

# Application for a Permit to Use Ground Water



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

## Water-Use Permit Application Processing

### 1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050 ([www.oregon.gov/owrd/law](http://www.oregon.gov/owrd/law)). The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

### 2. Initial Review

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

### 3. Public Notice

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

### 4. Proposed Final Order Issued

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

### 5. Public Notice

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

### 6. Final Order Issued

If no protests are filed, the Department issues a Final Order consistent with the PFO. If the application is approved, a permit is issued that specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

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# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.615)

## Include this checklist with the application

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

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: well development
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: storage of groundwater in a reservoir
- SECTION 7: use of stored groundwater from the reservoir
- SECTION 8: project schedule
- SECTION 9: within a district
- SECTION 10: remarks

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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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$2,200  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.

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

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

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SALEM, OR

# Application for a Permit to Use Ground Water



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

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME ROSE MARY GARRE AND CHRISTINE S. KUGEL, TRUSTEES OF ROSE GARRE TRUST U/A APRIL 27, 2001, LEO AND LOUIS GARRE, TED AND LINDA L. BAUMGARDNER, LISA M. LAWSON, RICHARD A. AND LOUANN FAIST C/O LINDA L. BAUMGARDNER		PHONE (HM) 503-720-1736	
PHONE (WK)	CELL		FAX
ADDRESS 7320 S. MARK RD.			
CITY CANBY	STATE OR	ZIP 97013	E-MAIL*

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

Note: Attach multiple copies as needed

\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

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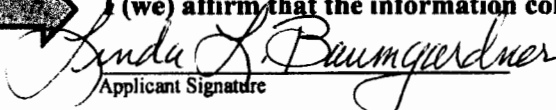
By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.

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

  
Applicant Signature

Linda L. Baumgardner  
Print Name and title if applicable

8/15/2016  
Date

For Department Use		
App. No. <u>G-18383</u>	Permit No. _____	Date _____

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- Yes
  - There are no encumbrances.
  - This land is encumbered by easements, rights of way, roads or other encumbrances.
- No
  - I have a recorded easement or written authorization permitting access.
  - I do not currently have written authorization or easement permitting access.
  - Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
  - Water is to be diverted, conveyed, and/or used only on federal lands.

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

Rose Mary Garre and Christine S. Kugel, Trustees of Rose Garre Trust U/A April 27, 2001, Leo and Louis Garre, Ted and Linda L. Baumgardner, Lisa M. Lawson, Richard A. and Louann Faist  
 c/o Linda L. Baumgardner  
7320 S Mark Rd, Canby, OR 97013

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

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	Unnamed tributaries to Little Pudding River	N/A (over 1 mile)	N/A

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials (*attach additional sheets if necessary*).

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G-18303

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 1.29 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

**The table below must be completed for each source to be evaluated or the application will be returned.** If this is an existing well, the information may be found on the applicable well log. (If a well log is available, please submit it in addition to completing the table.) If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						Sands and gravels	TBD	578.99 GPM	257.75 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						RECEIVED BY OWRD			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						SEP 12 2016			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						SALEM, OR			
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March 1 – October 31	257.75

**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 103.1 Acres                      Supplemental: 0 Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 257.75

- 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: \_\_\_\_\_

**SECTION 5: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

Pump (give horsepower and type): 60-75 hp

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

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

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**B. Application Method**

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

Drip

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters.

The rate and duty of water proposed are standard for irrigation at the location (1/80 cfs/acre; 2.5 AF/acre), and drip irrigation will be used to meet irrigation needs without waste.

**SECTION 6: STORAGE OF GROUND WATER IN A RESERVOIR**

If you would like to store ground water in a reservoir, complete this section (*if more than one reservoir, reproduce this section for each reservoir*).

