

# 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](http://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.oar](http://www.oregon.gov/owrd/law.oar)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

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

### 3. Public Notice

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

### 4. Proposed Final Order Issued

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

### 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$350.00 for the applicant and \$700.00 for non-applicants. Protests are filed on approximately 10% of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

### 6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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# 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 LEROY KROPF		PHONE (HM) 541-995-8362	
PHONE (WK)	CELL 541-510-5416		FAX 541-995-8362
ADDRESS 24305 POWERLINE RD			
CITY HARRISBURG	STATE OR	ZIP 97446	E-MAIL * LDKROPF@GMAIL.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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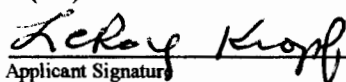
By my signature below I confirm that I understand:

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- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application packet.
- 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.

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

  
Applicant Signature

**LEROY KROPF**  
Print Name and title if applicable

3-19-16  
Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <u>8-66297</u>	For Department Use	Date
Permit No.		

**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: McKenzie R	Tributary to: <u>Willamette</u>
Source 2: Muddy Creek	Tributary to: <u>Willamette</u>
Source 3: _____	Tributary to: _____
Source 4: _____	Tributary to: _____

U.S. Bureau of Reclamation  
 Contract for Stored Water in  
 Willamette Basin

Transported through Muddy  
 Creek to project POD

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**

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

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Yes.

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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.)

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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
McKenzie River	Irrigation	March 1 - October 31	1.54 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			130 <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

**For irrigation use only:**

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

Primary: 123.2 Acres                      Supplemental: \_\_\_\_\_ Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 130

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

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**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 20 hp Electric centrifugal

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

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

The initial point of diversion is through the Muddy Creeks Irrigation Project POD near Coburg, Oregon. Water will be conveyed by contract through the MCIP ditch system and diverted at the point in section 26 and section 1 marked on the map.

**B. Application Method**

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

Drip

**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.

Irrigation scheduling will be used to determine the crop water demand and the irrigation system will be operated only when water is needed. The length of set will be adjusted to meet the needs of each tree. The volume of water applied at each tree will be less when the trees are young and will increase each year as the trees grow. Using less-than-full irrigation will be considered to reduce the water requirements. Backflow protection equipment will be installed on each well to prevent irrigation water from running back into the aquifer.

**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: The infiltration gallery will eliminate the need for fish screening.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions:

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No in-water construction

Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: The drip irrigation will not have run off. A back flow prevent system will be used if any chemical products are injected in the irrigation system.

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: when permit is granted

Date construction will be completed: within 6 months of permit

Date beneficial water use will begin: as soon as permit is granted and construction allows

**SECTION 8: 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 9: REMARKS**

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

TWN	N/S	RNG	E/W	WM	Sec	QQ	DLC	Tax Lot	Acres
14	S	4	W	W.M.	35	NENE		400	32.1
14	S	4	W	W.M.	35	NWNE		400	9.4
14	S	4	W	W.M.	35	SWNE		400	26.1
14	S	4	W	W.M.	35	SENE		400	14.6
14	S	4	W	W.M.	35	NWSE		400	5.3
14	S	4	W	W.M.	35	NWSE		400	4.7
14	S	4	W	W.M.	33	NESE		400	5.8
15	S	4	W	W.M.	1	NESW		200	25.2
								<b>TOTAL</b>	123.2

See additional remarks on attached sheet.

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# 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

## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and **all** of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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5-08197

# 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: Leroy Kropf  
First Last

Mailing Address: 24305 Powerline Rd

Harrisburg OR 97377 Daytime Phone: 541-510-5416  
City State Zip

## A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
14 S	4 W	26	SWSE	905	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU
14 S	4 W	35	NENE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	NWNE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	SWNE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	SENE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	NWSE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	NWSE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
14 S	4 W	35	NESE	400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
15 S	4 W	1	NESW	200	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU
15 S	4 W	1	SENW	201	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed. **RECEIVED BY OWRD**

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## B. Description of Proposed Use

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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) Muddy Creek

Estimated quantity of water needed: 1.54 cfs   
 cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

The project will install a drip irrigation system to irrigate filberts.

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# For Local Government Use Only

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LC 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.

P016-0051

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Name: Alyssa Bales Title: Planner

Signature: [Signature] Phone: 541-907-3816 Date: 3/11/16

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.

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

S-8897

LeRoy Kropf Water Rights Application

#9 Additional Remarks:

This permit application is for two parcels to be irrigated, owned by two different owners.

LeRoy Kropf is the applicant.

