

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). 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.

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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 recording fee
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 _____

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME DAVID SATHER		PHONE (HM) 503-651-3013	
PHONE (WK) 503.651.2122	CELL 503.793.1021		FAX
ADDRESS 8400 S. SCONCE			
CITY CANBY	STATE OR	ZIP 97013	E-MAIL*

Organization Information

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

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

AGENT / BUSINESS NAME MALIA KUPILLAS/PACIFIC HYDRO-GEOLOGY INC.		PHONE 503-632-5016		FAX
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.)

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By my signature below I confirm that I understand:

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

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


Applicant Signature

DAVID SATHER
Print Name and title if applicable

8-24-15
Date

For Department Use		
App. No. <u>6496</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*).

LANDOWNER NAME ALLEN MANUEL AND GLENNETT DANFORTH	PERTINENT TAX LOT(S) 5 1E 9 1000 & 5 1E 9 1004
MAILING ADDRESS PO BOX 582 CANBY OREGON 97013	

LANDOWNER NAME EFIM & FEOLTISTA CHERNISHOFF	PERTINENT TAX LOT 5 1E 9 1003
MAILING ADDRESS 8340 S SCONCE ROAD, CANBY OREGON 97013	

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 3 (CLAC 57441)	Tributary of Pudding River	1,650 feet	17 feet
Well 4 (CLAC 61783)	Tributary of Pudding River	1,500	24 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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G-10/06

SECTION 3: WELL DEVELOPMENT, CONTINUED

G-10106

Total maximum rate requested: 1/40 cfs/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 3	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLAC 57441	<input type="checkbox"/>	8-inch	+2 - 337	146-167 251-263 279-296 307-317	0-35 35-123	58 feet, 11/9/2001	Alluvium	337 feet	625	5.0/Acre
Well 4	<input type="checkbox"/>	<input checked="" type="checkbox"/>	CLAC 61783	<input type="checkbox"/>	6-inch	+1.3-133	134.5-139.5 148-153	0-90 90-166	56 feet, 11/8/2005	Alluvium	166 feet	25	5.0/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)
Nursery Use	Year-Round	5.0/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: 27.3 Acres Supplemental: None 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: 5.0AF/Acre

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Well 3 (CLAC 57441): Submersible; 40-Hp Well 4 (CLAC 61783): Submersible; 2 Hp.

Other means (describe): None.

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 3 (CLAC 57441) and Well 4 (CLAC 61783) and conveyed through 3-inch buried PVC Mainline and 1-inch and 2-inch buried PVC laterals.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Water will be applied to the proposed place of use with Rain Bird sprinkler 1/8-inch sized sprinkler nozzle.

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*).

Reservoir name: NA Acreage inundated by reservoir: NA

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
No stored water proposed	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Proposed Well 3 (CLAC 57441) and Well 4 (CLAC 61783) constructed prior to application submittal.

Date construction will be completed: Construction began prior to application submittal.

Date beneficial water use will begin: Complete application of 1/40 CFS/Acre water from Well 3 (CLAC 57441) and Well 4 (CLAC 61783) for year-round nursery use on 26.8 acres will be made 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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G-12126

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: David Sather
First Last

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Mailing Address: 8400 S Sconce Road

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Canby OR 97013
City State Zip

Daytime Phone: 503-651-3013 WATER RESOURCES DEPT
SALEM, OREGON

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:
5S	1E	9		900	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5S	1E	9		1006	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Nursery
5S	1E	9		1000	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Nursery
5S	1E	9		1003	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Nursery
5S	1E	9		1004	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Nursery

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

Clackamas.

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: 0.67 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 Use (Irrigation and Agriculture)

Briefly describe:

The applicant proposes to appropriate 0.67 cfs of water from Well 3 (CLAC 57441) and Well 4 (CLAC 61783) for year-round nursery use on 26.8 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. →

G-1918

Revised 3/4/2010

Ground Water/1

WR

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

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

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 DAVID SATHEN, 8400 S. SCLONE ROAD, CANBY, OR

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Name: GARY HEWITT - SR. PLANNER

Signature: *[Handwritten Signature]* Phone: 503-742-4519 AUG. 5, 2015

Government Entity: CLACKAMAS 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: _____

STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765)

Waterberg Drilling, Inc.
10720 S. Kropf Rd.
Medalla, OR 97038

WELL I.D. # L 78670

START CARD # 179786

Instructions for completing this report are on the last page of this form.

