

# 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](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.our](http://www.oregon.gov/owrd/law.our)). 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 can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.

**RECEIVED BY OWRD**

# Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

## Include this checklist with the application

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

- SECTION 1: applicant information and signature
- SECTION 2: property ownership
- SECTION 3: source of water requested
- SECTION 4: water use
- SECTION 5: water management
- SECTION 6: resource protection
- SECTION 7: project schedule
- SECTION 8: within a district
- SECTION 9: remarks

### Attachments:

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

RECEIVED BY OWRD

# 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<br>MARY OLSON                |             | PHONE (HM)<br>503-838-3013 |                                     |
| PHONE (WK)<br>SAME                | CELL<br>N/A | FAX<br>N/A                 |                                     |
| ADDRESS<br>15305 DUNN FOREST ROAD |             |                            |                                     |
| CITY<br>MONMOUTH                  | STATE<br>OR | ZIP<br>97361               | E-MAIL *<br>AIRLIE@ARILIEWINERY.COM |

### Organization Information

|             |       |       |          |
|-------------|-------|-------|----------|
| NAME<br>N/A |       | 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<br>ASPEN RURAL LAND CONSULTING C/O ERIC URSTADT |             | PHONE<br>503.647.1919 | FAX<br>N/A                          |
| ADDRESS<br>39290 NW MURTAUGH ROAD                                     |             |                       | CELL<br>971.250.1520                |
| CITY<br>NORTH PLAINS  | STATE<br>OR | ZIP<br>97133          | E-MAIL *<br>ERICURSTADT@HOTMAIL.COM |

Note: Attach multiple copies as needed

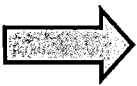
\* By providing an e-mail address, consent is given to receive all correspondence from the department electronically. (paper copies of the final order documents will also be mailed.)

**RECEIVED BY OWRD**

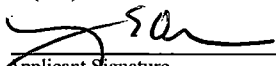
By my signature below I confirm that I understand:

JUL 27 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 packet. **SALEM, OR**
- I cannot legally use water until the Water Resources Department issues a permit to me.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.



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

  
Applicant Signature

Mary S. Olson  
Print Name and title if applicable

7/19/2017  
Date

Applicant Signature

Print Name and title if applicable

Date

|        |                         |  |            |
|--------|-------------------------|--|------------|
| Revise | App. No. <u>5-88433</u> | For Department Use<br>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*).

N/A

*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: <u>Un Named Tributary</u>      | Tributary to: <u>Fuller Creek</u> |
| Source 2: <u>Airlie Winery Reservoir</u> | Tributary to: <u>Fuller Creek</u> |
| Source 3: _____                          | Tributary to: _____               |
| Source 4: _____                          | Tributary to: _____               |

**RECEIVED BY OWRD**

**JUL 27 2017**

**SALEM, OR**

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

**B. Applications to Use Stored Water**

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

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

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

By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

**SECTION 4: WATER USE**

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

| SOURCE                   | USE                | PERIOD OF USE               | AMOUNT  |
|--------------------------|--------------------|-----------------------------|---|
| Airlie Winery Reservoir* | irrigation         | irrigation season           | 3.0 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af  |
| Runoff                   | Pond maintenance** | Whenever water is available | 0.03 <input checked="" 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                 |

\*The application for this reservoir is being applied for concurrent with this application.  
 \*\*Rate applied for is 0.01 CFS per AF of storage.

**For irrigation use only:**  
 Please indicate the number of primary and supplemental acres to be irrigated.  
 Primary: 35.9 Acres                      Supplemental: 0.0 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: 3.0

- 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

**RECEIVED BY OWRD**

**JUL 27 2017**

**SALEM, OR**

## SECTION 5: WATER MANAGEMENT

### A. Diversion and Conveyance

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

Pump (give horsepower and type): Centrifical, horsepower and flow rate not legible

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

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

The pump conveys water through buried water lines to mainly drip irrigation for the vineyards and some sprinklers for the landscaping around the winery.

### B. Application Method

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

drip mainly and some sprinklers for landscaping

### 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.

The winery utilizes drip irrigation and limited landscape irrigation to conserve water.

## 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: No fish are present.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
Describe planned actions: No excavation is needed as the system was installed many years ago.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe: No operating in the water body is needed since the system was constructed many years ago
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: All exposed soils have vegetation established. No water quality issues were observed or are expected.

RECEIVED BY OWRD

JUL 27 2017

SALEM, OR

**SECTION 7: PROJECT SCHEDULE**

Date construction will begin: The reservoir was constructed many years ago.

Date construction will be completed: The reservoir was constructed many years ago.

Date beneficial water use will begin: Beneficial Use will begin when the permit is issued.

