



Oregon Water Resources Department  
Surface Water Application

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Today's Date: Thursday, November 29, 2018

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.86	\$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 Surface Water points of diversions. **	2	\$350.00
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	0	
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion 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		\$2,150.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

8-88681

# 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.oregon.gov/OWRD

## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

NAME BYLUND KIGER FARMS LLC			PHONE (HM)
PHONE (WK)	CELL 541-760-3875		FAX
ADDRESS 1986 SE POWELLS RD.			
CITY CORVALLIS	STATE OR	ZIP 97333	E-MAIL * BYLUNDSF@ALYRICA.NET

### Organization

NAME			PHONE	FAX
ADDRESS			CELL	
CITY	STATE	ZIP	E-MAIL *	

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

AGENT / BUSINESS NAME WILLIAM E. MCGILL, CWRE			PHONE	FAX
ADDRESS 15333 PLETZER RD. SE			CELL 503-510-3026	
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.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 proposed and final order documents will also be mailed.)

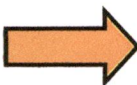
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### By my signature below I confirm that I understand:

- 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.
- I cannot legally use water until the Water Resources Department issues a permit.
- 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 receive 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 receive water to which they are entitled.

**OWRD**



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

		11/23/2018
Applicant Signature	Print Name and Title if applicable	Date

Applicant Signature	Print Name and Title if applicable	Date
---------------------	------------------------------------	------

**SECTION 2: PROPERTY OWNERSHIP**

Please indicate if you own all the lands associated with the project from which the water is to be diverted, conveyed, and used.

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

*Note: Stephen Bylund is in contract with Alice M. Beals, Property Unit, Oregon Parks and Recreation Department who is trying to locate existing easement to proposed POD 2.*

**Legal Description:** 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), and the locations of the point of diversion (POD):

Source 1: Willamette River	Tributary to: Columbia River	<b>RECEIVED</b> NOV 29 2018
TRSQQ of POD: 12S 4W 30 SENE & NENE		
Source 2:	Tributary to:	<b>OWRD</b>
TRSQQ of POD:		

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

**B. Applications to Use Stored Water**

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

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

**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.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, 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).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

*Note: Stephen Bylund is in contract with Alice M. Beals, Property Unit, Oregon Parks and Recreation Department who is trying to locate existing easement to proposed POD 2.*

**Legal Description:** 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), and the locations of the point of diversion (POD):

Source 1: Willamette River - BOR contract	Tributary to: Columbia River	<b>RECEIVED</b> NOV 29 2018
TRSQQ of POD: 12S 4W 30 SENE & NENE		
Source 2:	Tributary to:	<b>OWRD</b>
TRSQQ of POD:		

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

**B. Applications to Use Stored Water**

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

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

For Department Use: App. Number:   S-88681

If *all* sources listed in Section 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: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION**

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

To answer the following questions, use the map provided in [Attachment 3](#) or the link below to determine whether the proposed point of diversion (POD) is located in an area where the Upper Columbia, the Lower Columbia, and/or the Statewide public interest rules apply.

For more detailed information, click on the following link and enter the T,R,S,QQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:  
[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0801.

**Upper Columbia - OAR 690-033-0115 thru -0130**

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Is the POD located in an area where the Upper Columbia Rules apply?

**NOV 29 2018**

Yes  No

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**If yes, you are notified** that the Water Resources Department will consult with numerous federal, state, local and tribal governmental entities so it may determine whether the proposed use is consistent with the "Columbia River Basin Fish and Wildlife Program" adopted by the Northwest Power Planning Council in 1994 for the protection and recovery of listed fish species. The application may be denied, heavily conditioned, or if appropriate, mitigation for impacts may be needed to obtain approval for the proposed use.

**If yes,**

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

**Lower Columbia - OAR 690-033-0220 thru -0230**

Is the POD located in an area where the Lower Columbia rules apply?

Yes  No

**If yes, you are notified** that that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

If a permit is issued, it will likely contain conditions to ensure the water use complies with existing state and federal water quality standards; and water use measurement, recording and reporting required by the Water Resources Department. The application may be denied, or if appropriate, mitigation for impacts may be needed to obtain approval of the proposed use.

**If yes, provide the following information** (the information must be provided with the application to be considered complete).

Yes  No The proposed use is for more than **one** cubic foot per second (448.8 gpm) and is not subject to the requirements of OAR 690, Division 86 (Water Management and Conservation Plans).