(1) LAND OWNER Well Number _____
Name Dave Sather
Address 31150 S. Needy Rd.
City Canby State OR Zip 97013

(2) TYPE OF WORK New Well
 Deepening Alteration (repair/recondition) Abandonment Conversion

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Other _____

(4) PROPOSED USE
 Domestic Community Industrial Irrigation
 Thermal Injection Livestock Other _____

(5) BORE HOLE CONSTRUCTION Special Construction: Yes No
Depth of Completed Well 166 ft.
Explosives used: Yes No Type _____ Amount _____

BORE HOLE			SEAL			
Diameter	From	To	Material	From	To	Sacks or Pounds
10"	0	90	Cement	2	90	70 sacks
			Bentonite	0	2	2 sacks
6"	90	166				

How was seal placed: Method A B C D E
 Other Bentonite placed dry
Backfill placed from _____ ft. to _____ ft. Material _____
Gravel placed from 114 ft. to 166 ft. Size of gravel 8-12

(6) CASING/LINER

Diameter	From	To	Gauge	Steel	Plastic	Welded	Threaded
Casing: 6"	+1'4"	133	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
riser 4"	113.5	134.5	CL200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
liner: blank 4"	139.5	148	CL200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
tall 4"	153	166	CL200	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Drive Shoe used Inside Outside None
Final location of shoe(s) 133'

(7) PERFORATIONS/SCREENS
 Perforations Method _____
 Screens Type V-wire Material stainless

From	To	Slot Size	Number	Diameter	Tele/pipe size	Casing	Liner
134.5	139.5	.040		4"	PS	<input type="checkbox"/>	<input type="checkbox"/>
148	153	.040		4"	PS	<input type="checkbox"/>	<input type="checkbox"/>

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailor Air Flowing Artesian

Yield gal/min	Drawdown	Drill stem at	Time
25	32'		1 hr.

Temperature of water 56 Depth Artesian Flow Found _____
Was a water analysis done? Yes By whom _____
Did any strata contain water not suitable for intended use? Yes No
 Salty Muddy Odor Colored Other _____
Depth of strata: _____

(9) LOCATION OF WELL (legal description)
County Clackamas
Tax Lot 1006 Lot _____
Township 5 S Range 1 E WM
Section 9 NW 1/4 NW 1/4

Lat _____ " or _____ (degrees or decimal)
Long _____ " or _____ (degrees or decimal)

Street Address of Well (or nearest address) (no address yet) Just E. of 31150 S. Needy Rd. Canby, OR 97013

(10) STATIC WATER LEVEL
56 ft. below land surface. Date 11-8-05
_____ ft. below land surface. Date _____
Artesian pressure _____ lb. per square inch Date _____

(11) WATER BEARING ZONES
Depth at which water was first found 13'

From	To	Estimated Flow Rate	SWL
13	34	N/A	N/A
135	139	15 gpm	56'
148	153	25 gpm	56'

(12) WELL LOG Ground Elevation _____

Material	From	To	SWL
Topsoil brown	0	2	
Clay brown	2	13	
Clay brown silty	13	27	
Silt blue sandy	27	34	
Clay grey sticky	34	41	
Clay grey w/ gravel	41	43	
Gravel w/ brown clay	43	53	
Clay brown w/ small gravel	53	61	
Sand brown silty cemented	61	77	
Gravel w/ brown clay	77	80	
Silt brown crumbly w/ gravel	80	96	
Clay blue sandy	96	103	
Clay grey	103	109	
Clay green w/ coarse sand	109	116	
Clay brown	116	126	

continued on page 2
Date Started 10-20-05 Completed 11-8-05

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

WWC Number 1768 Date 11-11-05
Signed [Signature]

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

WWC Number 608 Date 11-11-05
Signed [Signature]

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SALEM, OREGON

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - STATE 06/16/2004

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SALEM, OREGON

G-18106

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that PAUL D. WERNER and ILA V. WERNER, husband and wife hereinafter called the Grantors, for the consideration hereinafter stated, to Grantors paid by DAVID G. SATHER, hereinafter called the Grantee, do hereby grant, bargain, sell and convey unto the said Grantee and Grantee's heirs, successors and assigns, that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Clackamas and State of Oregon, described as follows, to-wit:

Part of the northeast quarter of the northwest quarter of Section 9, Township 5 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning 120 rods East of the northwest corner of said section; thence East 40 rods; thence south 80 rods; thence West 40 rods; thence North 80 rods to the place of beginning.

