

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME WILLAMETTE VALLEY LAND, LLC		PHONE (HM) NA=NOT APPLICABLE	
PHONE (WK) 503.437.4833	CELL 503.864.4422	FAX NA= NOT APPLICABLE	
ADDRESS PO Box 99			
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL *

Organization Information

NAME SAME		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 ASPEN RURAL LAND CONSULTING C/O ERIC URSTADT		PHONE 971.250.1520	FAX NA
ADDRESS 39290 NW MURTAUGH ROAD			CELL SAME
CITY NORTH PLANS	STATE OR	ZIP 97133	E-MAIL *

Note: Attach multiple copies as needed

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

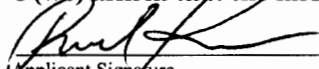
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By my signature below I confirm that I understand:

OCT 19 2016

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application package SALEM, OR
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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


Applicant Signature

Paul Kuehne, Member
Print Name and title if applicable

9-29-16
Date

Applicant Signature

Print Name and title if applicable

Date

Revised

App. No. <u>S-08305</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.

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

No other landowners are known to be affected.

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 1: Legal Description for property

SECTION 3: SOURCE OF WATER

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A. Proposed Source of Water

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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:

SALEM, OR

Source 1: Stored water**

Tributary to: Willamette River

**The source, stored water is Bureau Of Reclamation (BOR) water per Certificate 72756. See Attachment 2: BOR Contract

If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

B. Applications to Use Stored Water

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

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

If *all* sources listed in item 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:
- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
 - A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

SECTION 4: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Stored Water **	Irrigation	Mar. 1 to Oct. 31	413.0 <input checked="" type="checkbox"/> af

**See Attachment 2: BOR Contract

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 165.2 Acres Supplemental: NA Acres
 List the Permit or Certificate number of the underlying primary water right(s): NA
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 165 for current crops

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

NA

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

SALEM, OR

Pump (give horsepower and type): A 100 HP centrifugal pump is currently planned

Other means (describe): _____

S-88705

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

The diversion will be a pump placed in the Willamette River connected to the same system of pipes as was used in the irrigation system used for this Place Of Use (POU) as was used when Certificate 89603 was non-cancelled. The mainlines are buried and are believed to be 10" diameter.

B. Application Method

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

A variety of application methods will be used depending on the crops be grown which will change over time. The current plan is for Big Guns, and drip irrigation on for much of the property.

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.

Willamette Valley Land, LLC is an experienced farm operator and monitors water use and need carefully to prevent water waste.

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: A fish screen that meets ODFW requirements will be utilized.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: An existing Point Of Diversion (POD) exists and it will be utilized for this right, so no riparian disturbance will be needed.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: An existing POD exists and it will be utilized for this right, so no riparian disturbance will be needed.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: No waste or chemical products will be placed where they can get into run-off and enter waters of the state. Erosion will be minimized by utilizing sound farm practices.

SECTION 7: PROJECT SCHEDULE

Date construction will begin: Some of the work is already completed. The final work will start soon after an acceptable water right permit for this application has been finalized.

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

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

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SECTION 8: WITHIN A DISTRICT

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

Irrigation District Name None Known	Address	
City	State	Zip

SECTION 9: REMARKS

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

This application is being done to replace water that is no longer available from Certificate 89603 because a portion of the irrigation of that right has been cancelled.

The owner currently has a permit for a supplemental right for the same water on the same POU, and that permit will be cancelled if a new permit from this application is finalized and that permit is suitable to the owner. Note that the contract for that supplemental right will be the identical contract for water as this new right, and that contract is attached in Attachment 2 – BOR contract.

My mapping indicates that quarter-quarter lines may be different than those used as a basis for permit S-54958. However, because the BOR contract specifies irrigation area by quarter-quarter based on that map, the total number of irrigated areas appears correct, and the location of quarter-quarter lines is not clearly identifiable with my current information, the map for this application was based on the map for permit S-54958.