**If yes**, provide a description of the measures to be taken to assure reasonably efficient water use:

**Statewide - OAR 690-033-0330 thru -0340**

Is the POD located in an area where the Statewide rules apply?

Yes  No

**If yes**, the Water Resources Department will determine whether the proposed use will occur in an area where endangered, threatened or sensitive fish species are located. If so, the Water Resources Department, Department of Fish and Wildlife, Department of Environmental Quality, and the Department of Agriculture will recommend conditions required to achieve “no loss of essential habitat of threatened and endangered (T&E) fish species,” or “no net loss of essential habitat of sensitive (S) fish species.” If conditions cannot be identified that meet the standards of no loss of essential T & E fish habitat or no net loss of essential S fish habitat, the agencies will recommend denial of the application unless they conclude that the proposed use would not harm the species.

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For Department Use: App. Number: S-00601

**SECTION 5: 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
Willamette River	Irrigation	Mar. 1 - Oct. 31	0.86 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Boz Contract			172.0 AF <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

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

Primary: 68.7 Acres Supplemental:      Acres

If Supplemental Acres are listed, provide 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: 172 AF

- 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:

**SECTION 6: 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 will be pumped from the river by a 25 HP centrifugal pump, delivered to the place of use through 6" PVC buried mainline.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Drip and high-pressure sprinklers. 6" PVC buried on east edge of taxlot 201.

**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 requested amount of water is needed for irrigation of crops and will be done so accurately with drip irrigation and high-pressure sprinklers. Equipment will be maintained to prevent waste. A water use measuring device will be installed.

For Department Use: App. Number: S-996681

**SECTION 5: 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
Willamette River	Irrigation	Mar. 1 - Oct. 31	0.86 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 68.7 Acres Supplemental: \_\_\_\_\_ Acres

If Supplemental Acres are listed, provide 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: 172 AF

- 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: \_\_\_\_\_

**SECTION 6: 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): \_\_\_\_\_

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

Water will be pumped from the river by a 25 HP centrifugal pump, delivered to the place of use through 6" PVC buried mainline.

**B. Application Method**

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler)  
Drip and high-pressure sprinklers. 6" PVC buried on east edge of taxlot 201.

**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 requested amount of water is needed for irrigation of crops and will be done so accurately with drip irrigation and high-pressure sprinklers. Equipment will be maintained to prevent waste. A water use measuring device will be installed.

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**SECTION 7: 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 per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: Install fish screens per ODFW specs.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: Minimal excavation and clearing will be required at the proposed POD 1 & 2.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: No operation of equipment in the water should be required.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Care will be taken to keep irrigation equipment in good operating condition to prevent run-off or erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.  
\_\_\_\_\_

**SECTION 8: PROJECT SCHEDULE**

- a) construction will begin: 2019 when permit is issued.
- b) construction will be completed: Request standard 5 year completion time.
- c) beneficial water use will begin: 2019 if construction is completed.

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**SECTION 9: WITHIN A DISTRICT**

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- Check here if the point of diversion or place of use are located within or are 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).*  
At the same time this application is submitted, a permanent water right transfer application will be submitted to get POD 1 and POD 2 authorized as APODs for Certificate 54989.

# 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.

Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

- SECTION 1: Applicant Information and Signature
- SECTION 2: Property Ownership
- SECTION 3: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

### Include the following additional items:

- 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: \$ 1,800  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - 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 diversion, 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 identified clearly.
  - 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)

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# 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. 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](http://www.oregon.gov/owrd). The public comment period is 30 days from publication in the weekly notice.

## 4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

## 5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent 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.

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## 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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# Land Use Information Form



**Oregon Water Resources Department**  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
www.oregon.gov/OWRD

## NOTE TO APPLICANTS

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

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater 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

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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.

S-98691

# Land Use Information Form



**Oregon Water Resources Department**  
 725 Summer Street NE, Suite A  
 Salem, Oregon 97301-1266  
 503-986-0900  
 www.oregon.gov/OWRD

**Applicant**

NAME BYLUND KIGER FARMS LLC			PHONE (HM)		
PHONE (WK)		CELL 541-760-3875		FAX	
ADDRESS 1986 SE POWELL'S RD.					
CITY CORVALLIS		STATE OR	ZIP 97333	E-MAIL* BYLUNDSF@ALYRICA.NET	

**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:
12S	4W	30	NENE	201	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
12S	4W	30	NWNE	201	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
12S	4W	30	SWNE	201	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
12S	4W	30	SENE	201	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
12S	4W	30	NESE	201	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
12S	4W	30	NWSE	201	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming

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

Benton County

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**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 Groundwater Registration Modification  
 Limited Water Use License   
  Allocation of Conserved Water   
  Exchange of Water

Source of water:  Reservoir/Pond     Groundwater     Surface Water (name) Willamette River

Estimated quantity of water needed: 0.86     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:

*It is proposed to use water diverted from POD 1 and POD 2 on the Willamette River to irrigate 68.7 acres of crops in tax lot 201.*



**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.

2-08601

# 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): Benton County Code Chapter 55
- 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.

