

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

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). 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 \$260. 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. 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 \$410.00 for the applicant and \$810.00 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.

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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

Attachments:

-
- Land Use Information Form with approval and signature of local planning department(*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: \$ 2,536
See the Department's Fee Schedule at 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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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		PHONE (HM)	
PHONE (WK)	CELL	FAX	
ADDRESS			
CITY	STATE	ZIP	E-MAIL *

Organization Information

NAME O.O. AGRICULTURAL INVESTMENT COMPANY LLC ATTN: TODD SMITH		PHONE (503) 334-5117	FAX
ADDRESS P.O. BOX 824			CELL
CITY CORVALLIS	STATE OR	ZIP 97339	E-MAIL * TODD.OOAI@GMAIL.COM

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

AGENT / BUSINESS NAME STEVEN R. BRUCE SKOOKUM WATER ASSOCIATES INC		PHONE (503) 319-8926	FAX
ADDRESS 1626 VICTORIAN WAY			CELL
CITY EUGENE	STATE OR	ZIP 97401	E-MAIL * STEVE@SKOOKUMWATER.COM

Note: Attach multiple copies as needed

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

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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application 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.
- I have not provided my social security number in any of the materials submitted to the Department.

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


Applicant Signature

Todd Smith Manager
Print Name and title if applicable

1/29/18
Date

App. No. <u>P-88005</u>	For Department Use	Permit No. _____	Date _____
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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 have a pipeline easement (copy attached) from Stephanie E. and Jonathan E. Jorgensen Trustees of the Jorgensen Family Trust dated August 19, 1993.

We have a permit (copy attached) from the Benton County Public Works Department for a crossing beneath Llewellyn Road

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: Water Stored in Reservoir Constructed Under Permit R-15232 Tributary to: Muddy Creek and Runoff

Source 2: NA 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).

Permit R-15232 (Application R-88364)

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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P-88364

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
Storage Authorized under Permit R-152320	Irrigation	March 1 to October 31	50 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

For irrigation use only:
 Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 93.9 Acres Supplemental: -- Acres
 If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):
NA
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 50

- 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

SECTION 5: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 25 hp centrifugal
- Other means (describe): _____

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

Water in the reservoir will be diverted to a pipeline using a 25-hp centrifugal pump. The pipeline will extend north to a crossing beneath Llewellyn Road and then head west across a neighbor's property. We plan to have mainlines and laterals on our property that connect to drip irrigation lines.

B. Application Method

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

Drip. Water will be applied at agronomic rates.

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 amount of water requested is sufficient to irrigate hazelnut trees. The reservoir is permitted and located off-channel on private land.

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: NA – an authorized reservoir is being used that has a fish screen on Muddy Creek.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Describe planned actions: Only minor excavation on the side of the authorized reservoir will be needed to install the pumping and conveyance system.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.
Describe: NA – reservoir is off-channel
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: NA - reservoir is off-channel

SECTION 7: PROJECT SCHEDULE

Date construction will begin: As soon as permit is issued

Date construction will be completed: October 31, 2021

Date beneficial water use will begin: October 31, 2022

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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.

8-88505

Irrigation District Name NA	Address	
City	State	Zip

SECTION 9: REMARKS

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

Land Use Information Form



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

NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

This form is NOT required if:

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d) The application involves irrigation water uses only.

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NOTE TO LOCAL GOVERNMENTS

OWRD

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

1-88805

WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Land Use Information Form



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

Applicant: O.O. Agricultural Investment Co. LLC Attn: Todd Smith

First

Last

Mailing Address: P.O. Box 824

Corvallis
City

OR
State

97339
Zip

Daytime Phone: (503) 334-5117

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:
See 13 Attached List	6	01		00101	Exclusive Farm Use	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Hazelnuts
13	5	06		01200	EXCLUSIVE FARM USE	<input checked="" 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 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: 50
 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:

Water will be diverted from a private reservoir and used for drip irrigation of hazelnut trees. The reservoir is already authorized by Oregon Water Resources Department Permit R-15232 (Application R-88364).

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.

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See bottom of Page 3. →

S-88725

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): BCC 55.105(1) & BCC 51.020(14)(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 (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
		<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
		<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.

