

# Application for a Permit to Use Surface Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME MARK AND JOLLY KRAUTMANN / HERITAGE SEEDLINGS INC. <b>AND LINERS</b>		PHONE (HM) 503-585-9835
PHONE (WK) 503-585-9835 x105	CELL 503-932-3920	FAX 503-371-9688
ADDRESS 4194 71 <sup>ST</sup> AVE SE		
CITY SALEM	STATE OR	ZIP 97307 97317
E-MAIL * mark@heritageseedlings.com		

### 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		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.)

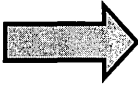
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By my signature below I confirm that I understand:

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

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


Mark Krautman      Mark Krautmann      18 Feb 16  
 Applicant Signature      Print Name and title if applicable      Date  
 \_\_\_\_\_  
 Applicant Signature      Print Name and title if applicable      Date

Revise

App. No. P-88181

For Department Use  
Permit No. \_\_\_\_\_ Date \_\_\_\_\_

**SECTION 2: PROPERTY OWNERSHIP**

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

Yes

There are no encumbrances.

This land is encumbered by easements, rights of way, roads or other encumbrances.

No

I have a recorded easement or written authorization permitting access.

I do not currently have written authorization or easement permitting access.

Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).

Water is to be diverted, conveyed, and/or used only on federal lands.

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

*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: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: RESERVOIR UNDER PERMIT R-2299 Tributary to: LITTLE PUDDING RIVER

Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

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

**B. Applications to Use Stored Water**

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

Yes.

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

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

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
  - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):  
*(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)*

SOURCE	USE	PERIOD OF USE	AMOUNT
RESERVOIR	NURSERY	YEAR-ROUND	25.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**

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

Primary: 101.7 Acres                      Supplemental:        Acres

List the Permit or Certificate number of the underlying primary water right(s): primary nursery Permit G-17479

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 25.0

- 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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*5-88101*

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 15 Hp centrifugal pump

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 diverted from the reservoir using a 15 Hp pump and delivered via a 8", 6", and 4" pvc mainline

**B. Application Method**

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

drip lines or emitters

**C. Conservation**

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

water will be applied when needed. the most water-efficient method of irrigation will be used.

**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.  
Describe planned actions: N/A - no fish

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: the reservoir already exists; no additional excavation or clearing will occur.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: the reservoir already exists; no additional operation of equipment will occur.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: the reservoir already exists; no additional construction will occur.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: the property has an existing well and irrigation/nursery infrastructure

Date construction will be completed: within 5 years of permit issuance

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

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**SECTION 8: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 9: REMARKS**

Use this space to clarify any information you have provided in the application.

I respectfully request that OWRD return my check #1120 attached because OWRD made an error in denying my initial application S-88026 and my Certificate 29423. This, plus OWRD's failure to act on my petition for reconsideration (Jeana's note/email dated 2/18/16 9<sup>13</sup> AM acknowledging we made a timely request) before the February deadline passed 40 days ago or so.

None of these errors/omissions/failures were my fault, so a prudent and correct OWRD action now with this application would be to act on my present, new application without a new fee.

Thank you, and please call me if you need more supporting evidence or documents.



THIS SPACE RESERVED FOR RECORDER'S USE

REEL PAGE  
2062 20

After recording return to:  
The Krautmann Family Nursery, LLC  
4199 75th Avenue SE  
Salem, OR 97301

Until a change is requested all tax statements shall be sent to the following address:  
The Krautmann Family Nursery, LLC  
4199 75th Avenue SE  
Salem, OR 97301

Escrow No. 311584DS  
Title No.

**STATUTORY WARRANTY DEED**

John D. White, M.D.P.C., Employees Retirement Trust, as to a 100% interest in Parcel I, and as to a 50% interest in Parcel II, Grantor, conveys and warrants to The Krautmann Family Nursery, LLC, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

This property is free of liens and encumbrances, EXCEPT:

The assessment roll and tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed; Rights of the public and of governmental bodies in and that portion of the premises herein described lying below the high water mark of Little Pudding River; Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Little Pudding River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created; Subject to the rights of various property owners and occupants in and to any portion of the herein described property lying beneath the waters of unnamed lake; The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways: CCR'S recorded 10-1-1973 Deed book 762 Page 13.

