

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

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Water-Use Permit Application Processing

APR 25 2016

1. Completeness Determination

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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). 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.



Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

- [Main](#)
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- [Contact Us](#)

Today's Date: Tuesday, April 26, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	839	\$1,419.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,319.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

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Attachments:

-
- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
 - Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
 - Fees - Amount enclosed: \$2,319
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.

Provide a map and check that each of the following items is included:

-
- Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - NA Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot clearly identified
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
 - Other:

Application for a Permit to Use Surface Water



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

Applicant Information

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

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Organization Information

NAME		PHONE		FAX	
O.O. AGRICULTURAL INVESTMENT COMPANY, LLC		(503) 334-5117			
ADDRESS			CELL		
P.O. Box 824			(503) 334-5117		
CITY	STATE	ZIP	E-MAIL *		
CORVALLIS	OR	97339	TODD.OOIC@GMAIL.COM		

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

AGENT / BUSINESS NAME		PHONE		FAX	
STEVEN R. BRUCE		(503) 319-8926			
ADDRESS			CELL		
1626 VICTORIAN WAY			(503) 319-8926		
CITY	STATE	ZIP	E-MAIL *		
EUGENER	OR	97401	STEVE@SKOOKUMWATER.COM		

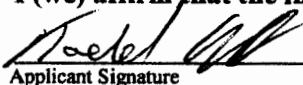
Note: Attach multiple copies as needed

* 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.)

By my signature below I confirm that I understand:

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

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


Applicant Signature

Todd Smith *Manager*
Print Name and title if applicable

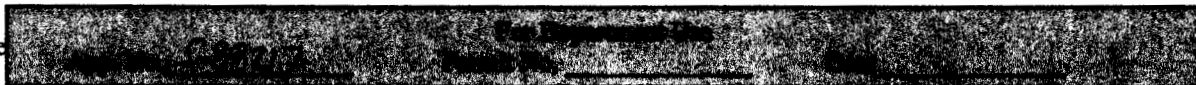
4/20/16
Date

Applicant Signature

Print Name and title if applicable

Date

Revised



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.

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Yes

There are no encumbrances.

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

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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.

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

Emerald Christmas Tree Company 11643 N.E. 8th Street Bellevue, WA 98005

Stephanie Jorgensen and Jorgensen Family Trust 25756 Llwellyn Road Corvallis, OR 97333

Vitality Farmland LP and VFO Corvallis, LLC (both now known as Green Spring Farms) 8930 Suver Road Monmouth, OR 97361

Legal descriptions for the above properties are attached.

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: Willamette Basin Project Reservoirs, under Permits R-1625 and R-5363

Tributary to: Willamette River

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). Permits R-1625 and R-5363.

B. Applications to Use Stored Water

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

Yes.

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

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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
Willamette Basin Project Reservoirs, Under Permits R-1625 and R-5363	Primary Irrigation	March 1 to October 31	839.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:

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

Primary: 335.6 Acres Supplemental: 0 Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 839.0

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

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SECTION 5: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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Pump (give horsepower and type): The Greenberry Irrigation District has three 125-hp centrifugal pumps located at the Willamette River POD; a 25 hp centrifugal pump is planned for the O.O. Agricultural Investment Company, LLC system.

Revised 2/1/2012
 5-88217

Other means (describe): _____

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

Under a wheeling agreement, the Greenberry Irrigation District will divert the water at an existing structure on the Willamette River and convey it in an existing pipeline to a redirection point where O.O. Agricultural Investment Company, LLC will take control of the water.

B. Application Method

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

Micro-sprinklers will be used for irrigation.

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 requested volume of water is consistent with a duty of 2.5 acre-feet/acre. The irrigation system equipment will be new and the micro-sprinklers efficient. The water stored in the Willamette River Project has been reviewed in a federal BiOp as part of protecting fisheries and related resources.

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 POD proposed for use is owned and operated by the Greenberry Irrigation District and is already screened. The District is wheeling the water to the applicant.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: The POD and main pipeline installed by the Greenberry Irrigation District exist and no excavation or clearing of the banks along that alignment is needed. O.O. Agricultural Investment Company, LLC plans to minimize the excavation and clearing of banks at Muddy Creek by horizontally boring underneath this area.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: See above information
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: Irrigation water will be applied at agronomic rates using micro-sprinklers.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as the permit is issued.

