

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

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.owrd). 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 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.

RECEIVED BY OWRD

MAR 28 2016

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		PHONE (HM)	
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME HASSINGER FARMS, LLC		PHONE		FAX
ADDRESS 68011 LOWER COVE RD.			CELL 541-786-5685	
CITY COVE	STATE OR	ZIP 97824	E-MAIL * JEDHASSINGER@HOTMAIL.COM	

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

AGENT / BUSINESS NAME SCHROEDER LAW OFFICES, PC.		PHONE 503-281-4100		FAX 877-600-4971
ADDRESS 1915 NE CESAR E. CHAVEZ BLVD.			CELL	
CITY PORTLAND	STATE OR	ZIP 97212	E-MAIL * COUNSEL@WATER-LAW.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.)

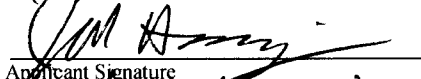
RECEIVED BY OWRD

By my signature below I confirm that I understand:

MAR 28 2016

- 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. SALEM, OR
- 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.


Applicant Signature

Applicant Signature

Jedd Hassinger, Member 3/24/2016
Print Name and title if applicable Date
Seth Hassinger, Member 3/24/2016
Print Name and title if applicable Date

Revise

App. No. <u>5-8899</u>	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*).

John P. Hassinger
68333 Kerns Loop
Cove, OR 97824

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: Elmer's Reservoir #1; Certificate 41585

Tributary to: Grande Ronde

Source 2: Elmer's Reservoir #2; Certificate 41586
Ronde

Tributary to: Grande

Source 3: Elmer's Reservoir #4; Certificate 46521

Tributary to: Grande Ronde

Source 4: _____

Tributary to: _____

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.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

- ☒ 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
Elmer's Reservoir #1	Primary Irrigation	Mar. 01 - Oct. 31	123 ☐ cfs ☐ gpm ☒ af
Elmer's Reservoir #2	Primary Irrigation	Mar. 01 - Oct. 31	91 ☐ cfs ☐ gpm ☒ af
Elmer's Reservoir #4	Supplemental Irr.	Mar. 01 - Oct. 31	107 ☐ cfs ☐ gpm ☒ af
			☐ cfs ☐ gpm ☐ af

For irrigation use only:

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

Primary: 71.8 Acres Supplemental: 71.8 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: 214

RECEIVED BY OWRD

- 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:

MAR 28 2016

SALEM, OR

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

☒ Pump (give horsepower and type): 150 HP Vertical Turbine

☐ Other means (describe): _____

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

Water is to be pumped West from Elmer's Reservoir #1, through buried PVC main line, to the field to be irrigated. Water from Elmer's Reservoir #2 is to be pumped through a surface mainline into Elmer's Reservoir #1, and then pumped to the field via the pumping station located in Elmer's Reservoir #1.

Supplemental irrigation water from Elmer's Reservoir #4 is to be pumped from the existing pumping station, located at the Elmer Dam, through existing buried PVC main lines to the field to be irrigated.

B. Application Method

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

Wheel-line

RECEIVED BY OWRI

MAR 28 2016

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.

The water requested is needed for irrigation of field crops such as wheat, peppermint, grass, and alfalfa. Irrigation water management practices including soil moisture monitoring will be employed to prevent waste of water and energy, as well as minimizing runoff. The pump motor will be controlled with a variable frequency drive for efficient operation across a range of application rates. A flow meter will measure the amount of water diverted.

SALEM, OR

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: An appropriate suction screen will be used to prevent uptake of aquatic plants and fish.

☒ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Excavation will not be required along the river. Excavation required for installation of the pump suction on the bank of Elmer's Reservoir #1 will be kept to a minimum.

☐ Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: _____

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Irrigation water management practices will prevent run-off by avoiding excessive application rates or amounts.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Upon issuance of a surface water use permit.

Date construction will be completed: Five years from the date of permit issuance.

Date beneficial water use will begin: Five years from the date of permit issuance.

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.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

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.

RECEIVED BY OWRD

MAR 28 2016

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: Hassinger Farms, LLC.
First Last

Mailing Address: 68011 Lower Cove Rd.

