

# 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)

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## Water-Use Permit Application Processing

JAN 18 2017

SALEM, OR

### 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.

# 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: \$2,475  
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 N/A

# 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 SCHUTT / TUTEN FAMILY TRUST ET AL		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS 19970 INNES MARKET RD			
CITY BEND	STATE OR	ZIP 97703	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 JOHN A. SHORT / WATER RIGHT SERVICES		PHONE 541-389-2837		FAX
ADDRESS PO BOX 1830			CELL	
CITY BEND	STATE OR	ZIP 97709	E-MAIL* JOHNSHORT@USA.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:

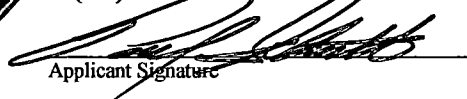
JAN 18 2017

- 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

  
Print Name and title if applicable

  
Date

Applicant Signature

Print Name and title if applicable

Date

For Department Use		
App. No. <u>6-18477</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.

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No

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- Written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- Water is to be diverted, conveyed, and/or used only on federal lands.

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

SAME AS ABOVE

***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
DESC 60433	DESCHUTES RIVER		

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*).

**SEE WELL LOG DESC 60433**

6-10437  
75081-9

**SECTION 3: WELL DEVELOPMENT, CONTINUED**

Total maximum rate requested: 0.25 (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)
WELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	DESC 60433	<input type="checkbox"/>	8"	2-53	540-580	0-53	492' 10-12-15	BROWN SANDSTONE	580'	40	36
	<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"/>									
	<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)
NURSERY	JAN 1 - DEC 31	36

**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: N/A Acres                      Supplemental: N/A Acres

List the Permit or Certificate number of the underlying primary water right(s): N/A

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

- 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): SUBMERSIBLE; HORSEPOWER TBD

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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. WELL PUMP FEEDS DRIP / PRESSURIZED SPRINKLER SYSTEMS

**B. Application Method**

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

**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.

LOW EVAPORATION METHODS OF WATERING TO BE USED

**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

**SECTION 8: PROJECT SCHEDULE**

Date construction will begin: 2017

Date construction will be completed: 2022

Date beneficial water use will begin: 2022

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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 N/A	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*).

N/A

# 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: SCHUTT / TUTEN FAMILY TRUST ET AL  
First Last

Mailing Address: 19970 INNES MARKET RD

BEND City OR State 97703 Zip Daytime Phone: \_\_\_\_\_

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
16S	12E	7		1401	EFUTRB	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	NURSERY
"	"	"		1402	EFUTRB	<input checked="" 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:

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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: 0.25     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 NURSERY

Briefly describe:

YEAR ROUND NURSERY USE

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. See bottom of Page 3. →

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**Receipt for Request for Land Use Information**

Applicant name: John Short, Water Resources Services LLC

City or County: Deschutes County Staff contact: Cynthia Smidt

Signature: Cy La Smith Phone: 541-317-3150 Date: 12/16/16

Revised 3/4/2010

Ground Water/10

WR

G-18437

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

Gr-18437

Revised 3/4/2010

Ground Water/11

WR



# Land Use Application

Permit Sign-Off - Other Agency - New

DESCHUTES COUNTY  
117 NW Lafayette Avenue  
PO Box 6005  
Bend, OR 97703  
541-388-6575  
FAX: 541-385-1764

247-16-000763-PS

www.deschutes.org/cd

cdd-webmaster@deschutes.org

## APPLICATION DESCRIPTION

**Type of Application:** Permit Sign-Off - Other Agency - New

**Description of Work:** Permit Sign off for OWRD

## LOCATION INFORMATION

**Property Address:**  
66065 Becker Rd, Bend, OR 97701  
19970 Innes Market Rd, Bend, OR 97703

**Parcel:**  
1612070001401 - Primary  
1612070001402

**Owner:** SCHUTT/TUTEN FAMILY  
TRUST ETAL  
**Address:** 1018 WATER ST  
PORT TOWNSEND WA 98368

## APPLICANT INFORMATION

Applicant:	Business Name:	Address:	City:	State:	Zip
John Short, Water Resources LLC	Water Resources LLC	PO Box 1830	Bend	OR	97709