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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

Attachments:

- Land Use Information Form with approval and signature (*must be an original*) or signed receipt
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 1893.00
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:

- 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 **RECEIVED BY OWRD**
(distances north/south and east/west)
- Indicate the area of use by Quarter/Quarter and tax lot clearly identified **OCT 19 2016**
- Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery **SALEM, OR**
- Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)
- Other:



United States Department of the Interior

BUREAU OF RECLAMATION
Pacific Northwest Regional Office
1150 North Curtis Road, Suite 100
Boise, ID 83706-1234

EXHIBIT REFER TO:

PN-3324
WTR-4.00

JUN 08 2015

Willamette Valley Land, LLC
Attn: Mr. Paul Kuhne
P.O. Box 99
Lafayette, OR 97321

Subject: Water Service Contract No. 159E101876, Willamette River Basin Project, Oregon

Dear Mr. Kuhne:

Enclosed for your records is a fully executed original of the subject contract, which provides Willamette Valley Land, LLC, irrigation use of up to 413 acre-feet of stored water from the Willamette River Basin Project for use on 165.2 acres.

It is important to note that this contract will become operable only upon completion of a fish screen assessment at the diversion point identified in Article 9 of the subject contract and associated findings of compliance with National Marine Fisheries Service fish screen criteria.

Please note that if less water is used during any irrigation season, information on the amount delivered must be received in writing by this office no later than December 1, of the subject season, to receive a credit as set forth in Article 5 of the contract.

If you have any questions, please contact Mr. Bill Parks, Economist, at the above address or telephone 208-378-5344.

Sincerely,

Ryan M. Patterson
Program Manager
Repayment and Acreage Limitation

Enclosure

cc: Water Rights Division
Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301-1271
(w/copy of contract)

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S-88705

Contract No. 159E101876

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willamette River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

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S-88705

Contract No. 159F101876

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF RECLAMATION

Willamette River Basin Project, Oregon

CONTRACT FOR WATER SERVICE

THIS CONTRACT, made this 8th day of June, 2015, pursuant to section 9(e) of the Act of August 4, 1939 (53 Stat. 1187), and section 8 of the Act of December 22, 1944 (58 Stat. 887, 891), (which acts are commonly known and referred to as the Reclamation Laws), the Flood Control Act of 1938 (52 Stat. 1222), and the Flood Control Act of 1950 (64 Stat. 170), between the UNITED STATES OF AMERICA, hereinafter referred to as the United States, represented by the Contracting Officer executing this contract, and **Willamette Valley Land, LLC**, hereinafter referred to as the Contractor;

WITNESSETH, THAT:

EXPLANATORY RECITALS

2. WHEREAS, The United States has constructed and operates a system of multipurpose reservoirs in the Willamette River Basin, Oregon, herein styled the Willamette River Basin Project, from which there is a flow of stored water that can be used for irrigation of land and other beneficial uses, which flow, as it has been developed or as it will be augmented, was appropriated by the United States pursuant to the laws of Oregon for beneficial use under the Federal Reclamation Laws; and

3. WHEREAS, Reclamation has met all environmental compliance requirements for the execution of this contract through preparation and issuance of Categorical Exclusion Checklist 2015-CCAO-25C, approved on March 18, 2015.

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S-88305

4. WHEREAS, the Contractor owns or serves land hereinafter described, for which a water supply is desired to be secured from the United States:

NOW, THEREFORE, in consideration of the premises and payments by the Contractor to the United States in the manner hereinafter provided, it is agreed:

LANDS FOR WHICH WATER IS DIVERTED: LIMITATIONS ON RELEASES

5. Upon completion of an assessment and corresponding finding that the fish screen at the diversion described in subarticle 9(b) of this contract is in compliance with National Marine Fisheries Service Criteria, for a period not to exceed 40 years from the date first above written, the United States shall release each year to the Contractor during the irrigation season from March 1 to October 31, inclusive, stored water from the Willamette River Basin Project for the irrigation of land owned or served by the Contractor as described as follows:

- 1.1 acres, NE1/4 SE1/4, Section 19, T. 10 S., R. 3 W., W.M.
- 6.1 acres, SE1/4 SE1/4, Section 19, T. 10 S., R. 3 W., W.M.
- 2.4 acres, NW1/4 SW1/4, Section 20, T. 10 S., R. 3 W., W.M.
- 39.9 acres, SW1/4 SW1/4, Section 20, T. 10 S., R. 3 W., W.M.
- 32.9 acres, SE1/4 SW1/4, Section 20, T. 10 S., R. 3 W., W.M.
- 12.6 acres, SW1/4 SE1/4, Section 20, T. 10 S., R. 3 W., W.M.
- 8.3 acres, NW1/4 NE1/4, Section 29, T. 10 S., R. 3 W., W.M.
- 28.2 acres, NE1/4 NW1/4, Section 29, T. 10 S., R. 3 W., W.M.
- 33.6 acres, NW1/4 NW1/4, Section 29, T. 10 S., R. 3 W., W.M.
- 0.1 acres, NE1/4 NE1/4, Section 30, T. 10 S., R. 3 W., W.M.

