

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

JUL 05 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.our). 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.

9-8825

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
See Attachment A
- 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. **See Attachment B**
- Fees - Amount enclosed: **\$1,618.00**
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: See Attachment C

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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME JOHN OR CAROL SULLIVAN		PHONE (HM) 541-896-3825	
PHONE (WK)	CELL 541-729-8636	FAX	
ADDRESS 46296 MCKENZIE HIGHWAY (PHYSICAL ADDRESS); PO BOX 87 (MAILING ADDRESS)			
CITY VIDA	STATE OR	ZIP 97488	E-MAIL * FILACRES3@GMAIL.COM

Organization Information

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME GSI WATER SOLUTIONS, ATTN: TED RESSLER		PHONE (503) 239-8799 x 106	FAX 503-239-8940
ADDRESS 55 SW YAMHILL ST. SUITE 300			CELL
CITY PORTLAND	STATE OR	ZIP 94204	E-MAIL * TRESSLER@GSIWS.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.

John Sullivan
Applicant Signature
John Sullivan
Print Name and title if applicable

Carol Sullivan
Applicant Signature
Carol Sullivan
Print Name and title if applicable

June 21, 2016
Date
6-21-2016
Date

Revise	App. No. <u>S-8825</u>	For Department Use Permit No. _____	Date _____
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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.

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

N/A

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. See Attachment B

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 Federal Storage Project 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). Certificate 72756 in the name of the U.S. Bureau of Reclamation. See Attachment D.

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.) **See Attachment D.**

The Applicants have requested a Water Service Contract from the Bureau of Reclamation. **See Attachment E.**

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 Federal Storage Project	Irrigation	April 1 - October 31	0.69 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 55 Acres Supplemental: 0 Acres
 List the Permit or Certificate number of the underlying primary water right(s): Certificate 72756
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 138 AF

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): It is anticipated that the released stored water will be diverted at site on the McKenzie River located 793.81 feet South and 474.10 feet West from the E 1/4 Corner of Section 34, Township 16 South, Range 2 East. Pump and pipelines to be determined.

Other means (describe): _____

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

It is anticipated that the released stored water will be diverted from the McKenzie River by a pump intake equipped with a fish screen and conveyed to the place of use via a closed pipe irrigation system.

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B. Application Method

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

It is anticipated that irrigation will be completed using a K-line irrigation system (sprinklers).

C. Conservation

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

The Applicants are requesting to divert stored water at a rate of up to 0.69 cfs, limited to a maximum volume of 138 acre-feet annually. The Applicants have requested a storage contract with the Bureau of Reclamation. The point of diversion will be equipped with a flowmeter to measure water diverted from the McKenzie River. The flowmeter will record the amount of water pumped in an effort to prevent waste. The proposed use of stored water is not expected to cause damage to public uses of McKenzie River.

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 diversion pump intake will be equipped with an appropriate fish screen meeting Oregon Department Fish & Wildlife requirements and/or standards.

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: It is anticipated that the diversion pump will be installed adjacent to an existing established diversion thereby limiting additional disturbance of streamside areas.

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: It is not anticipated that equipment will need to be operated in the source stream for installation of the diversion pump.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
 Describe: The rate of water application will be determined based on crop needs and is not expected to exceed the intake rate of the local soil, thereby avoiding erosion and runoff.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Upon issuance of permit

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

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

SECTION 8: WITHIN A DISTRICT

N/A 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.

The Applicants are seeking a secondary surface water permit to divert stored water from Willamette Basin Federal Storage Project at a rate of up to 0.69 cfs, limited to a maximum annual volume of 138 acre-feet for irrigation of 55 acres of hazelnut orchard. The applicants have requested a storage contract with the Bureau of Reclamation.