Name: Toby Lewis Title: Associate Planner
 Signature: Toby Lewis Phone: 541-766-6819 Date: 1/9/18
 Government Entity: Benton County Community Development Dept.

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: RECEIVED
 City or County: JAN 31 2018 Staff contact: _____
 Signature: OWRD Phone: _____ Date: _____

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: O.O. Agricultural Investment Co. LLC Attn: Todd Smith

First

Last

Mailing Address: P.O. Box 824

Corvallis
City

OR
State

97339
Zip

Daytime Phone: (503) 334-5117

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:
Sec 13 Attached List	6	1	Within Sections 36, 31, 1, 2, 3, 4, 5, 6	01000	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Hazelnuts
						<input type="checkbox"/> Diverted	<input checked="" 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 County

B. Description of Proposed Use

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

- Permit to Use or Store Water
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 Exchange of Water

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

Estimated quantity of water needed: 50
 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:

Water will be diverted from a private reservoir and used for drip irrigation of hazelnut trees. The reservoir is already authorized by Oregon Water Resources Department Permit R-15232 (Application R-88364).

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See bottom of Page 3. →

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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): BCC 55.105(1) & BCC 51.020(14)(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 (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
		<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
		<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.

"Farm use" (growing hazelnuts) is outright permitted in the EFU zone, per the code cited above.

Name: Kristin Anderson Title: Associate Planner

Signature: Kristin Anderson Phone: 541-766-6298 Date: 1/30/18

Government Entity: Benton County Community Development Dept.

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

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Applicant name: _____

JAN 31 2018

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

QWRD

ATTACHMENT TO:

Oregon Water Resources Department

Land Use Information Form

Applicant Name: O.O. Agricultural Investment Company, LLC

A. Land and Location

B.

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), or used. 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	Water to be:	Proposed Land Use:
12 S	6 W	36	SE SW	101	See Planner's	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	6 W	36	SW SE	101	January 30, 2018	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	6 W	36	SE SE	101	Comments on	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	Irrigation
13 S	5 W	6	NW NW	1000	Form	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	5 W	6	SW NW	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	5 W	6	NW SW	1200		<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input type="checkbox"/> Used	No Change
13 S	6 W	1	NE NE	1000		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	6 W	1	NW NE	101		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
13 S	6 W	1	NE NW	101		<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation

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JAN 31 2018

OWRD

5-88505

Grantor's Name and Address:

Jorgensen Family Trust
25756 Llewellyn Rd.
Corvallis, OR 97333

Grantee's Name and Address:

Jorgensen Family, LLC
25756 Llewellyn Rd.
Corvallis, OR 97333

After recording, return to:

Marek & Lanker, LLP
810 SW Madison Avenue
Corvallis, OR 97333

Send all tax statements:

Jorgensen Family, LLC
25756 Llewellyn Rd.
Corvallis, OR 97333

Consideration - \$ 0

BENTON COUNTY, OREGON **2015-534204**

DE-BS

Cnt=1 Stn=46 COUNTER1 **07/20/2015 02:48:06 PM**

\$25.00 \$11.00 \$22.00 \$10.00 \$20.00

\$88.00



00304499201505342040050057

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



BARGAIN and SALE DEED

GRANTOR: Stephanie E. Jorgensen, Trustee of the Jorgensen Family Trust does hereby convey unto

GRANTEE: Jorgensen Family, LLC

the following described property located in Benton County, State of Oregon:

See Attached Exhibit "A"

To Have and to Hold the same unto grantee and grantee's heirs, successors and assigns.

The true and actual consideration paid for this transfer is \$0 and other value which is part of the consideration.

IN WITNESS WHEREOF, the grantor has executed this instrument on the 20th day of July 2015.

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009 AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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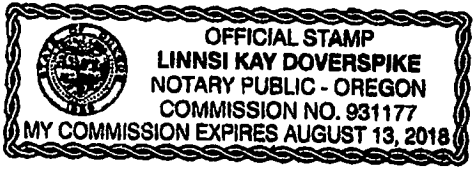
5-88805

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, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Stephanie E. Jorgensen
Stephanie E. Jorgensen, Trustee

STATE OF OREGON)
) ss.
County of Benton)

This instrument was acknowledged before me on this 20th day of July, 2015, by Stephanie E. Jorgensen, Trustee of the Jorgensen Family Trust.