## APPLICATION FEES

Fee Description	Quantity	Amount
Permit Sign-Off for Other Agency - LUCS sign off	1.00 Qty	\$90.00
<b>Total Fees:</b>		<b>\$90.00</b>

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G-18977



# Oregon

Kate Brown, Governor

**Water Resources Department**

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

## DESCHUTES BASIN MITIGATION CREDIT DOCUMENTARY EVIDENCE FORM

*This form is to be completed when mitigation credits are obtained from a mitigation credit holder, other than a mitigation bank, by a ground water application/permit/certificate holder to satisfy a mitigation obligation under the Deschutes Ground Water Mitigation rules. Please print in ink or type all information. If there any questions about this form, please contact the Department.*

Phone: (503) 986-0884

### Ground Water User Information:

Name: Schutt / Tuten Family Trust, et al.

Mailing Address (Street, City, State, Zip): 1018 Water Street, Port Townsend, WA 98368

Phone Number (Home and Work-including area code): \_\_\_\_\_ E-Mail (optional): \_\_\_\_\_

Ground Water Application, Permit, or Certificate #: Pending - attached **RECEIVED BY OWRD**

Mitigation Obligation (amount) (see Notice of Mitigation Obligation or Initial Review for this information): 18.0

Zone of Impact (see Notice of Mitigation Obligation or Initial Review for this information): Middle / General **JAN 18 2017**

### Mitigation Credit Holder Information:

Mitigation Credit Holder Name: Cathy Nagelhout **SALEM, OR**

Mailing Address: 19595 Buck Canyon Rd, Bend, OR 97702

Phone Number (including area code): \_\_\_\_\_ E-Mail (optional): \_\_\_\_\_

If mitigation credits have changed hands beyond the original credit holder, a complete assignment record should be included with this documentary evidence form to help demonstrate that the credits are valid. This information may be obtained from the mitigation credit holder.

### Mitigation Credit Information:

In the following table, identify the mitigation project identification number(s), the number of credits assigned from each mitigation project, the zone of impact in which the credits are to be used (note - many credits may be used within more than one zone of impact) and the type of mitigation project upon which the credits are based.

Project Type Codes: Allocation of Conserved Water = ACW Permanent Instream Transfers = PT Storage Release = SR  
Aquifer Recharge = AR Other = Other (if other, please describe under project type in space provided below)

Mitigation Project ID    # Mitigation Credits Assigned    Zone of Impact    Mitigation Project Type Code (see above)

MP- 91    9.0    Middle/General    PT

Add additional mitigation projects and credits, using above format, by attaching additional pages if necessary.

Mitigation Project Operator (if other than original credit holder): N/A (for example, name of storage project or aquifer recharge project operator)

Mailing Address: \_\_\_\_\_

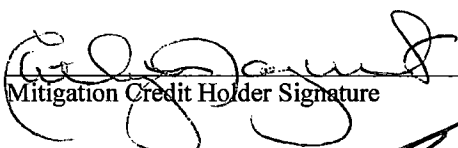
Phone Number (including area code): \_\_\_\_\_

For Stored Water Releases (if applicable):

Name of Reservoir: N/A

Reservoir Permit/Certificate: \_\_\_\_\_ Contract Number(s): \_\_\_\_\_

The above described mitigation credits have been transferred from Cathy Nagelhout, mitigation credit holder, to Schutt / Tuten Family Trust, et al., ground water application/permit/certificate holder.

  
Mitigation Credit Holder Signature

11-17-16  
Date

  
Ground Water Application/Permit/Certificate Holder Signature

7-Jan 2017  
Date

G-18477

136728-1

375 - 0534

95-18974

After Document is recorded  
return to: \_\_\_\_\_

STATUTORY BARGAIN AND SALE DEED

PAUL SCHUTT and MERRY TUTEN, GRANTOR, tenants by the entirety, conveys to PAUL E. SCHUTT and MERRY A. TUTEN, Trustees of the SCHUTT/TUTEN FAMILY TRUST dated March 1, 1995, GRANTEE, the following described real property:

See Exhibit "A" attached hereto and by this reference incorporated herein.

Tax Lot No. 1401

"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.."

The true and actual consideration for this conveyance in terms of DOLLARS is -0- (\$-0-).