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Attachment A

Land Use Information Form

Application for a Permit to Use Surface Water – John or Carol Sullivan

P-8825

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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P-88205

Land Use Information Form

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

JUL 05 2016

Applicant(s): John or Carol Sullivan

SALEM, OR

Mailing Address: 46296 McKenzie Highway

City: Vida

State: OR

Zip Code: 97488

Daytime Phone: 541-896-3825

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:
16S	2E	35	SW NW	<u>301</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	35	NW SW	<u>203</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	35	SW SW	<u>203</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	34	SE NE	<u>203</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	34	SW NE	<u>203</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	34	NE SE	<u>203</u>	_____	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>
16S	2E	34	NW SE	<u>203</u>	_____	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Lane 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 Willamette Project Reservoirs
 Ground Water
 Surface Water (name) _____

Estimated quantity of water needed: 0.69
 cubic feet per second
 gallons per minute
 acre-feet

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

Briefly describe:

The property is currently in farm use and the proposed water use is intended to enhance the farm use on the property. The present farm use is dryland-farmed hazelnut orchard; the orchard will be replanted and the new trees will be irrigated.
The Applicants are seeking a secondary surface water permit for the use of up to 138 acre-feet of stored water from the Willamette Basin Federal Storage Project, under contract with the Bureau of Reclamation, to irrigate 55 acres of hazelnut orchard.

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. →

5-88255

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): Lane Code 16.212(C)(a) Farm Use.
- 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
RECEIVED BY OWRD		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
JUL 05 2016		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
SALEM, OR		<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.

Name: Deanna Wright Title: Associate Planner
 Signature: [Signature] Phone: 541-682-4082 Date: 6-30-16
 Government Entity: Lane County

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

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Attachment B
Legal Description

Application for a Permit to Use Surface Water – John or Carol Sullivan

S-88255



First American

FirstAm® Recorded Document

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SALEM, OR

The Recorded Document images are displayed in the subsequent pages for the following request:

**State: OR
County: Lane**

**Document Number: 000011186
Document Date: 02/19/1998**

Limitation of Liability for Informational Report

IMPORTANT - READ CAREFULLY: THIS REPORT IS NOT AN INSURED PRODUCT OR SERVICE OR A REPRESENTATION OF THE CONDITION OF TITLE TO REAL PROPERTY. IT IS NOT AN ABSTRACT, LEGAL OPINION, OPINION OF TITLE, TITLE INSURANCE COMMITMENT OR PRELIMINARY REPORT, OR ANY FORM OF TITLE INSURANCE OR GUARANTY. THIS REPORT IS ISSUED EXCLUSIVELY FOR THE BENEFIT OF THE APPLICANT THEREFOR, AND MAY NOT BE USED OR RELIED UPON BY ANY OTHER PERSON. THIS REPORT MAY NOT BE REPRODUCED IN ANY MANNER WITHOUT FIRST AMERICAN'S PRIOR WRITTEN CONSENT. FIRST AMERICAN DOES NOT REPRESENT OR WARRANT THAT THE INFORMATION HEREIN IS COMPLETE OR FREE FROM ERROR, AND THE INFORMATION HEREIN IS PROVIDED WITHOUT ANY WARRANTIES OF ANY KIND, AS-IS, AND WITH ALL FAULTS. AS A MATERIAL PART OF THE CONSIDERATION GIVEN IN EXCHANGE FOR THE ISSUANCE OF THIS REPORT, RECIPIENT AGREES THAT FIRST AMERICAN'S SOLE LIABILITY FOR ANY LOSS OR DAMAGE CAUSED BY AN ERROR OR OMISSION DUE TO INACCURATE INFORMATION OR NEGLIGENCE IN PREPARING THIS REPORT SHALL BE LIMITED TO THE FEE CHARGED FOR THE REPORT. RECIPIENT ACCEPTS THIS REPORT WITH THIS LIMITATION AND AGREES THAT FIRST AMERICAN WOULD NOT HAVE ISSUED THIS REPORT BUT FOR THE LIMITATION OF LIABILITY DESCRIBED ABOVE. FIRST AMERICAN MAKES NO REPRESENTATION OR WARRANTY AS TO THE LEGALITY OR PROPRIETY OF RECIPIENT'S USE OF THE INFORMATION HEREIN.