Of the land described, not more than 165.2 acres are to be irrigated. The amount of stored water to be made available hereunder shall be that quantity which may be applied beneficially in accordance with good usage in the irrigation of the land above described, but not to exceed a maximum diversion of 413 acre-feet of stored water annually, measured at the point of delivery of said water.

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S-88308

PAYMENTS FOR WATER

6. (a) An annual payment of \$3,304 for the first irrigation season shall be made to the United States at the time of executing this contract, and subsequent annual payments of \$3,304 will be due on or before March 1 of each succeeding irrigation season in advance of water use. This payment will entitle the Contractor to receive up to a maximum of 413 acre-feet of stored water for irrigation of the lands described above. The Contracting Officer will consider adjusting the water service payment downward based on information received from the Contractor, the State of Oregon, or other reliable sources as to the actual amount of stored water diverted each month by the Contractor during the irrigation season and on other factors in addition to the amount of stored water actually released, as deemed appropriate by the Contracting Officer. Any such adjustment will be determined and subtracted from the payment for the next year, or refunded if the contract is no longer in effect, by the Contracting Officer; Provided, that in order for an adjustment to be made, information on the amounts of stored water diverted each month must be received in writing by the Contracting Officer by **December 1** of that year.

(b) The annual payment set forth in (a) above is based on an initial rate of \$ 8 per acre-foot of stored water; Provided, that such annual payment shall at a minimum be the greater of either the product of \$ 2 multiplied by the number of acres described in Article 5 of this contract or \$50. From time to time, but not less often than once every 5 years, the rate per acre-foot of stored water and the minimum payment shall be reviewed by the Contracting Officer and revised, if necessary, by the Contracting Officer for the irrigation water marketing program of the Willamette River Basin Project. Any revision by the Contracting Officer will apply only to future payments and shall be announced by written notice to the Contractor at least 3 months prior to the beginning of the irrigation season to which the new rate would be applicable.

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SALEM, OR

S-88305

(c) All payments from the Contractor to the United States under this contract shall be made by the medium requested by the United States. The required medium of payment may include checks, wire transfers, or other types of payment specified by the United States. Except when otherwise specified by the United States, all payments shall be made by check.

(d) Upon execution of the contract, the Contractor shall furnish the Contracting Officer with the Contractor's taxpayer's identification number (TIN). The purpose for requiring the Contractor's TIN is for collecting and reporting any delinquent amounts arising out of the Contractor's relationship with the United States.

(e) Payments required hereunder shall be made to the Bureau of Reclamation at the location described in Article 17 of this contract.

CONTRACT ADMINISTRATION FEES

7. The Contractor shall incur a fee for all future contract and inspection actions, including but not limited to new contracts, contract amendments, supplements, assignments and inspection of Contractor diversions. Prior to any future action and/or inspection, the fee will be determined by the Contracting Officer and shall be sufficient to cover such costs incurred by the United States and cost of contractors of the United States in the performance of the above activities.

CHARGES FOR DELINQUENT PAYMENTS

8. (a) The Contractor shall be subject to interest and administrative and penalty charges on delinquent payments. If a payment is not received by the due date, the Contractor shall pay an interest charge on the delinquent payment for each day the payment is delinquent beyond the due date. If a payment becomes 60 days delinquent, in addition to the interest charge, the Contractor shall pay an administrative charge to cover additional costs of billing and processing the delinquent payment. If a payment is delinquent 90 days or more, in addition to the interest and administrative charges, the Contractor shall pay a penalty charge for each day the payment is delinquent beyond the due date, based on the remaining balance of the payment due, at the rate of 6 percent per year. The Contractor shall also pay any fees incurred for debt collection services associated with a delinquent payment.