Until a change is requested, all tax statements are to be sent to the following address: 673 Via Del Monte, Palos Verdes Estates, CA 90274

SUBJECT TO AND EXCEPTING:

A. As disclosed by the tax roll, the premises herein have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes and interest thereon;

B. The rules, regulations, assessments and liens of Tumalo Irrigation District;

DAVID M. JAQUA, P.C.  
ATTORNEY AT LAW  
1855 West Highland Avenue  
P.O. Box 130  
Redmond, Oregon 97755  
(503) 548-6051

Page 1, Statutory Bargain and Sale Deed

FIRST AMERICAN TITLE CO.  
OF DESCHUTES COUNTY  
P. O. BOX 323  
BEND, OREGON 97709

RECORDED BY FIRST AMERICAN TITLE CO. OF DESCHUTES COUNTY AS AN ACCOMMODATION. ONLY. NO LIABILITY IS ACCEPTED FOR THE CONDITION OF TITLE OR FOR THE VALIDITY, SUFFICIENCY, OR EFFECT OF THIS DOCUMENT.

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G-18437

C. Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines;

D. Excepting and reserving, however, from these presents an undivided one-half (1/2) interest in all oil, gas and other minerals beneath the surface of the above described land, with the rights of ingress and egress at all times for the purpose of mining, drilling and exploring said land, for oil, gas and other minerals, and removing the same therefrom, and any and all rights and privileges necessary, incident to or convenient for the economical operation of said land for such purpose;

If the above described land is covered by a valid oil and gas or other mineral lease, there is also excepted and reserved from these presents an undivided one-half (1/2) present interest of the Union Central Life Insurance Company in the royalties, rentals and proceeds therefrom, or whatever nature. (61 D 380).


DATED this 27TH day of APRIL, 19 95.

*Paul Schutt*  
PAUL SCHUTT  
*Merry Tuten*  
MERRY TUTEN

STATE OF ~~CALIFORNIA~~ COSTA RICA )  
County of SAN JOSE ) ss.

The foregoing instrument was acknowledged before me this 27TH day of APRIL, 19 95, by PAUL SCHUTT and MERRY TUTEN.

Republic of Costa Rica  
Province & City of San Jose  
Embassy of the United States of America

*James P. Theis*  
Notary Public for ~~Costa Rica~~  
My Commission Expires ~~1/1/2000~~  
JAMES PAUL THEIS  
VICE CONSUL  


RES2:Schutt-1

DAVID M. JAQUA, P.C.  
ATTORNEY AT LAW  
1655 West Highland Avenue  
PO Box 130  
Redmond, Oregon 97756  
(503) 548-6081

Page 2, Statutory Bargain and Sale deed

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**POVEY & ASSOCIATES—LAND SURVEYORS**

REGISTERED PROFESSIONAL LAND SURVEYORS, OREGON NO. 1652 and 2039  
PARTNERSHIP I.D. #93-0738184

P.O. BOX 131 • OFFICE 354 S.W. 7th • REDMOND, OREGON 97758 • (503)-548-6778

375 - 0536

EXHIBIT "A"

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert R. Povey* 12-1-1989

OREGON  
JULY 14, 1878  
ROBERT R. POVEY  
1652

**Description**

JENNETT/SCHUTT & TUTEN  
Section 7, T.16S., R.12E.W.M.  
Minor Partition No. MP-89-45  
Parcel 2

Description of a parcel of land situated in a portion of the  
E1/2 SE1/4 of Section 7, T.16S., R.12E.W.M., Deschutes County,  
Oregon, more particularly described as follows:

Commencing at a 3 1/4" alum. cap monumenting the East 1/4 corner  
of Section 7, T.16S., R.12E.W.M., the Initial Point, thence  
S00°08'30"W along the east line of the SE1/4 of said Section 7 -  
1321.16 feet to the true POINT OF BEGINNING; thence S89°45'19"W -  
30.00 feet to a 3/4" pipe; thence S89°45'19"W - 535.00 feet to  
a 3/4" pipe; thence N02°21'33"W - 28.35 feet to a 3/4" pipe;  
thence N89°38'16"W - 748.04 feet to a 3/4" pipe on the west line  
of the E1/2 of said SE1/4; thence S00°01'06"W along said west line  
- 674.16 feet to a 3/4" pipe; thence S89°38'16"E - 1282.81 feet  
to a 3/4" pipe; thence S89°38'16"E - 30.00 feet to said east  
line; thence N00°08'30"E along said east line - 651.82 feet to  
the POINT OF BEGINNING.

