



# Oregon

Kate Brown, Governor

## Water Resources Department

North Mall Office Building

725 Summer St NE, Suite A

Salem, OR 97301

Phone (503) 986-0900

Fax (503) 986-0904

[www.wrd.state.or.us](http://www.wrd.state.or.us)

Joel Plahn District 16 Watermaster helped complete this water right application. Please contact Joel Plahn before returning this water right application due to any missing information or discrepancies.

Thank you,

Joel Plahn

503-986-0889 – office

503-508-2394 – cell

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**OWRD**

5-8840



# 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 BRYAN WEBBER FARMS INC <i>R.B. Webber Development LLC</i>		PHONE (HM) 541-740-8219	
PHONE (WK)	CELL	FAX	
ADDRESS 3430 NW SPRINGHILL RD			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL * KWEB@PEAK.ORG

### Organization Information

NAME KYM AND BRYAN WEBBER		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		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	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:

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

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

*R Bryan Webber*  
Applicant Signature

Robert Bryan Webber  
Print Name and title if applicable

*3-6-17*  
Date

*[Signature]*  
Applicant Signature

*Kym Webber*  
Print Name and title if applicable

*3-6-17*  
Date

Revise	App. No. <i>S-8849</i>	For Department Use	Permit No. _____	Date _____
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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

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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.
  - Fees - Amount enclosed: \$ 1986  
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)
  - 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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**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*).

We own all the land but one small parcel owned by David and Kristen Goin 8367 Buena Vista RD NW Albany OR 97321

**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: SOURCE OF WATER**

**A: Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into. If unnamed, say so:

Source 1: BOR Contract POD Willamette River Tributary to: Columbia River

Source 2: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 3: \_\_\_\_\_ Tributary to: \_\_\_\_\_

Source 4: \_\_\_\_\_ Tributary to: \_\_\_\_\_

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).

Cert 91538

**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.)

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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.

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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
BOR Contract Willamette River <b>POD</b>	Irrigation & Supplemental Irrigation	March 1 through October 31	<b>505.75</b> <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

**For irrigation use only:**

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 129.0 Acres                      Supplemental: 73.3 Acres

List the Permit or Certificate number of the underlying primary water right(s): 36961 & 57228

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 505.75

- 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?

Pump (give horsepower and type): 40 hp

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

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

8" to 6" PVC pipe

**B. Application Method**

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

Center Pivot and hose reels

**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.

Meter at POD on Willamette River

**SECTION 6: RESOURCE PROTECTION**

In granting permission to use water from a stream or lake, the state encourages, and in some instances requires, careful control of activities that may affect the waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

Diversion will be screened to prevent uptake of fish and other aquatic life.

Describe planned actions: Existing diversion is screened

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.

Describe planned actions: No Work needed POD already exist

Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.

Describe: No Work needed POD already exist

Water quality will be protected by preventing erosion and run-off of waste or chemical products.

Describe: No Work needed POD already exist

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**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: Within five years of permit issuance

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

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

**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 NA	Address	
City	State	Zip

**SECTION 9: REMARKS**

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

Submitting contract data sheet to BOR Attn: Bill Parks in order to purchase stored water from BOR. You will notice the attached contract data sheet is requesting 689.75 AF from the BOR. This application is only requesting 505.75 AF. The reason for this is we currently have a water right Certificate 61575 that authorizes the use of BOR water. However, the contract tied to this right and our lands was terminated. So the new contract will cover lands already authorized under Certificate 61575 and new lands under this water right.

# Land Use Information Form RECEIVED

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

## OWRD

## 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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JAN 23 2017

SALEM, OR



# Land Use Information Form

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

Applicant(s): Bryan Webber Farms Inc

OWRD

Mailing Address: 3430 NW Springhill DR

City: Albany

State: OR

Zip Code: 97321

Daytime Phone: 541-740-8219

## 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:
<u>10 S</u>	<u>4 W</u>	<u>10</u>		<u>200 + 300</u>		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
<del>10 S</del>	<del>4 W</del>	<del>10</del>		<del>200 + 300</del> , <u>600 + 603</u>	<u>605</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	
<u>10 S</u>	<u>4 W</u>	<u>11</u>		<u>202 + 200</u>		<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	