Date construction will be completed: October 1, 2020

Date beneficial water use will begin: May 1, 2021

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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 Greenberry Irrigation District	Address 30742 Venell Place	
City Corvallis	State OR	Zip 97333

SECTION 9: REMARKS

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

The Greenberry Irrigation District will divert and convey the water from the Willamette River to the applicant's redirection point located on the pipeline. This diversion and conveyance will be conducted under a wheeling contract that has been verbally agreed to by the applicant and Dan O'Brien, Manager of the Greenberry Irrigation District. The District's POD has an approved fish screen.

We have verbal agreements for the proposed pipeline easement with the Jorgensen's, Vitality Farmland LP and VFO Corvallis, LLC. Both Vitality and VFO as now known as Green Spring Farms. We are in discussions with Emerald Christmas Tree Company about an easement.

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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): O.O. Agricultural Investment Company, LLC Attn: Todd Smith
- 2) Address: P.O. Box 824 Corvallis, OR 97339
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? No

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: NA
- 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.

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2. Source of Water (name of stream, river): Willamette River
3. Proposed point of diversion: 3,150 feet north and 1,280 feet east
of SW corner of Section 19, Township 12 South, Range 4 West,
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: Pending.
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].

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: 839.0 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
Please See Attached List					

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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)].
Idle

10. Is the land identified above currently being irrigated? No 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: The proposed point of diversion will be an existing structure on the Willamette River owned and operated by the Greenberry Irrigation District. This structure has approved fish screens. The District will wheel the water from the diversion point to O.O. Agricultural Investment Company, LLC using an existing pipeline.

12. Telephone number where you can be reached during the day: (503) 334-5117

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 ², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ 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.

² 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.

ATTACHMENT TO:
Oregon Water Resources Department

CONTRACT DATA SHEET ATTACHMENT

Applicant Name: O.O. Agricultural Investment Company, LLC

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (¼) (¼)	NO. of ACRES	Type of IRRIGATED CROP
12 S	5 W	31	SW SW	6.9	Hazelnuts
12 S	5 W	31	SE SW	15.2	"
12 S	5 W	31	SW SE	10.2	"
12 S	6 W	36	SW SW	23.2	"
12 S	6 W	36	SE SW	19.4	"
13 S	5 W	6	NW NE	20.0	"
13 S	5 W	6	SW NE	4.6	"
13 S	5 W	6	SE NE	0.5	"
13 S	5 W	6	NE NW	29.2	"
13 S	5 W	6	NW NW	13.9	"
13 S	5 W	6	SW NW	26.1	"
13 S	5 W	6	SE NW	19.8	"
13 S	5 W	6	NE SW	39.8	"
13 S	5 W	6	NW SW	22.0	"
13 S	5 W	6	NE SE	1.0	"
13 S	5 W	6	NW SE	26.4	"
13 S	6 W	1	NE NW	22.1	"
13 S	6 W	1	NW NW	35.3	"

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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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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(s): O.O. Agricultural Investment Company, LLC

Mailing Address: P.O. Box 824

City: Corvallis

State: OR

Zip Code: 97339

Daytime Phone: (503) 334-5117

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:
<u>See</u>	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
<u>Attached</u>	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
<u>List</u>	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Benton County

B. Description of Proposed Use

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

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or Ground Water Registration Modification
 Limited Water Use License
 Allocation of Conserved Water
 Exchange of Water

Source of water: Reservoir/Pond Ground Water Surface Water (name)

Estimated quantity of water needed: 839.0 cubic feet per second gallons per minute acre-feet

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

Briefly describe:

In accordance with a proposed contract with the U.S. Bureau of Reclamation, water from the Willamette River Project reservoirs will be used for irrigation. The water will be diverted from the Willamette River using an existing Greenberry Irrigation District diversion structure. The District will use an existing pipeline to convey the water to a rediversion point controlled by O.O. Agricultural Investment Company, LLC. A proposed pipeline, partially sited on easements with neighboring landowners, will then convey the water to the proposed places of use.

Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

See bottom of Page 3. →

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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): *13-6-1-300, 13-5-6-1410, 13-5-6-1200 are all zoned Exclusive Farm use, and growing hazelnuts is outright permitted per BCCSS.105(i).*
- 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.

see above.