**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<br>N/A | Address |     |
| City                            | State   | Zip |

**SECTION 9: REMARKS**

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

This reservoir has been constructed and established for many years. Joel Plahn (Watermaster) has requested that the storage and surface water use permits be applied for.

If part of this application is problematic, the landowner will consider changes that will make the applications acceptable to have the permits approved.

RECEIVED BY OWRD

JUL 27 2017

SALEM, OR

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 \_\_\_\_\_

**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)
- 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 \_\_\_\_\_

**RECEIVED BY OWR**

JUL 27 2017

**SALEM, OR**

S-88433



ATTACH "E" - 1/2

# 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: Mary Olson  
First Last

Mailing Address: 15305 Dunn Forest Road

Monmouth OR 97361 Daytime Phone: 503.838.6013  
City State Zip

Agent: Eric Urstadt, PE/PLS - 971.250.1520

### 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: |
|----------|-------|---------|-----|-----------|---|-------------------------------------|-------------------------------------|-------------------------------------|--------------------|
|          |       |         |     |           |   | Diverted                            | Conveyed                            | Used                                |                    |
| T10S     | R6W   | 6       | N/A | 210       | EFU   | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | farming            |
|          |       |         |     |           |   | <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"/>            |                    |

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

|      |  |
|------|--|
| Polk | <b>RECEIVED BY OWRD</b><br>JUL 27 2017 |
|------|--|

### 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) Trib. to Fuller Creek

Estimated quantity of water needed: 3.7  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 wildlife, aesthetics, fire safety.

Briefly describe:

This reservoir has existed and been used for farming for many years, and this process is being done to get water rights for the use. The reservoir water is mainly used to irrigate the vineyard and landscaping around the winery.

**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. →

S-88433

## 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): RCZO 136.030(A)
- 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<br>(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<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   | <b>RECEIVED BY OWRD</b>  | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   | <b>JUL 27 2017</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><input type="checkbox"/> Not Being Pursued |
|   | <b>SALEM, OR</b>   | <input type="checkbox"/> Obtained<br><input type="checkbox"/> Denied | <input type="checkbox"/> Being Pursued<br><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.

NO DEVELOPMENT IS PROPOSED IN CONNECTION WITH THIS WATER RIGHTS APPLICATION. IF DEVELOPMENT OCCURS A MANAGEMENT PLAN COORDINATED OFW PER RCZO CHAPTER 182 MAY BE NECESSARY.

Name: MARK BERNARD Title: SENIOR PLANNER  
 Signature: [Signature] Phone: 503-523-9237 Date: JULY 19, 2017  
 Government Entity: BUR 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: \_\_\_\_\_

WARRANTY DEED (Statutory Form)

GRANTOR: Alice T. Preedy and Larry W. Preedy

CONVEYS AND WARRANTS TO

GRANTEE: Mary E. Olson

the following described real property free of encumbrances except as specifically set forth herein:

Key Title Co. 16-11546

SEE ATTACHED EXHIBIT "A" WHICH IS MADE A PART HEREOF BY THIS REFERENCE

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 transfer stated in terms of dollars is \$ 726,000.00. However, if the actual consideration consists of or includes other property or other value given or promised, such other property or value was part of the / ~~the whole of the (interest which)~~ consideration.\*\*\* (a portion of which is paid to an accomodator as part of an IRC 1031 exchange) If grantor is a corporation, this has been signed by authority of the Board of Directors.

GRANTOR: Alice T. Preedy, Larry W. Preedy

DATED: January 9 1997

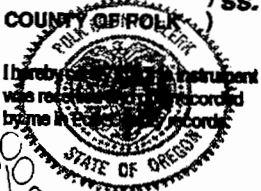
Until a change is requested, all tax statements shall be sent to the following address: Mary E. Olson 15305 Dunn Forest Road, Monmouth, OR 97361

STATE OF OREGON, County of POLK ss. Date: January 9 1996 Personally appeared the above named Alice T. Preedy and Larry W. Preedy and acknowledged the foregoing instrument to be their voluntary act and deed. Before me: [Signature] NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES: 12/98

STATE OF OREGON, County of ss. Date: Personally appeared, who being sworn, stated that he/she is the of grantor corporation and that this instrument was voluntarily signed and sealed on behalf of the corporation. Before Me: NOTARY PUBLIC FOR OREGON MY COMMISSION EXPIRES:

(DON'T USE THIS SPACE: RESERVED FOR RECORDING LABEL IN COUNTIES WHERE USED.) STATE OF OREGON ) ss.