9811186

RETURN TO CASCADE TITLE CO

16-25-34*201
16-25-35*300

2022

CT 211923 (5)

After Accounting Return to:
A. J. GUSTINA
Oliver Swearingen et al.
P. O. Box 1147
Eugene, Oregon 97440-1147

Until a change is requested, all tax statements shall be sent to the following address:
JOHN AND CAROL SULLIVAN

OREGON STATUTORY SPECIAL WARRANTY DEED

THOMAS EVONUK, Grantor, conveys and specially warrants to JOHN SULLIVAN and CAROL M. SULLIVAN, husband and wife, Grantees, all of his interest in the real property described on Exhibit A, attached hereto and incorporated herein, free of encumbrances created or suffered by the Grantor except as specifically set forth on Exhibit B attached hereto and incorporated herein.

The true consideration for this conveyance is \$110,000.00, as part of a simultaneous 1031 tax deferred exchange.
Tax Account Numbers: 81388, 1175668, and 81735

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

DATED this 17 day of Feb., 1998.

Thomas Evonuk
Thomas Evonuk

STATE OF OREGON)
County of CLATSOP) ss.

The foregoing instrument was acknowledged before me this 17 day of February, 1998, by Thomas Evonuk.

W. Bent
Notary Public for OREGON
My Commission Expires: 10-17-95



RECORDED FEB. 19 1998 REC 20.00
RECORDED FEB. 19 1998 OFF FUND 10.00
RECORDED FEB. 19 1998 AMT FUND 20.00

OREGON STATUTORY SPECIAL WARRANTY DEED

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JUL 05 2016

SALEM, OR

9811186

PROPERTY DESCRIPTION

That portion of all the following described real property lying south of the McKenzie Highway:

Beginning at the quarter section corner of the West line of Section 35, Township 16 South, Range 2 East of the Willamette Meridian and running thence East 400 feet, thence North 588.06 feet, thence West 400 feet to the West line of said Section 35; and thence South along the West line of said section 588.06 feet to the place of beginning, in the Southwest quarter of the Northwest quarter of said Section 35, Township 16 South, Range 2 East of the Willamette Meridian, in Lane County, Oregon;

ALSO: Beginning at a point on County Road No. 551 (now vacated) 51 rods and 12 feet South and 33 rods Easterly from the quarter section corner on the North line of Section 34, Township 16 South, Range 2 East of the Willamette Meridian, said point being the Southeast corner of that certain tract conveyed to Nelson W. Coffey and Lena D. Coffey, husband and wife, by deed recorded April 14, 1928, in Book 156, Page 197, Lane County Oregon Deed Records, as corrected by deed from Florence S. Allen, a widow, S. F. Keller and Alice V. Keller, husband and wife, to Nelson W. Coffey and Lena D. Coffey, his wife, recorded April 1, 1938, in Book 195, Page 147, Lane County Oregon Deed Records; thence Northwesterly along the Easterly line of said Coffey tract to the quarter section corner, thence East 20 chains to the Northeast corner of the Northwest quarter of the Northeast quarter of said section; thence South 20 chains to the Southeast corner of the Northwest quarter of the Northeast quarter of said section, thence East 20 chains to the Northeast corner of the Southeast quarter of the Northeast quarter of said section; thence South 20 chains to the Southeast corner of the Northeast quarter of said section; thence East on the North line of Lot 4, in Section 35, said Township and Range to the point of its intersection with the southerly line of the McKenzie Highway; thence Southeasterly along the southerly line of said McKenzie Highway to a point in the southerly line of said McKenzie Highway, 327 feet South 89° 56' West and 680 feet South 1° 48' East, more or less, from the Northeast corner of said Lot 4 in section 35, in said Township and Range, thence South 1° 48' East 820 feet, more or less, to the North bank of the McKenzie River; thence Northwesterly along said bank and the South line of Lot 4 in Section 35 and Lots 1 and 2 in Section 34 to the Southeast corner of a tract of land heretofore conveyed to Walter E. Post and Jessie W. Post by deed recorded in Book 136, Page 602, Lane County Oregon Deed Records; thence North 16° 33' East 754 feet; thence North 61° 25' West 52.6 feet; thence North 17° 00' West 290 feet, more or less, to a point on the North line of the McKenzie Highway, North 57° 42' West along said highway and County Road No. 551, to the place of beginning, also being in Lane County, Oregon.

