Records for Marion County, Oregon; thence South 00°00'00" East along the West line of said tract, 410.00 feet; thence North 90°00'00" East 122.00 feet; thence South 00°00'00" East 968.74 feet to the South line of that tract of land described in Reel 1554, Page 336, Deed Records of Marion County, Oregon; thence North 89°42'27" East along said North line, 923.10 feet to the East line of that tract of land described in Volume 725, Page 742, Deed Records for Marion County, Oregon; thence North 00°45'00" East along said East line, 669.45 feet to the Northwest corner of said tract; thence North 90°00'00" East 30.00 feet to the point of beginning and containing 34.89 acres of land, more or less.

Subject to the rights of the public in and to that portion of the premises herein described lying within the limits of public roads, streets and highways.

14026C

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Troy E. Petersen*  
OREGON  
JANUARY 10, 2008  
TROY E. PETERSEN  
61,409

Expires 12-31-14

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SALEM, OREGON

G-1815T

**REEL: 3599**

**PAGE: 200**

**April 23, 2014, 04:11 pm.**

CONTROL #: 359843

State of Oregon  
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 51.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

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WATER RESOURCES DEPT  
SALEM, OREGON

G-18157

Return To 1 Tax Statements

Reel  
3109

Page  
395

[ Rick A. METZGER ]  
✓ Ruth L. METZGER  
6500 STATE  
[ SALEM, OR 97317 ]

Above Space Reserved for Recording

[If required by your jurisdiction, list above the name & address of: 1) where to return this form; 2) preparer; 3) party requesting recording.]

### Warranty Deed

Date of this Document: October 2, 2009

Reference Number of Related Documents: \_\_\_\_\_

Grantor(s):

Name MYRON W. KUENZI & DIANE M. KUENZI  
Street Address 6500 STATE  
City/State/Zip SALEM, OR 97317

Grantee(s):

Name RICK A. METZGER & RUTH L. METZGER AS HUSBAND and WIFE  
Street Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Abbreviated Legal Description (i.e., lot, block, plat, or section, township, range, quarter/quarter or unit, building and condo name): LOTS 800 and 900 7S-2W-27

Assessor's Property Tax Parcel/Account Number(s): \_\_\_\_\_

For good consideration, MYRON W. KUENZI & DIANE M. KUENZI  
of 6500 STATE SALEM, County of MARION  
State of OREGON, hereby bargain, deed and convey to RICK A. METZGER and  
RUTH L. METZGER of 6500 STATE SALEM  
MARION, State of OREGON, the following described land in \_\_\_\_\_  
County, free and clear with WARRANTY COVENANTS; to wit: \_\_\_\_\_

EXHIBIT 'A'

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SALEM, OREGON

G-18157

Grantor, for itself and its heirs, hereby covenants with Grantee, its heirs, and assigns, that Grantor is lawfully seized in fee simple of the above-described premises; that it has a good right to convey; that the premises are free from all encumbrances; that Grantor and its heirs, and all persons acquiring any interest in the property granted, through or for Grantor, will, on demand of Grantee, or its heirs or assigns, and at the expense of Grantee, its heirs or assigns, execute any instrument necessary for the further assurance of the title to the premises that may be reasonably required; and that Grantor and its heirs will forever warrant and defend all of the property so granted to Grantee, its heirs, and assigns, against every person lawfully claiming the same or any part thereof. **EXCEPT! COVENANTS, CONDITIONS, RESTRICTIONS AND EASEMENTS OF RECORD.**

Being the same property conveyed to the Grantor by deed of REEL 2500 PAGE 485, dated JUNE 30, 2005.

WITNESS the hands and seal of said Grantor this 2 day of October, 2009

Myron W. Kuenzi  
Grantor

Diane M. Kuenzi  
Grantor

State of Oregon)

County of Marion)

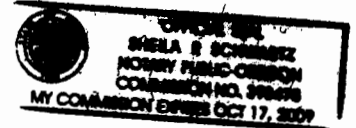
On 10-2-09, before me, Sheila R. Schwartz, personally appeared Myron + Diane Kuenzi, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature Sheila R. Schwartz

Affiant  Known  Unknown  
ID Produced Drivers License

(Seal)



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SALEM, OREGON

Clarifying  
Copy

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Above Space Reserved for Recording

(If required by your jurisdiction, list above the name & address of: 1) where to return this form; 2) preparer; 3) party requesting recording.)