Reservoir name: \_\_\_\_\_ Acreage inundated by reservoir: \_\_\_\_\_

Use(s): \_\_\_\_\_

Volume of Reservoir (acre-feet): \_\_\_\_\_ Dam height (feet, if excavated, write "zero"): \_\_\_\_\_

*Note: If the dam height is greater than or equal to 10.0' above land surface AND the reservoir will store 9.2 acre feet or more, engineered plans and specifications must be approved prior to storage of water.*

**SECTION 7: USE OF STORED GROUND WATER FROM THE RESERVOIR**

If you would like to use stored ground water from the reservoir, complete this section (if more than one reservoir, reproduce this section for each reservoir).

Annual volume (acre-feet): \_\_\_\_\_

USE OF STORED GROUND WATER	PERIOD OF USE

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Within 5 years of permit issuance

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

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

**SECTION 9: WITHIN A DISTRICT**

Check here if the point of diversion or place of use are located within or served by an irrigation or other water district.

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

Use this space to clarify any information you have provided in the application (attach additional sheets if necessary).

\_\_\_\_\_

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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: ROSE MARY GARRE AND CHRISTINE S. KUGEL, TRUSTEES OF ROSE GARRE TRUST U/A APRIL 27, 2001,  
LEO AND LOUIS GARRE, TED AND LINDA L. BAUMGARDNER, LISA M. LAWSON, RICHARD A. AND LOUANN FAIST  
C/O LINDA L. BAUMGARDNER

Mailing Address: 7320 S. MARK RD.  
CANBY OR 97013 Daytime Phone: 503-720-1736  
City State Zip

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
5 S	2 W	23	NW SW	2000	EFU / Primary Ag	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	23	NE SW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	23	SW SW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	23	SE SW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	26	NW NW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	26	NE NW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	26	SW NW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig
5S	2W	26	SE NW	2000	EFU / Primary Ag	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrig

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

Marion County SEP 12 2016

## B. Description of Proposed Use

SALEM, OR

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

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

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

Estimated quantity of water needed: 257.75     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 application is for irrigation of 103.1 acres at 1.29 cfs from March 1 through October 31.

**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. →

## 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): McC. 17.136.020
- 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
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

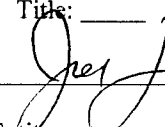
Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

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SALEM, OR

Name: \_\_\_\_\_ Title: Joe Fennimore Principal Planner

Signature:  Phone: \_\_\_\_\_ Date: 8/16/16

Government Entity: Marion County Planning Division 503-588-5038  
5155 Silverton Rd. NE  
Salem, OR 97305

**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: \_\_\_\_\_

Date \_\_\_\_\_

(For staff use only)



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

**WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):**

- SECTION 1: \_\_\_\_\_
- SECTION 2: \_\_\_\_\_
- SECTION 3: \_\_\_\_\_
- SECTION 4: \_\_\_\_\_
- SECTION 5: \_\_\_\_\_
- SECTION 6: \_\_\_\_\_
- SECTION 7: \_\_\_\_\_
- SECTION 8: \_\_\_\_\_
- SECTION 9: \_\_\_\_\_

Land Use Information Form \_\_\_\_\_

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 \_\_\_\_\_

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SALEM, OR

**MAP**

- 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). Each well must be identified by a unique name and/or number.
- 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 \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

AFTER RECORDING SEND TO:  
Reif, Reif & Thalhofer, Attorneys  
P. O. Box 729  
Canby, OR 97013-0729

Reel Page  
2724 95

UNTIL OTHERWISE REQUESTED,  
SEND TAX STATEMENTS TO:  
LINDA L. BAUMGARDNER  
7320 S. Mark Rd.  
Canby, OR 97013

### WARRANTY DEED

#### RECITALS:

- A. Grantor is LINDA L. BAUMGARDNER, Trustee of the LITA D. GARRE TRUST, U/T/A dated April 19,2000
- B. Grantees are: LEO GARRE, LOUIS GARRE, TED BAUMGARDNER, LINDA L. BAUMGARDNER, LISA M. LAWSON, RICHARD A. FAIST, and LOUANN FAIST.
- C. Grantor owns an UNDIVIDED ONE-HALF INTEREST in the following described real property:

Beginning on the South boundary line of Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, and 10.80 chains North 89 1/4° West from the Southeast corner of said Claim No. 57; and running thence North 89 1/4° West 23.34 chains; thence South 47.70 chains to the North boundary line of Claim No. 43, in said Township; thence South 50 1/4° East 17.80 chains to the Southwest corner of a tract of land deeded to Martha J. Murphy, wife of P. K. Murphy; thence North 9 1/2° East on the dividing line of said tract, 59.75 chains to the place of beginning.