Linnsi Doverspike
NOTARY PUBLIC FOR OREGON
My Commission Expires: 8-13-2018

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Exhibit "A"

Parcel I:

Beginning at a point in the center of the county road 2.60 chains North of the Northeast corner of the Donation Land Claim of Andrew Foster, Claim No. 37, Township 13 South, Range 5 West, of Willamette Meridian in Oregon, and running thence East along the center of said road 1547.2 feet to a point; thence South following along the West line of the tract of land known upon the Plat Records of Benton County, Oregon, as the Imperial Walnut Orchards, 42.673 chains to an iron rod at the Southwest corner of Tract #1 in said Imperial Walnut Orchards; thence West 23.431 chains to the East line of said Foster Claim; thence North along the East line of said Foster Claim 42.673 chains to the place of beginning.

Parcel II:

A tract of land lying in the Northwest 1/4 of Section 6, T13S, R5W, W.M., Benton County, Oregon, being more particularly described as follows:

Beginning at an angle point on the south right-of-way line for County Road No. 25260 (Llewellyn Road) opposite Centerline Station 45+00, which lies N 0 24'00" E 131.42 feet and S 89 35'00" E 740.03 feet from a brass capped monument at the Northeast Corner of the Andrew Foster D.L.C. No. 37, said township and range; thence leaving said right-of-way lines S 0 25'00" W 150.00 feet; thence N 89 35'00" W 290.40 feet; thence N 0 25'00" E 150.00 feet to said south right-of-way line; thence along said right-of-way line S 89 35'00" E 290.40 feet to the point of beginning: containing 1.00 acres, more or less.

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Parcel III:

Beginning at the Northwest corner of Lot 8, Section 6, Township 13 South, Range 5 West, W.M., running thence South 12.50 chains, thence North 89 degrees 40' West 35.90 chains; thence North 22.18 chains; thence East 35.90 chains; thence South 9.90 chains to the place of beginning, containing 80.00 acres of land.

Also beginning at the Northwest corner of the above described tract of land heretofore deeded to the said Delilah Thompson by Alexander Nish; running thence West 37.50 chains to the Southwest corner of the D.L.C. of Jacob Martin and wife, it being Claim No. 66 in Township 12 South, range 5 West, W.M., and Claim No. 42 in Township 12 South, range 6 West of the Willamette Meridian; thence South 24.80 chains to the middle of the County Road; thence East along the middle of said road 17.85 chains to a point 20 links North of the Northeast corner of Andrew Foster's Donation Land Claim; thence North 2.40 chains; East along the middle of said road 19.40 chains; thence North 22.18 chains to the place of beginning; containing 86.91 acres, more or less, in Benton County, State of Oregon,

Excepting from the first above described tract the following, to-wit:

Beginning at the Northwest corner of Lot 8, Section 6 Township 13 South, Range 5 West, W.M., thence North 9.90 chains; thence West 9.37 ½ chains; thence South 22.40 chains to J.M. Currier's North line; thence East 9.37 ½ chains; thence North 12.50 chains to the place of beginning, containing 21.00 acres, more or less, in Benton County, Oregon.

AND FURTHER EXCEPTING FROM THE FIRST ABOVE DESCRIBED TRACT THE FOLLOWING, TO-WIT:

A portion of that tract conveyed to Stephanie E. Jorgensen per M-164513-93, Deed Records of Benton County, lying in the North ½ of Section 6, T13S, R5W, W.M., Benton County, Oregon, being described as follows:

Beginning at a 2" iron pipe at the Initial Point of Inavale Heights, a Benton County Subdivision, lying S 0 degrees 16' 02" E 818.08 feet from the northwest corner of Lot 8, said Section 6, said pipe being the southeast corner of the first tract described in said Jorgensen Deed; thence along the south line of said first tract S 89 degrees 49'58"W 1338 feet to the True Point of Beginning on this tract; thence leaving said south line N 0 degrees 10' 02" W 466 feet; thence S 89 degrees 49'58" W 466 feet; thence S 0 degrees 10'02" E 466 feet to said south line; thence along said line N 89 degrees 49'58" E 466 feet to said true point of beginning; containing 4.98 acres, more or less.

