

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.

JAN 26 2016

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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$2,050 or \$2,500 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)
- 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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SALEM, OREGON

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Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME PAUL KUEHNE		PHONE (HM)	
PHONE (WK) 503-437-4833	CELL		FAX
ADDRESS PO BOX 99			
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL *

Organization Information

NAME WILLAMETTE VALLEY LAND LLC/PAUL KUEHNE, MBR		PHONE 503-437-4833	FAX
ADDRESS PO BOX 99		CELL	
CITY LAFAYETTE	STATE OR	ZIP 97127	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 503-632-5983
ADDRESS 18487 S VALLEY VISTA ROAD		CELL	
CITY MULINO	STATE OR	ZIP 97042	E-MAIL * PHG@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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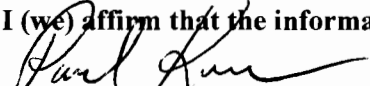
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WATER RESOURCES DEPARTMENT
SALEM, OREGON

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.

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


Applicant Signature

Paul Kuehne, Owner
Print Name and title if applicable

1/14/2016
Date

For Department Use		
App. No. <u>Gr-1890</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*).
None.

You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
Well 1	Willamette River	1,500 feet	52 feet

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).
None.

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 SALEM, OREGON

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 1/80 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)	SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)	PROPOSED USE	
Well 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>			TBD		7' - 50' (based on neighboring well logs)	Sand/ Alluvium	50' - 150' (based on neighboring well logs)	1/80 cfs/acre 2.07 cfs	413.0 AF		

Note: The above table shows estimates based on existing well logs and actual construction will be based on conditions encountered in the field upon well construction. The objective is to develop a well that meets OWRD regulations and standards.

* 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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WATER RESOURCES DEPT
SALEM, OREGON

6-1890

SECTION 4: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Primary Irrigation Use	March 1 to October 31	2.5 AF/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: 165.2 Acres Supplemental: NA Acres
 List the Permit or Certificate number of the underlying primary water right(s): App: S-84780, Permit: S-54030, see Remarks in Section 10.
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 413.0

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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): Once the well is developed an appropriate size and type of pump will be determined.

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 conveyed through the existing mainline system to the sprinklers. The appropriate size and materials of the mainlines and laterals will be determined.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) Depending on the type of crop grown, water will be applied through wheel lines or high-pressure 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.

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

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SALEM, OREGON

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
NA	

SECTION 8: PROJECT SCHEDULE

Date construction will begin: Within one year of permit issuance.

Date construction will be completed: Within five years of permit issuance.

Date beneficial water use will begin: Within five 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*).

The existing primary right (App S-84780/Permit S-54030) will be diminished to supplemental when this water right application is certificated.

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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

Applicant: WILLAMETTE VALLEY LAND LLC
First Last

Mailing Address: PO BOX 99

LAFAYEET
City

OR
State

97321
Zip

Daytime Phone: 503-437-4833

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:
10S	3W	19, 20, 29 & 30		10 3W 20 402		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 101		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	20 & 29		10 3W 29 106		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 206		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	20 & 29		10 3W 29 207		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 203		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 401		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	32		10 3W 33 100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation

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

Linn County and City of Millersburg.

B. Description of Proposed Use

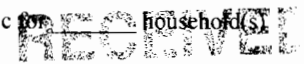
Type of application to be filed with the Water Resources Department:

- 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: 2.07 cubic feet per second gallons per minute acre-feet

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



JAN 26 2016

G-10190

Briefly describe:

The applicant proposes to appropriate ground water from a proposed well for irrigation use on 165.2 acres.

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WATER RESOURCES DEPT
SALEM, OREGON

G-1070

Land Use Information Form



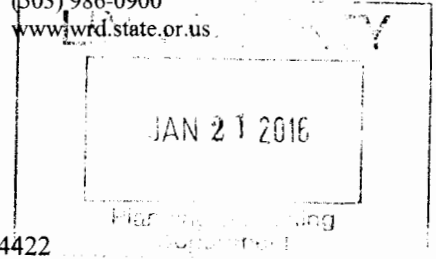
Oregon Water Resources Department
 725 Summer Street NE, Suite A
 Salem, Oregon 97301-1266
 (503) 986-0900
 www.wrd.state.or.us

Applicant: WILLAMETTE VALLEY LAND LLC
First Last

Mailing Address: PO BOX 99

LAFAYETTE OR 97127
City State Zip

Daytime Phone: 503-864-4422



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.

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10S	3W	29		10 3W 29 101	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	20 & 29		10 3W 29 106		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 206		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	20 & 29		10 3W 29 207		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 203		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	29		10 3W 29 401		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation
10S	3W	32		10 3W 33 100		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Primary Irrigation

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

Linn County and City of Millersburg.

