

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

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MAR 25 2019

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

OWRD

NAME		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

Organization Information

NAME BEAR MOUNTAIN LLC		PHONE 541-386-1481	FAX
ADDRESS 1321 ALAMEDA ROAD			CELL
CITY HOOD RIVER	STATE OR	ZIP 97031	E-MAIL*

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

AGENT / BUSINESS NAME TENNESON ENGINEERING ATTN: LARRY TOLL		PHONE 541-296-9177	FAX 541-296-6657
ADDRESS 3775 CRATEES WAY			CELL
CITY THE DALLES	STATE OR	ZIP 97058	E-MAIL* LTOLL@TENNESONENG.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.)

By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction of any proposed well, unless the use is exempt. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land-use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water-right holders to get water to which they are entitled.



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

_____ Applicant Signature	<u>Brad Fowler President</u> Print Name and title if applicable	_____ Date
_____ Applicant Signature	_____ Print Name and title if applicable	_____ Date

For Department Use		
App. No. <u>G-18550</u>	Permit No. _____	Date _____

SECTION 2: PROPERTY OWNERSHIP

OWRD

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*).

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
New Well	Neal Creek	860'	250'

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*).

G-18550

Application G-18550 modified 3/21/2019

SECTION 3: WELL DEVELOPMENT, CONTINUED

Total maximum rate requested: 1.00 cfs from new well (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)
New well	<input checked="" type="checkbox"/>	<input type="checkbox"/>	****	<input type="checkbox"/>	10	60		60			estimated 700' to 900'	448.8	256.8
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

**** To the best of our knowledge at this time this new well will probably be similar to HOOD 50299 but until we drill the well we do not know for sure.

- * 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)
Irrigation (New well)	March 1 to October 31	256.8

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: 85.6 Acres Supplemental: _____ Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 257

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

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SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

Pump (give horsepower and type): New well will need about 75 hp to get the requested amount of water. The actual pumping plant will be sized based on the amount of water is available in the well.

Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The well will pump into a mainline to distribute the water. This is proposed to be orchard land so there will be a poly pipe the runs down every tree row with either drippers or micro sprinkler to irrigate. A block of poly pipe will be under a single valve to control the area to be irrigated

B. Application Method

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

Will use either drippers or micro sprinkler to irrigate

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.

flow meter, dripper or micro sprinklers

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: _____ Acreage inundated by reservoir: _____

Use(s): _____

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

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): _____

USE OF STORED GROUND WATER	PERIOD OF USE

SECTION 8: PROJECT SCHEDULE

Date construction will begin: 6/1/2016

Date construction will be completed: 10/1/2017

Date beneficial water use will begin: 10/1/2018

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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	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*).

The new well is proposed to irrigate up to 85.6 acres that are on the west end and east end of permit G-15223. This would be a separate irrigation system. We requested nearly the maximum amount of water based on the acreage. We doubt that amount of water will be found but who knows. Final system will be based on the amount of water that the well actually produces.

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

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NOTE TO APPLICANTS

SALEM, OR

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.

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

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Applicant: Bear Mountain, LLC
First Last

Mailing Address: 1321 Alameda Road

AUG 14 2017

Hood River
City

OR
State

97031
Zip

Daytime Phone: 541-386-1481

SALEM, OR

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:
IN	10E	1	S1/2 SW1/4	1800, 1900		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
		1	SE1/4 SE1/4	2100, 2500		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
		2	SE1/4 SE1/4	2300		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
		11	NE1/4NE1/4	100		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
		12	N1/2 N1/2	100,101, 200,300, 400,500, 600		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
IN	11E	6	SW1/4 SW1/4	400		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

Hood River County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 1.0 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:

Have one existing well which we wish to expand the irrigated acreage by 15.6 acres. Have 70 acres that we wish to irrigate using a proposed well. Irrigated land will be orchards.

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

See bottom of Page 3. →

For Local Government Use Only

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

Please check the appropriate box below and provide the requested information

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

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED BY OWRD	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	AUG 14 2017	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	SALEM, OR	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

ANY STRUCTURES ASSOCIATED WITH THE PROPOSED WELL SHALL MEET HRCZO REQUIREMENTS AND APPLICATION MAY BE REQUIRED.