Name: Kristin Anderson Title: Associate Planner

Signature: *Kristin Anderson* Phone: 541-766-6298 Date: 4/22/2016

Government Entity: Benton County Community Development

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: _____

RECEIVED BY OWRD

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: Justesen Brothers

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
12 S	5 W	31	SW SW	1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
12 S	5 W	31	SE SW	1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
12 S	5 W	31	NE SE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
12 S	5 W	31	NW SE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
12 S	5 W	31	SW SE	1000, 1200, 1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
12 S	5 W	32	SW NW	600		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
12 S	5 W	32	SE NW	100, 600		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
12 S	5 W	32	NW SW	300, 1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
12 S	6 W	36	SW SW	300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
12 S	6 W	36	SE SW	300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	NW NE	1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	SW NE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	SE NE	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	NE NW	1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	NW NW	1000, 1400		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	SW NW	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	SE NW	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	NE SW	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	5 W	6	NW SW	1200		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	6 W	1	NE NE	101, 1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	6 W	1	NW NE	101		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	6 W	1	NE NW	300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change
13 S	6 W	1	NW NW	300		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	No Change

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APR 25 2016

SALEM, OR

S-88217

RECORDING COVER SHEET

ORS 205.234

This cover sheet has been prepared by the person presenting the attached instrument for recording. Any error in this cover sheet DOES NOT affect the transaction(s) contained in the instrument itself.

Reference - Escrow No. 03-504986
Title Order No. 032374B

BENTON COUNTY, OREGON	2012-489001
DE-WD	03/12/2012 11:09:15 AM
Str=5 MIKER	\$25.00 \$11.00 \$10.00 \$17.00 \$20.00
	\$83.00
I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
James V. Morales - County Clerk	

Please print or type information.

1 AFTER RECORDING RETURN TO --
Required by ORS 205.180(4) & 205.238:

Name: **Vital Farmland, L.P.**
Address: **One Market Street**
Spear Tower, Suite 3600
City, ST Zip: **San Francisco, CA 94105**

2 TITLE(S) OF THE TRANSACTION(S) -- Required by ORS 205.234(1)(a)
Note: "Transaction" means any action required or permitted by law to be recorded, including, but not limited to, any transfer, encumbrance or release affecting title to or an interest in real property. Enter descriptive title for the conveyance instrument:
Document Title(s): Statutory Warranty Deed

3 DIRECT PARTY / GRANTOR Names and Addresses -- Required by ORS 205.234(1)(b)
Seller Name & Address: **OSU Federal Credit Union, 1980 NW 9th Street, Corvallis, OR 97330**

4 INDIRECT PARTY / GRANTEE Names and Addresses -- Required by ORS 205.234(1)(b)
Buyer Name & Address: **Vital Farmland, L.P.,**
One Market Street, Spear Tower, Suite 3600, San Francisco, CA 94105

5 For an instrument conveying or contracting to convey fee title, the information required by ORS 93.260:
UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO THE FOLLOWING ADDRESS:
Name: **Vital Farmland, L.P.**
Address: **One Market Street, Spear Tower, Suite 3600**
City, ST Zip: **San Francisco, CA 94105**

6 TRUE AND ACTUAL CONSIDERATION -- Required by ORS 93.030 for an instrument conveying or contracting to convey fee title or any memorandum of such instrument:
\$\$2,200,000.00

Amertitle 032374B / 504986

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After recording return to:

Vital Farmland, L.P.

One Market Street, Spear Tower, Suite 3600

San Francisco, CA 94105

Until a change is requested all tax statements shall be sent to the following address:

Vital Farmland, L.P.

One Market Street, Spear Tower, Suite 3600

San Francisco, CA 94105

Escrow No. 03-504986

Title No. 032374B

SWD r.020212

STATUTORY WARRANTY DEED

OSU Federal Credit Union,

Grantor(s), hereby convey and warrant to

Vital Farmland, L.P.,

Grantee(s), the following described real property in the County of BENTON and State of Oregon free of encumbrances except as specifically set forth herein:

SEE EXHIBIT A WHICH IS MADE A PART HEREOF BY THIS REFERENCE

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

Account No.: 168900	Map: 12S-05W-32 TL 100
Account No.: 414302	Map: 12S-05W-32 TL 600
Account No.: 417271	Map: 12S-05W-32 TL 500
Account No.: 401533	Map: 12S-05W-32 TL 700
Account No.: 417269	Map: 12S-05W-29 TL 500
Account No.: 417270	Map: 12S-05W-29 TL 600
Account No.: 167902	Map: 12S-05W-28 TL 500
Account No.: 168959	Map: 12S-05W-33 TL 200

The true and actual consideration for this conveyance is \$2,200,000.00.