Farming and irrigation for farming are allowed by right in EFU per Chapter 55 Benton County code

Name: Inga R Williams Title: Associate Planner  
 Signature: Inga R Williams Phone: 541 766 6819 Date: 11/28/18  
 Government Entity: Benton County Community Development

**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: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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BENTON COUNTY, OREGON 2008-438320  
DE-WD 06/10/2008 12:14:07 PM  
Cnt=1 Stn=6 NE  
\$15.00 \$11.00 \$10.00 \$15.00 \$51.00



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

✓ **After Recording Return to:**  
Bryon L. Land  
Arnold Gallagher Saydack Percell  
Roberts & Potter, P.C.  
800 Willamette Street, Suite 800  
Eugene, OR 97401

**Until a Change is Requested**  
**Mail Tax Statements To**  
No Change

**GRANTORS**

Richard K. Bylund  
Jessie Lee Bylund  
333 Spyglass Drive  
Eugene, Oregon 97401

**GRANTEE**

Bylund-Kiger Farms, LLC,  
an Oregon limited liability company  
333 Spyglass Drive  
Eugene, Oregon 97401

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**STATUTORY SPECIAL WARRANTY DEED**

Richard K. Bylund and Jessie Lee Bylund, husband and wife, hereinafter called Grantors, hereby convey and specially warrant to Bylund-Kiger Farms, LLC, an Oregon limited liability company, hereinafter called Grantee, and all of Grantee's heirs, successors and assigns, all of their interest in the following described real property with all tenements, hereditaments and appurtenances thereto belonging or in any wise appertaining, free of all encumbrances created or suffered by Grantors except as specifically set forth herein, lying within the County of Benton, State of Oregon:

See Exhibit A attached hereto and by this reference made a part hereof.

To Have and to Hold the same unto the Grantee and Grantee's heirs, successors and assigns forever. And the Grantors hereby covenant to and with the Grantee and Grantee's heirs, successors and assigns that the real property is free from encumbrances created or suffered by Grantors except easements, Right-of-Ways, Protective Covenants, conditions, restrictions and other matters of record as of the date hereof. The true and actual consideration for this conveyance stated in dollars is NONE. This conveyance is being made as a capital contribution by the Grantors to the Grantee in connection with the formation of the Grantee.

In construing this deed, where the context so requires, the singular includes the plural and all grammatical changes shall be made so that this deed shall apply equally to companies and to individuals.

**Statutory Special Warranty Deed - 1**

N:\A - EBYLUND, RICHARD K. 14815\STATUTORY WARRANTY DEED 060506.DOC

S-88681



BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). 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 APPROVED USES, 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 CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)).

THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS THAT IN FARM OR FOREST ZONES MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND THAT LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES, THE EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER CHAPTER 1, OREGON LAWS 2005 (BALLOT MEASURE 37 (2004)). ORS 93.040(2).

IN WITNESS WHEREOF, the Grantors have executed this instrument July 10, 2007.

GRANTOR:

[Signature]  
Richard K. Bylund

[Signature]  
Jessie Lee Bylund

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STATE OF OREGON            )  
  ) ss.  
County of Lane             )

This instrument was acknowledged before me on July 10, 2007, by Richard K. Bylund.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 4-11-11

STATE OF OREGON            )  
  ) ss.  
County of Lane             )

This instrument was acknowledged before me on July 10, 2007, by Jesse Lee Bylund.