# Warranty Deed

Date of this Document: \_\_\_\_\_

Reference Number of Related Documents: \_\_\_\_\_

Grantor(s):

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Grantee(s):

Name \_\_\_\_\_  
Street Address \_\_\_\_\_  
City/State/Zip \_\_\_\_\_

Abbreviated Legal Description (i.e., lot, block, plat, or section, township, range, quarter/quarter or unit, building and condo name): \_\_\_\_\_

Assessor's Property Tax Parcel/Account Number(s): \_\_\_\_\_

For good consideration, \_\_\_\_\_  
of \_\_\_\_\_, County of \_\_\_\_\_  
State of \_\_\_\_\_, hereby bargain, deed and convey to  
Ruth L. Metzger of \_\_\_\_\_  
County of SALEM, State of \_\_\_\_\_, the following described land in \_\_\_\_\_  
County, free and clear with WARRANTY COVENANTS; to wit: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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G-18151

Order No. 0726312  
Page 7

**Exhibit "A"**

All that portion of the following described property lying Southerly of the Southern Pacific Railroad right of way:

Lots Three, Four and Five, in Section Twenty-seven in Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon:

Also, Beginning at a point on the North line of the Nicholas Shrum D.L.C., 1.30 chains from the Northeast corner of said Claim, in Township 7 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; thence North 89°8' West along the North line of said claim, 9.29 chains; thence North 1°15' East 57.00 chains to an iron pipe; thence South 89°42' East along the South line of the Capital City Fruit Farms, 7.66 chains to a stove leg set for a corner, thence South 15° East 57.09 chains to the beginning.

Said above-described tracts being situated in Section 27, Township 7 South, Range 2 West of the Willamette Meridian in Marion County, State of Oregon.

EXCEPTING that portion of the above described real property conveyed to Marion County for road purposes recorded in Volume 508, Page 702, Deed Records Marion County, Oregon.

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SALEM, OREGON

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**REEL: 3109**

**PAGE: 395**

**October 02, 2009, 10:55 am.**

CONTROL #: 257752

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 56.00

BILL BURGESS  
COUNTY CLERK

THIS IS NOT AN INVOICE.

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SALEM, OREGON

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REEL 3503 PAGE 171  
MARION COUNTY  
BILL BURGESS, COUNTY CLERK  
05-15-2013 11:31 am.  
Control Number 339103 \$ 61.00  
Instrument 2013 00021888

13-41919

Fidelity National Title of Oregon

**WATER USE AND WELL ACCESS  
EASEMENT**

**THIS WATER USE AND WELL ACCESS EASEMENT AGREEMENT** is made this 14 day of May, 2013, by and between **BRUCE A. WILSON**, hereinafter referred to as the Grantor, and **MYRON W. KUENZI and DIANE M. KUENZI**, hereinafter referred to as the Grantee, for the purpose of granting water rights and a supply of agricultural water to a certain well, and establishing an easement for access and maintenance to said well across the Grantor's property to serve the Grantee's property.

**WHEREAS** Grantor is the owner of the following described real property, which is located in Marion County, Oregon, to wit:

*Beginning at the Northwest corner of the Donation Land Claim of John Stipp in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence North 0° 15' East 10.98 chains along the East line of the Benjamin Walden Claim; thence West 16.47 chains; thence South 32.03 chains; thence East 16.36 chains to the East line of the Benjamin Walden Claim; thence North 0° 45' East 21.05 chains along the East line of the Benjamin Walden Claim to the place of beginning.*

*EXCEPTING THEREFROM that portion deeded to Marion County by deed recorded May 3, 1972 in Volume 725, Page 742, Deed Records, Marion County, Oregon.*

Which property is located at 585 74<sup>th</sup> Avenue SE, Salem, OR 97317 and is identified as Tax Lot 500 on Map 7.2W.34, and carries Tax Account No. R24594, and which is the servient parcel.; and

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SALEM, OREGON

After Recording Return to:  
Myron Kuenzi  
6500 State Street  
Salem, OR 97317

Mail Tax Statements to:  
Myron Kuenzi  
6500 State Street  
Salem, OR 97317

G-18157

**WHEREAS** Grantee is the owner of the following described real property, which is located in Marion County, Oregon, to wit:

*Beginning at a point on the West line of the Benjamin Walden Donation Land Claim in Township 7 South, Range 2 West, Willamette Meridian, Marion County, Oregon, which is North 00°14' West 3829.75 feet from the most Westerly Southwest corner of said Claim; thence North 00°15' West along the West line of said Claim, 2919.41 feet to the Southwest corner of a tract conveyed to Arthur A. Rehb et ux by deed recorded in Volume 431, Page 753, Deed Records for Marion County, Oregon; thence North 55°38' East 306.90 feet to the Southeast corner of said Rehb tract; thence North 00°15' West along the East line of said tract to the South line of the County Road as described in Volume 506, Page 129, Deed Records for Marion County, Oregon; thence Northeasterly along the South line of said road to the West line of a tract of land conveyed to Lucy C. Palmer et vir by deed recorded in Volume 103, Page 270, Deed Records for Marion County, Oregon; thence South along the West line of said tract to the Southwest corner thereof; thence East along the South line of said tract, 330 feet to the East line of a tract of land conveyed to Ralph A. Wilson et ux by deed recorded in Volume 388, Page 123, Deed Records for Marion County, Oregon; thence South along the East line of said tract, 447.48 feet to the Northwest corner of a tract of land conveyed to Ralph A. Wilson et ux by deed recorded in Volume 216, Page 583, Deed Records for Marion County, Oregon; thence South along the West line of said tract, 2113.98 feet to the South line of a tract of land conveyed to Ralph C. Spooner et ux by deed recorded in Reel 17, Page 801, Microfilm Records for Marion County, Oregon; thence West to the place of beginning.*

*EXCEPTING THEREFROM: Beginning at an iron rod which is 669.30 feet South 00°45' West and 900.00 feet West from the Northwest corner of the John Stipp Donation Land Claim No. 46 in Township 7 South, Range 2 West of the Willamette Meridian, Marion County, Oregon; thence West 1330.91 feet, more or less, to an iron rod at the Northwest corner of a tract of land conveyed to Michael J. Stowitschek and wife on June 15, 1983 in Reel 313, Page 660, Microfilm Records, Marion County, Oregon; thence South 00°45' West, parallel to the West line of said Claim, 723.70 feet, more or less, to the Southwest corner of a tract of land conveyed to Bruce Greene and wife by instrument recorded December 10, 1991 in Reel 907, Page 182, Microfilm Records, Marion County, Oregon; thence South 89°19' East, 1330.00 feet, more or less to a point South 00°45' West of the place of beginning; thence North 00°45' East 729.52 feet to the point of beginning.*

Which property is unaddressed and is identified as Tax Lot 300 on Map 7.2W.34, and carries Tax Account No. R24620, which is the dominant parcel.; and

**WHEREAS** Grantor has a fully functional agricultural well located on the above described servient parcel which has in the past served both the servient and dominant parcels when those parcels were commonly owned by Grantor. In the contemporaneous sale of the dominant parcel to Grantee, a condition of that sale was the granting of the right to use water for the purposes of irrigating and providing other agricultural water to the dominant parcel from the well located on the servient parcel; and

**WHEREAS** Grantor has the unrestricted right to provide water, and to grant an easement over and across the servient property, and intends hereby to comply with the sales agreement for the sale of the dominant parcel by granting the right to use water and grant an easement for access and maintenance to the well over and across the servient parcel to serve the Grantee's dominate parcel; and

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**WHEREAS** the parties hereto do hereby desire to set out the terms and conditions upon which the grant of water use and the access easement will be granted; now

**\*\*\* WITNESSETH \*\*\***

**FOR AND IN CONSIDERATION OF** the mutual promises, covenants and agreements contained herein, the parties do hereby agree as follows:

1. Grantor does hereby agree to provide water from its existing well on the servient property to Grantee in such amounts as are necessary in order to serve the agricultural employment of the dominant parcel. There shall be no charge to Grantee for the water provided.
2. Grantor does hereby further grant and convey unto Grantee a permanent, nonexclusive, appurtenant easement for access to and maintenance of the well located on the servient parcel, over and across the above described servient parcel. Although the easement shall encumber all of the servient parcel, the actual area of access shall be 15 feet wide across the total northern boundary of servient property in order to accommodate the water piping, pumps and vehicular access needed to service and maintain the pump and pipes serving the dominant parcel. The 15 foot wide strip of land across the total northern boundary of the servient parcel shall therefore be considered to be the actual "Easement Area".
3. Grantor shall retain the right to water from the well on the servient property for domestic purposes only, and shall not use water from the well for any agricultural or commercial purpose. So long as Grantor is only using water from this well for domestic purposes, Grantee shall be responsible for all costs and maintenance associated with the well and pump system. In the event Grantor and Grantee agree that Grantor may use water from the well for agricultural purposes, the costs of operation and maintenance of the well and pump and piping system shall be divided between the parties based on the number of acres of each party the well is serving.
4. This easement shall be permanent and shall include the right, privilege, and authority allowing Grantee, its agents, employees and representatives to access and maintain the well, and for similar uses in, under and across said Easement Area, together with the right to place, install, maintain, inspect, add to the number of and relocate lines and pipes and necessary appurtenances, and make excavations therefore from time to time, in, under and through the Easement Area, and to cut and remove from said Easement Area any trees and other obstructions that may endanger the safety or interfere with the use of said well, or appurtenances attached to or connected therewith, and the right of ingress and egress to and over said Easement Area at any and all times for the purpose of accessing and maintaining the well, and for doing anything necessary, useful or convenient for the enjoyment of the easement hereby granted.
5. The Grantee, upon the initial construction, and upon each and every occasion that the well system is repaired, renewed, added to or removed, shall restore the premises of the Grantor and any improvements disturbed, to as good condition as they were prior to any such work, including the restoration of any topsoil, lawn or pavement.
6. This easement shall continue in perpetuity, or until such time as the then owners of all subject properties agree to terminate the easement, and shall run with the land.
7. This easement agreement shall bind and inure to the benefit of, as the circumstances may require, not only the immediate parties hereto but also their respective heirs, executors, administrators, assigns and successors in interest as well.

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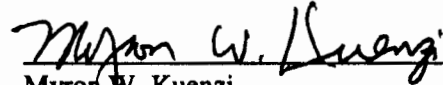
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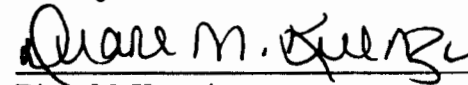
- 8. In the event of a dispute over this easement agreement, the prevailing party shall be entitled to reimbursement of all reasonable attorney fees, costs and disbursements incurred in the dispute before litigation, at trial and on appeal, if any.
- 9. Grantee, their heirs, executors, administrators, assigns and successors shall hold and save Grantor harmless from any and all claims of third parties arising from Grantee's use of the easement rights granted herein.
- 10. In construing this agreement and where the context so requires, words in the singular include the plural; the masculine includes the feminine and the neuter; and generally, all changes shall be made or implied so that this instrument shall apply both to individuals and to corporations.
- 11. Except as specifically granted herein, Grantor shall retain full use and control of the easement area.

GRANTOR

GRANTEE

  
 \_\_\_\_\_  
 Bruce A. Wilson

  
 \_\_\_\_\_  
 Myron W. Kuenzi

  
 \_\_\_\_\_  
 Diane M. Kuenzi

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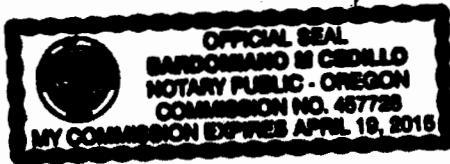
WATER RESOURCES DEPT  
SALEM, OREGON

G-10151

\*\*\* NOTARIALS \*\*\*

STATE OF OREGON )  
 ) ss.  
County of Marion )

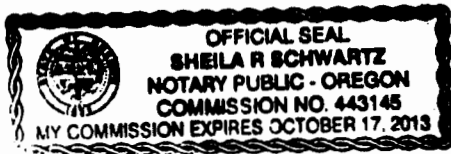
SUBSCRIBED AND SWORN to before me this 14<sup>th</sup> day of May, 2013, by Bruce A. Wilson, and acknowledged by him to be his voluntary deed and act.



*Bardomano M Cedillo*  
Notary Public for Oregon

STATE OF OREGON )  
 ) ss.  
County of Marion )

SUBSCRIBED AND ~~SWORN~~ <sup>AFFIRMED</sup> to before me this 14 day of May, 2013, by Myron W. Kuenzi and Diane M. Kuenzi, and acknowledged by them to be their voluntary deed and act.



*Sheila R Schwartz*  
Notary Public for Oregon

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