B. Description of Proposed Use

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 Municipal Quasi-Municipal Instream Other _____



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WATER RESOURCES DEPT
 SALEM, OREGON

67-1870

Briefly describe:

The applicant proposes to appropriate ground water from a proposed well for irrigation use on 165.2 acres.

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WATER RESOURCES DEPT
SALEM, OREGON

G-10190

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): LCC 928.310(B)(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.

Land use approval is for
10-3W-20-402 and 10-3W-29-101
only. FD16-0011

Name: _____ Title: Alyssa Soles, Planner
 Signature: Alyssa Soles Phone: 541-967-3816 Date: 1/21/16
 Government Entity: Linn 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.

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WATER RESOURCES DEPT
SALEM, OREGON

G-0090

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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WATER RESOURCES DEPT
SALEM, OREGON

G-1090

**LINN COUNTY
PLANNING AND BUILDING DEPARTMENT**

Phone 541-967-3816

Receipt #: R20115172
TRANSACTION DATE: 01/21/2016

FILE #: PD16-0011
DESCRIPTION: WRD LUCS
STATUS: APPROVED

APPLICANT: WILLAMETTE VALLEY LAND
SITE ADDRESS:

MAP NO: 10S-03W-20 -00402
10S-03W-29 -00101

APPLICATION: LAND USE COMP AND VER. LETTER

TRANSACTION AMOUNT: 50.00
NOTATION:
RECEIVED BY: BOLESA AB

TRANSACTION LIST

Type	Method	Description	Amount
Payment	Check	12179	50.00

RECEIPT ACCOUNT ITEM LIST

Item#	Description	Account	Total Fee	Total Paid	Current Pymt
2280	Plng--Other Applications	24-3-070-10	50.00	50.00	50.00

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WATER RESOURCES DEPT
SALEM, OREGON

G-1890

LINN COUNTY, OREGON **2014-01001**
 D-WD
 SIn=2 S WILSON 01/29/2014 01:09:28 PM
 \$20.00 \$11.00 \$10.00 \$10.00 \$20.00 **\$80.00**

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that this instrument identified herein was recorded in the Clerk records.
 Steve Druckenmiller - County Clerk

RECORDING REQUESTED BY:
 Floor Title Company

GRANTOR:
 Millersburg Power LLC

GRANTEE:
 Willamette Valley Land, LLC

SEND TAX STATEMENTS AND RECORDING TO:
 Willamette Valley Land, LLC
 13140 NE Kuehne Road
 Canton, OR 97111

Escrow No: 471813028237-TTMIDWIL20

Tax Lots 101 & 106 Sec 29; & 402 Sec 20
 Millersburg, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Millersburg Power LLC, an Oregon limited liability company, Grantor, conveys and warrants to

Willamette Valley Land, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

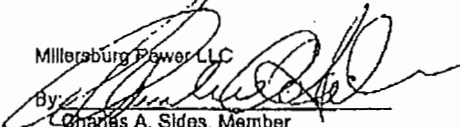
See EXHIBIT 'A' attached hereto and made a part hereof

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,150,000.00.
 (See ORS 93.030)

Subject to and excepting: See EXHIBIT 'A' attached hereto and made a part hereof

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 195.335 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 856, 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 195.335 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 856, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: January 28, 2014

Millersburg Power LLC
 By: 
 Charles A. Sides, Member

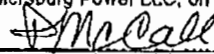
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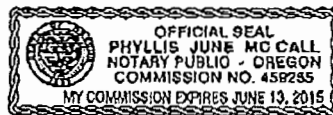
JAN 26 2014

State of OREGON, County of Marion

This instrument was acknowledged before me on January 28, 2014, by Charles A. Sides, as Member of Millersburg Power LLC, on behalf of the limited liability company.

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 Notary Public - State of Oregon
 My commission expires: 6-13-2015



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FEE TITLE 471813028237

6-18-10

EXHIBIT 'A'
Legal Description

PARCEL 1:

The following described real property situated in the County of Linn and State of Oregon:

Beginning at a stone on the Southeastly boundary line of the Donation Land Claim of Silas Haight, et ux, Claim No. 55 in Township 10 South and Range 3 West of the Willamette Meridian, Linn County, Oregon, said stone being South 52° 50' West, 897.60 feet distant from the most Easterly corner of said Claim No. 55 and from thence running South 52° 50' West, 1777.60 feet to the Willamette River, thence down said Willamette River the following courses and distances: North 41° 06' West, 542.66 feet; thence North 61° 42' West, 132 feet; thence North 79° 06' West, 57.58 feet to a point South 1° 9' West of a 1 1/2-inch pipe, said pipe being West, 2660.50 feet and South 1093.81 feet distant from the said most Easterly corner of said Donation Land Claim No. 55; thence North 1° 09' East, 40 feet, more or less to said first above mentioned 1 1/2-inch pipe; thence North 1° 09' East, 332.55 feet to a 5/8-inch bolt; thence North 75° 29' East, 1119.77 feet to a 5/8-inch bolt; thence North 34° 30' East, 232.36 feet to a 1 inch x 40 inch pipe, thence South 89° 46' East, 771.83 feet to a 5/8-inch bolt, thence North 25° 00' East, 973.54 feet to a 1 inch x 60 inch pipe, thence North 18° 28' West, 671.88 feet to a 3/4-inch pipe, thence South 77° 33' East, 46.62 feet; thence South 18° 28' East, 677.33 feet to a 1 inch x 50 inch pipe; thence South 24° 27' West, 1227.10 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1980 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN - 10S03W2900 00106

PARCEL 2:

Part of Sections 19, 20, 29 and 30 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and described as follows:

Beginning in the centerline of Linn County Market Road No. 34, at a point South 89°55' East 137.08 feet, South 889.89 feet, and South 77°32' East 1001.67 feet from the most Westerly Southwest corner of the George Miller, Sr., Donation Land Claim No. 58 in Section 19, Township 10 South, Range 3 West, said Donation Land Claim corner being on the Northwesterly line of the Silas Haight Donation Land Claim No. 55; and running thence South 1°18' West, along the center line of a ditch, 1319.24 feet to the intersection of said ditch with a second ditch; thence Southerly, along the center line of the last mentioned ditch, following the meanders thereof, approximately 1760 feet to the right bank of the Willamette River; thence, following the meanders of said right bank Easterly upstream approximately 1150 feet to a point South 1°09' West of a 1-1/2 inch iron pipe, said pipe being West 2660.50 feet and South 1093.81 feet from the most Easterly corner of said Silas Haight Donation Land Claim No. 55; thence North 1°09' East 40 feet, more or less, to said 1-1/2 inch iron pipe; thence, continuing North 1°09' East 322.05 feet, to a 5/8 inch iron bolt; thence North 75°29' East 1119.77 feet to a 5/8 inch iron bolt; thence North 34°30' East 232.36 feet to a 1 inch iron pipe; thence South 89°46' East 771.83 feet to a 5/8 inch iron bolt; thence North 25°00' East 973.54 feet to a 1 inch iron pipe; thence North 18°28' West 705.65 feet to the center line of the aforementioned Linn County Market Road No. 34; thence North 77°32' West, along said centerline, to the point of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1980 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

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Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.20 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.67 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN 10S03W2000 00402 and 10S03W2900 00101

Subject to and excepting:

Unpaid Property Taxes, if any

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
Affects: Parcel 2

Any rights, liens, claims or equities, if any, in favor of Linn Soil and Water Conservation District.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Any adverse claim based upon the assertion that:

a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River and Murder Creek (Powell Creek) in the event the boundary of said Willamette River and Murder Creek (Powell Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River and Murder Creek (Powell Creek) is in its natural state.

b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.

c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River and Murder Creek (Powell Creek), or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of the Willamette River and Murder Creek (Powell Creek).

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Anchors, wires and fixtures

Recording Date: February 6, 1937

Recording No: Book 145, Page 403

Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Electric transmission or distribution lines

Recording Date: March 2, 1937

Recording No: Book 145, Page 470

Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company

Purpose: Electric transmission and distribution lines

Recording Date: October 3, 1947

Recording No: Book 196, Page 196

Affects: Parcel 2 - exact location not disclosed of record

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Western Kraft Corporation, an Oregon corporation

Purpose: Pipe lines

Recording Date: December 2, 1954

Recording No: Book 240, Page 507

Affects: Various parcels - see document for specifics

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Road Relocation Agreement, including the terms and provisions thereof,
Recording Date: August 9, 1960
Recording No.: Book 272, Page 536

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Millersburg
Purpose: Water and sewer pipelines
Recording Date: May 19, 1967
Recording No: Volume 442, Page 738
Affects: Parcels 1 and 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: PacifiCorp
Purpose: Electric transmission lines, distribution lines, and communication lines
Recording Date: October 10, 1986
Recording No: Volume 830, Page 628
Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by an instrument,
Entitled: Notice of Supplemental Final Order and Judgment
Court: U.S. District Court for the Southern District of Indiana
Case No.: 1:02-cv-7004-DFH-TAB
In favor of: AT&T Corp. and AT&T Communications-East, Inc.
Purpose: Cable, conduits, power and replacement technology
Recording Date: November 14, 2008
Recording No: 2008-21446
Affects: Portions adjacent to railroad corridor

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