ALSO, Beginning at a point which is South 89°15' West 10.80 chains and South 9°30' West 50.52 chains from the Southeast corner of the Joseph Matte Donation Land Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; said point being 9.82 chains North 9°30' East of the North line of the Antoine Bonenfant Donation Land Claim and also the Southwest corner of the O. Thibadeau's land; thence South 51° East 10.05 chains on Thibadeau's South line to the West line of the Town of Gervais; thence South 41°15' West 2.16 chains on said line to Hardwick's Northeast corner; thence North 50 1/2° West on Hardwick's North line 8.85 chains; thence North 9°30' East 2.41 chains to the place of beginning.

- D. It is the intent of Grantor to transfer its UNDIVIDED ONE-HALF INTEREST to Grantees.

KNOW ALL MEN BY THESE PRESENTS that grantor does hereby grant, bargain, sell and convey Grantor's UNDIVIDED ONE-HALF INTEREST unto Grantees as follows:

1. LEO GARRE and LOUIS GARRE, as to an undivided one-quarter interest not as tenants in common, but with the right of survivorship, that is the fee shall vest in the survivor;
2. TED BAUMGARDNER and LINDA L. BAUMGARDNER, as to an undivided one-quarter interest as tenants by the entirety;
3. LISA M. LAWSON, as to an undivided one-quarter interest;
4. RICHARD A. FAIST and LOUANN FAIST, husband and wife, as to an undivided one-quarter interest as tenants by the entirety;

as tenants in common and grantee's heirs, successors and assigns, that certain real property described in Recital C above with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And said GRANTOR hereby covenants to and with said GRANTEE and GRANTEE'S heirs, successors and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except the verbal lease with PAUL JENSEN, and that GRANTOR will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. This is a distribution of trust assets. This is a conveyance of GRANTOR'S undivided one-half interest in the real property described hereinabove.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

G-18383

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 18 day of October, 2008.

Linda L. Baumgardner  
LINDA L. BAUMGARDNER, Trustee of the LITA D.  
GARRE Trust, U/T/A dated April 19, 2000 - GRANTOR

STATE OF OREGON     )  
                                  ) ss.  
County of Clackamas    )

October 18, 2008

Before me personally appeared the above named LINDA L. BAUMGARDNER, Trustee of the LITA D. GARRE Trust, U/T/A dated April 19, 2000, and acknowledged the foregoing instrument to be her voluntary act and deed



Diane R Weirich  
Notary Public for Oregon  
My Commission Expires: February 2, 2010

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

**REEL:2724**

**PAGE: 95**

**October 25, 2006, 11:32 am.**

**CONTROL #: 180473**

**State of Oregon  
County of Marion**

**I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:**

**FEE: \$ 31.00**

**BILL BURGESS  
COUNTY CLERK**

**THIS IS NOT AN INVOICE.**

**RECEIVED BY OWRD**

**SEP 12 2016**

**SALEM, OR**

**AFFIDAVIT FOR THE CANCELLATION OF A  
WATER RIGHT PERMIT**

State of Oregon )  
                   ) ss  
 County of CLATSOP )  
                   MARION

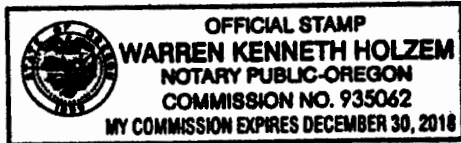
I, Linda L. Baumgardner, being first duly sworn depose and say:

1. Rose Mary Garre and Christine S. Kugel, Trustees of Rose Garre Trust U/A April 27, 2001, Leo and Louis Garre, Ted and Linda L. Baumgardner, Lisa M. Lawson, Richard A. and Louann Faust own the property described as Tax Lot 2000, within Township 5 South, Range 2 West, Sections 23 and 26, constituting the place of use for Water Right Permit No. G-11892.
2. Water Right Permit No. G-11892, issued to Paul Jensen – JB Sod & Seed as a result of Application No. G-12472, with a date of priority of April 4, 1991 for use of 1.31 cubic foot per second of water from the Pudding River Basin for the purpose of irrigation of 105.0 acres is appurtenant to my/our property;
3. Water Right Permit No. G-11892 is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project;
4. If the Oregon Water Resources Department ("OWRD") issues a new groundwater use permit for the same property as identified herein, I/we abandon all interest in Water Right Permit No. G-11892 and request the water use right be cancelled;
5. If OWRD does not issue a new groundwater use permit for the same property as identified herein, this affidavit is withdrawn.

*Linda L. Baumgardner*  
 Linda L. Baumgardner

8/17/2016  
 Date

Subscribed and sworn to before me this 17<sup>th</sup> day of August, 2016.



*[Signature]*  
 Notary Public for Oregon  
 My Commission Expires 12/30/2018

**PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE CANCELLED PERMIT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S) AS LISTED ON THE DEED**

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

G-18383

NN

Rose Garre  
 12746 N. E. Shaver  
 Portland, Oregon 97230  
Grantor's Name and Address  
 Rose Garre & Christine S. Kugel,  
 12746 N. E. Shaver Trustees  
 Portland, Oregon 97230  
Grantee's Name and Address  
After recording, return to (Name, Address, Zip):  
 Gerthe Brown  
 6600 E.W. 92nd Suite 160  
 Portland, Oregon 97223  
Until requested otherwise, send all tax statements to (Name, Address, Zip):  
 Rose M. Garre  
 12746 N.E. Shaver  
 Portland, Oregon 97230

SPACE RESERVED FOR RECORDER'S USE

STATE OF OREGON,  
 County of \_\_\_\_\_ } ss.  
 I certify that the within instrument was received for record on \_\_\_\_\_ at \_\_\_\_\_ o'clock \_\_\_\_\_ M., and recorded in book/reel/volume No. \_\_\_\_\_ on page \_\_\_\_\_ and/or as fee/file/instrument/microfilm/reception No. \_\_\_\_\_, Records of said County.  
 Witness my hand and seal of County affixed.  
 \_\_\_\_\_  
NAME TITLE  
 By \_\_\_\_\_, Deputy.

BARGAIN AND SALE DEED

KNOW ALL BY THESE PRESENTS that ROSE GARRE

hereinafter called grantor, for the consideration hereinafter stated, does hereby grant, bargain, sell and convey unto ROSE GARRE and CHRISTINE S. KUGEL, Trustees U/A 4/27/01 (Rose Garre Trust) hereinafter called grantee, and unto grantee's heirs, successors and assigns, all of that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in \_\_\_\_\_ Mar 100 \_\_\_\_\_ County, State of Oregon, described as follows, to-wit:

An undivided 25 percent interest in the real property described on Exhibit A attached hereto.

IF SPACE INSUFFICIENT, CONTINUE DESCRIPTION ON REVERSE

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns forever. The true and actual consideration paid for this transfer, stated in terms of dollars, is \$ ~~None-Transfer~~ <sup>to Trust</sup> However, the actual consideration consists of or includes other property or value given or promised which is  part of the  the whole (indicate which) consideration. (The sentence between the symbols , if not applicable, should be deleted. See ORS 93.030.)

In construing this deed, where the context so requires, the singular includes the plural, and all grammatical changes shall be made so that this deed shall apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantor has executed this instrument on May 15, 2001; if grantor is a corporation, it has caused its name to be signed and its seal, if any, affixed by an officer or other person duly authorized to do so by order of its board of directors.