The same containing approximately 20.00 acres, together  
with Tumalo Irrigation District water right acres  
appurtenant thereon, subject to all existing easements and  
rights-of-way over and across the above described parcel of  
land, noting that the east 30 feet of said parcel is reserved  
for Becker Road, containing approximately 0.45 acres.

1 DESCRIPTION

STATE OF OREGON ) ss.  
COUNTY OF DESCHUTES )

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

95 JUN -2 AM 9:18

MARY SUE PENHOLLOW  
COUNTY CLERK

DEPUTY

*Mary Sue Penhollow*

NO. 95-1897A

FEE 2.75  
DESCHUTES COUNTY OFFICIAL RECORDS

RECEIVED BY OWRD

JAN 18 2017

SALEM, OR



136728-1

375 = 0537

95-18975

After Document is recorded  
return to: \_\_\_\_\_

STATUTORY BARGAIN AND SALE DEED

PAUL SCHUTT and MERRY TUTEN, GRANTOR, tenants by the  
entirety, conveys to PAUL E. SCHUTT and MERRY A. TUTEN, Trustees  
of the SCHUTT/TUTEN FAMILY TRUST dated March 1, 1995, GRANTEE,  
the following described real property:

See Exhibit "A" attached hereto and by this reference  
incorporated herein.

Tax Lot No. 1402

"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.."

The true and actual consideration for this conveyance in  
terms of DOLLARS is -0- (\$-0-).

Until a change is requested, all tax statements are to be  
sent to the following address: 673 Via Del Monte, Palos Verdes  
Estates, CA 90274

**SUBJECT TO AND EXCEPTING:**

- A. As disclosed by the tax roll, the premises herein  
have been zoned or classified for farm use. At any time  
that said land is disqualified for such use, the  
property will be subject to additional taxes and  
interest thereon;
- B. The rules, regulations, assessments and liens of  
Tumalo Irrigation District;

DAVID M. JAQUA, P.C.  
ATTORNEY AT LAW  
1855 West Highland Avenue  
P.O. Box 159  
Redmond, Oregon 97756  
(503) 648-6081

RECORDED BY FIRST AMERICAN TITLE CO. OF DESCHUTES  
COUNTY AS AN ACKNOWLEDGMENT ONLY. NO LIABILITY IS  
ACCEPTED FOR THE CORRECTNESS OF TITLE OR FOR THE VALIDITY,  
SUFFICIENCY OR EFFECT OF THIS DOCUMENT.

Page 1, Statutory Bargain and Sale Deed  
FIRST AMERICAN TITLE CO.  
OF DESCHUTES COUNTY  
P. O. BOX 323  
BEND, OREGON 97709

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JAN 18 2017

SALEM, OR

61-18437

C. Existing telephone, telegraph, power lines, roads, railroads, highways, ditches, canals and pipelines;

D. Excepting and reserving, however, from these presents an undivided one-half (1/2) interest in all oil, gas and other minerals beneath the surface of the above described land, with the rights of ingress and egress at all times for the purpose of mining, drilling and exploring said land, for oil, gas and other minerals, and removing the same therefrom, and any and all rights and privileges necessary, incident to or convenient for the economical operation of said land for such purpose;

If the above described land is covered by a valid oil and gas or other mineral lease, there is also excepted and reserved from these presents an undivided one-half (1/2) present interest of the Union Central Life Insurance Company in the royalties, rentals and proceeds therefrom, or whatever nature. (61 D 380).

DATED this 27<sup>TH</sup> day of APRIL, 1995.

*Paul Schutt*  
PAUL SCHUTT

*Merry Tuten*  
MERRY TUTEN

STATE OF ~~COSTA RICA~~ COSTA RICA )  
 ) SS.  
County of SAN JOSE )

The foregoing instrument was acknowledged before me this 27<sup>TH</sup> day of APRIL, 19 95, by PAUL SCHUTT and MERRY TUTEN

Republic of Costa Rica  
Province & City of San Jose  
Embassy of the United States of America

*James P. ...*  
Notary Public for the  
My Commission Expires: ~~12/31/95~~  
JAMES PAUL THEL...  
VICE CONSUL  
EMBASSY OF THE UNITED STATES OF AMERICA  
SAN JOSE, COSTA RICA

RES2:Schutt

DAVID M. JAQUA, P.C.