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SALEM, OR

S-88705

ATT #1 1/4

LINN COUNTY, OREGON	2014-01001
Q-WD	
Stn#2 S WILSON	01/29/2014 01:09:28 PM
\$20.00 \$11.00 \$10.00 \$19.00 \$20.00	\$80.00

I, Steve Drucker Miller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.
Steve Drucker Miller - County Clerk

TICOR TITLE 471813028237

RECORDING REQUESTED BY:
Ticor Title Company

GRANTOR:
Millersburg Power LLC

GRANTEE:
Willamette Valley Land, LLC

SEND TAX STATEMENTS AND RECORDING TO:
Willamette Valley Land, LLC
13140 NE Kuehne Road
Carlton, OR 97111

Escrow No: 471813028237-TTMIDWIL20

Tax Lots 101 & 106 Sec 28; & 402 Sec 20
Millersburg, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Millersburg Power LLC, an Oregon limited liability company, Grantor, conveys and warrants to

Willamette Valley Land, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

See EXHIBIT 'A' attached hereto and made a part hereof

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,150,000.00.
(See ORS 93.030)

Subject to and excepting: See EXHIBIT 'A' attached hereto and made a part hereof

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.335 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 656, OREGON LAWS 2008, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.335 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 656, OREGON LAWS 2008, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: January 28, 2014

Millersburg Power LLC
by: *[Signature]*
Charles A. Sides, Member

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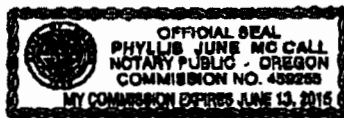
OCT 19 2016

State of OREGON, County of Marion

SALEM, OR

This instrument was acknowledged before me on January 28, 2014, by Charles A. Sides, as Member of Millersburg Power LLC, on behalf of the limited liability company.

[Signature]
Notary Public - State of Oregon
My commission expires: 6-13-2015



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OCT 30 2014

471813028237-TTMIDWIL20
Deed (Warranty-Statutory)

WATER RESOURCES DEPT
SALEM, OREGON

[Handwritten] P-88027

#1 2/4

EXHIBIT 'A'
Legal Description

PARCEL 1:

The following described real property situated in the County of Linn and State of Oregon:

Beginning at a stone on the Southeastly boundary line of the Donation Land Claim of Silas Haight, et ux, Claim No. 55 in Township 10 South and Range 3 West of the Willamette Meridian, Linn County, Oregon, said stone being South 52° 50' West, 897.60 feet distant from the most Easterly corner of said Claim No. 55 and from thence running South 52° 50' West, 1777.60 feet to the Willamette River, thence down said Willamette River the following courses and distances: North 41° 06' West, 542.66 feet; thence North 51° 42' West, 132 feet; thence North 79° 08' West, 57.68 feet to a point South 1° 0' West of a 1 1/2-inch pipe, said pipe being West, 2660.60 feet and South 1093.81 feet distant from the said most Easterly corner of said Donation Land Claim No. 55; thence North 1° 09' East, 40 feet, more or less to said first above mentioned 1 1/2-inch pipe; thence North 1° 09' East, 332.55 feet to a 5/8-inch bolt; thence North 75° 29' East, 1119.77 feet to a 5/8-inch bolt; thence North 34° 30' East, 232.36 feet to a 1 inch x 40 inch pipe, thence South 89° 46' East, 771.83 feet to a 5/8-inch bolt, thence North 25° 00' East, 973.54 feet to a 1 inch x 60 inch pipe, thence North 18° 28' West, 671.68 feet to a 3/4-inch pipe, thence South 77° 33' East, 46.82 feet; thence South 18° 28' East, 677.33 feet to a 1 inch x 60 inch pipe; thence South 24° 27' West, 1227.10 feet to the place of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1980 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1106.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 329.68 feet; thence South 3° 30' East 119.51 feet; thence South 86° 30' West, 100.00 feet; thence North 3° 30' West, 185.56 feet; thence North 63° 23' 34" East, 403.94 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.85 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN - 10S03W2800 00106

PARCEL 2:

Part of Sections 19, 20, 29 and 30 in Township 10 South, Range 3 West of the Willamette Meridian, Linn County, Oregon, and described as follows:

Beginning in the centerline of Linn County Market Road No. 34, at a point South 89° 55' East 137.08 feet, South 889.89 feet, and South 77° 32' East 1001.67 feet from the most Westerly Southwest corner of the George Miller, Sr., Donation Land Claim No. 59 in Section 19, Township 10 South, Range 3 West, said Donation Land Claim corner being on the Northwestly line of the Silas Haight Donation Land Claim No. 55; and running thence South 1° 18' West, along the center line of a ditch, 1319.24 feet to the intersection of said ditch with a second ditch; thence Southerly, along the center line of the last mentioned ditch, following the meanders thereof, approximately 1750 feet to the right bank of the Willamette River; thence, following the meanders of said right bank Easterly upstream approximately 1150 feet to a point South 1° 09' West of a 1-1/2 inch iron pipe, said pipe being West 2660.60 feet and South 1093.81 feet from the most Easterly corner of said Silas Haight Donation Land Claim No. 55; thence North 1° 09' East 40 feet, more or less, to said 1-1/2 inch iron pipe; thence, continuing North 1° 09' East 322.05 feet, to a 5/8 inch iron bolt; thence North 75° 29' East 1119.77 feet to a 5/8 inch iron bolt; thence North 34° 30' East 232.36 feet to a 1 inch iron pipe; thence South 89° 46' East 771.83 feet to a 5/8 inch iron bolt; thence North 25° 00' East 973.54 feet to a 1 inch iron pipe; thence North 18° 28' West 706.63 feet to the center line of the aforementioned Linn County Market Road No. 34; thence North 77° 32' West, along said centerline, to the point of beginning.

