

DRAFT

This is not a permit.
STATE OF OREGON

DRAFT

COUNTY OF BENTON

DRAFT PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS DRAFT PERMIT IS HEREBY ISSUED TO
IRREVOCABLE

JOSEPH AND JEAN WORTH TRUST
5355 WORTH WAY
PHILOMATH, OR 97370

PHILLIP S.D. WORTH, TRUSTEE
559 NE BRIDGETON RD 6
PORTLAND, OR 97211

RECEIVED

MAY 11 2016

WATER RESOURCES DEPT
SALEM, OREGON

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: G-18161

SOURCE OF WATER: WELL 1 (BENT 4490) AND WELL 2 IN NEWTON CREEK BASIN

PURPOSE OR USE: NURSERY USE ON 41.35 ACRES

MAXIMUM RATE: 0.053 CUBIC FOOT PER SECOND

PERIOD OF USE: YEAR-ROUND

DATE OF PRIORITY: NOVEMBER 13, 2015

WELL LOCATION:

WELL 1 (BENT 4490): SW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 36, T11S, R6W, W.M.; 1300 FEET NORTH AND 760 FEET EAST FROM SW CORNER, SECTION 36

WELL 2: NW $\frac{1}{4}$ SW $\frac{1}{4}$ SECTION 36, T11S, R6W, W.M.; 1820 FEET NORTH AND 1020 FEET EAST FROM SW CORNER, SECTION 36

The amount of water used for nursery use under this right, together with the amount secured under any other right existing for the same lands, is limited to 0.15 cubic foot per second per acre and 5.0 acre feet per acre per year. For irrigation of containerized nursery plants, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-fortieth of one cubic foot per second and 5.0 acre feet per acre per year. For irrigation of in-ground nursery plants, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre per year. The use of water for nursery use may be made at any time, during the period of allowed use specified above, that the use is beneficial. For irrigation of any other crop, the amount of water diverted under this right, together with the amount secured under any other right existing for the same lands, is limited to one-eightieth of one cubic foot per second and 2.5 acre feet per acre during the irrigation season of each year.

Application G-18161 Water Resources Department

PERMIT DRAFT

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

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Water-Use Permit Application Processing

1. Completeness Determination

WATER RESOURCES DEPT
SALEM, OREGON

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 (www.oregon.gov/owrd/law). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$200. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$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.

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

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.
- ☐ Fees - Amount enclosed: \$ _____
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

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 _____

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME PHILLIP WORTH		PHONE (HM) 503.756.6776	
PHONE (WK) 503.535.7418	CELL 503.753.5134	FAX	
ADDRESS 559 NE BRIDGETON RD. #6			
CITY PORTLAND	STATE OR	ZIP 97211	E-MAIL* pworth@kittelson.com

Organization Information

NAME The Joseph & Jean Worth Trust		PHONE 541.929.6847	FAX
ADDRESS 5355 WORTH WAY		CELL 503 753. 5134	
CITY PHILOMATH	STATE OR	ZIP 97370	E-MAIL*

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

AGENT / BUSINESS NAME		PHONE	FAX
ADDRESS		CELL	
CITY	STATE	ZIP	E-MAIL*

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 water use 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.

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SALEM, OREGON

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

Applicant Signature

Print Name and title if applicable

Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use

App. No. **648161**

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*).

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
1	Newton Creek	3200'	200'
2	" "	3500'	230'

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*).

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OWRD

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 12 gals/min ① (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below). 12 gals/min ②

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)
1	☐	☒	Bent 4490	☐	6"	+1-117	6	0-115'	96	Basalt	445	12	93
2	☒	☐		☐	"	"	"	"		"		"	"
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* 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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SALEM, OREGON

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
IRRIGATION	MAR 1 - OCT 24	
NURSERY	YEAR ROUND	186

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: ~~11~~ Acres

Supplemental: ~~11~~ Acres

List the Permit or Certificate number of the underlying primary water right(s): 0

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 186

- 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

WATER RESOURCES DEPT
SALEM, OREGON

A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): Franklin Pump 4400 TS 15 gpm 1-1/2 hp 3 wire 230 vlt
☐ Other means (describe): 0 submersible pump & motor

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

PUMP FROM WELL

B. Application Method

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

DRIP & SPRINKLERS

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to 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.

PIPED & METERED

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.

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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*).

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SALEM, OREGON

Annual volume (acre-feet): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Within 5 years of permit issuance

Date construction will be completed: _____

Date beneficial water use will begin: _____

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	N/A		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*).

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WATER RESOURCES DEPT
SALEM, OREGON

Land Use

Information Form



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

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NOTE TO APPLICANTS

WATER RESOURCES DEPT
SALEM, OREGON

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



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

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Applicant: Phillip First Worth Last

APR 25 2016

Mailing Address: 559 NE Bridgeton Rd #6
Portland City OR State 97211 Zip Daytime Phone: 503 753-5134

SALEM, OR

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:
11	6	36		302	F.C.	☐ Diverted	☐ Conveyed	☒ Used	
11	6	36		302	F.C.	☐ Diverted	☐ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Benton Co.
City of Philomath

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: 12 ☐ 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:

Water to irrigate agriculture/farming

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. →

57-18161

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

11-6-36-302

- ☒ 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): Growing lavender + cannabis is outright permitted in FC zone per BCC 60.105(6), "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
		☐ 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.