This application is for water rights that will be using water leased from the Bureau of Reclamation. The contract application has been submitted to the Bureau. The Bureau contract would be for water from the Mckenzie River, diverted near Coburg by the Muddy Creek Irrigation Project, and then delivered by the Muddy Creek Irrigation Project via the creek to the points of diversion listed in this application.

The parcel in drawing #1 (tax lot 400) is owned by **LeRoy Kropf and Anita Kropf Revocable Living Trust dated March 31, 2014**. The tax I.D. # for this trust is 540-66-1906.

A letter of permission from this trust is attached

The point of diversion for this parcel is on adjacent property ( tax lot 905) owned by my mother's living trust, of which I am the trustee, and also have power of attorney to do business on behalf of my mother. Attached is a letter of permission from the trust to use a point of diversion and to convey water to the irrigated property (tax lot 400).

The parcels in drawing #2 are owned by Steve Smucker. The point of diversion is on tax lot 201, and the irrigated land is on tax lot 200. A letter of permission is attached granting permission to LeRoy Kropf to apply for water rights and use the water on these properties.

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5-88197

Water rights application by LeRoy Kropf

Section Two: Affected Property owners:

Tax Lot 201

Steven D. Smucker and Bonnie J. Smucker  
31545 Harris Dr  
Harrisburg, OR 97446  
Ph 541 915-0792

Tax Lot 200

Steve Smucker and Bonnie Smucker  
31545 Harris Dr  
Harrisburg, OR 97446

Tax Lot 905

Kropf Trust Agreement Dated August 9, 1985  
24305 Powerline Rd  
Harrisburg, OR 97446  
Ph # 541 510-5416

Tax Lot 400

LeRoy Kropf and Anita Kropf Revocable Living Trust dated March 31, 2014  
243045 Powerline Rd  
Harrisburg, OR 97446  
Ph # 541 510-5416

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S-98187

Legal Description  
Tax lot 200

ed, tax statements  
owing address:

**NTY DEED**

(Above Space Reserved for Recorder's Use)

RTNERSHIP, an Oregon Limited Partnership as to an undivided  
Heirs and Devisees of Lena Smucker, deceased as to undivided 1/2

Smucker, Husband and Wife

real property in the State of Oregon and County of Linn  
cept as specifically set forth herein:  
ast corner of Jacob McDaniels Donation Land Claim in Township 15  
he Willamette Meridian, Linn County, Oregon; and running thence  
est 80 rods; thence North 80 rods; thence East 80 rods, to the

254531  
AFTER RECORDING RETI  
OREGON TITLE INSURANCE

place of beginning.

Tax Account Number(s): 321733

This property is free of encumbrances, EXCEPT:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notice of such proceedings, whether or not shown by the records of such agency or by the public records.

(Continued)

The true consideration for this conveyance is \$37,000.00

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLA-  
TION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRU-  
MENT, 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 LAW-  
SUITS AGAINST, BURNING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 14<sup>th</sup> day of June, 2002.

Wilton D Smucker partner  
Wilton D. Smucker, Partner

James L Smucker partner  
James L. Smucker, Partner

STATE OF OREGON, COUNTY OF Linn)ss.

The foregoing instrument was acknowledged before me this 14<sup>th</sup> day of June, 2002, by  
SMUCKER FAMILY LIMITED PARTNERSHIP, an Oregon Limited Partnership as to an undivided  
one-half interest.

[Signature]  
Notary Public for Oregon  
My Commission Expires: 3-12-04



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Order No.: 254531

09-27-90

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Deed

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JAMES LEE SMUCKER, Grantor, conveys and warrants to STEPHEN D. SMUCKER and BONNIE J. SMUCKER, Husband and Wife, Grantees, all that real property situated in Linn County, Oregon, described as follows, to-wit:

"Beginning at the Northeast corner of the Jacob McDaniel Donation Land Claim No. 50, Township 15 South, Range 4 West of the Willamette Meridian, and running thence East along the Easterly extension of the North line of said Donation Land claim No. 50 a distance of 5 rods, thence North 35 rods, thence West parallel to the North line of said Donation Land Claim No. 50 a distance of 11 rods, thence South 35 rods to the North line of said Donation Land claim No. 50, thence East along said North line 6 rods to the place of beginning in Linn County, Oregon."

and covenant that Grantor is the owner of the above described property free of all encumbrances, subject to and except for 1990-91 real property taxes and easements, conditions and restrictions of record.

The true and actual consideration for this transfer is \$70,000.00.

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.