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.

The true consideration for this conveyance is \$1,000,000.00 (Here comply with the requirements of ORS 93.030)

Dated this 28 day of January, 2003

John D. White, M.D.P.C., Employees Retirement Trust

By: John D. White M.D.  
Trustee

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F.A.T. 7081-57431

S-88026

S-88026

STATE OF  
County of } ss.

This instrument was acknowledged before me on this 28 day of January, 2003  
by



Linda Aldrich

Notary Public for Oregon  
CALIFORNIA

My commission expires: 6-10-06

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**Exhibit "A"**

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

PARCEL I: Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2,063.55 feet South 84° 25' East from the Southwest corner of said Claim, thence North 00° 52' West 739.96 feet; thence North 00° 49' West 60.00 feet; thence North 68° 41' East 220.00 feet; thence North 26° 35' West 240.00 feet; thence North 54° 05' West 529.31 feet; thence North 20° 10' West 612.68 feet; thence North 17° 04' East 162.65 feet; thence North 46° 34' West 308.57 feet; thence South 89° 26' West 158.00 feet; thence North 04° 00' 10" East 1,051.80 feet; thence North 44° 01' East 461.22 feet; thence North 10° 15' 50" West 125.99 feet; thence North 27° 37' 38" West 456.08 feet to the South line of a tract of land conveyed to C. L. and E. C. Smith as recorded on Reel 52, Page 0190, Marion County Records, said point bears 333.93 feet South 05° 37' West and 922.78 feet South 84° 18' 30" East from the Southeast corner of the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 565.00 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence South 25° 17' East along said right-of-way line, 5,174.16 feet to a point in Joseph Street; thence South 89° 47' 40" West in said street, 235.34 feet; thence North 65° 56' West in said street, 952.40 feet; thence North 84° 25' West 943.80 feet to the place of beginning.

SUBJECT TO the rights of the public in and to that portion of the above-described tract lying within Joseph Street (County Road No. 854).

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TOGETHER WITH a non-exclusive easement for road and roadway purposes extending from the Northerly Northwest corner of the above-described parcel to County Road No. 851, the North line of which easement way is the Westerly extension of the North line of the above-described parcel, which easement way is for the common use of the parties to this instrument, their heirs, successors and assigns.

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PARCEL II: Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 333.93 feet South 5° 37' West from the Southeast corner of the John Stipp Donation Land Claim No. 51, in said Township and Range; thence South 5° 37' West 4165.92 feet to the Southwest corner of said Waldo Claim; thence South 84° 25' East along the South line of said Waldo Claim, 722.05 feet; thence North 5° 30' East 1560.70 feet to the Northwest corner of a tract of land conveyed to Richard Hill by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East, along the North line of said Hill's Tract of land, 97.85 feet to a point on the Northerly line of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 36° 24' East 52.10 feet to an angle in said Northerly line; thence North 59° 47' East 77.37 feet to the most Northerly corner of said Peterson's Tract of Land; thence South 68° 05' East 85.53 feet to the Northeast corner of said Peterson's Tract of land; thence South 16° 36' East 19.90 feet to a point on the North line of said Hill's Tract of Land; thence South 68° 05' East 416.48 feet to the Northeast corner of said Hill's Tract of Land; thence North 57° 14' 30" East 38.25 feet; thence South 26° 33' East 269.06 feet; thence North 62° 50' East 39.93 feet; thence South 54° 05' East 529.31 feet; thence South 26° 35' East 240.00 feet; thence South 68° 41' West 220.00 feet; thence South 0° 49' East 60.00 feet; thence North 64° 08' West 816.60 feet; thence North 87° 54' West 145.07 feet to a point in the center of a 60.00 foot roadway easement; thence South 0° 49' East, along the center of said roadway, 1016.19 feet to a point on the South line of said Waldo Claim; thence South 84° 25' East along the center of Joseph Street 1823.80 feet; thence South 65° 56' East along the center of said Street, 952.40 feet; thence North 89° 47' 40" East, along the center of said Street, 235.34 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence North 25° 17' West, along said Railroad right-of-way, 5174.16 feet to a point which bears South 84° 18' 30" East from the place of beginning; thence North 84° 18' 30" West 1487.78 feet to the place of beginning.