See above.

Name: Kristin Anderson Title: Associate Planner

Signature: Kristin Anderson Phone: 541-766-6298 Date: 4/21/16

Government Entity: Benton County Community Development

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: _____

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APR 25 2016

SALEM, OR

G-18161

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: PHILLIP WORTH
First Last

Mailing Address: 559 NE BRIDGETON RD

PORTLAND OR 97211 Daytime Phone: 503.753.5134
City State Zip
503.756.6776

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:
11 S	6 W	36	SWSW	302	FC	☒ Diverted	☒ Conveyed	☒ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

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

Benton County
City of Philomath

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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: _____ ☐ cubic feet per second ☐ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Nursery

Briefly describe:

lavender and marijuana

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

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The following section must be completed by a planning official from each county and city listed unless the project is 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.

NOV 18 2015
WATER RESOURCES DEPT
SALEM, OREGON

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): BCC 60.105(6) + 51.020(14)(a)
- ☐ 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.

A nursery is considered a "farm use" in the FC zone.
Marijuana will not be considered as a farm crop in the
definition of farm use until Ordinance 2015-0271 is
effective (tentatively Dec 24th, 2015).

Name: Linsey Godwin Title: Planner
Signature: Linsey Godwin Phone: 541-766-6819 Date: 11/13/15
Government Entity: Benton County

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

Receipt for Request for Land Use Information

Applicant name: _____
City or County: _____ Staff contact: _____
Signature: _____ Phone: _____ Date: _____

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: _____
- ☒ SECTION 10: _____

☐ 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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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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Recording requested by:
THE PIXTON LAW GROUP

After recording return to:
THE PIXTON LAW GROUP
5285 Meadows Rd., Ste. 377
Lake Oswego, OR 97035

Until a change is requested,
send tax statements to:
JOSEPH E. WORTH and JEAN WORTH
5355 Worth Way
Philomath, OR 97370

WATER RESOURCES DEPT
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BENTON COUNTY, OREGON 2014-516831
DE-WD
Cnt=1 Stn=9 PF 02/18/2014 01:58:35 PM
\$15.00 \$11.00 \$22.00 \$10.00 \$20.00 \$78.00



I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



WARRANTY DEED

JOSEPH E. WORTH and JEAN I. WORTH, Grantors, convey and warrant to PHILLIP S.D. WORTH, Trustee or his successors in trust under THE JOSEPH AND JEAN WORTH IRREVOCABLE TRUST dated 12/5, 2013, Grantee, all of Grantors' interest in the following real property situated in Benton County, Oregon, to-wit:

SEE EXHIBIT "A" ATTACHED HERETO BY THIS REFERENCE AND INCORPORATED HEREIN.

Commonly known as 5355 Worth Way Philomath, OR 97370. Parcel #341855, 029645, 278006, and 278014.

Subject to covenants, conditions, easements, encumbrances and rights-of-way of record, as well as encroachments of any obvious nature.

The liability and obligations of the Grantor to Grantee and Grantee's heirs and assigns under the warranties and covenants contained herein or provided by law shall be limited to the extent of coverage that would be available to Grantor under a standard policy of title insurance. The limitations contained herein expressly do not relieve Grantor of any liability or obligations under this instrument, but merely define the scope, nature, and amount of such liability or obligations.

This deed is given for estate planning purposes to fund a Grantor's Irrevocable Trust. The true consideration for this conveyance is NONE.

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, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 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.

DATED 12/5, 2013.

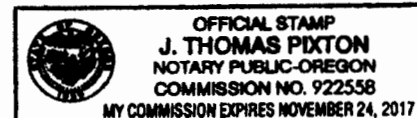
JOSEPH E. WORTH, by PHILLIP S.D. WORTH,
his attorney-in-fact, by POA dated 12/4/13

JEAN I. WORTH

STATE OF OREGON, COUNTY OF CLACKAMAS) ss.

PHILLIP S.D. WORTH, attorney-in-fact for JOSEPH E. WORTH and JEAN I. WORTH acknowledged this instrument before me on 12-5, 2013.