ATTORNEY AT LAW  
1655 West Highland Avenue  
P.O. Box 130  
Redmond, Oregon 97755  
(503) 548-8081

Page 2, Statutory Bargain and Sale Deed

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JAN 18 2017

SALEM, OR



**POVEY & ASSOCIATES—LAND SURVEYORS**

REGISTERED PROFESSIONAL LAND SURVEYORS, OREGON NO. 1652 and 2039  
PARTNERSHIP I.D. #93-0738184

P.O. BOX 131 • OFFICE 354 S.W. 7th • REDMOND, OREGON 97756 • (503) 548-8778

375 - 0539

EXHIBIT "A"

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Robert R. Povey* 12-1-1989

OREGON  
JULY 14, 1878  
ROBERT R. POVEY  
1652

Description  
JEWETT/SCHUTT & TUTEN

Section 7, T.16S., R.12E.W.M.  
Minor Partition No. MP-89-45  
Parcel 3

Description of a parcel of land situated in a portion of the  
E1/2 SE1/4 of Section 7, T.16S., R.12E.W.M., Deschutes County,  
Oregon, more particularly described as follows:

Commencing at a 3 1/4" alum. cap monumenting the East 1/4 corner  
of Section 7, T.16S., R.12E.W.M., the Initial Point, thence  
S00°08'30"W along the east line of the SE1/4 of said Section 7 -  
1972.98 feet to the true POINT OF BEGINNING; thence S00°08'30"W  
along said east line - 663.98 feet to a spike and shiner monumenting  
the southeast corner of said Section 7; thence N89°38'16"W along  
the south line of said SE1/4 - 1311.38 feet to a railroad spike  
on the west line of the E1/2 of said SE1/4; thence N00°01'06"E  
along said west line - 30.00 feet to a 3/4" pipe; thence N00°01'06"E  
along said west line - 633.99 feet to a 3/4" pipe; thence  
S89°38'16"E - 1282.81 feet to a 3/4" pipe; thence S89°38'16"E -  
30.00 feet to the POINT OF BEGINNING.

The same containing approximately 20.00 acres, together  
with \_\_\_\_\_ Tumalo Irrigation District water right acres  
appurtenant thereon, subject to all existing easements and  
rights-of-way over and across the above described parcel of  
land, noting that the east 30 feet of said parcel is reserved  
for Becker Road and the Cline Falls Highway and that the  
south 30 feet is reserved for Innes Market Road, said roads  
containing approximately 1.34 acres.

1 DESCRIPTION

STATE OF OREGON )  
COUNTY OF DESCHUTES ) SS.

I, MARY SUE PENHOLLOW, COUNTY CLERK AND  
RECORDER OF CONVEYANCES, IN AND FOR SAID  
COUNTY, DO HEREBY CERTIFY THAT THE WITHIN  
INSTRUMENT WAS RECORDED THIS DAY:

95 JUN -2 AM 9:19

MARY SUE PENHOLLOW  
COUNTY CLERK

DEPUTY  
*[Signature]*  
95-18975  
FEE  
NO. 18  
DESCHUTES COUNTY OFFICIAL RECORDS

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SALEM, OR

6-18437

**(1) LAND OWNER**  
 Owner Well I.D. \_\_\_\_\_  
 First Name PUAL Last Name SCHUTT  
 Company \_\_\_\_\_  
 Address 1018 WATER ST  
 City PORT TOWNSEND, State WA Zip 98368

**(2) TYPE OF WORK**  New Well  Deepening  Conversion  
 Alteration (complete 2a & 10)  Abandonment (complete 5a)

**(2a) PRE-ALTERATION**  
 Dia + From To Gauge Stl Plstc Wld Thrd  
 Casing:          
 Material From To Amt sacks/lbs  
 Seal:

**(3) DRILL METHOD**  
 Rotary Air  Rotary Mud  Cable  Auger  Cable Mud  
 Reverse Rotary  Other \_\_\_\_\_

**(4) PROPOSED USE**  Domestic  Irrigation  Community  
 Industrial/ Commercial  Livestock  Dewatering  
 Thermal  Injection  Other \_\_\_\_\_

