

# 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
- ~~NP~~ SECTION 6: storage of groundwater in a reservoir
- ~~NP~~ SECTION 7: use of stored groundwater from the reservoir
- ✓ SECTION 8: project schedule
- ✓ SECTION 9: within a district
- ~~0~~ SECTION 10: 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. Example: A copy of the deed, land sales contract or title insurance policy.
- Fees - Amount enclosed: \$2200  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://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 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

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725 Summer Street NE, Suite A  
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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant Information

NAME BARBER RANCH LLC, ATTENTION: DAVID J. BARBER		PHONE (HM)	
PHONE (WK) 208-861-7514	CELL	FAX	
ADDRESS 5207 West Elmer Street			
CITY Boise	STATE ID	ZIP 83703	E-MAIL* dbarberp@q.com

### Organization Information

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

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

AGENT / BUSINESS NAME Nancy Rorick DBA Nancy Rorick Consulting		PHONE	FAX
ADDRESS 645 L Loop			CELL 541-519-3644
CITY Baker City	STATE OR	ZIP 97814	E-MAIL* nrorick@nlr-water.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.)

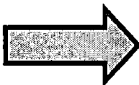
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### By my signature below I confirm that I understand:

- 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.

*David Barber*  
Applicant Signature

David J. Barber  
Print Name and title if applicable

12/28/2016  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <i>G-18424</i>	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*).

Idaho Power has a transmission line easement and a flooding easement on the property.

***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 -drilled	Burnt River	0.26	0 feet
2- dug	Burnt River	0.29	1 foot

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*).

The applicant's preference is to construct a dug well (well 2). The applicant would proceed with a conventionally drilled well (well 1) if the Department denies permission to construct the dug well or if the dug well fails to produce adequate water. There is a domestic well located on the property (BAKE 51764).

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**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 0.345 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 - drilled	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	12 inch	to be determined	to be determined	18 feet or greater	n/a	Volcanics/limestone of the Huntington Formation	100 to 150 ft	155 gpm	82.8
2- dug	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	30 inch	to be determined	to be determined	0-15 ft	n/a	Surface gravels	18 feet	155 gpm	82.8
	<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"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<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.

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**SECTION 4: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Supplemental irrigation	April 1 – October 1 (set by decree for the lower Burnt River)	82.8 AF (3 AF per Acre)

**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: \_\_\_\_\_ Acres                      Supplemental: 27.6 Acres

List the Permit or Certificate number of the underlying primary water right(s): Permit S 50606

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 82.8 AF

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

**SECTION 5: WATER MANAGEMENT**

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**A. Diversion and Conveyance**

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

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Pump (give horsepower and type): to be determined

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

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water from the well will be pumped to the existing irrigation systems through an above ground pipeline.

**B. Application Method**

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

**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.

Soil moisture will be hand checked and the field will be irrigated only as needed.

**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: n/a    Acreage inundated by reservoir: n/a

Use(s): n/a

Volume of Reservoir (acre-feet): n/a Dam height (feet, if excavated, write "zero"): n/a

*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): n/a

USE OF STORED GROUND WATER	PERIOD OF USE
n/a	

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: Spring 2017

Date construction will be completed: Spring 2017

Date beneficial water use will begin: Spring 2017

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**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 Burnt River Irrigation District	Address 19498 Hwy 245	
City Hereford	State OR	Zip 97837

**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  
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## 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: David J.

First

Barber

Last

Mailing Address: 5207 West Elmer Street

Boise

City

ID

State

83703

Zip

Daytime Phone: 208-861-7514

### 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:
14S	45E	17		700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
14S	45E	18		400		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Baker County	<b>RECEIVED BY OWRD</b>  <b>JAN 03 2017</b>
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### B. Description of Proposed Use

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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: 0.345   
 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:

Applicant is applying for a supplemental groundwater right. *The water will be used to irrigate a pasture, or a crop such as alfalfa.*

**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): BCZO Ord 410.02(A)(1)
- 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
	<b>RECEIVED BY OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>JAN 03 2017</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>SALEM, OR</b>	<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.

*BCZO Chapter 410.02(A)(1) allows farm use. supplemental groundwater to be used only for irrigation of pasture per 410.02(A)(1).*

Name: Katharine Title: Planner  
 Signature: [Signature] Phone: 541-523-3219 Date: 12/15/2014  
 Government Entity: Planning Department

**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  
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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 \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

G-18424

After recording return to:  
J. David Coughlin  
P.O. Box 1026  
Baker City, OR 97814

Until a change is requested,  
send tax statements to:  
Barber Ranch, LLC  
5207 W. Elmer Street  
Bolsé, ID 83703

**BARGAIN AND SALE DEED**

DAVID J. BARBER, Successor Trustee to the Ruth Barber Trust, DAVID J. BARBER, Successor Trustee to the Joe Barber Trust, and DAVID J. BARBER, JEAN E. BARBER and MARGARETT ANNE HALE, a.k.a. M. ANNE HALE, as Individuals, Grantors, convey to BARBER RANCH, LLC, an Oregon limited liability company, Grantee, the real property described on Exhibit A attached hereto.

