

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: \$ 2146.80
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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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant Information

NAME <i>Birkmaier Ranch Inc. / Thomas M. Birkmaier</i>		PHONE (HM) <i>541 263 0866</i>	
PHONE (WK) <i>(541) 432-1265</i>	CELL <i>541 263 0866</i>	FAX	
ADDRESS <i>84263 Walker Lane</i>			
CITY <i>Joseph</i>	STATE <i>OR</i>	ZIP <i>97846</i>	E-MAIL * <i>birkmaier ranch@gmail.com</i>

Organization Information

NAME		PHONE	FAX
ADDRESS <i>Same As Above</i>		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 <i>Thomas M. Birkmaier / Birkmaier Ranch</i>		PHONE <i>541 263-0866</i>	FAX
ADDRESS <i>84263 Walker Lane</i>		CELL <i>263-0866</i>	
CITY <i>Joseph</i>	STATE <i>OR</i>	ZIP <i>97846</i>	E-MAIL * <i>birkmaier ranch@gmail.com</i>

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 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.

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

Thomas M. Birkmaier
(for) Applicant Signature *Thomas M. Birkmaier* Print Name and title if applicable *4-30-18* Date

Applicant Signature

Print Name and title if applicable

Date

App. No. <i>S-88579</i>	For Department Use	Date
Permit No. _____		

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).

— Wallowa Lake Irrigation District

* See Approved Letter

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: wallowa Lake (R347) Permit Tributary to: _____

Source 2: _____ Tributary to: _____

Source 3: _____ Tributary to: _____

Source 4: _____ Tributary to: _____

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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

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

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Yes.

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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
Willowa Lake Permit R347	Irrigation + Supp. Irr.	May 1 - Sept. 30th.	358.5 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

For irrigation use only:

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

Primary: 7.6 Acres Supplemental: 112.5 Acres

If supplemental Acres is listed, provide the Permit or Certificate number of the underlying primary water right(s):

C 64886, 51701

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 358.5

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- 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 source?

Pump (give horsepower and type): 3, 25 Hp. Pumps

Other means (describe): _____

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

_____ Ditches, pipelines feeding wheel lines

B. Application Method

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

_____ High Pressure wheel lines. + handlines

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.

_____ Covering primary acres with a supplemental net covered with stored 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: Pipelines as proposed for the tail end of Silver Lake and Farmers ditches, this gets my ranch ready for the upgrade.

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

Describe planned actions: _____

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

Describe: _____

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

Describe: _____

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SECTION 7: PROJECT SCHEDULE

Date construction will begin: Already Completed

Date construction will be completed: _____

Date beneficial water use will begin: August 2018

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 <u>Wallawa Lake Irrigation District</u>		Address <u>65196 Dobbin Rd.</u>	
City <u>Joseph</u>	State <u>OR</u>	Zip <u>97846</u>	

SECTION 9: REMARKS

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

This application is to cover my lands with stored water from Wallawa Lake, that are currently not supplemented by stored water.
Local water master David Bates helped with this application

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Date 4-30-18

Reference: Stored Water Application from Wallowa Lake

Dear WLID President, this letter is to inform you of my intention to file an application for the use of stored water on Taxlots 400 & 401 (Buckhorn Birkmaier Ranch) and to seek District concurrence with the application

Sincerely,

Tom M. Birkmaier

Tom Birkmaier

Signed *Dan Butterfield* WLID President

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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

NOTE TO APPLICANTS

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

This form is NOT required if:

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

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land-use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land-use form and return it to the WRD. If no land-use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

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Surface Water/8

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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: Birkmaier Ranch Inc.
Thomas Birkmaier
First Last

Mailing Address: 84263 Walker Lane

Joseph OR 97846 Daytime Phone: 541 263 0866
City State Zip

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:
2S	45E	1, 2, 12		400-401	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IRR
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Wallowa County **RECEIVED RECEIVED**
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B. Description of Proposed Use

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Type of application to be filed with the Water Resources Department:
 Permit to Use or Store Water Water Right Transfer Permit Amendment or Ground Water Registration Modification
 Limited Water Use License Allocation of Conserved Water Exchange of Water

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

Estimated quantity of water needed: 358.5 ~~358.5~~ 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:
Supplemental stored water application from Wallowa Lake

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. →
Surface Water/9

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S-88579

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): _____

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.

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Name: Crystal Allen Title: W.C. Planning Director
 Signature: [Signature] Phone: 541-426-4843 Date: 4/30/18
 Government Entity: Wallowa County Planning 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: _____
 City or County: _____ Staff contact: _____
 Signature: _____ Phone: _____ Date: _____

S-88579

Date _____

(For staff use only)



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

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- SECTION 1: _____
- SECTION 2: _____
- SECTION 3: _____
- SECTION 4: _____
- SECTION 5: _____
- SECTION 6: _____
- SECTION 7: _____
- SECTION 8: _____
- SECTION 9: _____

Land Use Information Form _____

Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.