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.

X *Rose Garre*  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

STATE OF OREGON, County of Washington ) ss.  
 This instrument was acknowledged before me on May 15, 2001  
 by Rose Garre  
 This instrument was acknowledged before me on \_\_\_\_\_  
 by \_\_\_\_\_  
 as \_\_\_\_\_  
 of \_\_\_\_\_



*Verda M. Gregg*  
 Notary Public for Oregon  
 My commission expires \_\_\_\_\_

MAY 18 2001

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SEP 12 2016

SALEM, OR

61-18383



Exhibit A

Beginning on the South boundary line of Claim no. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion county, Oregon, and 10.80 chains North 89 1/4' West from the Southeast corner of said claim No. 57; and running thence North 89 1/4' West 23.34 chains; thence South 47.70 chains to the North boundary line of Claim No. 43. in said Township; thence South 50 1/4' East 17.60 chains to the Southwest corner of a tract of land deeded to Martha J. Murphy, wife of P.K. Murphy; thence North 91/2' East on the dividing line of said tract, 59.75 chains to the place of beginning.

ALSO: Beginning at a point which is South 89'15' West 10.80 chains and South 9'30' West 50.52 chains from the Southeast corner of the Joseph Matte Donation Land Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; said point being 9.62 chains North 9'30' East of the North line of the Antoine Bonefant Donation Land Claim and also the Southwest corner of the O. Thibadeau's land; thence South 51' East 10.05 chains on Thibadeau's South line to the West line of the Town of Gervais; thence South 41'15' West 2.16 chains on said line to Hardwick's Northeast corner; thence North 50 1/2' West on Hardwick's North line 8.85 chains; thence North 9'30' East 2.41 chains to the place of beginning.

182001

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SEP 2 2016

SALEM, OR

G-18383

**REEL:1785**

**PAGE: 40**

**May 18, 2001, 02:06 pm.**

CONTROL #: 33755

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 31.00

ALAN H DAVIDSON  
COUNTY CLERK

THIS IS NOT AN INVOICE.

MAY 18 2001

RECEIVED BY OWRD

SEP 12 2006

SALEM, OR

G-18383

After recording please return to:

Wetzel DeFrang & Sandor  
300 Dayton Building  
838 S.W. First Avenue  
Portland, Oregon 97204

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

Rose Mary Garre  
12746 N.E. Shaver Street  
Portland, Oregon 97230

**PERSONAL REPRESENTATIVE'S DEED - II**

**Parties:**

The parties to this deed are:

- - Rose Mary Garre, personal representative of the Estate of Bert Garre (grantor); and
- - Rose Mary Garre, an individual (grantee).

**Required Information (ORS 205.234):**

The true and actual consideration for this transfer is zero dollars (distribution from probate estate).

**Declarations:**

- A. The real property which is the subject of this deed is located in Marion County, Oregon, and more particularly described as follows:

Beginning on the South boundary line of Claim no. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion county, Oregon, and 10.80 chains North 89 1/4° West from the Southeast corner of said claim No. 57; and running thence North 89 1/4° West 23.34 chains; thence South 47.70 chains to the North boundary line of Claim No. 43, in said Township; thence South 50 1/4° East 17.60 chains to the Southwest corner of a tract of land deeded to Martha J. Murphy, wife of P.K. Murphy; thence North 91 1/2° East on the dividing line of said tract, 59.75 chains to the place of beginning.

PERSONAL REPRESENTATIVE'S DEED - II - Page 1 of 3

MAR 23 2012

RECEIVED BY OWRD

SEP 12 2013

SALEM, OR

G-18383

ALSO: Beginning at a point which is South 89°15' West 10.80 chains and South 9°30' West 50.52 chains from the Southeast corner of the Joseph Matte Donation Land Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; said point being 9.62 chains North 9°30' East of the North line of the Antoine Bonenfant Donation Land Claim and also the Southwest corner of the O. Thibadeau's land; thence South 51° East 10.05 chains on Thibadeau's South line to the West line of the Town of Gervais; thence South 41°15' West 2.16 chains on said line to Hardwick's Northeast corner; thence North 50 1/2° West on Hardwick's North line 8.85 chains; thence North 9°30' East 2.41 chains to the place of beginning.