S-80026



SAVE AND EXCEPT from Parcel II, all that portion thereof lying within Parcel I, herein above described, and these portions thereof lying within the following described tracts of land, to wit:

A) Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2061.61 feet North 05° 37' East from the Southwest corner of said Claim, thence North 05° 37' East along the West line of said Claim, 2104.31 feet to a point which is 333.93 feet South 05° 37' West from the John Stipp donation Land Claim No. 51, in said Township and Range; thence South 84° 18' 30" East 922.78 feet; thence South 27° 37' 38" East 456.08 feet thence South 10° 15' 50" East 125.99 feet; thence South 44° 01' West 461.22 feet; thence South 04° 00' 10" West 1051.80 feet; thence South 89° 26' West 480.10 feet; thence South 83° 56' West 346.17 feet; thence South 69° 10' West 150.54 feet to the place of beginning.

B) Beginning at the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence South 84° 25' East along the South line of said Claim, 2063.55 feet; thence North 00° 52' West 739.96 feet; thence North 64° 08' West 816.60 feet; thence South 87° 54' West 145.07 feet; thence North 00° 49' West 120.00 feet to a point on the South line of a tract of land conveyed to Gordon Peterson by Deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

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After recording return to:  
The Krautmann Family Nursery, LLC  
4199 75th Ave. SE  
Salem, Oregon 97301

Until a change is requested all tax statements  
shall be sent to the following address:  
The Krautmann Family Nursery, LLC  
4199 75th Ave. SE  
Salem, Oregon 97301

File No.: 7081-263434 (DSS)  
Date: October 09, 2003

THIS SPACE RESERVED FOR RECORDER'S USE

READ AND APPROVED

By: Mark E. Kraut

Greg J. Kraut

### STATUTORY WARRANTY DEED

Tellelyn K. Peterson and Gordon K. Peterson, Co-Trustees of the Tellelyn K. Peterson Revocable Trust under Agreement dated June 1, 1993 as to Parcels I and III, Gordon K. Peterson and Tellelyn K. Peterson, as tenants by the entirety as to Parcel II, Grantor, conveys and warrants to The Krautmann Family Nursery, LLC, a Oregon Limited Liability Company, the following described real property free of liens and encumbrances, except as specifically set forth herein:

**Parcel I:**

Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2061.61 feet North 05° 37' East from the Southwest corner of said Claim; thence North 05° 37' East along the West line of said Claim, 2104.31 feet to a point which is 333.93 feet South 05° 37' West from the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 922.78 feet; thence South 27° 37' 38" East 456.08 feet; thence South 10° 15' 50" East 125.99 feet; thence South 44° 01' West 461.22 feet; thence South 04° 00' 10" West 1051.80 feet; thence South 89° 26' West 480.10 feet; thence South 83° 56' West 346.17 feet; thence South 69° 10' West 150.54 feet to the place of beginning.

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**PARCEL II:** Beginning on the West line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 333.93 feet South 5° 37' West from the Southeast corner of the John Stipp Donation Land Claim No. 51, in said Township and Range; thence South 5° 37' West 4165.92 feet to the Southwest corner of said Waldo Claim; thence South 84° 25' East along the South line of said Waldo Claim, 722.05 feet; thence North 5° 30' East 1560.70 feet to the Northwest corner of a tract of land conveyed to Richard Hill by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East, along the North line of said Hill's Tract of land, 97.85 feet to a point on the Northerly line of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 36° 24' East 52.10 feet to an angle in said Northerly line; thence North 59° 47' East 77.37 feet to the most Northerly corner of said Peterson's Tract of Land; thence South 68° 05' East 85.53 feet to the Northeast corner of said Peterson's Tract of land; thence South 16° 36' East 19.90 feet to a point on the North line of said Hill's Tract of Land; thence South 68° 05' East 416.48 feet to the Northeast corner of said Hill's Tract of Land; thence North 57° 14' 30" East 38.25 feet; thence South 26° 33' East 269.06 feet; thence North 62° 50' East 39.93 feet; thence South 54° 05' East 529.31 feet; thence South 26° 35' East 240.00 feet; thence South 68° 41' West 220.00 feet; thence South 0° 49' East 60.00 feet; thence North 64° 08' West 816.60 feet; thence North 87° 54' West 145.07 feet to a point in the center of a 60.00 foot roadway easement; thence South 0° 49' East, along the center of said roadway, 1016.19 feet to a point on the South line of said Waldo Claim; thence South 84° 25' East along the center of Joseph Street 1823.80 feet; thence South 65° 56' East along the center of said Street, 952.40 feet; thence North 89° 47' 40" East, along the center of said Street, 235.34 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence North 25° 17' West, along said Railroad right-of-way, 5174.16 feet to a point which bears South 84° 18' 30" East from the place of beginning; thence North 84° 18' 30" West 1487.78 feet to the place of beginning.