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Parcel IV:

Beginning at an iron pipe on the west line and 465 feet north of the Southwest corner of tract 2, Imperial Walnut Orchards, in Sec. 6, T. 13 S., R 5 W. of the Willamette Meridian in Benton County, Oregon; thence South along the West line of said Imperial Walnut Orchards 1380 feet to an iron bar; thence East along the South line of said Imperial Walnut Orchards 2129.30 feet to the center line of a county road; thence North along the center line of the county road 1380 feet to an iron pipe at the Northeast corner of tract 9 in said Imperial Walnut Orchards; thence West along the North line of said tract 9 and the extension thereof 2128 feet to the place of beginning; containing 67.44 acres, more or less; the herein described tract being that part of said Imperial Walnut Orchards conveyed to Frank Lutz by deed recorded in Book 58, page 290, deed records of Benton County.

Excepting therefrom:

Tract 7, IMPERIAL WALNUT ORCHARDS, a recorded Subdivision, in the East half of Section 6, Township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon, containing 6.50 acres, more or less.

and

Tract 8, IMPERIAL WALNUT ORCHARDS, a recorded Subdivision, in the East half of Section 6, Township 13 South, Range 5 West, Willamette Meridian, Benton County, Oregon, containing 6.73 acres, more or less.

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PARCEL I

Parcel 1 of Partition 1994-60 Benton County, Oregon.

PARCEL II

Beginning at the northeast corner of the original Donation Land Claim of Micheal H. Walker and Sarah Walker, his wife, it being claim no. 64 in Township 12 south, Range 6 west and Claim No. 40 in Township 13 south Range 6 west of the Willamette Meridan in Benton County, State of Oregon, and running thence west 33.50 chains; thence south 8° 15' west 36.60 chains; thence east 38.70 chains to the southeast corner of said claim; thence north 36.40 chains to the place of beginning.

EXCETING THEREFROM; Beginning at a point on the north line of the Micheal H. Walker Donation Land Claim No. 64, Township 12 south, Range 6 west of Willamette Meridian 1912.35 feet south 89° 56' west of the northeast corner of said claim and running thence on a 746.2 foot radius curve to the right, the long chord of which bears south 23° 16' west 489.43 feet, 511.70 feet; thence south 42° 55' west 21.37 feet; thence on a 686.2 foot radius curve to the left, the long chord of which bears south 25° 41' west 406.59 feet, 312.78 feet; thence north 81° 33' west on a line radial to the last mentioned curve, 34.77 feet to the west line of the tract of land described in deed recorded in Book 79, page 529, Benton County Deed Records; thence north 8° 15' east 834.92 feet to the northwest corner of said tract and the north line of said claim; thence north 89° 56' east 298.71 feet to the place of beginning.

SUBJECT TO: Rights of the public in and to that portion of said premises lying in streets, roads and highways.

AND FURTHER EXCLUDING THAT PORTION OF THE PREMISES SOLD TO AARON SHANNON on December 31, 1979 recorded as M-33959-81 Microfilm records of Benton County, described as follows:

That portion of that certain tract of land described and conveyed in Microfilm No. 53974, Microfilm Records of Benton County, Oregon, described as follows: Beginning at a point marked by a railroad spike in the West face of a 44 inch Oak tree, said point being on the North line of and South 89° 47' 58" West, 518.37 feet from the Northeast corner of the Michael Walker Donation Land Claim No. 64, Township 12 South, Range 6 West of the Willamette Meridian, said County; running thence South 89° 47' 58" West along said North Donation Land Claim line 1393.98 feet to a 5/8 inch iron rod set on the East right of way line of Benton County Road No. 26250 (Beaver Creek Road); thence along said East right of way line the following courses: along the arc of a 746.20 foot radius curve right (the long chord of which bears South 23° 05' 00" West, 501.49 feet) a distance of 511.44 feet to a 5/8 inch iron rod; South 42° 43' 06" West, 21.44 feet to a 5/8 inch iron rod; along the arc of a 686.2 foot radius curve left (the long chord of which bears South 25° 27' 20" West, 407.26 feet) a distance of 413.49 feet to a point 0.10 feet West of a 5/8 inch iron rod; South 8° 11' 34" West, 1546.76 feet to a 5/8 inch iron rod on the North right of way of Benton County Road No. 25260 (Llewellyn Road); thence North 89° 55' 43" East, parallel to and 30 feet North of the South line of the Michael Walker Donation Land Claim No. 40, Township 13 South, Range 6 West of the Willamette Meridian, said County, a distance of 1713.75 feet to a 5/8 inch iron rod; thence North 11° 56' East 1160.54 feet to a 5/8 inch iron rod; thence North 2° 10' 50" East, 1243.80 feet to the point of