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

Benton

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## B. Description of Proposed Use

SALEM, OR

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

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

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

Estimated quantity of water needed: 505.75  cubic feet per second   
 gallons per minute   
 acre-feet

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

Briefly describe:

**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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CONTRACT DATA SHEET



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

RECLAMATION  
Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Kym and Bryan Webber (R.B. Webber Development LLC)
- 2) Address: 3430 NW Springhill DR Albany OR 97321
- 3) Mailing Address (if different): \_\_\_\_\_
- 4) Taxpayer Identification Number(s): 93-1247023  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? yes

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

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

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

3. Proposed point of diversion: 120 feet South and 4240 East feet  
of SE Corner Russel DLC69 corner of Section 11, Township 10 South, Range 4 West,  
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Certificate 61575 authorizes the use of stored BOR Water, & Application S-

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

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No the property has irrigation rights to use well water and BOR Water. The contract for BOR water was canceled this will replace the canceled contract and be for new lands

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- 6. Do you currently hold a right to natural flows for irrigating the property described herein? If yes, what is/are the priority date(s)? \_\_\_\_\_
- 7. Total quantity of water from storage requested: 689.75 acre-feet.
- 8. Location of land to be irrigated in each 40-acre tract:

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
SEE	ATTACHED				

- 9. What is the present use of the land identified above? [*farming; idle (fallow cultivated land); native (appears never to have been tilled); planted pasture or other (please specify)*].  
Row Crops Grassseed Hazel Nuts
- 10. Is the land identified above currently being irrigated? \_\_\_\_\_ If yes, what is the source? (*natural flows, wells, etc.*) A portion is being irrigated by wells the other portion is not being irrigated that is why we are applying for a contract
- 11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: The diversion is existing under water right certificate 32046 and is screened
- 12. Telephone number where you can be reached during the day: 541-740-8219 Kym or Bryan

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE <sup>2</sup>, MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

<sup>1</sup> Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

<sup>2</sup> The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

Township	Range	Section	40-Acre Tract (1/4) (1/4)	NO. of Acres	Type of Irrigated Crop
10 South	4 West	9	NESE	11	Row crops Grass Seed Hazel Nuts
10 South	4 West	9	SESE	6	
10 South	4 West	10	NENW	6	
10 South	4 West	10	NWNW	2	
10 South	4 West	10	SWNW	19	
10 South	4 West	10	SENW	40	
10 South	4 West	10	NESW	40	
10 South	4 West	10	NWSW	40	
10 South	4 West	10	SWSW	12.3	
10 South	4 West	10	SESW	10.6	
10 South	4 West	10	SWSE	5.7	
10 South	4 West	10	SESE	3.6	
10 South	4 West	11	NESW	2.6	
10 South	4 West	11	NWSW	14.2	
10 South	4 West	11	SWSW	9	
10 South	4 West	11	SESW	7	
10 South	4 West	14	NENW	13.4	
10 South	4 West	14	NWNW	24.5	
10 South	4 West	15	NENE	9	

<b>Total Acres</b>	<b>275.9</b>
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New Primary Irrigation	Supplemental & Certificate #
11	
6	
6	
2	
19	
21.8	18.2 acres supplemental to Cert 36961
10.5	29.5 acres supplemental to Cert 36961
32.8	7.2 acres supplemental to Cert 36961
4.5	7.8 acres supplemental to Cert 36961
	10.6 acres supplemental to Cert 36961
	5.7 acres authorized under Cert 61575
3.6	22.6 acres authorized under Cert 61575
2.6	
1.2	13.0 acres authorized under Cert 61575
1	11.0 acres authorized under Cert 61575
7	
	13.4 acres authorized under Cert 61575
	24.5 acres authorized under Cert 61575
	9.0 acres authorized under Cert 61575

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Benton County

For Local Government Use Only

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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.

10-4-10-200, 500, 600 (603) and 10-4-11-200+202 are zoned EFU. BCC SS.105(1) authorizes "farm use"

Please check the appropriate box below and provide the requested information as outright permitted on

EFU land. Applicant states "grass seed, hazelnuts, blueberries, corn, green beans" would be irrigated.
[X] 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):

[ ] 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."