The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

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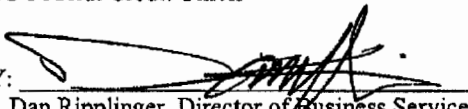
SALEM, OR

5-88217

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

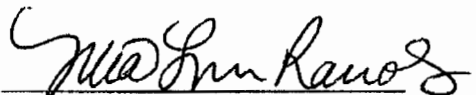
Dated this 12th day of March, 2012.

OSU Federal Credit Union

BY: 
Dan Ripplinger, Director of Business Services

STATE OF OREGON
County of BENTON

This instrument was acknowledged before me on March 12, 2012,
by Dan Ripplinger as Director of Business Services of OSU Federal Credit Union.


Notary Public for Oregon
My Commission Expires: May 19, 2012



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SALEM, OR

EXHIBIT 'A'

Parcel I:

Beginning at the most Easterly Northeast corner of the Benjamin Cutler Donation Land Claim No. 68 in Township 12 South, Range 5 West of the Willamette Meridian and running thence South $0^{\circ}11'1/2''$ West 65.044 chains to the Southeast corner thereof, thence South $89^{\circ}03'$ West along the South line of said claim 2.499 chains to the quarter section corner common to Sections 32 and 33, said Township and Range; thence North $89^{\circ}54'1/2''$ East along the East and West centerline of said Section 33, 50.00 chains, thence North $0^{\circ}14'$ West 1.010 chains to the Southerly Southeast corner of Tract No. 9 described in Declaration of taking recorded in Book 102, Page 321, Benton County Deed Records; thence South $89^{\circ}38'1/2''$ West along the South line of said Tract No. 9, 15.580 chains to the Southwest corner thereof; thence North $1^{\circ}11'1/2''$ East along the West line of said tract 64.057 chains to the South line of the James W. Dunn Claim No. 61, said Township and Range; thence North $89^{\circ}55'$ West along the South line of said latter claim 33.034 chains to the point of beginning. (Basis of bearings in the above description of the West line of said Tract No. 9 as determined by United States Surveyors).

Parcel II:

Beginning at the Northeast corner of the Southeast quarter of Section 29 in Township 12 South, Range 5 West, of the Willamette Meridian Benton County, Oregon; thence South 14.50 chains, East 2.40 chains; South 10.92 chains; West 40.70 chains, North 25.42 chains, East 38.20 chains to beginning.

Also, Beginning 24.52 chains South and 2.40 chains East of the Northeast corner of Southeast quarter of Section 29, Township 12 South, Range 5 West of the Willamette Meridian in Benton County, Oregon; thence South 23.71 chains to land of Iva May Castro, West 39.40 chains, South 6.07 chains, South 25° East 7.00 chains, South 20° West, 5.00 chains, South 80° West 2.50 chains, South 5.83 chains, West 15.50 chains to center of Muddy Creek, up stream to South line of W. Omnby Claim No. 67, West to Southwest corner of same, North to South line of North half of said claim, East to East line of same, North to Southwest corner of above described tract East 40.70 chains to beginning.

Except therefrom that parcel described in deed recorded May 25, 1999 as M-267548-99, Microfilm Records of Benton County, Oregon, more particularly described as follows:

A portion of that certain tract conveyed to Emma L. Davis in M-264022-99, Microfilm Records of Benton County, Oregon, lying in the North 1/2 of Section 32, Township 12 South, Range 5 West, Willamette Meridian Benton County, Oregon, being more particularly described as follows: Beginning at a point lying South $0^{\circ}07'11''$ East 4,257.65 feet from a 1 1/4 inch iron shaft at said Northwest corner of Donation Land Claim No. 68; thence South 406.43 feet; thence West 557.43 feet; thence North 227.93 feet; thence North $4^{\circ}33'26''$ West 234.46 feet; thence North $54^{\circ}59'05''$ East 58.69 feet; thence North $78^{\circ}54'41''$ East 97.65 feet; thence South $58^{\circ}13'30''$ East 36.67 feet; thence South $77^{\circ}34'22''$ East 410.61 feet to the point of beginning.

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Page 1 of 2

SALEM, OR

EXHIBIT 'A'

NOTE: Parcel II is also known as:

Parcel 1 and a portion of Parcel 2, Partition Plat No. 2003-19, recorded June 17, 2003, in Benton County, Oregon.