**(5) BORE HOLE CONSTRUCTION** Special Standard  (Attach copy)  
 Depth of Completed Well 580.00 ft.  
 BORE HOLE SEAL sacks/lbs  

Dia	From	To	Material	From	To	Amt	lbs
12	0	53	Bentonite	0	53	34	S
8	53	580			Calculated	30.05	
					Calculated		

How was seal placed: Method  A  B  C  D  E  
 Other DRY BENTONITE  
 Backfill placed from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_  
 Filter pack from \_\_\_\_\_ ft. to \_\_\_\_\_ ft. Material \_\_\_\_\_ Size \_\_\_\_\_  
 Explosives used:  Yes Type \_\_\_\_\_ Amount \_\_\_\_\_

**(5a) ABANDONMENT USING UNHYDRATED BENTONITE**  
 Proposed Amount \_\_\_\_\_ Actual Amount \_\_\_\_\_

**(6) CASING/LINER**  

Casing	Liner	Dia	+ From	To	Gauge	Stl	Plstc	Wld	Thrd
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	8	2	53	.250	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>	6	20	580	.188	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

  
 Shoe  Inside  Outside  Other Location of shoe(s) 580  
 Temp casing  Yes Dia \_\_\_\_\_ From \_\_\_\_\_ To \_\_\_\_\_

**(7) PERFORATIONS/SCREENS**  
 Perforations Method factory  
 Screens Type \_\_\_\_\_ Material \_\_\_\_\_  

Perf/ Screen	Casing/ Liner	Screen Dia	From	To	Scrwn/ slot width	Slot length	# of slots	Tele/ pipe size
Perf	Liner	6	540	580	.125	3	468	

**(8) WELL TESTS: Minimum testing time is 1 hour**  
 Pump  Bailer  Air  Flowing Artesian  

Yield gal/min	Drawdown	Drill stem/Pump depth	Duration (hr)
40		570	1.5

  
 Temperature 54 °F Lab analysis  Yes By \_\_\_\_\_  
 Water quality concerns?  Yes (describe below) TDS amount  

From	To	Description	Amount	Units

**(9) LOCATION OF WELL (legal description)**  
 County DESCHUTES Twp 16.00 S N/S Range 12.00 E E/W WM  
 Sec 7 SE 1/4 of the SE 1/4 Tax Lot 1401  
 Tax Map Number \_\_\_\_\_ Lot \_\_\_\_\_  
 Lat \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Long \_\_\_\_\_ " or \_\_\_\_\_ DMS or DD  
 Street address of well  Nearest address  
 19970 INNES MARKET ROAD

**(10) STATIC WATER LEVEL**  

Existing Well / Pre-Alteration	Date	SWL (psi)	+ SWL (ft)
Completed Well	10/12/2015		492

  
 Flowing Artesian?  Dry Hole?

WATER BEARING ZONES Depth water was first found 537.00

SWL Date	From	To	Est Flow	SWL (psi)	+ SWL (ft)
10/12/2015	537	580	40		492

**(11) WELL LOG** Ground Elevation \_\_\_\_\_

Material	From	To
Sand and gravel	0	43
lava	43	90
no returns soft	90	94
lava	94	102
Soft Broken	102	109
lava	109	132
Broken soft lava	132	201
Red SS	201	287
Brown Ss	287	312
Dark Brown	312	328
Light Brown SS	328	335
lava	335	357
Broken lava	357	376
Brown SS	376	537
Lava Fractured WB	537	547
WB Course Congl Red Cinders	547	580

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 JAN 18 2017  
 SALEM, OR

Date Started 10/8/2015 Completed 10/12/2015

**(unbonded) Water Well Constructor Certification**  
 I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.  
 License Number \_\_\_\_\_ Date \_\_\_\_\_  
 Signed \_\_\_\_\_

**(bonded) Water Well Constructor Certification**  
 I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.  
 License Number 1255 Date 10/28/2015  
 Signed WILLIAM DOUG AIKEN (E-filed)  
 Contact Info (optional) Doug Aiken

6-18937



**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: Thursday, January 19, 2017

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)	.25	\$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) **	1	
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		\$1,900.00

*Handwritten initials/signature*

OWRD Fee Schedule

Fee Calculator Version B20130709

G-19437