Cove
City

OR
State

97824
Zip

Daytime Phone: 541-786-5685

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:
02S	39E	25	NW NE SW NE	10000	EFU	☐ Diverted	☐ Conveyed	☒ Used	
02S	39E	25	NE NE	10002	EFU	☐ Diverted	☒ Conveyed	☐ Used	
02S	40E	30	SW NW	3200	EFU	☒ Diverted	☐ Conveyed	☐ Used	
02S	40E	30	NE NW SE NW	3200	EFU	☒ Diverted	☐ Conveyed	☐ Used	

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

Union County.

RECEIVED BY OWRD

MAR 28 2016

B. Description of Proposed Use

SALEM, OR

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: 215 214 ☐ 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:

Application to use water stored in Elmer's Reservoir #1, 2, and 4 for irrigation of 72 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.

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): _____.

☐ 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:	
<i>Ministerial Decision</i>	<i>UCZPSO Sec. 24.01</i>	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

RECEIVED BY OWRD MAR 28 2016 SALEM, OR

Name: Stacy Warren Title: Associate Planner
 Signature: [Signature] Phone: 541-943-1017 Date: March 3, 2016
 Government Entity: Union County Planning Dept.

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: _____

Legal description of parcel from which water is to be diverted (02S40-3200):

MAR 28 2016

SALEM, OR

EXHIBIT A-1

All that part of the property located in the South half of the Southwest quarter of section 19, in Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, and being more particularly described as follows:

Beginning at a point on the section line 3,306.1 feet South 89°55' West of the section corner common to Sections 19, 20, 29 and 30, Township 2 South, Range 40 East of the Willamette Meridian, In Union county, Oregon; thence North 0°05' West a distance of 831.53 feet; thence North 78°22' West a distance of 708.42 feet; thence South 0°05' East a distance of 975.39 feet; thence North 89°55' East a distance of 693.66 feet to the point of beginning.

TOGETHER WITH the right to use of a right-of-way from the public road to said premises and described as follows:

All that part of the property of Dora Elmer located in the South half of the Southwest quarter of section 19 and the northwest quarter of section 30, in Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, encompassed in a strip of land 40 feet in width, said strip of land being 20 feet on each side of the center line as surveyed over and across said property and being more particularly described as:

Beginning at station 0+00 which is 20 feet East of the quarter section corner common to sections 25 & 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon; thence North 1642.3 feet; thence North 48°39' East a distance of 1223.3 feet; thence on a 318.3 foot radius curve to the left a distance of 235.7 feet; thence North 6°13' East a distance of 132.9 feet; thence South 87°54' East a distance of 247.8 feet.

Said right of user not being exclusively in the grantee, but said right-of-way can be used by other parties.

EXCEPTING THEREFROM the following:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.

2. Subject to a right-of-way granted to Frank Elmer and Russell Elmer, and not exclusively in either of them, and which said right-of way is described as follows:

all that property of Dora Elmer located in the South half of the Southwest quarter of section 19 and the Northwest quarter of Section 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, encompassed in a strip of land 40 feet in width said strip of land being 20 feet on each side of the centerline as surveyed over and across said property and being more particularly described as follows:

Beginning at a station 0+00 which is 20 feet East of the 1/4 section corner common to sections 25 and 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon; thence North

1642.3 feet; thence North 48°39' East a distance of 1223.3 feet; thence on a 318.3 foot radius curve to the left a distance of 235.7 feet; thence North 6°16' East a distance of 132.9 feet; thence South 87°54' East a distance of 247.8 feet; thence South 73°29' East a distance of 313.98 feet to a point on section line between sections 19 and 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon;

3. Right-of-way Easement, including the terms and provisions thereof, granted to California-Pacific utilities company, a corporation; dated April 19, 1978, recorded May 5, 1978, as Microfilm Document No. 76773, Deed Records of Union County, Oregon.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

EXHIBIT A-2

Section 30: The entire North half.

Section 19: That portion of the West half of southwest quarter described as beginning at the southeast corner of the Southwest quarter of Southwest quarter of said section 19, and running thence North 975.39 feet to the northwest corner of land conveyed to Russell Elmer (Book 132, at page 41, Records of Union county, Oregon); thence West along the existing division fence line to a point approximately 53 1/2 rods East of the West line of said section 19; thence North along said fence line to the North line of the Northwest quarter of Southwest quarter of said section; thence West 53 1/2 rods, more or less, to the northwest corner of the Southwest quarter of said section; thence South 160 rods to the southwest corner of said section 19; thence East to the point of beginning. ALSO, that part of the South half of the Southeast quarter and that part of the South half of the Southwest quarter of section 19 described as follows: Commencing at a point where the division line fence intersects the south line of said section, which point is approximately 34 1/2 rods West of the southeast corner of said section 19; running thence Northwesterly along said fence line to the northeast corner of land conveyed to Russell Elmer (Book 132, at page 41, Records of Union County, Oregon); thence South along the east line of said Russell Elmer tract, a distance of 831.53 feet, more or less, to the south line of said section 19; thence East to the point of beginning.