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S-88805



THIS SPACE RESERVED FOR RECORDER'S USE

After recording return to:
O.O. Agricultural Investment Company, LLC
1890 Maple Avenue Apt. PH01
Evanston, IL 60201

BENTON COUNTY, OREGON 2016-545205
DE-WD 06/10/2016 01:48:32 PM
Stn=10 DB \$10.00 \$11.00 \$10.00 \$20.00 \$22.00 \$73.00
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

Until a change is requested all tax statements shall be sent to the following address:
O.O. Agricultural Investment Company, LLC
1890 Maple Avenue Apt. PH01
Evanston, IL 60201
File No. 102749AM

STATUTORY WARRANTY DEED

Emerald Christmas Tree Company, a Washington corporation,
Grantor(s), hereby convey and warrant to

O.O. Agricultural Investment Company, LLC ,

Grantee(s), the following described real property in the County of Benton and State of Oregon free of encumbrances except as specifically set forth herein:

Being situated in the County of Benton and State of Oregon, to-wit:
That portion of that certain tract of land described and conveyed by deed recorded as M-53974. Microfilm Records of Benton County, Oregon, said portion being more particularly described as follows:

Beginning at a point marked by a railroad spike in the West face of a 44 inch oak tree, said point being on the North line of and 518.37 feet South West from the Northeast corner of the Michael Walker Donation Land Claim No. 64. in Section 36, Township 12 South, Range 6 West of the Willamette Meridian, Benton County, Oregon; running thence South 89°47'58" West, along said North line of said Claim, 1393.98 feet to a 5/8 inch iron rod set on the East right of way line of Benton County Road No. 26250 (Beaver Creek Road); thence along the East right of way line the following courses and distances; along the arc of a 746.20 foot radius curve right (the long chord of which bears South 23°05'00" West 501.49 feet) a distance of 511.44 feet to a 5/8 inch iron rod; South 42°43'06" West 21.44 feet to a 5/8 inch iron rod; along the arc of a 686.2 foot radius curve left (the long chord of which bears South 29°27'20" West 407.26 feet) a distance of 413.49 feet to a point 0.10 feet West of a 5/8 inch iron rod; and South 08°11'34" West 1546.76 feet to a 5/8 inch iron rod on the North right of way line of Benton County Road No. 26260 (Llewellyn Road); thence North 89°55'43" East, parallel to and 30 feet North of the South line of the Michael Walker Donation Land Claim No. 40 in Section 1 of Township 13 South, Range 6 West of the Willamette Meridian in said County and State, a distance of 1713.75 feet to a 5/8 inch iron rod; thence North 11°56' East 1160.54 feet to a 5/8 inch iron rod; thence North 02°10'50" East 1243.80 feet to the point of beginning.

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FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE.

13S-06W-10 101

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The true and actual consideration for this conveyance is \$600,000.00.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

S-88825

AmeriTitle 102749 AM

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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. 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, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

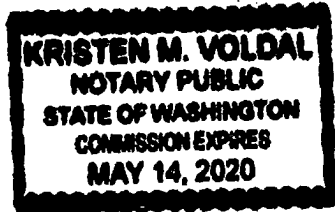
Dated this 9th day of June 2016.