Table with 3 columns: Type of Land-Use Approval Needed, Cite Most Significant, Applicable Plan Policies & Ordinance Section References, and Land-Use Approval. Includes handwritten entries: RECEIVED BY OWRD, JAN 23 2017, SALEM, OR.

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.

Empty rectangular box for local government comments.

Name: Kristin Anderson Title: Associate Planner

Signature: Kristin Anderson Phone: 541-766-16298 Date: 4/17/17

Government Entity: Benton 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: \_\_\_\_\_

Handwritten number: 2-288419

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EXHIBIT "A"

BALL RESULTANT DESCRIPTION

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AN AREA OF LAND AS DESCRIBED IN BENTON COUNTY DEED DOCUMENT NO. 2007-422885, WHICH READS AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 10, TOWNSHIP 10 SOUTH, RANGE 4 WEST OF WILLAMETTE MERIDIAN; THENCE EAST 40.54 CHAINS; THENCE SOUTH 65 CHAINS; THENCE WEST 53.85 CHAINS; THENCE NORTH 42.48 CHAINS; THENCE EAST 13.55 CHAINS; THENCE NORTH 22.52 CHAINS TO THE PLACE OF BEGINNING.

EXCEPTING THEREFROM THAT PART THEREFROM LYING IN POLK COUNTY OREGON, AND ALSO EXCEPTING THEREFROM THAT PORTION IN THE HIGHWAY.

EXCEPTING THEREFROM THE FOLLOWING:

AN AREA OF LAND IN THE WEST HALF OF SECTION 10 AND THE EAST HALF OF SECTION 9, TOWNSHIP 10 SOUTH, RANGE 4 WEST, WILLAMETTE MERIDIAN, BENTON COUNTY, OREGON AND BEING MORE SPECIFICALLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST NORTHWEST CONER OF THE ROBERT RUSSEL DONATION LAND CLAIM NO. 69; THENCE EAST ALONG NORTH LINE OF SAID CLAIM 894.30 FEET, MORE OR LESS; THENCE NORTH 485.03 FEET, MORE OR LESS, ALONG THE WEST LINE OF SAID CLAIM TO THE NORTH LINE OF BENTON COUNTY; THENCE ALONG COUNTY LINE NORTH 89°46'17" EAST 794.21 FEET, MORE OR LESS, TO A 5/8" IRON ROD; THENCE LEAVING COUNTY LINE SOUTH 16°43'47" EAST 307.14 FEET TO A 5/8" IRON ROD; THENCE SOUTH 18°53'05" WEST 636.89 FEET TO A 5/8" IRON ROD; THENCE NORTH 77°24'28" WEST 151.14 FEET TO A 5/8" IRON ROD; THENCE SOUTH 18°25'24" WEST 511.68 FEET TO A 5/8" IRON ROD; THENCE NORTH 58°34'12" WEST 256.21 FEET TO A 5/8" IRON ROD; THENCE SOUTH 65°38'19" WEST 79.81 FEET TO A 5/8" IRON ROD; THENCE SOUTH 20°03'57" WEST 925.30 FEET TO A 5/8" IRON ROD; THENCE SOUTH 44°44'40" WEST 644.27 FEET TO A 5/8" IRON ROD; THENCE SOUTH 11°38'32" EAST 128.58 FEET TO A 5/8" IRON ROD; THENCE SOUTH 10°31'23" WEST 475.58 FEET TO A 5/8" IRON ROD AND THE NORTH LINE OF COUNTY ROAD NO. 13470 (SPRINGHILL DRIVE); THENCE ALONG SAID COUNTY ROAD NORTH 88°36'40" WEST 138.38 FEET, MORE OR LESS, TO THE WEST LINE OF DONATION LAND CLAIM NO. 69; THENCE NORTH ALONG WEST LINE OF SAID CLAIM 2677.26 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

REGISTERED PROFESSIONAL LAND SURVEYOR

*Kyle W. Latimer*

OREGON  
JUNE 12, 2013  
KYLE W. LATIMER  
80442

EXPIRES: 12-31-2018

P-88401



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MAR 09 2017

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After Recording, Return to:  
R. David Goin  
8367 NW Buena Vista  
Albany, OR 97321