EXCEPTING THEREFROM a parcel of land designated by the Union County Assessor's Office as Township 2 South, Range 40 East of the Willamette Meridian, in union County, Oregon, Tax Lot NO. 3201, code area number 15-3, formerly part of tax lot 3200 and more particularly described as follows:

Commencing at a point on the North bank of the Grande Ronde River and on the west line of section 30; said point being 25 feet, more or less, South of the northwest corner of said section 30; thence North along the west line of sections 19, and 30, 541.31 feet; thence South 88°34'45" East, 895.25 feet; thence South 47°58'48" East, 198.75 feet; thence North 86°55'42" East 135.25 feet; thence South 02°48'42" East 211.23 feet; thence North 82°46'30" West 78.65 feet; thence South 47°46'30" West 104.05 feet; more or less to the North bank of the Grande Ronde River; thence following the North bank of Grande Ronde river westerly to the point of beginning.

EXHIBITA-3

IN TOWNSHIP 2 SOUTH, RANGE 40 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY, OREGON.

Section 29:

All that part of the South half of Southwest quarter lying westerly of the center line of the Grande Ronde River;

EXCEPTING THEREFROM any portion of the parcel of land conveyed to Union county, Oregon by Microfilm Document No. 32328 (rerecorded as Microfilm Document No. 33231, Records of Union County, Oregon), which may encroach in the southeast corner of said land.

Section 31:

The entire Northeast quarter;

SUBJECT TO easement over and across the west 20 feet thereof for ingress to and egress from the southwest quarter of said section, as conveyed to Ada Crawford by deed recorded in Book 148, at page 341, confirmed by deed book 148, at page 509, Records of Union County, Oregon.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

Legal description of parcel across which water is to be conveyed (02S39-10002):

The East half of Northeast quarter of Section 25, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, EXCEPTING THEREFROM the parcel of land out of the Northeast corner thereof described as commencing at the Northeast corner of Section 25 and running thence West 29 rods; thence South 44.5 rods; thence East 29 rods; thence North 44.5 rods to point of beginning.

SUBJECT TO THE FOLLOWING EXCEPTIONS:

- (a) Subject to easement for county road over and across the South side of said premises. Also subject to easements for utilities or ditches as same appear of record.
- (b) Subject to an easement 16 feet in width for buried pipeline over and across the northerly portion of above-described premises for conveyance of water from Grande Ronde River to the West half of Northeast quarter of said water pipeline.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

Legal description of parcel on which water is to be used (02S39-10000):

The West half of the Northeast quarter of Section 25, in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

ALSO, an easement 16 feet in width, for a water pipeline extending from the East line of the above described premises, over and across the East half of the Northeast quarter of said Section 25 to the Grande Ronde River, said pipeline to be across the Northerly portion of said East half of the Northeast quarter and buried to a sufficient depth to permit farming operations over the same; TOGETHER WITH the right of grantees to enter upon said premises for construction, repair and maintenance of said pipeline.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

Hassinger Farms, LLC.
68011 Lower Cove Rd.
Cove, OR 97824
3/07/16

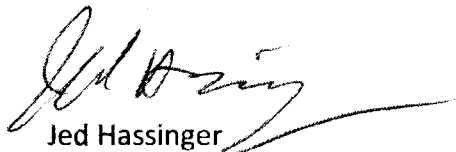
John P. Hassinger
68333 Kerns Loop
Cove, OR 97824

Dear John P. Hassinger:

Please accept this as official notice that Hassinger Farms, LLC. intends to apply for a water use permit from the Oregon Water Resources Department to use water stored in reservoirs owned and operated by you. The application that we intend to submit involves using 123 acre feet of water from Elmer's Reservoir #1 and 91 acre feet from Elmer's Reservoir #2 for primary irrigation and 108 acre feet from Elmer's Reservoir #4 for supplemental irrigation. The land to be irrigated is approximately 72 acres in the West half of the Northeast quarter of section 25, in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon (taxlot 10000). We are proposing to convey water to this field via a new buried pipeline running West across the East half of the Northeast quarter of section 25 (taxlot 10002) from a pumping station to be installed on the West side of Elmer's Reservoir #1. Water from Elmer's Reservoir #2 is to be pumped through a surface mainline into Elmer's Reservoir #1, and then pumped to the field via the pumping station located in Elmer's Reservoir #1. If supplemental irrigation water is used from Elmer's Reservoir #4, it will be pumped to the East side of the field using the existing irrigation pump and pipeline.