Name: _____ Title: MICHAELA KELLER, COMPLIANCE PLANNER
 Signature: *M. Keller* Phone: 541-387-6840 Date: 8.10.2017
 Government Entity: HOOD RIVER COUNTY PLANNING

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: _____

HOOD RIVER COUNTY, OR 2015-03102
D-WD
SIn=2 DANIEL CHANGAR 09/03/2015 01:35:56 PM
\$15.00 \$11.00 \$10.00 \$20.00 \$15.00 \$71.00

I certify that this instrument was received and recorded in the records of said county.

Brian D. Beebe, Director of Records and Assessment and Ex-Officio Recorder.

After recording return to:

Deborah M. Phillips, P.C.
PHILLIPS REYNIER SUMERFIELD & CLINE, LLP
PO Box 758
Hood River, OR 97031

Until further notice, all tax statements should be sent to:

Bear Mountain Cherries, LLC
1321 Alameda Drive
Hood River, OR 97031

Tax Account No. 1N-10E-01-1800; 1N-10E-02-2300; 1N-10E-11-100
Reference: 6658; 11310; 8306

Consideration: Land Exchange

AMERITITLE 30623 Ave

WARRANTY DEED

HOOD RIVER COUNTY, a home rule county and political subdivision of the State of Oregon, hereinafter Grantor, does hereby warrant and convey unto BEAR MOUNTAIN CHERRIES, LLC, an Oregon limited liability company, hereinafter Grantee, and to Grantee's heirs, successors and assigns, the following described real property free of encumbrances, except as specifically set forth herein, together with the tenements, hereditaments and appurtenances thereunto belonging or appertaining. Said real property is situated in Hood River County, Oregon, and is more particularly described as follows, to-wit:

Tract 1a:

The Southwest quarter of the Southwest quarter of the Southwest quarter of Section 1, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon.

Tract 1b:

The South half of the Southeast quarter of the Southeast quarter, Section 2, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon.

Tract 1c:

The Northeast quarter of the Northeast quarter of Section 11, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon.

SUBJECT TO:

- 1. Taxes, including the current fiscal year, not assessed because the property is owned by a municipality. When the exempt status is terminated, the property will be subject to taxation, and additional taxes may be levied.

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SALEM, OR

DAVIES DUNN, LLP
430 Industrial Way-P.O. Box 417
Hood River, Oregon 97031
(541) 386-2221 / 386-1381 fax
gorgelaw@gorge.net

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G-18580

2. Regulations, including levies, assessments, water and irrigation rights and easements for ditches and canals of East Fork Irrigation District.
3. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as forth in instrument:

Granted to: East Fork Irrigating Co.
Recorded: March 11, 1911
Book: 5, Page 495

4. Reservation of coal and other minerals, including the terms and provisions contained therein, in deed from the State of Oregon.

Recorded: August 19, 1944
Book: 31, Page 44

5. An Easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:

Granted to: James T. Denton
Recorded: May 24, 1999
Instrument No. 992381

EXCEPTING AND RESERVING THEREFROM:

All merchantable timber now standing on Tract 1a and those portions of Tracts 1b and 1c, identified as Stand 7 on the attached Exhibit "A," consisting of approximately 27.33 acres including future growth, together with the right of ingress and egress for the purpose of cutting and removing said timber, on or before December 31, 2018. Grantor will reforest all logged areas within a reasonable period following any timber harvest on Stand 7, to include one fall or spring herbicide application and one spring planting at 400 trees per acre.

To have and to hold the same unto the Grantee's heirs, successors and assigns forever.