EXCEPT that certain tract conveyed to C. M. Nestle and Mabel M. Nestle, husband and wife, by deed recorded November 4, 1943, in Book 257, Page 158, Lane County Oregon Deed Records;
EXCEPT: Beginning at the brass monument marking the North one-quarter corner of Section 34, Township 16 South, Range 2 East of the Willamette Meridian; thence South 1397.68 feet and East 644.34 feet to an iron pin found on the southerly right of way line of the McKenzie Highway marking the true point of beginning; thence South 56° 52' 36" East 416.70 feet along the southerly

continued-

EXHIBIT A - Page 1 of 2

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SALEM, OR

S-88255

9811186

Legal Description Continued -

right of way line of the McKenzie Highway to a point; thence, continuing along said right of way line and along line arc of a curve to the left having a radius of 2901.72 feet to a point which bears South 58° 46' 13" East 191.98 feet from the last described point; thence South 17° 25' 54" West 834.49 feet to a point on the water's edge of the McKenzie River (being referenced by an iron pin bearing North 17° 25' 54" East 19.00 feet); thence along the water's edge of the McKenzie River the following courses and distances; North 46° 26' 04" West 528.50 feet and North 47° 00' West 350.78 feet to a point (being referenced by an iron pipe bearing North 35° 53' 36" East 67.67 feet); thence, North 35° 53' 36" East 441.81 feet along an existing property line fence to the true point of beginning, in Lane County, Oregon;

ALSO EXCEPT: Beginning at the brass monument marking the North one-quarter corner of Section 34, Township 16 South, Range 7 East of the Willamette Meridian; thence South 1499.53 feet and East 943.76 feet to an iron pin set on the northerly right of way line of the McKenzie Highway and marking the true point of beginning; thence North 167.15 feet to an iron pipe set in County Survey No. 8782; thence, South 89° 15' 36" East 336.30 feet along the South line of County Survey No. 8782 as found monumented on the ground to a point marked by an iron pin; thence, South 17° 25' 54" West 327.17 feet to an iron pin set on the northerly right of way line of the McKenzie Highway; thence, along said right of way line and along the arc of a curve to the right having a radius of 2824.79 feet to an iron pipe which bears North 58° 35' 57" West 155.81 feet from the last described point; thence, North 56° 33' 36" West 111.39 feet continuing along said right of way line to the true point of beginning, in Lane County, Oregon.

EXHIBIT A - Page 2 of 2

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SALEM, OR

Our No: CT-211523

9811186

State of Oregon
County of Lane -- ss.
I, the County Clerk, in and for the said
County, do hereby certify that the within
instrument was received for record at

'98 FEB 19 AM 11:12

Real 2387R

Lane County OFFICIAL Records
Lane County Clerk

By: David J. ...
County Clerk

SPECIAL EXCEPTIONS:

06. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest. (Tax Lot 201)

07. Rights of the public in and to that portion lying within McKenzie Highway.

08. Rights of the public and governmental bodies in and to any portion of the premises herein described now or at any time lying below high water mark of the McKenzie River, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the high water mark.

09. Any adverse claim based upon the assertion that:
Said land or any part thereof is now or at any time has been below the ordinary high water mark of the McKenzie River. Some portion of said land has been created by artificial means or has accreted to such portion so created. Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the McKenzie River, or has been formed by an accretion to any such portion.