Fees _____

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MAP

- Permanent quality and drawn in ink
- Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
- North Directional Symbol
- Township, Range, Section, Quarter/Quarter, Tax Lots
- Reference corner on map
- Location of each well, and/or dam if applicable, by reference to a recognized public land survey corner (distances north/south and east/west)
- 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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AFTER RECORDING, RETURN TO:
WALLOWA TITLE COMPANY - 26783
Enterprise, OR 97828

076231

SEND TAX STATEMENTS TO:
PROBERT FAMILY RANCHES, LLC
73668 IMNAHA HWY
JOSEPH, OR 97846

STATUTORY WARRANTY DEED

EPC HOLDINGS 889 LLC, a Washington Limited Liability Company, Grantor, convey(s) and warrant(s) to PROBERT FAMILY RANCHES, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

SEE ATTACHED AND INCORPORATED EXHIBIT A

This property is free of liens and encumbrances, EXCEPT:

- (1) Easement recorded in Book 71 of Deeds, Page 88; (2) Easement recorded in Book 73 of Deeds, Page 71; (3) Easement recorded in Book 74 of Deeds, Page 201; (4) Effect, if any, of Resolution of Farmer's Water Ditch Company recorded in Book 92 of Deeds, Page 582; (5) Easement recorded as Microfiche No. 99-39622; (6) Agreement for Easement recorded as Microfiche No. 2012-67349;

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, 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 195.338 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.

The true consideration for this conveyance is \$2,400,000.00.

DATED: 3/29, 2017.

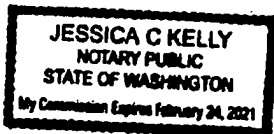
EPC HOLDINGS 889 LLC, a Washington Limited Liability Company

By: EPC EXCHANGE CORPORATION, a Washington Corporation,
its Sole Member

By: Christine E. Towey
CHRISTINE E. TOWEY, Exchange Coordinator

STATE OF WASHINGTON, County of King) ss.

The foregoing instrument was acknowledged before me on MARCH 29, 2017, by CHRISTINE E. TOWEY, Exchange Coordinator for EPC EXCHANGE CORPORATION, a Washington Corporation, Sole Member of EPC HOLDINGS 889 LLC, a Washington Limited Liability Company, on behalf of said corporation.



Jessica C. Kelly
Notary Public for Washington
My Commission Expires: 2/24/2021
Jessica C. Kelly
Residing at: Seattle, WA

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S-88579

WALLOWA TITLE COMPANY #26783

076231

EXHIBIT A

Township 2 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon

Section 1: W $\frac{1}{4}$ SE $\frac{1}{4}$ and that part of the SW $\frac{1}{4}$ and S $\frac{1}{2}$ NW $\frac{1}{4}$ lying East of Crow Creek Market Road
Section 12: NW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{4}$ SW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$,

EXCEPTING THEREFROM the following tract: Beginning at the center of Section 12, running thence West along the subdivisional line 270 feet to a point on the West bank of Farmer's Water Ditch as now located; thence North 100 feet to a stake driven into the ground; thence East 280 feet to the subdivisional line through the center of Section 12; thence South 100 feet to the place of beginning as conveyed by instrument recorded in Book 82 of Deeds, Page 541.

Township 1 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon

Section 36: That part lying East of the Crow Creek Market Road, EXCEPT the E $\frac{1}{2}$ SE $\frac{1}{4}$

Township 2 South, Range 45 East of the Willamette Meridian, Wallowa County, Oregon

Section 1: Government Lot 2, SW $\frac{1}{4}$ NE $\frac{1}{4}$, all that part of Government Lots 3 and 4 lying East of Crow Creek Market Road
Section 2: NE $\frac{1}{4}$ SE $\frac{1}{4}$

EXCEPTING THEREFROM the following described tracts of land:

- (1) BEGINNING at the Northeast corner of NE $\frac{1}{4}$ SE $\frac{1}{4}$ of said Section 2; running thence South on the Section line a distance of 400 feet to a point on the Section line between Sections 1 and 2, which point is 100 feet below the Farmer's Water Ditch of the Silver Lake Water Ditch; thence West a distance of 200 feet; thence North on a line parallel with the East line of said Section 2 to the East and West centerline of said Section 2; thence East on said East and West line to the place of beginning, as conveyance by instrument recorded as Microfiche No. 97-33158; and
- (2) That part of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 2, T2S, R45 EWM, lying South of the Zumwalt Road and West of the Crow Creek Road, Wallowa County, Oregon as conveyed by instrument recorded in Book 83 of Deeds, Page 504.

RECEIVED

MAY 08 2018

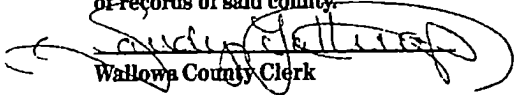
OWRD

PR#26783 - 8/18/2016

END OF DOCUMENT

STATE OF OREGON }
COUNTY OF WALLOWA }

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


Wallowa County Clerk

by: _____ Deputy

5-88579

DOC#: 00076231
RCPT: 88195 45.00
3/31/2017 12:18 PM
REFUND: .00



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

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Today's Date: Monday, April 30, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	358.5	\$1,106.80
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		\$2,146.80

OWRD Fee Schedule

Fee Calculator Version: B20170117

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

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Today's Date: Friday, May 4, 2018

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	358.5	\$1,106.80
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		\$2,146.80

OWRD Fee Schedule

Fee Calculator Version: B20170117