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

**STATUTORY WARRANTY DEED**  
(Individual)

(Above Space Reserved for Recorder's Use)

William R. Manning and June M. Manning

conveys and warrants to  
R. David Goin and Kristin L. Peterson, Husband and Wife

10-24W-10-500

the following described real property in the State of Oregon and County of Benton free of encumbrances, except as specifically set forth herein:  
A tract of land situated in the County of Benton, State of Oregon, more particularly described as follows: Beginning at a point on the West line of a tract described in deed recorded in Book 42, page 610 and 611, Benton County Deed Records, said point also being 40 feet North 0°18' West along the claim line from the Southeast corner of the Robert W. Russell Claim No. 69, Township 10 South, Range 4 West, Willamette Meridian, Benton County, Oregon; thence North 0°18' West, along said Claim line 511.50 feet; thence South 88°36' East parallel with the most Southerly line of said tract 423.06 feet; thence South 0°18' East parallel with East line of said Claim 551.50 feet to the most Southerly line of said tract; thence North 88°36' West, along said Southerly line, 7.06 feet to a point on the Northerly right of way of the county road; thence Westerly along said Northerly right of way to the point of beginning.

← AFTER RECORDING RETURN TO OREGON TITLE INSURANCE CO

Tax Account Number(s): 005227

This property is free of encumbrances, EXCEPT:

1. The assessment roll and the tax roll disclose that the subject premises were or are specially assessed as farm land. If the land has become or becomes disqualified for the special assessment under the statute, an additional tax may be levied.

(Continued)

The true consideration for this conveyance is \$224,900.00

257806

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

DATED this 13 day of March, 2002.

William R. Manning

June M. Manning

STATE OF OREGON, COUNTY OF Linn)ss.  
The foregoing instrument was acknowledged before me this 13<sup>th</sup> day of March, 2002, by William R. Manning and June M. Manning.

Notary Public for Oregon  
My Commission Expires: 3/20/04



Order No.: 25180b

S-88401



STATUTORY WARRANTY DEED  
(Continued)

ENCUMBRANCES (Continued)

Order No.: 25180b

2. The rights of the public, governmental bodies, and public utilities, in and to that portion of the herein described property lying within the limits of roads and highways.

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STATE OF OREGON } ss.  
County of Benton }

313432

PM 2:45 '02 MAR 14

I hereby certify that the within  
instrument was received for record

M314567 02

In the records of said county

Witness My Hand and Seal of  
James V. Morison, County Clerk

By William A. Morison  
Deputy

31  
15 62

S-88401

After recording return to:  
Dan Armstrong  
P.O. Box 546  
Corvallis, OR 97339

Until a change is requested, send  
tax statements to:

3430 NW Springhill Rd  
Albany, OR 97321

BENTON COUNTY, OREGON 2014-516359  
DE-BS  
Cnt=1 Stn=8 PF 01/29/2014 11:34:41 AM  
\$20.00 \$11.00 \$22.00 \$10.00 \$20.00 \$83.00



I, James V. Morales, County Clerk for Benton  
County, Oregon, certify that the instrument  
identified herein was recorded in the Clerk  
records.

James V. Morales - County Clerk



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**BARGAIN AND SALE DEED**

Robert Bryan Webber, Grantor, conveys to R. B. Webber Development, LLC, Grantee, the following described real property:

See attached Exhibit A.

Subject to liens and encumbrances of record.

The true consideration for this conveyance is \$-0-.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSONS RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 and 195.305 to 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009. 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 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 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

**GRANTOR:**

R Bryan Webber  
Robert Bryan Webber

Date 1-28-14

5-8849

STATE OF OREGON        )  
                                  ) ss.  
COUNTY of BENTON     )

The foregoing instrument was acknowledged before me by Robert Bryan Webber on this 28 day of January, 2014.

Mary L. Long  
Notary Public for Oregon  
My commission expires: 3/21/2017



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*Robert*

Legal Description

All that portion of the Smiley Carter Donation Land Claim No. 50, in Township 10 South, Range 4 West of the Willamette Meridian, Benton County, Oregon, lying east of the Northeasterly right of way line of County Road No. 13470 (said road also known as Spring Hill Drive).

Also Government Lots 3 and 4 of Section 10, Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon.