SAVE AND EXCEPT that portion conveyed to City of Millersburg, a municipal corporation of the State of Oregon, by deed recorded May 8, 1980 in Volume 530, Page 769, Microfilm Records for Linn County, Oregon, described as follows:

471813028237-TTM/DWL20
Deed (Warranty-Statutory)

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WATER RESOURCES DEPT
SALEM, OREGON

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Beginning at the Southwest corner of Isaac Miller Donation Land Claim No. 46 in Township 10 South, Range 3 West, Willamette Meridian, Linn County, Oregon; thence North 88° 38' 30" East, 1108.80 feet; thence North 1° 13' 30" West, 1320.00 feet; thence North 88° 38' 30" East, 1101.08 feet; thence North 18° 34' West, 2739.29 feet along the West right-of-way line of the Burlington Northern Railroad to the true point of beginning; thence South 84° 28' 35" West, 1798.57 feet; thence South 76° 12' 25" West, 898.88 feet; thence South 63° 23' 34" West, 326.66 feet; thence South 3° 30' East 119.81 feet; thence South 88° 30' West, 100.00 feet; thence North 3° 30' West, 185.66 feet; thence North 63° 23' 34" East, 403.84 feet; thence North 76° 12' 25" East, 917.33 feet; thence North 84° 28' 35" East, 1782.63 feet; thence South 18° 34' East, 102.65 feet to the true point of beginning.

ALSO SAVE AND EXCEPT that portion of the above described property lying South of the Southerly line of the above referenced City of Millersburg tract.

APN 10S03W2000 00402 and 10S03W2000 00101

Subject to and excepting:

Unpaid Property Taxes, if any

The Land has been classified as Farm Use, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.
Affects: Parcel 2

Any rights, liens, claims or equities, if any, in favor of Linn Soil and Water Conservation District.

Rights of the public to any portion of the Land lying within streets, roads and highways.

Any adverse claim based upon the assertion that:

- a) Said Land or any part thereof is now or at any time has been below the highest of the high watermarks of Willamette River and Murder Creek (Powell Creek) in the event the boundary of said Willamette River and Murder Creek (Powell Creek) has been artificially raised or is now or at any time has been below the high watermark, if said Willamette River and Murder Creek (Powell Creek) is in its natural state.
- b) Some portion of said Land has been created by artificial means or has accreted to such portion so created.
- c) Some portion of said Land has been brought within the boundaries thereof by an avulsive movement of Willamette River and Murder Creek (Powell Creek), or has been formed by accretion to any such portion.

Rights and easements for navigation and fishery which may exist over that portion of said Land lying beneath the waters of the Willamette River and Murder Creek (Powell Creek).

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Anchors, wires and fixtures
Recording Date: February 6, 1937
Recording No: Book 145, Page 403
Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Electric transmission or distribution lines
Recording Date: March 2, 1937
Recording No: Book 145, Page 470
Affects: Exact location not specified

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Mountain States Power Company
Purpose: Electric transmission and distribution lines
Recording Date: October 3, 1947
Recording No: Book 196, Page 196
Affects: Parcel 2 - exact location not disclosed of record

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Western Kraft Corporation, an Oregon corporation
Purpose: Pipe lines
Recording Date: December 2, 1954
Recording No: Book 240, Page 507
Affects: Various parcels - see document for specifics

471813028237-TTMIDWIL20
Dead (Warranty-Statutory)

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WATER RESOURCES DEPT
SALEM, OREGON

5-88027

47 4/4

Road Relocation Agreement, including the terms and provisions thereof,
Recording Date: August 9, 1960
Recording No.: Book 272, Page 536