Parcel III:

Beginning at the Southeast corner of Donation Land Claim No. 68, of Benjamin Cutler in Township 12 South, Range 5 West of the Willamette Meridian, and running thence North 30.37 chains; thence West 39.40 chains; thence South 6.07 chains; thence South 25 East 7 chains; thence South 20 West 5 chains; thence South 80 West 2 chains and 15 links to the West line of said Donation Land Claim No. 68; thence South 5.83 chains; thence West 15.50 chains to the middle of the channel of Muddy Creek; thence up the middle of the channel of said Muddy Creek to a point 60.40 chains West and 1 chain North of the point of beginning; thence South 1 chain to the South line of Donation Land Claim No. 67; thence East 60.40 chains to the place of beginning, all of the above described lands being situated in Benton County, Oregon.

TOGETHER WITH a non-exclusive easement to be used in common with others over and across a roadway thirty feet in width, the West line of which shall commence at a point 30 feet Southerly from the Northeast corner of the above described tract and run thence Northerly 35.719 chains; thence Westerly 2.40 chains; thence Northerly 14.50 chains to the county road.

Parcel IV:

Land in State of Oregon, County of Benton, described as follows:

A portion of that certain tract conveyed to Emma L. Davis in M-264022-99, Microfilm Records of Benton County, Oregon, lying in the North 1/2 of Section 32, Township 12 South, Range 5 West, Willamette Meridian Benton County, Oregon, being more particularly described as follows: Beginning at a point lying South 0°07'11" East 4,257.65 feet from a 1 1/4 inch iron shaft at said Northwest corner of Donation Land Claim No. 68; thence South 406.43 feet; thence West 557.43 feet; thence North 227.93 feet; thence North 4°33'26" West 234.46 feet; thence North 54°59'05" East 58.69 feet; thence North 78°54'41" East 97.65 feet; thence South 58°13'30" East 36.67 feet; thence South 77°34'22" East 410.61 feet to the point of beginning.

TOGETHER WITH an easement for road purposes created by instrument, including the terms and provisions thereof, recorded May 26, 1999 as M-267652-99, Microfilm Records of Benton County, Oregon.

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APR 25 2016

SALEM, OR
Page 2 of 2

S-88217

BENTON COUNTY, OREGON 2013-507133

DE-BS

Cr#1 St#41 COUNTER1 06/22/2013 03:49:46 PM

\$5.00 \$11.00 \$17.00 \$10.00 \$20.00 \$63.00



00281826201306071330010011

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk



BARGAIN AND SALE DEED

PFS Financial, Inc., an Oregon corporation, Grantor, conveys to Vital Farmland, LP, an Oregon limited partnership, Grantee, all right, title, and interest in the following described real property:

A portion of that property described in the deed to PFS Financial, Inc. recorded as M402896-06, Deed Records of Benton County, Oregon, and being more particularly described as follows:

Beginning at a 2 inch diameter iron pipe and Benton County brass cap at the quarter section corner to Sections 32 and 33, Township 12 South, Range, 5 West, Willamette Meridian, Benton County, Oregon, also being the northeast corner of the Jessie Ownby Donation Land Claim No. 69; thence along the line between Sections 32 and 33, South 0°45'55" West 2005.41 feet to a 3/4 inch shaft on the north line of Llewellyn Road (County Road No. 25260); thence along the north line of Llewellyn Road, South 89°52'22" East 40.00 feet; thence North 0°45'55" East 2005.33 feet to the east/west center line of said Section 33; thence North 89°44'50" West 40.00' feet to the point of beginning, and containing 1.84 acres, more or less.

This description is based on the Property Line Adjustment Survey for PFS Financial, Inc., and Vital Farmland LP, dated January 16, 2013 and on file at the Benton County Surveyor's Office.

Situs Address: 7219 Cutler Ln, Corvallis, OR 97333

Tax Account #: 168900

Situs Address: Unassigned

Tax Account #: 168959

Situs Address: Unassigned

Tax Account #: 168967

The true and actual consideration for this conveyance is other value previously given or promised, the receipt and sufficiency of which is hereby acknowledged.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Dated this 21st day of March, 2013.

[Signature]
Larry Venell, President of PFS Financial, Inc.

STATE OF OREGON)
County of Benton) ss.

On this 21st day of March, 2013, the forgoing instrument was acknowledged before me by Larry Venell, president of PFS Financial, Inc. to be his voluntary act and deed.

[Signature]
Notary Public for Oregon
My Commission expires:

RECEIVED BY OWRD

APR 25 2016

SALEM, OR

AFTER RECORDING, RETURN TO: Churchill Leonard Lawyers PO Box 804 Salem, OR 97308

UNTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL BE SENT TO:

No Change



P-88217