Notary Public for Oregon





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Recorded Document

The Recorded Document images are displayed in the subsequent pages for the following request:

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Document Date: 02/18/2014

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IMPORTANT – READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

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11/10/2015

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EXHIBIT A

WORTH LEGAL DESCRIPTION

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COMMENCING AT THE MOST WESTERLY NORTHWEST CORNER OF THE WILLIAM WYATT DONATION LAND CLAIM NO. 40, TOWNSHIP 11 SOUTH, RANGE 6 WEST OF THE WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON; THENCE SOUTH 1°22'30" WEST 183.74 FEET TO A 3/4 INCH IRON ROD ON THE WEST LINE OF SAID WYATT CLAIM, BEING THE SOUTHWEST CORNER OF THAT PROPERTY CONVEYED TO ESTHER HOWARD SMITH AND DESCRIBED IN BENTON COUNTY DEED RECORD BOOK 145, PAGE 459; THENCE ALONG SAID SMITH SOUTH LINE SOUTH 88°36'00" EAST 1216.18 FEET TO A 3/4 INCH IRON ROD AT THE NORTHWEST CORNER OF THAT PROPERTY CONVEYED TO JOSEPH E. WORTH AND JEAN I. WORTH, HUSBAND AND WIFE, AND DESCRIBED AS PARCEL I IN BENTON COUNTY DEED RECORD M-34115-81, SAID CORNER BEING THE TRUE POINT OF BEGINNING; THENCE ALONG SAID PARCEL I WEST LINE SOUTH 1°21'24" WEST 689.73 FEET TO A 5/8 INCH IRON ROD AT THE MOST NORTHERLY CORNER OF THAT PROPERTY CONVEYED TO EDWARD WILLIAM BRUNETTE AND KATHLEEN ANN BRUNETTE AND DESCRIBED IN BENTON COUNTY DEED RECORD M-289941-00; THENCE ALONG THE NORTHEASTERLY LINE OF SAID BRUNETTE PROPERTY SOUTH 43°37'54" EAST 213.04 FEET TO A 5/8 INCH IRON ROD ON THE SOUTH LINE OF THE AFOREMENTIONED PARCEL I; THENCE ALONG SAID PARCEL I SOUTH LINE SOUTH 88°37'12" EAST 838.23 FEET TO A 5/8 INCH IRON ROD AT THE NORTHWEST CORNER OF THAT PROPERTY CONVEYED TO JOSEPH E. WORTH AND JEAN I. WORTH AND DESCRIBED IN BENTON COUNTY DEED RECORD M-289940-00; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID WORTH PROPERTY SOUTH 44°10'14" EAST 422.66 FEET TO A 5/8 INCH IRON ROD ON THE RIGHT-OF-WAY LINE OF WORTH WAY; THENCE ALONG SAID RIGHT-OF-WAY LINE ON A 45.00 FOOT RADIUS CURVE TO THE RIGHT 16.42 FEET TO A 5/8 INCH IRON ROD (THE LONG CHORD OF WHICH BEARS NORTH 22°33'35" EAST 16.33 FEET); THENCE CONTINUING ALONG SAID RIGHT-OF-WAY LINE ON A 45.00 RADIUS CURVE TO THE RIGHT 66.34 FEET (THE LONG CHORD OF WHICH BEARS NORTH 75°14'56" EAST 60.50 FEET) TO THE EAST LINE OF THAT PROPERTY CONVEYED TO JOSEPH E. WORTH AND JEAN I. WORTH, HUSBAND AND WIFE, AND DESCRIBED AS PARCEL III IN BENTON COUNTY DEED RECORD M-34115-81; THENCE ALONG SAID PARCEL III EAST LINE NORTH 8°06'30" WEST 77.81 FEET TO THE SOUTH LINE OF THAT PROPERTY CONVEYED TO STEPHEN L. JOHNSON AND BARBARA V. JOHNSON AND DESCRIBED IN BENTON COUNTY DEED RECORD M-34118-81; THENCE ALONG THE LINES OF SAID JOHNSON PROPERTY SOUTH 64°50'06" WEST 23.64 FEET TO A 5/8 INCH IRON ROD AND NORTH 10°14'56" WEST 369.95 FEET TO A 5/8 INCH IRON ROD AT THE SOUTHWEST CORNER OF THAT PROPERTY CONVEYED TO JERRY ANTON NIZICH AND BARBARA ANN NIZICH AND DESCRIBED IN BENTON COUNTY DEED RECORD M-34117-81; THENCE

ALONG THE LINES OF SAID NIZICH PROPERTY NORTH 10°11'29" WEST 422.55 FEET TO A 5/8 INCH IRON ROD AND NORTH 79°44'43" EAST 51.81 FEET TO A 5/8 INCH IRON ROD ON THE AFOREMENTIONED PARCEL I EAST LINE; THENCE ALONG SAID PARCEL I EAST LINE AND THE EAST LINE OF THAT PROPERTY CONVEYED TO JOSEPH E. WORTH AND JEAN I. WORTH AND DESCRIBED AS PARCEL II IN BENTON COUNTY DEED RECORD M-113736-89, NORTH 8°06'30" WEST 931.70 FEET TO THE SOUTHEAST CORNER OF THE AFOREMENTIONED SMITH PROPERTY, SAID CORNER BEING WITNESSED BY A 3/4 INCH IRON ROD SOUTH 88°38'42" EAST 0.29 FEET; THENCE ALONG THE LINES OF SAID SMITH PROPERTY NORTH 88°38'42" WEST 1059.05 FEET TO A 3/4 INCH IRON ROD AND SOUTH 1°21'23" WEST 667.16 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 41.35 ACRES, MORE OR LESS.

R-113736-89

NOV 15 1989

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