DATED this 26<sup>th</sup> day of September, 1990

James Lee Smucker  
JAMES LEE SMUCKER

STATE OF OREGON )  
                  ) ss.                   September 26, 1990  
County of Lane )

Personally appeared before me the above named JAMES LEE SMUCKER and acknowledged the foregoing instrument to be his voluntary act and deed.

Bever B. Anderson  
Notary Public for Oregon  
My Commission Expires: 12-12-90

Until a change is requested  
mail tax statements to the following  
address:

Stephen D. and Bonnie J. Smucker  
31545 Harris Drive  
Harrisburg, OR 97446

ENTERED SEP 27 1990

At 8:30 O'clock a.m. 95  
STEVE DRUCKENMILLER  
Linn County Clerk

STATE OF OREGON  
County of Lane

I hereby certify that the attached map  
received and duly recorded by me in  
Linn County records

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Robert Andrich  
atly  
Box 426  
Junction City 97448

SEP 27 1990

S-8887



Property owner of property on Drawing #2

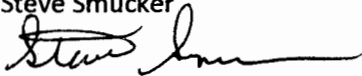
Steve Smucker and Bonnie Smucker  
31545 Harris Dr  
Harrisburg, OR 97446  
Ph # 541 915-0792

Steven D. Smucker and Bonnie J. Smucker  
31545 Harris Dr  
Harrisburg, OR 97446

As the owner of two tax lots, 200 and 201, T15S R4W Section 1, Willamette Meridan; we grant permission and authorization to LeRoy Kropf to use a point of diversion in tax lot 201 and to convey water across said tax lot and to use said water for irrigation on tax lot 200. I also give permission and authorization to LeRoy Kropf to apply for and hold water rights on the above mentioned tax lots.

Signed

Steve Smucker



Bonnie Smucker



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SALEM, OR

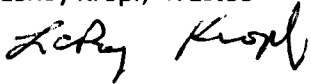
S-88197

To whom it may concern.

We, the trustees of the LeRoy Kropf and Anita Kropf Revocable Living Trust dated March 31, 2014,  
Do hereby grant permission and authorization to LeRoy Kropf to apply for water rights and to use water  
as permitted on the following property: Tax Lot 400, T14S R4W Section 35, Willamette Meridian.

Signed

LeRoy Kropf, Trustee



Anita Kropf, Trustee



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S-00177



To whom it may concern:

The Kropf Trust Agreement Dated August 9, 1985 hereby grants permission and authorizes LeRoy Kropf to access the waters of Muddy Creek for the purposes of pumping irrigation water and conveying it to his own property. This point of diversion is located in Tax Lot 905, SWSE ¼, 1/4, of Section 26, T14S, R4W of the Willamette Meridan.

Signed

LeRoy Kropf, Trustee and POA

*LeRoy Kropf*

*3/15/2016*

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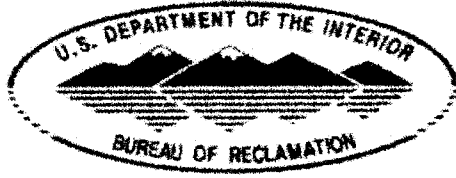
MAR 22 2016

SALEM, OR

*S-8897*

copy to OR

# CONTRACT DATA SHEET



U.S. Bureau of Reclamation  
Attn: PN-3324  
1150 North Curtis Road  
Boise, ID 83706-1234  
208-378-5344

## RECLAMATION *Managing Water in the West*

### 1. Applicant Information:

#### A. Landowners

- 1) Name of landowner(s): STEVE SMUCKER
- 2) Address: 31545 HARRIS DR. HARRISBURG, OR 97446
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): 541-80-1216  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? yes

#### B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): MCKENZIE RIVER

3. Proposed point of diversion: 2530 feet south and 2370 feet east  
Of SE corner of Section, 35 Township14S, Range 4W, Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: WATER RIGHT APPLICATION FILED BUT NO # YET.

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

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MAR 22 2016

SALEM, OR

S-58177

6. Do you currently hold a right to natural flows for irrigating the property described herein? NO  
If yes, what is/are the priority date(s)? \_\_\_\_\_
7. Total quantity of water from storage requested: 25.2 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
15S	4W	1	NESW	25.2	HAZELNUT TREES
			TOTAL	25.2	

9. What is the present use of the land identified above? [*farming; idle* (fallow cultivated land); *native* (appears never to have been tilled); *planted pasture or other* (please specify)].  
FARMING

10. Is the land identified above currently being irrigated? \_\_\_\_\_ If yes, what is the source? (*natural flows, wells, etc.*) \_\_\_\_\_

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: Mckenzie River diversion point is screened by Muddy Creek Irrigation Project which pumps and delivers the water to me via Muddy Creek. My diversion point uses a screen with 1/8" holes in it.