Please let us know if you have any questions or concerns regarding the application.

Sincerely,


Jed Hassinger
Hassinger Farms, LLC.
Member

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

20160930

After Recording, Return to:

Jed Hassinger
60897 Overlook Dr.
Cove, OR 97824

LICENSE AGREEMENT

This License Agreement ("**Agreement**") is made and entered into and shall be effective as of March 22, 2016 ("**Effective Date**"), by John P. Hassinger ("**Licensor**"), and Hassinger Farms, LLC ("**Licensee**").

RECITALS

WHEREAS, Licensee owns real property described in Exhibit "A," and Licensor owns property described in Exhibit "B,"

WHEREAS, Licensee wishes to use water stored on Licensor's property for irrigation on Licensee's real property,

NOW THEREFORE, it is agreed as follows:

TERMS

1. License. Upon the terms and subject to the conditions set forth in this Agreement, Licensor does hereby license to Licensee and its employees, representatives, officers, contractors, consultants and agents (collectively, the "**Licensee Representatives**") a nonexclusive right to enter upon Licensor's property located in Union County, Oregon, identified by Assessor's Parcel Numbers 10002 and 3200, as described in Exhibit "B" (the "**Property**"), to access water stored in "Elmer's Reservoir #1," "Elmer's Reservoir #2," and "Elmer's Reservoir #4," to install irrigation system equipment on the Property, including pumps and buried pipelines, and to conduct irrigation system operation, maintenance, repair, reconstruction and removal.
2. Consideration. The true consideration for this Agreement is other value.
3. Term. The term of this Agreement shall commence on the Effective Date and continue until terminated by either party.
4. Termination. This Agreement may be terminated by either party by written notice provided at least thirty (30) days in advance of the storage season, which is January 1-December 31. Termination will be effective on the expiration of the 30 day notice period.
5. Removal of Infrastructure. Upon termination, any infrastructure placed by Licensee on Licensor's property shall be removed within the six months following termination, or the same shall be forfeited to Licensor without cost.
6. Revocation. The license granted herein is revocable, and any construction, repairs, maintenance, and improvements, permanent or temporary at whatever cost, conducted by Licensee shall be at the sole risk of Licensee and shall not create an irrevocable license or any other interest in the Property.

Licensee waives any and all arguments that the license created herein is irrevocable.