Excepting therefrom a portion of land conveyed to David Vanderpool by instrument recorded in Book H, Page 426 of the Benton county Deed Records and more particularly described as follows:

Beginning 13.37 chains north of the Quarter Section corner post on the East and West line between Section 10 and 15; thence East, 6.41 chains.; thence North 6.24 chains; thence West 6.41 chains; Thence South, 6.24 chains to the point of beginning, all in Sections 10, 11 and 15, Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon.

Excepting therefrom:

A tract of land located in the Smiley Carter Donation Land Claim No. 50, in Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, that is more particularly described as follows:

Beginning at a 3/4 inch iron pin on the easterly right-of-way line of County Road No. 13470 that is referred to as Spring Hill Drive (formerly known as Albany-Independence County Road), said pin being 2,358.18 feet South 89°57' West, along the claim line and 1,171.73 feet North 31°44' West along said east right-of-way line of said road, from the southeast corner of the Smiley Carter Donation Land Claim No. 50, Township 10 South, Range 4 West of the Willamette Meridian; thence North 31°44' West, along said easterly right-of-way line of said road, 300 feet; thence North 58°16' East, at right angles to said road, 174 feet; thence South 31°44' East, parallel to said road, 300 feet; thence South 58°16' West, at right angles to said road, 174 feet to the point of beginning.

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Excepting therefrom:

A tract of land located in the Smiley Carter Donation Land Claim No. 50, in Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, that is more particularly described as follows:

Beginning at a 5/8 inch iron rod on the Northeasterly right-of-way line of County Road No. 13470 (a 60 foot wide right-of-way, also known as Spring Hill Drive (formerly known as Albany-Independence County Road), which point being South 89°57'16" West, 2,357.86 feet and North 31°43'00" West, 289.86 feet from the southeast corner of said Carter Claim; thence North 31°43'00" West, along the said right-of-way line, 720.20 feet to a 5/8 inch rod; thence North 64°58'55" East, 252.59 feet to a 5/8 inch rod; thence South 19°25'36" East, 219.89 feet to a 5/8 inch rod; thence South 35°47'53" East, 255.89 feet to a 5/8 inch rod; thence South 40°58'17" East, 214.52 feet to a 5/8 inch rod; thence South 52°22'49" East, 232.79 feet; thence South 89°56'00" West, 398.13 feet to the point of beginning.

Exhibit

"A"

1 of 2

S-88401

Excepting therefrom:

A tract of land located in the Smiley Carter Donation Land Claim No. 50, in Township 10 South, Range 4 West of the Willamette Meridian in Benton County, Oregon, that is more particularly described as follows:

Beginning at a 5/8 inch iron rod on the Northeasterly right-of-way line of County Road No. 13470 that is referred to as Spring Hill Drive (formerly known as Albany-Independence County Road), which point being South 89°57'16" West, 2,357.86 feet from the southeast corner of said Carter Claim; thence North 31°43'00" West, along said east right-of-line, 289.86 feet to a 5/8 inch rod; thence North 89°56'00" East, 570.89 feet to a 5/8 inch rod; thence South 44°35'41" East, 345.29 feet to a 5/8 inch rod on the said claim line; thence South 89°57'16" West, 661.00 feet to the point of beginning.

Excepting therefrom:

That portion of the following described property, which lies Northeasterly of Spring Hill Drive (formerly Known as Albany-Independence County Road):

Beginning at a point, 25.46 chains East of the Northwest corner of Smiley Carter's Donation Land Claim, known on the plats of the U.S. Surveys as Notification No 2010 Claim No. 50, in Township 10 South, Range 4 West of the Willamette Meridian, Benton County, Oregon, and running thence South 33° East, 22 chains; thence South 31° East, 48 links; thence South 59° West, 3.16 chains; thence South 31° East, 3.16 chains; thence North 59° East 3.16 chains; thence South 31° East, 13.56 chains; thence West 32.95 chains; thence South 4.66 chains; thence West 22.81 chains; thence North 13°40' West, 28.32 chains; thence East 87 links; thence North 25 1/3° East, 19.01 chains; thence East 2.92 chains to the Northwest corner of the aforesaid claim; thence East, 25.46 chains to the place of beginning.

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Exhibit     A      
Page     2    

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