EXHIBIT B

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SALEM, OR

Attachment C
Application Map

Application for a Permit to Use Surface Water— John or Carol Sullivan

5-88265

Attachment D
Bureau of Reclamation's Certificate 72756
Application for a Permit to Use Surface Water – John or Carol Sullivan

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SALEM, OR

5-88213

STATE OF OREGON
COUNTIES OF LANE AND LINN
CERTIFICATE OF WATER RIGHT RECEIVED BY OWRD

THIS CERTIFICATE ISSUED TO

JUL 05 2016

BUREAU OF RECLAMATION, U.S.A.
PACIFIC NORTHWEST REGION
1150 NORTH CURTIS ROAD
BOISE, IDAHO 83706-1234

SALEM, OR

confirms the right to store the waters of MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR, SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR, BLUE RIVER in BLUE RIVER RESERVOIR, FALL CREEK in FALL CREEK RESERVOIR, SOUTH SANTIAM RIVER in FOSTER RESERVOIR, MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR, tributaries of WILLAMETTE RIVER, appropriated for IRRIGATION AND SUPPLEMENTAL IRRIGATION.

The right to store these waters was perfected under Reservoir Permit R-5363. The date of priority is SEPTEMBER 16, 1968. The amount of water entitled to be stored each year under this right is NOT MORE THAN 805,100 ACRE-FOOT, BEING 194,600 AF FROM MIDDLE FORK WILLAMETTE RIVER in HILLS CREEK RESERVOIR; 144,000 AF FROM SOUTH FORK MCKENZIE RIVER in COUGAR RESERVOIR; 79,000 AF FROM BLUE RIVER in BLUE RIVER RESERVOIR; 107,500 AF FROM FALL CREEK in FALL CREEK RESERVOIR; 30,000 AF FROM SOUTH SANTIAM RIVER in FOSTER RESERVOIR; AND 250,000 AF FROM MIDDLE SANTIAM RIVER in GREEN PETER RESERVOIR TO BE APPROPRIATED UNDER SECONDARY APPLICATIONS HEREINAFTER TO BE FILED FOR IRRIGATION AND SUPPLEMENTAL IRRIGATION, PROVIDED THAT ALL SECONDARY APPLICATIONS SHALL BE ACCOMPANIED BY A COPY OF THE CONTRACT BETWEEN THE APPLICANT AND THE BUREAU OF RECLAMATION FOR THE PURCHASE OF THE STORED WATERS.

The reservoir is located as follows:

HILLS CREEK RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 34, 35, AND 36
TOWNSHIP 21 SOUTH, RANGE 3 EAST, W.M.

SECTION 31
TOWNSHIP 21 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 2, 3, 4, 10, 11, 14, 15, 16, 21, 22, 23, 26, 27, 33, AND 34
TOWNSHIP 22 SOUTH, RANGE 3 EAST, W.M.

SECTION 6
TOWNSHIP 22 SOUTH, RANGE 4 EAST, W.M.

SECTIONS 3 AND 4
TOWNSHIP 23 SOUTH, RANGE 3 EAST, W.M.

SEE NEXT PAGE

R-45396.GJT

S-8825

GREEN PETER RESERVOIR

WITHIN PORTIONS OF THE FOLLOWING:

SECTIONS 24, 25, 26, 35, AND 36
TOWNSHIP 12 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 9, 10, 16, 17, 20, 21, 24, 25, 26, 27, 28, 29, 30, 31, 32,
33, 34, AND 35
TOWNSHIP 12 SOUTH, RANGE 3 EAST, W.M.

SECTIONS 1, 2, 10, 11, AND 12
TOWNSHIP 13 SOUTH, RANGE 2 EAST, W.M.

SECTIONS 3, 4, 5, AND 6
TOWNSHIP 13 SOUTH, RANGE 3 EAST, W.M.

SECTION 19
TOWNSHIP 12 SOUTH, RANGE 4 EAST, W.M.

The right to store and use the water for the above purpose is restricted to beneficial use at the place of use described.

WITNESS the signature of the Water Resources Director, affixed AUGUST 28, 1996.

 s **Steven P. Applegate**
Martha O. Pagel

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SALEM, OR

Recorded in State Record of Water Right Certificates numbered 72756.

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SALE

Attachment E
Request for Water Service Contract from
Bureau of Reclamation

Application for a Permit to Use Surface Water – John or Carol Sullivan

S-88245

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SALEM, OR



Water Solutions, Inc.