[Signature]
Emerald Christmas Tree Company
by: Erin Fleck, President

State of Washington}ss.
County of KING }

On this 9th day of June, 2016, before me, KRISTEN M. VOLDAL a Notary Public in and for said state, personally appeared Erin Fleck known to me to be the President of the Emerald Christmas Tree Company Corporation, and acknowledged to me that pursuant to a Resolution of the Board of Directors, she executed the foregoing in said Corporation name. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

[Signature]
Notary Public for the State of Washington
Residing at: SEATTLE, WA
Commission Expires: 5-14-20



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[Handwritten mark]



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



PIPELINE EASEMENT

THIS EASEMENT AGREEMENT is made this 21 day of ~~August~~ ^{September}, 2016, by and between **Stephanie E. Jorgensen and Jonathan E. Jorgensen, Trustees of the Jorgensen Family Trust dated August 19, 1993**, including any amendments thereto, hereinafter referred to as the Grantor, and **O. O. Agricultural Investment Company, LLC**, an Oregon Limited Liability Company, hereinafter referred to as the Grantee, for the purpose of establishing an easement for domestic and irrigation pipelines over and across the Grantor's property to serve the Grantee's property.

WHEREAS Grantor is the owner of real property located in Benton County, Oregon, which property is legally described in Exhibit A hereto. Grantor's property is the servient estate in this Easement; and

WHEREAS Grantee is the owner of real property located in Benton County, Oregon, which property is legally described in Exhibit B hereto. Grantor's property is the dominant estate in this Easement; and

WHEREAS Grantor has the unrestricted right to grant easements over and across the real property legally described in Exhibit A, and intends hereby to so grant an Easement for domestic and irrigation pipelines over and across said property to serve the Grantee's property; and

WHEREAS The area to be granted in this Easement is a 30 foot wide strip of land legally described in Exhibit C, and shown on a map which is a part of Exhibit C. This area is hereinafter referred to as the Easement Area; and

WHEREAS the parties hereto do hereby desire to set out the terms and conditions upon which an Easement will be granted for the domestic and irrigation pipelines; now

After Recording Return to:
O. O. Agricultural Investment Company, LLC
Todd Smith
P. O. Box 824
Corvallis, Oregon 97339

Send Tax Statements to:

No Change

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P-88105

RECORDING COVER SHEET (Please Print or Type)

This cover sheet was prepared by the person presenting the instrument for recording. The information on this sheet is a reflection of the attached instrument and was added for the purpose of meeting first page recording requirements in the State of Oregon, ORS 205.234, and does NOT affect the instrument.

AFTER RECORDING RETURN TO:

Marek & Lanker, LLP

810 SW Madison Ave.

Corvallis, OR 97333

BENTON COUNTY, OREGON **2015-534963**

DE-BS

Cnt=1 Str=46 COUNTER1 **08/05/2015 04:07:21 PM**

\$35.00 \$11.00 \$22.00 \$10.00 \$20.00

\$98.00



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



1) TITLE(S) OF THE TRANSACTION(S) ORS 205.234(a)

Bargain and Sale Deed

2) DIRECT PARTY / GRANTOR(S) ORS 205.125(1)(b) and 205.160

Jorgensen Family Trust

3) INDIRECT PARTY / GRANTEE(S) ORS 205.125(1)(a) and 205.160

Jorgensen Family, LLC

4) TRUE AND ACTUAL CONSIDERATION

ORS 93.030(5) - Amount in dollars or other

\$ 0.00

Other

5) SEND TAX STATEMENTS TO:

Jorgensen Family, LLC

25756 Llewellyn Rd.

Corvallis, OR 97333

6) SATISFACTION of ORDER or WARRANT

ORS 205.125(1)(e)

CHECK ONE: FULL

(If applicable) PARTIAL

7) The amount of the monetary obligation imposed by the order or warrant. ORS 205.125(1)(c)

\$ _____

8) If this instrument is being Re-Recorded, complete the following statement, in

accordance with ORS 205.244: "RERECORDED TO CORRECT the legal
description _____ **PREVIOUSLY RECORDED IN**
BOOK _____ AND PAGE _____, OR AS FEE NUMBER 2015-534204."

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S-88205



Oregon Water Resources Department
Permit to Appropriate Only Stored Water - Expedited Secondary

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

Today's Date: Wednesday, January 31, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	50	\$736.00
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$1,776.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

S-88505