EXCEPT that tract conveyed to A.J. Lais, et ux, by deed recorded April 30, 1953 in Book 468, page 372, Deed Records.

TO HAVE AND TO HOLD the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

And said Grantors hereby covenant to and with said Grantee and Grantee's heirs, successors and assigns, that Grantors are lawfully seized in fee simple of the above granted premises, free from all encumbrances EXCEPT: (a) The assessment roll and the tax roll disclose that the within described premises were specially assessed as "Farm Land". If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied; (b) the rights of the public in and to that portion of the premises herein described lying within the limits of roads; and (c) Mortgage, including the terms and provisions thereof, dated October 10, 1978, recorded October 18, 1978, as Recorder's Fee No. 78-44824 in the amount of \$56,500.00, Paul D. Werner and Ila V. Werner, husband and wife, mortgagor, and State of Oregon, represented and acting by the Director of Veterans' Affairs as Mortgagee, which said mortgage Grantee assumes and agrees to pay and hold Grantors harmless therefrom, and that Grantors will warrant and forever defend the said 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 \$126,000.00.

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.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the Grantors have executed this instrument this 13 day of November, 1986.

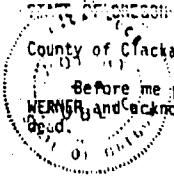
Paul D. Werner
PAUL D. WERNER - Grantor

Ila V. Werner
ILA V. WERNER - Grantor

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WATER RESOURCES DEPT
SALEM, OREGON



STATE OF OREGON } ss. _____, 1986
County of Clackamas }
Before me personally appeared the above named PAUL D. WERNER and ILA V. WERNER and acknowledged the foregoing instrument to be their voluntary act and

[Signature]
Notary Public for Oregon
My commission expires: 09/10/88

GRANTOR: PAUL D. WERNER and ILA V. WERNER

GRANTEE: DAVID G. SATHER

AFTER RECORDING SEND TO: DAVID G. SATHER
1225 First St
Keokuk, Iowa 52601

SEND TAX STATEMENTS TO: DAVID G. SATHER
1225 First St
Keokuk, Iowa 52601

STATE OF OREGON
County of Clackamas
I, Juanita N. Orr, County Clerk, for the County of Clackamas do hereby certify that the foregoing instrument was received for recording in the records of said County at

1986 NOV 14 PM 4: 10

[Signature]
JUANITA N. ORR
County Clerk
Recording Certificate
CEP-4 (Rev. 4-81) 56-45683

PAGE 2. WARRANTY DEED

2

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WATER RESOURCES DEPT
SALEM, OREGON

G-18186

WARRANTY DEED
(Statutory Form)

GRANTOR: JOSEPH C. DULA

CONVEYED AND WARRANTED TO

GRANTEE: DAVID G. BATHOR, an an estate in fee simple

the following described real property free of encumbrances, except as specifically set forth herein:

See Attachment "A" for legal description

SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Sound Farm Use Land. Upon declassification an additional tax may be levied.
2. The rights of the public in and to that portion of the premises herein described lying within the limits of public roads and highways.
3. Irrigation Water Supply Agreement, including the terms and provisions thereof:

Dated: JULY 22, 1974
Recorded: AUGUST 0, 1974
Recorder's File No.: 74-22363

OVER

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 appropriate city or county planning departments to verify approved uses.

The true and actual consideration for this transfer is \$ 110,000.00
If grantor is a corporation, this has been signed by authority of the Board of Directors, with the seal of said corporation affixed.

DATE: FEBRUARY 22, 1989

GRANTOR:
Joseph C. Dula
Joseph C. Dula

CHICAGO TITLE INSURANCE CO. C-55-728

Until a change is requested, all tax statements shall be sent to the following address:
David G. Bathor, 1223 1st Street, Klamath Falls, OR 97603

STATE OF OREGON, County of MAXWELL	State of Oregon, County of
Date: February 22, 1989	Date:
Personally appeared	Personally appeared
sworn, stated that he is the	sworn, stated that he is the
competent and that the seal affixed hereto is its seal and that this instrument was	competent and that the seal affixed hereto is its seal and that this instrument was
voluntarily signed and dated in behalf of the corporation by authority of its Board of	voluntarily signed and dated in behalf of the corporation by authority of its Board of
Directors. Before me:	Directors. Before me:
Notary Public for Oregon	Notary Public for Oregon
My commission expires:	My commission expires:

WARRANTY DEED

TO

AFTER RECORDING RETURN TO

David G. Bathor
1223 1st Street
Klamath Falls, OR 97603

DON'T USE THIS SPACE; RESERVE FOR RECORDING LABEL IN COUNTY CLERK'S OFFICE.