7. Prohibited Uses. Licensee and Licensee Representatives shall not use the Property for any purpose or business unrelated to the specific activities authorized by this Agreement without Licensor's prior written approval.
8. Conduct of Work; Permits and Approvals; Compliance with Laws. The activities authorized under this Agreement shall be at Licensee's sole cost and expense and shall be conducted in a commercially reasonable manner. Licensee at all times shall keep the Property free from debris and rubbish that may result from the performance of its operations. Licensee shall, at its own cost and expense, obtain all permits and governmental approvals necessary for Licensee and Licensee Representatives to engage in the activities performed. Licensee shall, at its own expense, comply with laws, ordinances, rules and regulations applicable to its activities on the Property.
9. Restoration. Except as otherwise provided by this Agreement, following any work conducted by the Licensee on the Property, including removal of infrastructure after termination, Licensee agrees to promptly repair any portions of the Property damaged or altered by Licensee or Licensee Representatives during the work to a similar condition which existed prior to the work.
10. Liens. Licensee shall keep the Property free from any liens or encumbrances that might otherwise occur as a result of work performed on the Property by contractors. Licensee must promptly pay when due all costs and charges associated with its exercise of the rights granted in this Agreement, whether directly or through any of the Licensee Representatives, and must take all steps necessary to avoid the filing of any liens against the Property. In the event any such lien is filed against the Property, Licensee must cause the same to immediately be paid, discharged, released and satisfied and/or bonded of record. Time is of the essence with respect to this obligation. The obligations as set forth in this Section 10 shall survive termination of this Agreement.
11. Indemnity. Licensee shall indemnify, defend, protect, and hold Licensor and Licensor's employees, representatives, officers, contractors, consultants and agents (collectively, the "**Licensor's Representatives**") harmless from any and all claims, damages, demands, losses, liabilities, fees (including attorney's fees and expenses), costs or expenses arising out of, or in connection with Licensee's or Licensee's Representatives' exercise of the rights granted under this Agreement (individually a "**Claim**", collectively the "**Claims**"), unless such Claims are result of an act or omission of Licensor or Licensor's Representatives.
12. Limited Liability. In no event shall either party be liable to the other or any third party in contract, tort or otherwise for incidental or consequential damages of any kind, including, without limitation, punitive or economic damages or lost profits, regardless of whether either party shall be advised, shall have other reason to know or in fact shall know of the possibility.
13. No Partnership. This Agreement shall not be construed as creating a partnership or joint venture between Licensee and Licensor or between either of them and any third party or cause either of them to be responsible in any manner for the other's or any third party's debts or obligations.
14. No Right of Possession. Except for the right to access water and perform installation, operation, maintenance, repair, reconstruction and removal of the irrigation system, as authorized by this Agreement, Licensee acknowledges and agrees that this Agreement shall not create any possessory rights in Licensee with respect to the Property.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

15. Ownership. It is expressly understood that this Agreement does not provide Licensee or any lien holder, ownership interest or any other rights to the Property.
16. Governing Law. This agreement shall be governed by and construed in accordance with the internal laws of the State of Oregon, U.S.A., without reference to any conflicts of law provisions.
17. Integration and Amendment. This agreement constitutes the entire agreement of the parties and such is intended as a complete and exclusive statement of the promises, representations, negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the parties unless the same is in writing and signed by the respective parties hereto.
18. Notice. Any notice required or permitted under this Agreement shall be deemed sufficiently given or served if sent by United States certified mail, return receipt requested, addressed as follows. The parties shall provide notice to each other about changes to the following addresses within ten (10) days of such change.

Licensor: John P. Hassinger
68333 Kerns Loop
Cove, OR 97824

Licensee: Hassinger Farms, LLC
c/o Jed Hassinger
60897 Overlook Dr.
Cove, OR 97824

19. Successors and Assigns. This Agreement shall run with the land and shall inure to the benefit of and shall be binding upon each of the parties and their successors, assigns, personal representative, heirs and beneficiaries.

[Space intentionally left blank]

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

20. Severability. If a term, condition, or provision of this Agreement, or the application thereof to any

circumstance is determined to be invalid or unenforceable to any extent, the remaining provisions of this Agreement shall be unaffected and shall remain valid and fully enforceable.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first above written:

Licenser (John P. Hassinger):

[Signature]

STATE OF OREGON)

County of Union) ss.

SUBSCRIBED AND SWORN to before me this 22 day of March, 2016, by

John P. Hassinger

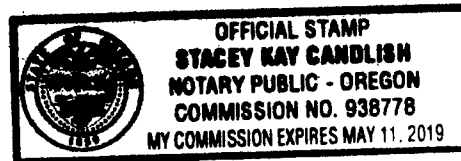
[Signature]
Notary Public for Oregon
My commission expires: 5-11-19

Licensee (Hassinger Farms, LLC):

By: [Signature]

Name: Jed Hassinger

Title: Member



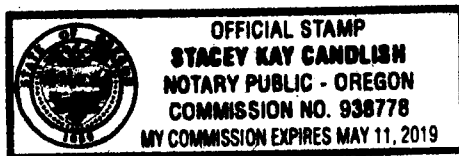
STATE OF OREGON)

County of Union) ss.

SUBSCRIBED AND SWORN to before me this 22 day of March, 2016, by

Jed Hassinger

[Signature]
Notary Public for Oregon
My commission expires: 5-11-19



RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

EXHIBIT A

Legal description of parcel on which water is to be used (02S39-10000):

The West half of the Northeast quarter of Section 25, in Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon.