424180



NOTARY SEAL



NOTARY SEAL

AFTER RECORDING RETURN TO:

RECEIVED BY OWRD

JUL 27 2017

## EXHIBIT "A"

Beginning at a point which is North 89° 55' 15" West 2364.33 feet and South 00° 06' 15" West 1330.94 feet from the Northeast corner of the Henry Fuller Donation Land Claim No. 39 in Township 10 South of the Willamette Meridian in Polk County, Oregon; and running thence South 78° 09' 43" West 429.64 feet to a 5/8" iron rod; thence North 78° 30' 11" West 145.74 feet to a 5/8" iron rod; thence North 42° 29' 30" West 185.61 feet to a 5/8" iron rod; thence South 83° 50' 41" West 722.16 feet to the Easterly right of way line of Polk County Road No. 958 and the Northwest corner of "Parcel C" of that certain minor land partition recorded in Book 137, Page 1573, Polk County Records and also assigned Polk County Survey No 5510; thence South 17° 08' 45" East, along said right of way line, 91.18 feet; thence South 04° 03' 05" East 228.79 feet; thence South 07° 33' 15" West 208.06 feet; thence leaving said right of way line, South 57° 11' 50" East 1331.80 feet to the Northerly right of way line of Polk County Road No. 1052 as realigned; thence Northeasterly, along said right of way line, along the arc of a 1175.92 foot radius curve right (the long chord of which bears North 59° 16' 51" East 64.69 feet) 64.69 feet; thence North 60° 51' 40" East 925.05 feet; thence along the arc of a 2834.79 foot radius curve left (the long chord of which bears North 58° 24' 45" East 242.22 feet) 242.30 feet; thence North 55° 57' 50" East 40.00 feet; thence, leaving said right of way line, North 53° 44' 10" West 1031.32 feet to the point of beginning.

## SUBJECT TO:

1. The assessment roll and the tax roll disclose that the premises herein described have been specially assessed as Farm Use Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for previous years in which the farm use assessment, was in effect for the land and in addition thereto a penalty may be levied if notice of disqualification is not timely given.

2. The rights of the public in and to that portion of the premises herein described lying within the limits of roads, streets and highways.

3. An easement created by instrument, including the terms and provisions thereof,

Dated: March 13, 1909  
 Recorded: June 12, 1909, in Book 50, Page 209,  
 Deed Records, Polk County, Oregon  
 In favor of: John Wienert  
 For: Right of Way

4. An easement created by instrument, including the terms and provisions thereof,

Dated: August 2, 1972  
 Recorded: November 1, 1972, in Book 36, Page 153,  
 Book of Records, Polk County, Oregon  
 In favor of: Consumers Power Inc. an Oregon Corporation  
 For: Utility transmission and distribution lines

5. An easement created by instrument, including the terms and provisions thereof,

Dated: June 11, 1979  
 Recorded: June 14, 1979, in Book 140, Page 315,  
 Book of Records of Polk County, Oregon  
 In favor of: T.V. Cable, Consumers Power Inc. and Pacific N.W. Bell  
 Telephone Co.  
 For: Utilities  
 Affects: Adjacent to County Road 1052

6. An easement created by instrument, including the terms and provisions thereof,

Dated: August 16, 1979  
 Recorded: September 24, 1979, in Book 143, Page 572,  
 Book of Records, Polk County, Oregon  
 In favor of: Consumers Power Inc., an Oregon Corporation  
 For: Electrical, telephone and related transmission and  
 distribution lines

7. An easement created by instrument, including the terms and provisions thereof,

Dated: December 21, 1984  
 Recorded: January 4, 1985, in Book 184, Page 136,  
 Book of Records, Polk County, Oregon  
 In favor of: Consumers Power, Inc. an Oregon Corporation  
 For: Utility transmission and distribution lines

RECEIVED BY OWRD

JUL 27 2017

SALEM, OR

S-88433

#42480



**Oregon Water Resources Department**  
**Apply for a Permit to Appropriate Surface Water**

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

Today's Date: Monday, July 31, 2017

|  |                    |            |
|--|--------------------|------------|
| Base Application Fee for use of Surface and optionally Stored Water.   |                    | \$930.00   |
| Number of proposed cubic feet per second (cfs) to be diverted.<br>(1 cfs = 448.83 gallons per minute)  | 2                  | \$700.00   |
| Number of proposed Use's for the appropriated water.<br>(i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *  | 1                  |            |
| Number of proposed Surface Water points of diversions. **  | 1                  |            |
| Number of Acre Feet to be diverted from Stored Water.<br>(if the application is appropriating water from a pond/reservoir)   | 3                  | \$105.00   |
| Permit Recording Fee. ***  |                    | \$520.00   |
| * the 1st Water Use is included in the base cost.<br>** the 1st Surface Water point of diversion is included in the base cost.<br>*** 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. | <b>Recalculate</b> |            |
| Estimated cost of Permit Application   |                    | \$2,255.00 |

OWRD Fee Schedule

|                                   |
|-----------------------------------|
|                                   |
| Fee Calculator Version: B20170117 |



S-98433