STATE OF OREGON, County of

I certify that the within instrument was received for record on the day of

1989, at

11, and recorded in Book on page

Witness my hand and seal of County office.

COUNTY CLERK

by

DEPUTY

89 08254

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WATER RESOURCES DIVISION
SALEM, OREGON

G-19186

Attachment "A"

DESCRIPTION

PARCH. I:

That part of the Northwest one-quarter of Section 9, Township 5 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

BEGINNING at a point in the center of Graven Road 602.00 feet South of the Northwest corner of Section 9, Township 5 South, Range 1 East of the Willamette Meridian, in Clackamas County, Oregon; thence East parallel with the North line of said Section 600.00 feet to a point; thence South parallel with the centerline of said Graven Road 331.00 feet to a point; thence West parallel with the North line of said section 600.00 feet to a point; thence North 331.00 feet to the point of beginning.

PARCH. II:

Part of the Northwest one-quarter of Section 9, Township 5 South, Range 1 East of the Willamette Meridian, in Clackamas County Oregon, described as follows.

BEGINNING at the Northwest corner of said Section 9; thence South along the West line thereof 662.00 feet; thence East parallel with the North line of said section, a distance of 688.00 feet; thence South parallel with the West line of said section a distance of 331.00 feet; thence West parallel with the North line of said section 600.00 feet; thence South along said West section line 170 feet, more or less, to the Westerly extension of the North line of that tract conveyed to K.V. Goodale, et ux, by Deed recorded May 22, 1970, as Recorder's Fee No. 70-9735, Clackamas County Records; thence East along said North line and its Westerly extension a distance of 320 feet to the Northeast corner of said Goodale Tract; thence South along the West line of said Goodale Tract 150 feet to the Southeast corner thereof; thence East along the North line of the North one-half of the Northwest one-quarter of aforesaid Section 9, a distance of 408.58 feet to the Southwest corner of that tract conveyed to David G. Dather by Deed recorded August 31, 1980 as Recorder's Fee No. 88-35774, Clackamas County Records; thence North along the West line of said Dather Tract 1324.69 feet to the North line of said Section 9; thence West along said North line 720.58 feet to the point of beginning.

(MAP AND TAX LOT NO.: 51X09 01004 AND 01000)

3

STATE OF OREGON
County of Clackamas

RECORDED 27 NOV 25



John F. [Signature]
Recorder-County Clerk

89 08254

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WATER RESOURCES DEPT
SALEM, OREGON

G-10106

Addendum "A" : Sather to ManDan

Seller will rent back the easterly one-half of the shop for \$400 per month for one year and seller shall have the option of renting same for second year. Buyer shall maintain insurance on the shop building (not contents), but the seller shall be responsible for repair of any physical damage caused by his use.

Seller will initially rent back 15 +/- acres of nursery ground at \$400 per acre per year paid monthly at \$500 per month. The amount of land rented and the term of the rental shall be variable as follows: the Seller will rent 15 acres and may plant new crops until Dec 31, 2007. When crops planted by that time are harvested the Seller shall vacate that part of the land. Cropping shall be maintained in blocks so that land returned to the Buyer will be in large pieces and rent will be paid on the remaining acreage. In no case will any land be rented back under this agreement after Dec 31, 2013.

For the purpose of growing crops on the rented acreage the Seller will have the use of the irrigation pumping and distribution system for the term of the rental period and will be responsible for proportional maintenance and operation expenses of same. Buyer shall have the right to minor use of irrigation water without charge. Buyer and seller shall agree upon and sign at closing a separate land rental and water use contract detailing this arrangement.

Additionally the Seller shall have the right to irrigate nursery crops on property known as T5SR1E Section 09, Tax Lots 900 and 1006 as follows: The water use is personal to David Sather. If Sather shall sell either or both parcels or either or both parcels shall pass to his heirs, the new owner or heirs shall have the right of water use for a period not to exceed five years at a cost of \$100 per year. In all cases the user of the water on Tax Lot 900 and 1006 shall be responsible for proportional maintenance and operation expenses of the pumping and distribution system. If any user subsequent to David Sather shall fail to use the water for one crop year then all future rights to use the water shall be terminated. In no case shall any right to use the water from the irrigation well on buyers property extend beyond 1 October, 2015. Buyer and Seller shall agree upon and sign at closing a separate water use agreement detailing this arrangement.