And said Grantor hereby covenants to and with said Grantee and Grantee's heirs, successors and assigns, that Grantor is lawfully seized in fee simple of the above granted premises, free of all encumbrances except those set forth herein, and that Grantor will warrant and forever defend the said premises and every part and parcel thereof against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

The true and actual consideration for this conveyance is both monetary and non-monetary pursuant to a land exchange by and between Grantor and Grantee and Hood River Cherry Company, an Oregon corporation.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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

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SALEM, OR

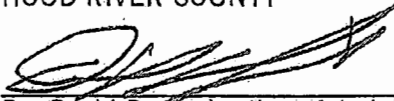
DAVIES DUNN, LLP
430 Industrial Way P.O. Box 417
Hood River, Oregon 97031
(541) 386-2221 / 386-1381 fax
gorgelaw@gorge.net

2083

PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

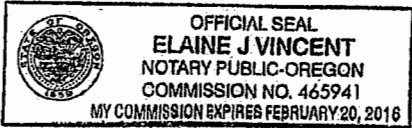
DATED: SEPTEMBER 1, 2015

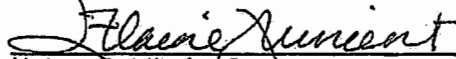
HOOD RIVER COUNTY


By: David R. Meriwether, Administrator

STATE OF OREGON)
) ss:
County of Hood River)

On the 1ST day of SEPTEMBER, 2015, personally appeared the above named David R. Meriwether, Administrator, Hood River County, Oregon, and acknowledged the foregoing instrument as his voluntary act and deed.




Notary Public for Oregon
My commission expires: 02.20.2016

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SALEM, OR

After Recording Deliver to:
Annala, Carey, Baker, Thompson & VanKoten, P.C.
Attorneys at Law, 305 Cascade Street
P.O. Box 325, Hood River, Oregon 97031

HOOD RIVER COUNTY, OR 2011-03044
D-WD 10/12/2011 11:58 AM
Cnt=1 Stn=2 COUNTER \$20.00 \$11.00 \$15.00 \$10.00 \$56.00

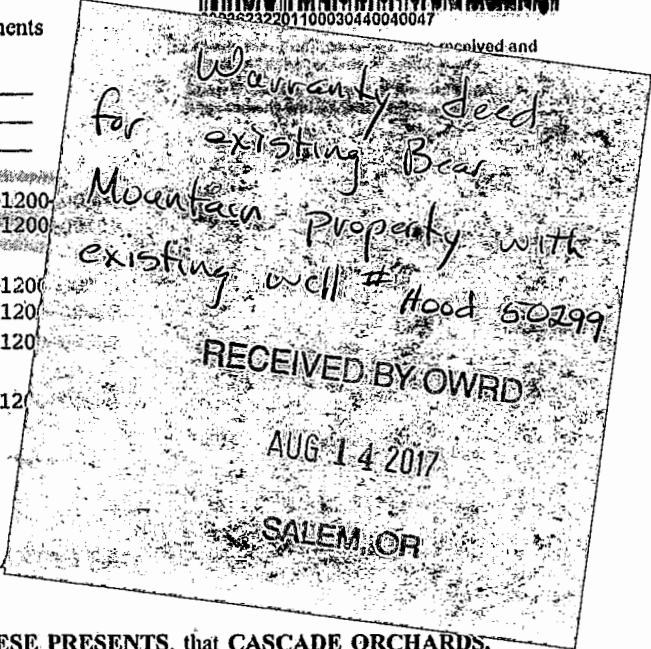


Until A Change Is Requested, All Tax Statements
Shall Be Sent to The Following Address:
Bear Mountain Cherries, LLC
1321 Alameda Road
Hood River, Oregon 97031

~~Tax Acct. No. 2N-10E-1200-00500 1N-10E-1200~~
~~Tax Acct. No. 2N-10E-1200-00101 1N-10E-1200~~
Tax Acct. No. 1N-10E-0100-01900
~~Tax Acct. No. 2N-10E-1200-00200 1N-10E-1200~~
~~Tax Acct. No. 2N-10E-1200-00400 1N-10E-1200~~
~~Tax Acct. No. 2N-10E-1200-00300 1N-10E-1200~~
Tax Acct. No. 1N-10E-0100-02500
~~Tax Acct. No. 2N-10E-1200-00600 1N-10E-1200~~

True Actual Consideration Is \$1,300,500.00

WARRANT



Columbia Gorge Title 11-0082

KNOW ALL MEN BY THESE PRESENTS, that CASCADE ORCHARDS, INC., an Oregon corporation, hereinafter called "grantor," for the consideration hereinafter stated, conveys and warrants to BEAR MOUNTAIN CHERRIES, LLC, an Oregon limited liability company, hereinafter called "grantee," does hereby grant, bargain, sell and convey unto the said grantee, and grantee's successors and assigns, that certain real property with the tenements, hereditaments and appurtenances thereunto belonging or appertaining, situated in the County of Hood River and State of Oregon, described as follows, to wit:

Parcel 1: The East half of the Southwest quarter of the Northwest quarter of the Northwest quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00500)
1

Parcel 2: The North half of the Northeast quarter of the Northeast quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00101)
1

Parcel 3: The East half of the Southwest quarter of the Southwest quarter; the West half of the Southeast quarter of the Southwest quarter and the Southeast quarter of the Southeast quarter of the Southwest quarter of Section 1, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (1N-10E-0100-01900)

Parcel 4: The Northwest quarter of the Northeast quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00200)
1

- 1 - of 4
(1-4)

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SALEM, OR

G-18550

Parcel 5: The East half of the Northwest quarter of the Northwest quarter and the Northwest quarter of the Northwest quarter of the Northwest quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00400)

1

Parcel 6: The Northeast quarter of the Northwest quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00300)

1

Parcel 7: The South half of the Southeast quarter of the Southeast quarter of Section 1, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (1N-10E-0100-02500)

Parcel 8: The West half of the Southwest quarter of the Northwest quarter of the Northwest quarter of Section 12, Township 1 North, Range 10 East of the Willamette Meridian, in the County of Hood River and State of Oregon. (2N-10E-1200-00600)

1

SUBJECT TO:

1. Any encroachment, encumbrance, violations, variation or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
2. 2011-2012 real property taxes owing to Hood River County, a lien not yet payable.
3. As disclosed by the assessment and tax roll, the premises herein have been specially assessed for farm use. If the land becomes disqualified for this special assessment under the statutes, an additional tax, plus interest and penalty, will be levied for the number of years in which this special assessment was in effect for the land.
4. As disclosed by the assessment and tax roll, the premises herein have been specially assessed as forest land. If the land becomes disqualified for this special assessment under the statute, an additional tax, plus interest and penalty, may be levied for the last five or lesser number of years in which the land was subject to this special land use assessment.
5. Regulations, levies, liens assessments, rights of way and easements for ditches and canals of the East Fork Irrigation District.
6. Rights of the public, riparian owners and governmental bodies as to the use of the waters of various irrigation canals and unnamed creeks and the natural flow thereof on and across that portion of the subject land lying below the high water line of said waterway.
7. Rights of the public in and to any portion of the herein described premises lying within the boundaries of streets, roads or highways.
8. Easement, including the terms and provisions thereof:
For ~~Ditch, canal or flume and appurtenants~~
Granted to :East Fork Irrigation Company
Recorded :March 11, 1911
Book and Page :Book 5, Page 495
Affects :Parcels 3 & 7

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9. Easement, including the terms and provisions thereof:
 - For :Ditch, canal or flume and appurtenants
 - Granted to :East Fork Irrigation Company
 - Recorded :March 13, 1911
 - Book and Page :Book 5, Page 503
 - Affects :Parcel 3

10. Easement, including the terms and provisions thereof:
 - For :Electric transmission and distributing line and appurtenances
 - Granted to :Hood River Electric Cooperative, a corporation
 - Recorded :April 6, 1992
 - As :921029
 - Affects :Parcel 7

11. Easement, including the terms and provisions thereof:
 - For :Irrigation water pipeline
 - Granted to :East Fork Irrigation District
 - Recorded :August 2, 2005
 - As :20054083
 - Affects :Parcel 3

TO HAVE AND TO HOLD the same unto the said grantees, and grantees' heirs, successors and assigns forever. The grantees herein take title as tenants by the entirety.

And said grantor hereby covenants to and with said grantees and grantees' heirs, successors and assigns, that grantor is lawfully seized in fee simple of the above granted premises, free from all encumbrances except as set forth herein, and that grantor will warrant and forever defend the above granted premises and every part and parcel thereof, except the easement established by prescription and usage conveyed above, against the lawful claims and demands of all persons whomsoever, except those claiming under the above described encumbrances.

True actual consideration is \$1,300,500.00.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 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 THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009.