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SALEM, OR

S-8877

12. Telephone number where you can be reached during the day: 541 915-0792

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE<sup>2</sup>, MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup> Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup> The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of reviewing the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment will be required will be provided to the applicant.

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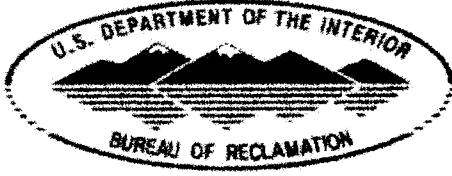
MAR 22 2016

SALEM, OR

S-8877

copy to OR

# CONTRACT DATA SHEET



U.S. Bureau of Reclamation  
Attn: PN-3324  
1150 North Curtis Road  
Boise, ID 83706-1234  
208-378-5344

**RECLAMATION**  
*Managing Water in the West*

RECEIVED BY OWRD

MAR 22 2016

1. Applicant Information:

SALEM, OR

A. Landowners

- 1) Name of landowner(s): LEROY KROPF See Statement 1 attached
- 2) Address: 24305 POWERLINE RD HARRISBURG, OR 97446
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): 540-66-1906  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? NO, SEE STATEMENT 2 attached

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: \_\_\_\_\_
- 2) Name & Title of Applicant: \_\_\_\_\_
- 3) Mailing Address of Organization: \_\_\_\_\_
- 4) Taxpayer Identification Number: \_\_\_\_\_  
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
  - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
  - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): MCKENZIE RIVER

3. Proposed point of diversion: 620 feet north and 1430 feet west  
Of NE corner of Section, 35 Township14S, Range 4W, Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: WATER RIGHT APPLICATION FILED BUT NO #

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

S-0077

6. Do you currently hold a right to natural flows for irrigating the property described herein? NO  
If yes, what is/are the priority date(s)? \_\_\_\_\_
7. Total quantity of water from storage requested: 98 acre-feet.
8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
14S	4W	35	NENE	32.1	HAZELNUT TREES
14S	4W	35	NWNE	9.4	HAZELNUT TREES
14S	4W	35	SWNE	26.1	HAZELNUT TREES
14S	4W	35	SENE	14.6	HAZELNUT TREES
14S	4W	35	NWSE	10.0	HAZELNUT TREES
14S	4W	35	NESE	5.8	HAZELNUT TREES
			TOTAL	98	

9. What is the present use of the land identified above? [*farming*; *idle* (fallow cultivated land); *native* (appears never to have been tilled); *planted pasture or other* (please specify)].  
FARMING

10. Is the land identified above currently being irrigated? \_\_\_\_\_ If yes, what is the source? (*natural flows, wells, etc.*) \_\_\_\_\_

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: Mckenzie River diversion point is screened by Muddy Creek Irrigation Project which pumps and delivers the water to me via muddy creek. My diversion point uses a screen with 1/8" holes in it.

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MAR 22 2016

SALEM, OR

S-8097

12. Telephone number where you can be reached during the day: 541 510-5416

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE <sup>2</sup>, MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup>. Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup>. The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

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MAR 22 2016

SALEM, OR

S-8897

Muddy Creeks Irrigation Project  
PO Box 225  
Harrisburg, OR 97446  
541-995-6332

Oregon Water Resources Dept.  
725 Summer St. NE  
Salem, OR 97301  
March 25, 2016

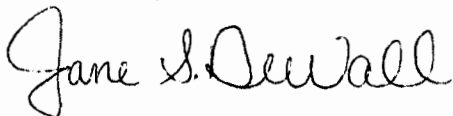
RE: Leroy Kropf Water Right

On November 4, 2015 the Muddy Creeks Irrigation Project voted to deliver water to Leroy Kropf for his Hazelnut Farms with two POD's off Cartney Drive and Harris Drive. The water right is for 123.2Ac or 130 Acre feet of water.

The approval would be based on an Oregon Water Right + BOR Water and Muddy Creeks Irrigation Project as the delivering agency.

If you have any questions call Jane DeWall @ 541-995-6332.

Sincerely,



Jane S. DeWall  
Muddy Creeks Irrigation Project  
Secretary

**RECEIVED**

MAR 28 2016

WATER RESOURCES DEPT  
SALEM, OREGON