SAVE AND EXCEPT from Parcel II and these portions thereof lying within the following described tracts of land, to wit:

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land conveyed to Gordon Peterson by Deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

C) Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 2,063.55 feet South 84° 25' East from the Southwest corner of said Claim, thence North 00° 52' West 739.96 feet; thence North 00° 49' West 60.00 feet; thence North 68° 41' East 220.00 feet; thence North 26° 35' West 240.00 feet; thence North 54° 05' West 529.31 feet; thence North 20° 10' West 612.68 feet; thence North 17° 04' East 162.65 feet; thence North 46° 34' West 308.57 feet; thence South 89° 26' West 158.00 feet; thence North 04° 00' 10" East 1,051.80 feet; thence North 44° 01' East 461.22 feet; thence North 10° 15' 50" West 125.99 feet; thence North 27° 37' 38" West 456.08 feet to the South line of a tract of land conveyed to C.L. and E.C. Smith as recorded on Reel 52, Page 0190, Marion County Records, said point bears 333.93 feet South 05° 37' West and 922.78 feet South 84° 18' 30" East from the Southeast corner of the John Stipp Donation Land Claim No. 51 in said Township and Range; thence South 84° 18' 30" East 565.00 feet to a point on the West right-of-way line of the Southern Pacific Railroad; thence South 25° 17' East along said right-of-way line, 5,174.16 feet to a point in Joseph Street; thence South 89° 47' 40" West in said street, 235.34 feet; thence North 65° 56' West in said street, 952.40 feet; thence North 84° 25' West 943.80 feet to the place of beginning.

**Parcel III:**

Beginning at the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, thence South 84° 25' East along the South line of said Claim, 2063.55 feet; thence North 00° 51' West 739.96 feet; thence North 64° 08' West 816.60 feet; thence South 87° 54' West 145.07 feet; thence North 00° 49' West 120.00 feet to a point on the South line of a tract of land conveyed to Gordon Peterson by deed recorded in Volume 585, Page 633, Deed Records of said County and State; thence North 73° 13' West 85.00 feet; thence North 63° 22' West 113.22 feet; thence North 03° 21' East 162.86 feet; thence North 23° 27' West 84.37 feet; thence North 52° 02' West 116.86 feet to the most Westerly corner of said tract of land; thence North 56° 31' West 137.23 feet; thence North 63° 56' West 100.00 feet; thence North 74° 31' West 100.00 feet; thence North 88° 15' West 100.00 feet; thence South 71° 17' West 100.00 feet; thence South 54° 05' West 93.00 feet; thence South 72° 18' West 80.00 feet; thence North 41° 52' West 101.22 feet to a point on the West line of said Claim; thence South 05° 37' West 1529.14 feet to the place of beginning.

**TOGETHER WITH**

A 60.00 foot roadway easement and being 30.00 feet on each side of the following described center line:

Beginning at a point which is 1183.55 feet South 84° 25' East from the Southwest corner of

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the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon; thence North 00° 49' West 1136.19 feet.