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SALEM, OREGON

Seller will keep the shop electric meter and irrigation electric meter in his name for the duration of the respective rental periods.

Seller to supply buyer with fully documented water rights at closing. It shall be the buyer' responsibility to transfer said rights after closing. The main irrigation pump and underground irrigation system and sprinklers is included in this sale.

Seller to supply buyer with a map of the tile mainlines on the property and a description of what other persons have rights and facilities to run farm drainage water across the property. The seller shall further document or describe what facilities exist downstream to handle the tile field runoff and what if any documented right the subject property has to use them. All maps and descriptions shall be prepared to the best of the seller's knowledge.

Seller shall be responsible to repair any damage to the tiling system during the term of his land lease or any extension thereof.

Buyer is aware and accepts that seller intends to retain an easement meeting minimum county standards along the southerly property line of Tax Lot 1000 for access to a residence to be built on Tax Lot 1006, T5SR1E Section 09. Buyers intend to survey the property being purchased but it shall be the responsibility of the Seller to monument the easement as required.

The terms of this agreement shall survive the day of closing.

Buyer: _____ Date _____

Buyer: _____ Date _____

Seller: _____ Date _____

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WATER RESOURCES DEPT
SALEM, OREGON

Addendum "A", Sather to Mandan

Seller will rent back the easterly one-half of the shop for \$400 per month for one year and seller shall have the option of renting same for second year. Buyer shall maintain insurance on the shop building (not contents), but the seller shall be responsible for repair of any physical damage caused by his use.

Seller will initially rent back 15 +/- acres of nursery ground at \$400 per acre per year paid monthly at \$500 per month. The amount of land rented and the term of the rental shall be variable as follows: the Seller will rent 15 acres and may plant new crops until Dec 31, 2007. When crops planted by that time are harvested the Seller shall vacate that part of the land. Cropping shall be maintained in blocks so that land returned to the Buyer will be in large pieces and rent will be paid on the remaining acreage. In no case will any land be rented back under this agreement after Dec 31, 2013.

For the purpose of growing crops on the rented acreage the Seller will have the use of the irrigation pumping and distribution system for the term of the rental period and will be responsible for proportional maintenance and operation expenses of same. Buyer shall have the right to minor use of irrigation water without charge. Buyer and seller shall agree upon and sign at closing a separate land rental and water use contract detailing this arrangement.

Additionally the Seller shall have the right to utilize water rights located on property known as TIER III Section 20, Tax Lots 900 and 1000 as shown on The water use is personal to David Sather. If Sather shall sell either or both parcels or either or both parcels shall pass to his heirs, the new owner or heirs shall have the right of water use for a period not to exceed five years at a cost of \$100 per year. In all other cases the water shall be used for proportional maintenance and operation expenses of the pumping and distribution system. If the water right owned by David Sather shall fail to use the water for one crop year then all water rights to use the water shall be terminated. In no case shall any claim to use the water from the irrigated area be any, in any way, or third party, or otherwise, be a defense or liability against the Buyer and Seller. Buyer and Seller shall agree upon and sign at closing a separate land rental and water use contract detailing this arrangement.

This agreement is made in full satisfaction of the terms of the original agreement between the parties dated 10/1/06 and is hereby acknowledged by the Seller.

David Sather
Mandan
12/30/2015

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WATER RESOURCES DEPT
SALEM, OREGON

G-18196

Seller will keep the shop electric meter and irrigation electric meter in his name for the duration of the respective rental periods.

Seller to supply buyer with fully documented water rights at closing. It shall be the buyer's responsibility to transfer said rights after closing. The main irrigation pump and underground irrigation system and sprinklers is included in this sale.

Seller to supply buyer with a map of the tile mainlines on the property and a description of what other persons have rights and facilities to run farm drainage water across the property. The seller shall further document or describe what facilities exist downstream to handle the tile field runoff and what if any documented right the subject property has to use them. All maps and descriptions shall be prepared to the best of the seller's knowledge.

Seller shall be responsible to repair any damage to the tiling system during the term of his land lease or any extension thereof.