- B. Rose Mary Garre is the personal representative of the Estate of Bert Garre, Multnomah County probate case number 010490665, and makes this distribution in accordance with the court's decree of distribution dated December 17, 2001.
- C. Grantor, as personal representative, holds (prior to the transfer shown in this deed) an undivided 25 percent interest in the real property described in declaration A, and the 25 percent interest is being conveyed by this deed.

**Terms:**

- 1. Grantor hereby grants, transfers, and conveys to grantee all of grantor's right, title, and interest in and to the subject real property as described in the declarations above.
- 2. The true and actual consideration for this transfer is zero dollars (distribution from probate estate).
- 3. 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.

\* \* \*

MAR 29 2002

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SEP 12 2016

SALEM, OR

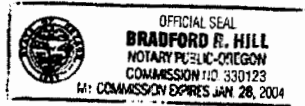
G-18383

Dated this 11 day of March, 2002.

Rose Mary Garre  
Rose Mary Garre  
Personal Representative, Grantor

STATE OF OREGON )  
County of Multnomah ) ss.

Rose Mary Garre, personal representative, personally appeared before me on March 11, 2002, and signed the foregoing personal representative's deed acknowledging that deed and stating that it was signed by her freely and voluntarily.



Bradford R. Hill  
Notary Public for Oregon  
My commission expires: 1-28-04

CLERK OF DISTRICT COURT

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

**REEL:1923**

**PAGE: 154**

**March 29, 2002, 03:13 pm.**

CONTROL #: 55140

State of Oregon  
County of Marion

I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:

FEE: \$ 36.00

ALAN H DAVIDSON  
COUNTY CLERK

THIS IS NOT AN INVOICE.

MAR 29 2002

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SEP 12 2016

SALEM, OR

G-18383

AFTER RECORDING SEND TO:  
Reif, Reif & Thalhofer, Attorneys  
P. O. Box 729  
Canby, OR 97013-0729

Reel Page  
2724 95

UNTIL OTHERWISE REQUESTED,  
SEND TAX STATEMENTS TO:  
LINDA L. BAUMGARDNER  
7320 S. Mark Rd.  
Canby, OR 97013

### WARRANTY DEED

#### RECITALS:

A. Grantor is LINDA L. BAUMGARDNER, Trustee of the LITA D. GARRE TRUST, U/T/A dated April 19, 2000.

B. Grantees are: LEO GARRE, LOUIS GARRE, TED BAUMGARDNER, LINDA L. BAUMGARDNER, LISA M. LAWSON, RICHARD A. FAIST, and LOUANN FAIST.

C. Grantor owns an UNDIVIDED ONE-HALF INTEREST in the following described real property:

Beginning on the South boundary line of Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon, and 10.80 chains North 89 1/4° West from the Southeast corner of said Claim No. 57; and running thence North 89 1/4° West 23.34 chains; thence South 47.70 chains to the North boundary line of Claim No. 43, in said Township; thence South 50 1/4° East 17.60 chains to the Southwest corner of a tract of land deeded to Martha J. Murphy, wife of P. K. Murphy; thence North 9 1/2° East on the dividing line of said tract, 59.75 chains to the place of beginning.

ALSO, Beginning at a point which is South 89°15' West 10.80 chains and South 9°30' West 50.52 chains from the Southeast corner of the Joseph Matte Donation Land Claim No. 57 in Township 5 South, Range 2 West of the Willamette Meridian in Marion County, Oregon; said point being 9.62 chains North 9°30' East of the North line of the Antoine Bonenfant Donation Land Claim and also the Southwest corner of the O. Thibadeau's land; thence South 51° East 10.05 chains on Thibadeau's South line to the West line of the Town of Gervais; thence South 41°15' West 2.18 chains on said line to Herdwick's Northeast corner; thence North 50 1/2° West on Herdwick's North line 8.85 chains; thence North 9°30' East 2.41 chains to the place of beginning.