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: City of Millersburg
Purpose: Water and sewer pipelines
Recording Date: May 19, 1967
Recording No: Volume 442, Page 738
Affects: Parcels 1 and 2

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:
Granted to: PacifiCorp
Purpose: Electric transmission lines, distribution lines, and communication lines
Recording Date: October 10, 1996
Recording No: Volume 830, Page 628
Affects: Parcel 2

Easement(s) for the purpose(s) shown below and rights incidental thereto as condemned by an instrument,
Entitled: Notice of Supplemental Final Order and Judgment
Court: U.S. District Court for the Southern District of Indiana
Case No.: 1:02-cv-7004-DFH-TAB
In favor of: AT&T Corp. and AT&T Communications-East, Inc.
Purpose: Cable, conduits, power and replacement technology
Recording Date: November 14, 2008
Recording No: 2008-21446
Affects: Portions adjacent to railroad corridor

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WATER RESOURCES DEPT
SALEM, OREGON

471813028237-TT MIDWIL20
Deed (Warranty-Statutory)

5-88305

50988-5

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: Willamette Valley Land, LLC
First Last

Mailing Address: PO Box 99

Lafayette OR 97127 Daytime Phone: 503.437.4833
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:
10 S	3 W	20	NA	402*	Ag*	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
10 S	3 W	29	NA	101*	Ag*	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
10 S	3 W	29	NA	106**	Gen. Indust.**	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

* LINN COUNTY
 ** CITY OF MILLERSBERG

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 413
 cubic feet per second
 gallons per minute
 acre-feet

Intended use of water: Irrigation
 Commercial
 Industrial
 Domestic Use (households)
 Municipal
 Quasi-Municipal
 Instream
 Other _____

Briefly describe:

The owner wishes to irrigate farm crops using Bureau of Reclamation water.
OCT 19 2016
SALEM, OR

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

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 6.410 Agriculture Use Standards

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.

Name: BARBARA CASTILLO Title: CITY ADMINISTRATOR/RECORDER
 Signature: Barbara Castillo Phone: 541-928-4523 Date: 9/26/16
 Government Entity: CITY OF MILLERSBURG

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

Receipt for Request for Land Use Information

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

S-88705

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: Willamette Valley Land, LLC _____
First Last

Mailing Address: PO Box 99 _____

Lafayette OR 97127 Daytime Phone: 503.437.4833
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:
10 S	3 W	20	NA	402*	Ag*	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
10 S	3 W	29	NA	101*	Ag*	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
10 S	3 W	29	NA	106**	Gen. Indust.**	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRRIG
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

<p>* LINN COUNTY ** CITY OF MILLERSBERG</p>	<p>RECEIVED BY OWRD</p> <p>OCT 19 2016</p> <p>SALEM, OR</p>
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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 Right 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: 413 _____ 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 owner wishes to ~~irrigate~~ farm crops using Bureau of Reclamation water.

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

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LCC 928.310(B)(12)
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

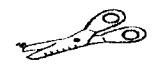
Irrigation reservoirs, ~~are~~ canals, delivery lines are an outright
 use in the EFJ zoning district pursuant to LCC 928.310(B)(12)
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 OCT 19 2016
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Name: Jennifer Cepello Title: Assistant Planner
 Signature: [Signature] Phone: 541-967-3816 Date: 9/30/16
 Government Entity: Linn County

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

Receipt for Request for Land Use Information

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



S-88305

PD16-0250

ATT#4 1/1



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

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

Today's Date: Monday, September 26, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	413	\$993.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,893.00

OWRD Fee Schedule

Fee Calculator Version: B20130709

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OCT 19 2016

SALEM, OR

S-88305



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

[Main](#) [Help](#)
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Today's Date: Wednesday, October 19, 2016

Base Application Fee.		\$450.00
Acre feet of Stored Water to be diverted.	413	\$993.00
Permit Recording Fee. ***		\$450.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,893.00

[OWRD Fee Schedule](#)

Fee Calculator Version: B20130709

5088-5

Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

13 October, 2016

Subject: New Application for use of Surface Water

To Whom It May Concern,

Enclosed I san application for the use of stored water along with the following attachments:

Attachments:

1. Property deed for subject property,
2. Bureau of Reclamation Contract for water, (FIRST 6 PAGES)
3. Land Use Compatibility Statements from both the City of Millersberg and Linin County,
4. Water Resources fee calculator output,
5. Application Map
6. A check out to Oregon Water Resources Department for \$1893.00.

Please let me know if there is any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS

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SALEM, OR

S-88705