**SAVE AND EXCEPT**

Beginning on the South line of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian, in Marion County, Oregon, at a point which is 722.05 feet South 84° 25' East from the Southwest corner of said Claim; thence North 5° 30' East 1485.08 feet to the most Westerly corner of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence South 52° 02' East 116.86 feet; thence South 23° 27' East 84.37 feet; thence South 3° 21' West 162.86 feet; thence South 63° 22' East 113.22 feet; thence South 73° 13' East 85.00 feet; thence South 0° 49' East 1136.19 feet to a point on the South line of said Claim; thence North 84° 25' West 461.50 feet to the place of beginning.

Subject to the rights of the public in and to that portion of the above described tract of land lying within Joseph Street and also subject to a 60 foot roadway easement, along the East line of the above described tract of land.

**ALSO SAVE AND EXCEPT**

Beginning at a point which is 722.05 feet South 84° 25' East and 1485.03 feet North 5° 30' East from the Southwest corner of the Daniel Waldo Donation Land Claim No. 41, in Township 8 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, said point being the most Westerly corner of a tract of land conveyed to Gordon Peterson, by deed recorded in Volume 585, Page 633, Deed Records for said County and State; thence North 5° 30' East 75.62 feet to the Northwest corner of a tract of land conveyed to Richard Hill, by deed recorded in Volume 537, Page 752, Deed Records for said County and State; thence North 59° 47' East 97.85 feet to a point on the Northerly line of said Peterson's Tract of land; thence South 36° 24' West 154.70 feet to the place of beginning.

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This property is free from liens and encumbrances, EXCEPT: Taxes for the fiscal year 2003/04 a lien due, but not yet payable; The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed (Parcels I, II and III; Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark or Little Pudding River (Parcels I and II); Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Little Pudding River of has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created (Parcels I and II); Subject to the rights of various property owners and occupants in and to any portion of the herein described property lying beneath the waters of unnamed lake (Parcels I, II and III); The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways (Parcels 1, II and III); Covenants, conditions, restrictions and/or easements recorded 9/16/60 in Volume 537, Page 752, Marion County, Oregon; Covenants, conditions, restrictions and/or easements recorded 10/1/73 in Book 762, Page 13, Deed Records (Parcels I, II and III); An easement reserved in a deed recorded 6/12/87 in Reel 552, Page 420, Marion County, Oregon; Easement recorded 6/1/93 in Reel 1065, Page 427, Marion County, Oregon; An easement recorded 6/1/93 in Reel 1065, Page 427, Marion County, Oregon.

- 1. Covenants, conditions, restrictions, reservations, easements for public utilities, districts, water companies, alleys and streets, rights and rights of way of record, if any; also exceptions of oil, gas, minerals an hydrocarbons, and/or lease, if any, without the right of surface entry.

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.

The true consideration for this conveyance is \$697,248.00. The true consideration for this conveyance is pursuant to an IRC 1031 Tax Deferred Exchange on behalf of the Grantor. (Here comply with requirements of ORS 93.030)

Tellelyn K. Peterson, Trustee

Gordon K. Peterson, Trustee

Tellelyn K. Peterson

Gordon K. Peterson

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S-8826

# 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

*and Liners*

Applicant: MARK AND JOLLY KRAUTMANN / HERITAGE SEEDLINGS, INC.  
First Last

Mailing Address: 4194 71<sup>ST</sup> AVE SE

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SALEM  
City

OR  
State

97317  
~~97301~~  
Zip

Daytime Phone: 503-585-9835

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## 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:
8S	2W	2 & 11		200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
8S	2W	1,2,11, & 12		300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
8S	2W	11A		600	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
8S	2W	11A		800 1200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	

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

MARION

## 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: 25.0   
 cubic feet per second   
 gallons per minute   
 acre-feet

Intended use of water:   
 Irrigation   
 Commercial   
 Industrial   
 Domestic for \_\_\_\_\_ household(s)  
 Municipal   
 Quasi-Municipal   
 Instream   
 Other NURSERY

Briefly describe:

USE CERTIFICATED EXISTING RESERVOIR FOR NURSERY ON 101.7 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. →

# 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): 17.136.020
- 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.

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Name: Joe Fennimore Title: Principal Planner

Signature: *Joe Fennimore* Phone: 503-588-5038 Date: 2/18/2016

Government Entity: Marion County Planning Division  
5155 Silverton Rd. NE  
Salem, OR 97305

**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: \_\_\_\_\_