ALSO, an easement 16 feet in width, for a water pipeline extending from the East line of the above described premises, over and across the East half of the Northeast quarter of said Section 25 to the Grande Ronde River, said pipeline to be across the Northerly portion of said East half of the Northeast quarter and buried to a sufficient depth to permit farming operations over the same; TOGETHER WITH the right of grantees to enter upon said premises for construction, repair and maintenance of said pipeline.

EXHIBIT B

Legal description of parcel on which water is stored (02S40-3200), and across which water is to be conveyed (02S39-10002):

EXHIBIT B-1

All that part of the property located in the South half of the Southwest quarter of section 19, in Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, and being more particularly described as follows:

Beginning at a point on the section line 3,306.1 feet South 89°55' West of the section corner common to Sections 19, 20, 29 and 30, Township 2 South, Range 40 East of the Willamette Meridian, In Union county, Oregon; thence North 0°05' West a distance of 831.53 feet; thence North 78°22' West a distance of 708.42 feet; thence South 0°05' East a distance of 975.39 feet; thence North 89°55' East a distance of 693.66 feet to the point of beginning.

TOGETHER WITH the right to use of a right-of-way from the public road to said premises and described as follows:

All that part of the property of Dora Elmer located in the South half of the Southwest quarter of section 19 and the northwest quarter of section 30, in Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, encompassed in a strip of land 40 feet in width, said strip of land being 20 feet on each side of the center line as surveyed over and across said property and being more particularly described as:

Beginning at station 0+00 which is 20 feet East of the quarter section corner common to sections 25 & 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon; thence North 1642.3 feet; thence North 48°39' East a distance of 1223.3 feet; thence on a 318.3 foot radius curve to the left a distance of 235.7 feet; thence North 6°13' East a distance of 132.9 feet; thence South 87°54' East a distance of 247.8 feet.

Said right of user not being exclusively in the grantee, but said right-of-way can be used by other parties.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

EXCEPTING THEREFROM the following:

1. The assessment roll and the tax roll disclose that the within described premises were specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax and interest may be levied for the years in which the land was subject to the special land use assessment.

2. Subject to a right-of-way granted to Frank Elmer and Russell Elmer, and not exclusively in either of them, and which said right-of way is described as follows:

all that property of Dora Elmer located in the South half of the Southwest quarter of section 19 and the Northwest quarter of Section 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, encompassed in a strip of land 40 feet in width said strip of land being 20 feet on each side of the centerline as surveyed over and across said property and being more particularly described as follows:

Beginning at a station 0+00 which is 20 feet East of the 1/4 section corner common to sections 25 and 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon; thence North 1642.3 feet; thence North 48°39' East a distance of 1223.3 feet; thence on a 318.3 foot radius curve to the left a distance of 235.7 feet; thence North 6°16' East a distance of 132.9 feet; thence South 87°54' East a distance of 247.8 feet; thence South 73°29' East a distance of 313.98 feet to a point on section line between sections 19 and 30, Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon;

3. Right-of-way Easement, including the terms and provisions thereof, granted to California-Pacific utilities company, a corporation; dated April 19, 1978, recorded May 5, 1978, as Microfilm Document No. 76773, Deed Records of Union County, Oregon.

EXHIBIT B-2

Section 30: The entire North half.

Section 19: That portion of the West half of southwest quarter described as beginning at the southeast corner of the Southwest quarter of Southwest quarter of said section 19, and running thence North 975.39 feet to the northwest corner of land conveyed to Russell Elmer (Book 132, at page 41, Records of Union county, Oregon); thence West along the existing division fence line to a point approximately 53 1/2 rods East of the West line of said section 19; thence North along said fence line to the North line of the Northwest quarter of Southwest quarter of said section; thence West 53 1/2 rods, more or less, to the northwest corner of the Southwest quarter of said section; thence South 160 rods to the southwest corner of said section 19; thence East to the point of beginning. ALSO, that part of the South half of the Southeast quarter and that part of the South half of the Southwest quarter of section 19 described as follows: Commencing at a point where the division line fence intersects the south line of said section, which point is approximately 34 1/2 rods West of the southeast corner of said section 19; running thence Northwesterly along said fence line to the northeast corner of land conveyed to Russell Elmer (Book 132, at page 41, Records of Union County, Oregon); thence South along the east line of said Russell Elmer tract, a distance of 831.53 feet, more or less, to the south line of said section 19; thence East to the point of beginning.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