D. It is the intent of Grantor to transfer its UNDIVIDED ONE-HALF INTEREST to Grantees.

KNOW ALL MEN BY THESE PRESENTS that grantor does hereby grant, bargain, sell and convey Grantor's UNDIVIDED ONE-HALF INTEREST unto Grantees as follows:

1. LEO GARRE and LOUIS GARRE, as to an undivided one-quarter interest not as tenants in common, but with the right of survivorship, that is the fee shall vest in the survivor;
2. TED BAUMGARDNER and LINDA L. BAUMGARDNER, as to an undivided one-quarter interest as tenants by the entirety;
3. LISA M. LAWSON, as to an undivided one-quarter interest;
4. RICHARD A. FAIST and LOUANN FAIST, husband and wife, as to an undivided one-quarter interest as tenants by the entirety;

as tenants in common and grantee's heirs, successors and assigns, that certain real property described in Recital C above with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the same unto the said GRANTEE and GRANTEE'S heirs, successors and assigns forever.

And said GRANTOR hereby covenants to and with said GRANTEE and GRANTEE'S heirs, successors and assigns that GRANTOR is lawfully seized in fee simple of the above granted premises, free from all encumbrances except the verbal lease with PAUL JENSEN, and that GRANTOR will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$NIL. This is a distribution of trust assets. This is a conveyance of GRANTOR'S undivided one-half interest in the real property described hereinabove.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

6-10383

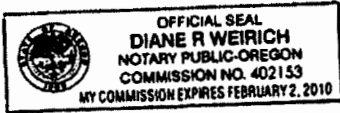
IN WITNESS WHEREOF, the GRANTOR has executed this 12 day of October, 2006.

*Linda L. Baumgardner*  
LINDA L. BAUMGARDNER, Trustee of the LITA D.  
GARRE Trust, U/T/A dated April 19, 2000 - GRANTOR

STATE OF OREGON     )  
                                  ) ss.  
County of Clackamas    )

October 12, 2006

Before me personally appeared the above named LINDA L. BAUMGARDNER, Trustee of the LITA D. GARRE Trust, U/T/A dated April 19, 2000, and acknowledged the foregoing instrument to be her voluntary act and deed.



*Diane R. Weirich*  
Notary Public for Oregon  
My Commission Expires: February 2, 2010

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR



**REEL:2724**

**PAGE: 95**

**October 25, 2006, 11:32 am.**

**CONTROL #: 180473**

**State of Oregon  
County of Marion**

**I hereby certify that the attached  
instrument was received and duly  
recorded by me in Marion County  
records:**

**FEE: \$ 31.00**

**BILL BURGESS  
COUNTY CLERK**

**THIS IS NOT AN INVOICE.**

**RECEIVED BY OWRD**

**SEP 12 2016**

**SALEM, OR**

STATE OF OREGON

COUNTY OF MARION

PERMIT TO APPROPRIATE THE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO

PAUL JENSON - JB SOD & SEED  
5289 BLUEGRASS LANE  
SILVERTON, OREGON 97381

503-581-7823

to use the waters of A WELL in the PUDDING RIVER BASIN for IRRIGATION OF 105.0 ACRES.

This permit is issued approving Application G-12472. The date of priority is APRIL 4, 1991. The use is limited to not more than 1.31 CUBIC FEET PER SECOND, or its equivalent in case of rotation, measured at the well.

The well is located as follows:

SW 1/4 SW 1/4, SECTION 23, T 5 S, R 2 W, W.M.; 80 FEET NORTH AND 1900 FEET WEST FROM NORTH 1/4 CORNER OF SECTION 26.