Ref. No. 9993, 10060, 11161, 15036, 10166, 10189, 15040, 10190.

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.

15036  
1454518  
TL 500

The true consideration for this conveyance is \$1 plus other good and valuable consideration.

DATED this 16<sup>th</sup> day of August, 2002.

David J. Barber  
David J. Barber, Successor Trustee of the Ruth Barber Trust

David J. Barber  
David J. Barber, Successor Trustee of the Joe Barber Trust

David J. Barber  
David J. Barber

Jean E. Barber  
Jean E. Barber

Margarett Anne Hale  
Margarett Anne Hale, A.K.A. M. Anne Hale



STATE OF Nevada, County of Elko ) ss.

This instrument was acknowledged before me on August 16, 2002, by David J. Barber as Successor Trustee of the Ruth Barber Trust.

Patricia Diane Soelberg  
Notary Public for Nevada (State)  
My commission expires:

PATRICIA DIANE SOELBERG  
My Appointment Expires March 12, 2005

STATE OF Nevada, County of Elko ) ss.

This instrument was acknowledged before me on August 16, 2002, by David J. Barber as Successor Trustee of the Joe Barber Trust.

Patricia Diane Soelberg  
Notary Public for Nevada (State)  
My commission expires:

PATRICIA DIANE SOELBERG  
Notary Public, State of Nevada  
Appointment No. 01-69087-6, Elko County  
My Appointment Expires March 12, 2005

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SALEM, OR

STATE OF Nevada, County of Elko ) :ss.

Personally appeared the above-named David J. Barber and acknowledged the foregoing instrument to be his voluntary act and deed.  
BEFORE ME this 16 day of August, 2002.

Patricia Diane Soelberg  
Notary Public for Nevada (State)  
My commission expires: \_\_\_\_\_

PATRICIA DIANE SOELBERG  
Notary Public, State of Nevada  
Appointment No. 01-69087-6, Elko County  
My Appointment Expires March 12, 2005

STATE OF Nevada, County of Elko ) :ss.

Personally appeared the above-named Jean E. Barber and acknowledged the foregoing instrument to be her voluntary act and deed.  
BEFORE ME this 16 day of August, 2002.

Patricia Diane Soelberg  
Notary Public for Nevada (State)  
My commission expires: \_\_\_\_\_

PATRICIA DIANE SOELBERG  
Notary Public, State of Nevada  
Appointment No. 01-69087-6, Elko County  
My Appointment Expires March 12, 2005

STATE OF Nevada, County of Elko ) :ss.

Personally appeared the above-named Margaret Anne Hale, a.k.a. Margaret Anne Hale and acknowledged the foregoing instrument to be her voluntary act and deed.  
BEFORE ME this 16 day of August, 2002.

Patricia Diane Soelberg  
Notary Public for Nevada (State)  
My commission expires: \_\_\_\_\_

PATRICIA DIANE SOELBERG  
Notary Public, State of Nevada  
Appointment No. 01-69087-6, Elko County  
My Appointment Expires March 12, 2005



Exhibit A

Township 13 South, Range 44 East W.M.

Section 13: SE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ .

Section 24: E $\frac{1}{2}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ .

Section 25: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

Township 13 South, Range 45 East, W.M.

Section 18: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ .

Section 19: Lots 1, 2, 3, 4, 5, E $\frac{1}{2}$ W $\frac{1}{2}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ .

Section 30: Lots 1, 2, 4, E $\frac{1}{2}$ W $\frac{1}{2}$

Section 31: NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

Township 14 South, Range 45 East, W.M.

Section 17: SW $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

Section 18: NE $\frac{1}{4}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

All that portion of the NE $\frac{1}{4}$ NW $\frac{1}{4}$  lying north of Burnt River.

All that portion of the following tract in the SW $\frac{1}{4}$ NE $\frac{1}{4}$  lying South of the County road right of way:

Beginning at the Northwest corner of said SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;

thence South 20 rods;

thence East 20 rods;

thence North 20 rods;

thence West 20 rods to the point of beginning.

N $\frac{1}{2}$ NE $\frac{1}{4}$ , EXCEPTING THEREFROM the following Four parcels:

Parcel No. 1: A parcel in the NE $\frac{1}{4}$ NE $\frac{1}{4}$  described as follows:

Beginning at the intersection of the North line of said section with the Northwesterly right of way of the Oregon Short Line Railroad Company, which is 100 feet Northwesterly, when measured at right angles from the center line of the main track at Railroad Survey Station 2116+89;

thence West along said North section line 215 feet, more or less, to a point 300 feet Northwesterly when measured radially from said center line at Railroad Station 2117+35;

thence Southwesterly, parallel to and 300 feet Northwesterly, measured radially from said center line to a point in a straight line drawn radially to said center line from Railroad Station 2129+00; thence Southeasterly along a straight line drawn radially to said center line at said Railroad Survey Station 150 feet to a point 150 feet Northwesterly, measured radially from said center line;

thence Southwesterly, parallel with and 150 feet Northwesterly, measured radially from said center line, to a point in a straight line drawn at right angles to said center line at Railroad Survey Station 2133+00;

thence Southeasterly along said straight line 50 feet to a point on said Northwesterly right of way line 100 feet Northwesterly, measured at right angles from said center line;

thence Northwesterly along said Northwesterly right of way line, parallel to and 100 feet Northwesterly, measured at right angles and/or radially from said center line to the point of beginning.