EXCEPTING THEREFROM a parcel of land designated by the Union County Assessor's Office as Township 2 South, Range 40 East of the Willamette Meridian, in union County, Oregon, Tax Lot NO. 3201, code area number 15-3, formerly part of tax lot 3200 and more particularly described as follows:

Commencing at a point on the North bank of the Grande Ronde River and on the west line of section 30; said point being 25 feet, more or less, South of the northwest corner of said section 30; thence North along the west line of sections 19, and 30, 541.31 feet; thence South 88°34'45" East, 895.25 feet; thence South 47°58'48" East, 198.75 feet; thence North 86°55'42" East 135.25 feet; thence South 02°48'42" East 211.23 feet; thence North 82°46'30" West 78.65 feet; thence South 47°46'30" West 104.05 feet; more or less to the North bank of the Grande Ronde River; thence following the North bank of Grande Ronde river westerly to the point of beginning.

EXHIBIT B-3

IN TOWNSHIP 2 SOUTH, RANGE 40 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY, OREGON.

Section 29:

All that part of the South half of Southwest quarter lying westerly of the center line of the Grande Ronde River;

EXCEPTING THEREFROM any portion of the parcel of land conveyed to Union county, Oregon by Microfilm Document No. 32328 (rerecorded as Microfilm Document No. 33231, Records of Union County, Oregon), which may encroach in the southeast corner of said land.

Section 31:

The entire Northeast quarter;

SUBJECT TO easement over and across the west 20 feet thereof for ingress to and egress from the southwest quarter of said section, as conveyed to Ada Crawford by deed recorded in Book 148, at page 341, confirmed by deed book 148, at page 509, Records of Union County, Oregon.

[Space intentionally left blank]

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR

EXCEPTING THEREFROM a parcel of land designated by the Union County Assessor's Office as Township 2 South, Range 40 East of the Willamette Meridian, in Union County, Oregon, Tax Lot NO. 3201, code area number 15-3, formerly part of tax lot 3200 and more particularly described as follows:

Commencing at a point on the North bank of the Grande Ronde River and on the west line of section 30; said point being 25 feet, more or less, South of the northwest corner of said section 30; thence North along the west line of sections 19, and 30, 541.31 feet; thence South 88°34'45" East, 895.25 feet; thence South 47°58'48" East, 198.75 feet; thence North 86°55'42" East 135.25 feet; thence South 02°48'42" East 211.23 feet; thence North 82°46'30" West 78.65 feet; thence South 47°46'30" West 104.05 feet; more or less to the North bank of the Grande Ronde River; thence following the North bank of Grande Ronde river westerly to the point of beginning.

EXHIBIT B-3

IN TOWNSHIP 2 SOUTH, RANGE 40 EAST OF THE WILLAMETTE MERIDIAN, IN UNION COUNTY, OREGON.

Section 29:

All that part of the South half of Southwest quarter lying westerly of the center line of the Grande Ronde River;

EXCEPTING THEREFROM any portion of the parcel of land conveyed to Union county, Oregon by Microfilm Document No. 32328 (rerecorded as Microfilm Document No. 33231, Records of Union County, Oregon), which may encroach in the southeast corner of said land.

Section 31:

The entire Northeast quarter;

SUBJECT TO easement over and across the west 20 feet thereof for ingress to and egress from the southwest quarter of said section, as conveyed to Ada Crawford by deed recorded in Book 148, at page 341, confirmed by deed book 148, at page 509, Records of Union County, Oregon.

[Space intentionally left blank]

RECEIVED BY OWRD

MAR 28 2016

EXHIBIT B-4 (Parcel across which water is to be conveyed)

The East half of Northeast quarter of Section 25, Township 2 South, Range 39 East of the Willamette Meridian, Union County, Oregon, EXCEPTING THEREFROM the parcel of land out of the Northeast corner thereof described as commencing at the Northeast corner of Section 25 and running thence West 29 rods; thence South 44.5 rods; thence East 29 rods; thence North 44.5 rods to point of beginning.

SUBJECT TO THE FOLLOWING EXCEPTIONS:

- (a) Subject to easement for county road over and across the South side of said premises. Also subject to easements for utilities or ditches as same appear of record.
- (b) Subject to an easement 16 feet in width for buried pipeline over and across the northerly portion of above-described premises for conveyance of water from Grande Ronde River to the West half of Northeast quarter of said water pipeline.

RECEIVED BY OWRD

MAR 28 2016

SALEM, OR