Buyer is aware and accepts that seller intends to retain an easement meeting minimum county standards along the southerly property line of Tax Lot 1000 for access to a residence to be built on Tax Lot 1006, T5SR1E Section 09. Buyers intend to survey the property being purchased but it shall be the responsibility of the Seller to monument the easement as required.

The terms of this agreement shall survive the day of closing.

Buyer: Alvin & Rita DeGault Date 1/3/06

Buyer: Alvin & Rita DeGault Date 1-3-06

Seller: [Signature] Date 1-3-06

G-10/06

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WATER RESOURCES DEPT
SALEM, OREGON



THIS AGREEMENT, Dated _____, between _____,
 Mandan LLC _____ of the City of Canby _____, County
 of Clackamas and State of Oregon ("first party"), and _____
David G. Sather _____ of the City of Canby
 County of Clackamas and State of Oregon ("second party"),

WITNESSETH. That the first party, for and in consideration of the covenants herein contained on the part of the second party, hereby covenants and agrees to and with the second party, that the first party will

AS SET FORTH BELOW

And the second party, for and in consideration of the covenants herein contained on the part of the first party, hereby covenants and agrees to and with first party, that the second party will

David Sather shall have the right to irrigate nursery crops on property known as T5SR1E Section 09, Tax Lots 900 and 1006 from the well located on Tax Lot 1004 and/or 1000 and owned by Mandan LLC. The right to use water shall commence with the closing of the sale of Tax Lot 1004 and 1000 to Mandan LLC and shall terminate as described below. The water use is personal to David Sather. If Sather shall sell either or both parcels (Tax Lot 900 or 1006) or either or both parcels shall pass to his heirs, the new owner or heirs shall have the right of water use for a period not to exceed five years at a cost of \$100 per year. In all cases the user of the water on Tax Lot 900 and 1006 shall be responsible for proportional maintenance and operation expenses of the pumping and distribution system. If any user subsequent to David Sather shall fail to use the water for one crop year then all future rights to use the water shall be terminated. In no case shall any right to use the water from the irrigation well on the Mandan LLC property extend beyond 1 October, 2015. Sather shall keep the irrigation electric meter in his name for the duration of the rental period.

David Sather can use water as long as he is actively farming & needs the water.
 In construing this agreement and where the context so requires, the singular includes the plural.

IN WITNESS WHEREOF, the parties have hereunto set their hands the day and year first written above.

Mandan LLC

Allen Mandan

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WATER RESOURCES DEPT
 SALEM, OREGON

G-18186

Letter of Understanding:


Efin & Feolitista Chernishoff owns the real estate at 8340 S Sconce Rd. Canby, Oregon.

Dave Sather owns the adjacent real estate to the east of Chernishoff property located at 8400 S Sconce Rd. Canby, Oregon, and 31240 S Needy Rd on the west side of Chernishoff property.


At a point approximately 520 feet north of Chernishoff's south property line a water line runs through 8340 between Dave Sather's two properties. This water line has been operating since 1987. Dave Sather is responsible for the cost of maintaining the water line. Dave Sather also agrees to receive Chernishoff's permission to enter the property prior to doing any repairs to the water line and shall do the work in a five foot wide area.


Efin Chernishoff

11/20/2015
DATE


Feolitista Chernishoff

11/20/2015


Dave Sather

Nov 23 2015

STATE OF OREGON)
County of Marion) ss
~~Clackamas~~

On this 20th day of November, 2015, before me, a notary public, personally appeared Efim Chernishoff and Feolitista Chernishoff, as Grantor and David G. Sather, as Grantee, known to me to be the persons whose names are subscribed to the within instrument and acknowledged that they executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.

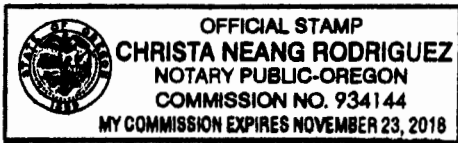


[Handwritten Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/23/18

STATE OF OREGON)
County of Marion) ss
~~Clackamas~~

On this 20 day of November, 2015, before me, a notary public, personally appeared David G. Sather, as Grantee, known to me to be the person whose name is subscribed to the within instrument and acknowledged that he executed the same for the purposes therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on the day and year above written.



[Handwritten Signature]
NOTARY PUBLIC FOR OREGON
My Commission Expires: 11/23/18

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WATER RESOURCES DEPT
SALEM, OREGON