Parcel No. 2: That portion of the NW $\frac{1}{4}$ NE $\frac{1}{4}$  lying North of the Union Pacific Railroad right of way and South of Burnt River.

Parcel No. 3: Road right of way conveyed to Baker County, recorded June 9, 1959, Book 160, Page 655, Deeds.

Parcel No. 4: Road right of way conveyed to Baker County, recorded on February 5, 1980, Book 80 page 06-059.

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JAN 03 2017

SALEM, OR

BOOK 168 PAGE 1129

IDAHO POWER COMPANY  
BROWNLEE HYDROELECTRIC DEVELOPMENT  
EASEMENT

KNOW ALL MEN BY THESE PRESENTS, that

WHEREAS, Idaho Power Company intends to construct and thereafter operate and maintain the Brownlee Dam, Reservoir and Hydroelectric Development in the Snake River between the States of Oregon and Idaho, with the Idaho abutments located in or near Section 2, Township 17 North, Range 5 West, Boise Meridian, Washington County, Idaho, and the Oregon abutments in or near Section 25, Township 8 South, Range 47 East, Willamette Meridian, Baker County, Oregon, which dam will be designed and constructed to store, release, regulate and use the waters of Snake River and said Reservoir at varying elevations;

NOW, THEREFORE, the undersigned, ELLIS ALLEN and BLANCHE A ALLEN, husband and wife, of Baker County, State of Oregon, Grantors, in consideration of One Dollar (\$1.00) and other good and valuable considerations, in hand paid by Idaho Power Company, receipt of which is hereby acknowledged, hereby grant, sell and convey to the Idaho Power Company, a corporation, its successors and assigns, the perpetual right and easement over and on the premises of the Grantors, lying below the 2085 foot contour elevation, U.S.G.S. Datum, located in Baker County, State of Oregon, and more particularly described as follows:

The Northeast Quarter of the Northwest Quarter (NE<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>), the Northwest Quarter of the Northeast Quarter (NW<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>), the Northeast Quarter of the Northeast Quarter (NE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) and the Southeast Quarter of the Northeast Quarter (SE<sup>1</sup>/<sub>4</sub> NE<sup>1</sup>/<sub>4</sub>) of Section Eighteen (18); the Southwest Quarter of the Northwest Quarter (SW<sup>1</sup>/<sub>4</sub> NW<sup>1</sup>/<sub>4</sub>) of Section Seventeen (17); all in Township Fourteen (14) South, Range Forty-five (45) East of the Willamette Meridian, Oregon.

SAVE AND EXCEPTING THEREFROM so much and such part of the above described tract of land lying within the existing rights-of-way of the Union Pacific Railroad and the Baker County Road.

for the flooding, subirrigating, draining, washing or eroding of soil, sand or other materials from said lands, or otherwise affecting the said premises, with the waters of the Snake River and its tributaries, caused or created by the operation of said dam, reservoir and hydroelectric development in the Snake River; and the Grantors by these presents do for themselves, their heirs, successors and assigns, agree to hold Idaho Power Company, its successors and assigns, free and clear from any and all future claims, damages or liability resulting from the construction, existence, operation and maintenance of said dam, reservoir and backwaters.

Executed and delivered this 24<sup>th</sup> day of November, 1958.

*Ellis Allen*  
*Blanche A. Allen*



STATE OF OREGON }  
COUNTY OF BAKER } ss

On this 24<sup>th</sup> day of November, 1958, before me, the undersigned, a Notary Public in and for the State of Oregon, personally appeared ELLIS ALLEN and BLANCHE A ALLEN, known to me to be the persons who executed the foregoing instrument, and acknowledged to me that they executed the same freely and voluntarily for the uses and purposes therein mentioned.

(NOTARIAL SEAL) 70745  
Notary Public, residing at  
My Commission expires: 6-22-61

12/15/58  
11:06 AM  
(SEAL) DOCUMENT RECORDED GRANT A. YOUNG, Clerk, Baker County, Oregon  
Anita C. Johnson Deputy

WRD

JAN 03 2017

SALEM, OR

6-19424

December 28, 2016

Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301-1266

Re: Enclosed Application for a Permit to Use Ground Water.

Dear Sirs:

Enclosed are an Application for a Permit to Use Ground Water for the Barber Ranch, LLC and a check in the amount of two thousand and two hundred dollars (\$2,200) that is payable to the Oregon Water Resources Department. Please process this application by the Barber Ranch, LLC. Thank you.

Sincerely,



David J. Barber  
Member  
Barber Ranch, LLC

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SALEM, OR

G-18924





**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Ground Water and/or Store Ground Water**

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

Today's Date: Monday, December 12, 2016

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,150.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.35	\$300.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$300.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$450.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,200.00

OWRD Fee Schedule

Fee Calculator Version B20130709

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G-10424