The amount of water used for irrigation under this right, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2.5 acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the proposed place of use under this permit is as follows:

NE 1/4 SW 1/4	15.0 ACRES
NW 1/4 SW 1/4	12.8 ACRES
SW 1/4 SW 1/4	20.7 ACRES
SE 1/4 SW 1/4	19.1 ACRES
SECTION 23	
NE 1/4 NW 1/4	13.2 ACRES
NW 1/4 NW 1/4	18.6 ACRES
SW 1/4 NW 1/4	0.8 ACRE
SE 1/4 NW 1/4	4.8 ACRES

SECTION 26

TOWNSHIP 5 SOUTH, RANGE 2 WEST, W.M.

The well shall be constructed in accordance with the General Standards for the Construction and Maintenance of Water Wells in Oregon. The works shall be equipped with a usable access port, and may also include an air line and pressure gauge adequate to determine water level elevation in the well at all times.

Measurement, recording and reporting conditions:

- A. Before water use may begin under this permit, the permittee shall install a meter or other suitable measuring device as approved by the Director. The permittee shall maintain the meter or measuring device in good working order.
- B. The permittee shall allow the watermaster access to the meter or measuring device; provided however, where the meter or measuring device is located within a private structure, the watermaster shall request access upon reasonable notice.

Application G-12472

Water Resources Department

PERMIT G-11892

SEP 12 2016

SALEM, OR

G-18383

- C. The Director may require the permittee to keep and maintain a record of the amount (volume) of water used and may require the permittee to report water use on a periodic schedule as established by the Director. In addition, the Director may require the permittee to report general water use information, the periods of water use and the place and nature of use of water under the permit. The Director may provide an opportunity for the permittee to submit alternative reporting procedures for review and approval.

Prior to receiving a certificate of water right, the permit holder shall submit the results of a pump test meeting the department's standards, to the Water Resources Department. The Director may require water level or pump test results every ten years thereafter.

Actual construction work shall begin on or before DECEMBER 2, 1995 and shall be completed on or before October 1, 1996. Complete application of the water shall be made on or before October 1, 1997.

Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.

This permit is for beneficial use of water without waste. The water user is advised that new regulations may require use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water shall be limited when it interferes with any prior surface or ground water rights.

The Director of the Water Resources Department has found that the proposed use of water described by this permit as conditioned, will not impair or be detrimental to the public interest.

Issued this date, December 2, 1994.

M. MARTHA O. PAGEL

Water Resources Department  
Martha O. Pagel  
Director

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

Application G-12472  
Basin 2

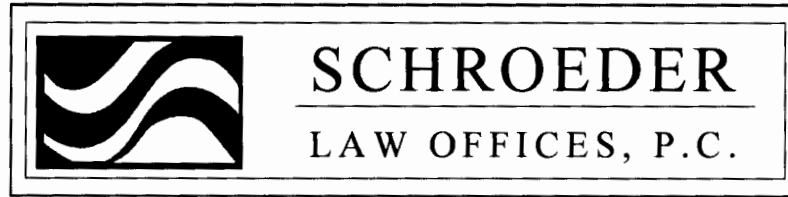
Water Resources Department  
Volume 13 Pudding River & Misc.

PERMIT G-11892  
District 16

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September 8, 2016

**VIA US MAIL**

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

**RE: Application for a Permit to Use Ground Water**

To Whom it May Concern:

Enclosed for filing on behalf of Rose Mary Garre et al. please find the following items:

- 1) Application for a Permit to Use Ground Water with enclosures;
- 2) Request for Assignment for Permit G-11892 (Application G-12472) with enclosure;  
and
- 3) Affidavit for the Cancellation of Water Right Permit G-11892 (Application G-12472)  
with enclosures.

A check in the amount of \$2,200.00 is enclosed for the Application fee and a check in the amount of \$85.00 is enclosed for the Request for Assignment fee.

Thank you for your assistance with this matter. Please contact our office if anything further is needed.

Very truly yours,  
SCHROEDER LAW OFFICES, P.C.

Tara J. Jackson  
Paralegal

TJJ:srl

Enclosures

cc: Clients

RECEIVED BY OWRD

SEP 12 2016

SALEM, OR

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G-18383