WITNESS grantor's hand this 29th day of Sept., 2011.

GRANTOR: **CASCADE ORCHARDS, INC.**,
an Oregon corporation

By: Mary M. Thomas, President
Mary M. Thomas, President

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STATE OF OREGON

WATER SUPPLY WELL REPORT

(as required by ORS 537.765) Instructions for completing this report are on the last page of this form

WELL ID # L 42232

(START CARD) # 134419

(1) OWNER:

Name Cascade Orchards Inc. (George Wertgen)
Address 2875 Fir Mt. Rd.
City Hood River State OR Zip 97031

(2) TYPE OF WORK:

[X] New Well [] Deepening [] Alteration (repair/recondition) [] Abandonment

(3) DRILL METHOD:

[X] Rotary Air [] Rotary Mud [] Cable [] Auger
[] Other

(4) PROPOSED USE:

[] Domestic [] Community [] Industrial [X] Irrigation
[] Thermal [] Injection [] Livestock [] Other

(5) BORE HOLE CONSTRUCTION:

Special Construction approval [] Yes [X] No Depth of Completed Well 722 ft.
Explosives used [] Yes [X] No Type Amount

Table with columns: Diameter, From, To, Material, From, To, Amount. Row 1: 16", 0, 25, Cement, 0, 25, 11 Bags

How was seal placed: Method [] A [] B [X] C [] D [] E
[] Other

Backfill placed from ft. to ft. Material
Gravel placed from ft. to ft. Size of gravel

(6) CASING/LINER:

Table with columns: Diameter, From, To, Gauge, Steel, Plastic, Welded, Threaded. Casing rows for 12" and 10" diameters.

Final location of shoe(s) 323.5

(7) PERFORATIONS/SCREENS:

Table with columns: From, To, Slot size, Number, Diameter, Tele/pipe size, Casing, Liner. Includes checkboxes for Perforations and Screens.

(8) WELL TESTS: Minimum testing time is 1 hour

[] Pump [] Baller [X] Air [] Flowing Artesian

Table with columns: Yield gal/min, Drawdown, Drill stem at, Time. Row 1: 100, 720, 1 hr.

Temperature of Water 54 Depth Artesian Flow found
Was a water analysis done? [] Yes By whom
Did any strata contain water not suitable for intended use? [] Too little
[] Salty [] Muddy [] Odor [] Colored [] Other
Depth of strata:

(9) LOCATION OF WELL by legal description:

County Hood River Latitude Longitude
Township 1N N or S. Range 10E E or W. of WM.
Section 1 SW 1/4 SW 1/4
Tax lot 1900 Lot Block Subdivision
Street Address of Well (or nearest address) 4700 Norman Rd. Hood River, Or.

(10) STATIC WATER LEVEL:

532 ft. below land surface. Date 08/31/2001
Artesian pressure lb. per square inch. Date

(11) WATER BEARING ZONES:

Depth at which water was first found 680

Table with columns: From, To, Estimated Flow Rate, SWL. Row 1: 680, 722, 100, 532

(12) WELL LOG:

Table with columns: Material, From, To, SWL. Lists various geological layers like Clay Stone, Sandstone, Basalt, etc.

Date started 05/30/2001 Completed 08/31/2001

(unbonded) Water Well Constructor Certification:

I certify that the work I performed on the construction, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards.

Signed _____ WWC Number _____ Date _____

(bonded) Water Well Constructor Certification:

I accept responsibility for the construction, alteration, or abandonment work performed on this well during the construction dates reported above.

Signed Charles Austin WWC Number 790 Date 09/05/2001

ORIGINAL - WATER RESOURCES DEPARTMENT FIRST COPY - CONSTRUCTOR SECOND COPY - CUSTOMER

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

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Today's Date: Tuesday, August 15, 2017

Base Application Fee for use of Ground, Surface and optionally Stored Water.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
Number of Acre Feet to be stored in a reservoir/pond from Ground Water.	0	
Number of Acre Feet to be appropriated from reservoir/pond (Only Applies to reservoir/pond constructed under Ground Water Application)	0	
Number of reservoirs.	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,560.00

OWRD Fee Schedule

Fee Calculator Version B20170117

JAB