June 24, 2016

US Bureau of Reclamation
ATTN: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234

Re: Contract for use of stored water

U.S. Bureau of Reclamation:

On behalf of John and Carol Sullivan, please find enclosed a request for a contract from the U.S. Bureau of Reclamation for use of stored water from the Willamette Basin Project Reservoirs for irrigation purposes at their property located at 46296 McKenzie Highway in Vida, Oregon. The point of re-diversion will be located on the McKenzie River in Township 16 South, Range 2 East, Section 34 as shown on the attached map. The stored water will be used to irrigate 55 acres, which are also shown on the attached map.

A water use permit application for the use of this stored water is under development and will be submitted to the Oregon Water Resources Department.

Please contact me at 971-200-8509 or John Sullivan at 541-896-3825 with any questions about this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ted Ressler'.

Ted Ressler
Senior Hydrogeologist

JUL 05 2016

SALEM, OR



RECLAMATION

Managing Water in the West

CONTRACT DATA SHEET

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

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): John or Carol Sullivan
- 2) Address: 46296 McKenzie Highway, Vida, OR
- 3) Mailing Address (if different): P.O. Box 87, Vida, OR 97488; Email: Filacres3@gmail.com
- 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? Yes

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

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

2. Source of Water (name of stream, river): McKenzie River

3. Proposed point of diversion: feet and feet of corner of Section, Township, Range, Willamette Meridian. 793.81 feet South and 474.10 feet West from the East ¼ corner of Section 34, Township 16 South, Range 2 East.

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: The applicant is currently preparing an application for a permit to use stored water. When a permit is received, we will notify you of the permit number.

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]. See attached map.

6. Do you currently hold a right to natural flows for irrigating the property described herein? If yes, what is/are the priority date(s)? No.

7. Total quantity of water from storage requested: 138 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
16S	2E	35	SW NW	0.2	Hazelnuts
16S	2E	35	NW SW	19.5	Hazelnuts
16S	2E	35	SW SW	0.6	Hazelnuts
16S	2E	34	SE NE	13.4	Hazelnuts
16S	2E	34	SW NE	4.8	Hazelnuts
16S	2E	34	NE SE	16.0	Hazelnuts
16S	2E	34	NW SE	0.5	Hazelnuts

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)*]. An existing dryland-farmed hazelnut orchard will be replanted and new trees will be irrigated.

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 diversion pump intake will be equipped with an appropriate fish screen meeting Oregon Department Fish & Wildlife requirements and/or standards.

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SALEM, OR

S-88255

12. Telephone number where you can be reached during the day: 541-896-3825 (Home); 541-729-8638 (cell)

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.

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JUL 05 2016

SALEM, OR



Water Solutions, Inc.

July 1, 2016

Tim Wallin
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

Re: Water Right Application – John or Carol Sullivan

Dear Mr. Wallin:

Please find enclosed a permit application to appropriate stored surface water for irrigation, which is submitted on behalf of Carol and John Sullivan. The Applicants are requesting to divert stored water from the Willamette Basin Storage Project at a rate of up to 0.69 cfs, limited to a maximum volume of 138 acre-feet annually, for irrigation of 55 acres. The water will be diverted at a proposed point of diversion on the McKenzie River, then piped to the place of use. In the application attachments, you will find that the Applicants have requested a storage contract with the Bureau of Reclamation.

Enclosed is the required fee of \$1,618.00, which was calculated as follows:

\$ 450 - Base Fee

\$ 718 - Acre Feet of Stored Water to be diverted for 138 acre-feet

\$ 450 - Permit Recording Fee

Total = \$1,618.00

Please also send copies of correspondence relating to this application to:

Michael Gelardi
Davis Wright Tremaine LLP
1300 SW Fifth Avenue, Suite 2400
Portland, OR 97201

If you have any questions about the enclosed materials, please contact me at 503-239-8799 X 106.

Sincerely,

Ted Ressler, RG, CWRE
Senior Hydrogeologist

S-88255

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JUL 05 2016

SALEM, OR