[Signature]  
Notary Public for Oregon  
My Commission Expires: 4-11-11

S-88681

EXHIBIT A

Beginning at the quarter section corner between Sections 19 and 30, Township 12 South, Range 4 West of the Willamette Meridian in Benton County, Oregon and running thence East 26.48 chains, South 8 chains, East 1 chain, South 30 chains, East to the Willamette River; thence along the river to the South line of the Northeast quarter of said Section 30; thence West to the center of said Section 30; thence North to the point of beginning. ALSO Beginning at a point in the center of Sucker Slough on the Centerline of Section 30, Township 12 South, Range 4 West of the Willamette Meridian, which point is 12.205 chains South  $89^{\circ} 20'$  East of the center of said Section and running thence along the centerline of said slough South  $18^{\circ} 39'$  East 2.907 chains, South  $29^{\circ} 43'$  East 1.741 chains, South  $28^{\circ} 04'$  East 2.652 chains, South  $39^{\circ} 43'$  East 2.032 chains, South  $13^{\circ} 03'$  East 6.704 chains, to the left bank of the Willamette River, South  $60^{\circ}$  East along said river 3.61 chains to a point 16.42 chains South of the centerline of said Section, South  $89^{\circ} 20'$  East 9.50 chains to the Willamette River; thence Northerly with the meanderings of said stream to the center line of said Section; thence North  $89^{\circ} 20'$  West 20.60 chains to the point of beginning. EXCEPT the Southwest quarter of the Southwest quarter of the Northeast quarter of Section 30.

TOGETHER WITH an easement for access, including the terms and provisions thereof, as set forth in Instrument recorded May 21, 2981, as M-28486, Microfilm Records of Benton County, Oregon. TOGETHER WITH all of Lessor's interest in that certain lease by and between Jerry R. Cale, lessor, and Mobil Oil Corporation, a New York Corporation, lessee, which lease is disclosed by Memorandum of Lease, dated April 16, 1975, recorded November 14, 1975, as M-60972, Microfilm Records of Benton County, Oregon; said Jerry R. Cale's interest was conveyed to grantors herein in deed recorded October 4, 1982, as M-41760-82, Microfilm Records of Benton County, Oregon. ALSO HEREBY conveyed is all of grantor's rights in and to any minerals lying under the surface of the premises described herein.

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# Business Registry Business Name Search

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## Business Entity Data

11-21-2018 09:23

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
448874-95	DLLC	ACT	OREGON	07-10-2007	07-10-2019	
<b>Entity Name</b> BYLUND-KIGER FARMS, LLC						
<b>Foreign Name</b>						

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## Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS				
<b>Addr 1</b>	2852 SE WAIBEL DRIVE					
<b>Addr 2</b>						
<b>CSZ</b>	HILLSBORO	OR	97123	<b>Country</b>	UNITED STATES OF AMERICA	

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	07-06-2018	Resign Date		
<b>Name</b>	BRYON	L	LAND				
<b>Addr 1</b>	800 WILLAMETTE STREET						
<b>Addr 2</b>	SUITE 800						
<b>CSZ</b>	EUGENE	OR	97401	<b>Country</b>	UNITED STATES OF AMERICA		

Type	MAL	MAILING ADDRESS					
<b>Addr 1</b>	PO BOX 1758						
<b>Addr 2</b>							
<b>CSZ</b>	EUGENE	OR	97440	<b>Country</b>	UNITED STATES OF AMERICA		

Type	MGR	MANAGER	Resign Date				
<b>Name</b>	STEPHEN	F	BYLUND				
<b>Addr 1</b>	1986 SE POWELL'S RD						
<b>Addr 2</b>							
<b>CSZ</b>	CORVALLIS	OR	97333	<b>Country</b>	UNITED STATES OF AMERICA		

Type	MGR	MANAGER	Resign Date				
<b>Name</b>	KATHERINE	M	BARCLAY				
<b>Addr 1</b>	2852 SE WAIBEL DR						
<b>Addr 2</b>							
<b>CSZ</b>	HILLSBORO	OR	97123	<b>Country</b>	UNITED STATES OF AMERICA		

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## Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
BYLUND-KIGER FARMS, LLC	EN	CUR	07-10-2007	

Please [read](#) before ordering [Copies](#).

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## Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	07-06-2018		FI	Agent	
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	03-27-2018		FI		
	ANNUAL REPORT PAYMENT	06-19-2017		SYS		<b>RECEIVED</b>
	ANNUAL REPORT PAYMENT	06-21-2016		SYS		
	ANNUAL REPORT PAYMENT	07-14-2015		SYS		<b>NOV 29 2018</b>
	ANNUAL REPORT PAYMENT	06-20-2014		SYS		
	ANNUAL REPORT PAYMENT	06-10-2013		SYS		
	ANNUAL REPORT PAYMENT	07-03-2012		SYS		<b>OWRD</b>
	ANNUAL REPORT PAYMENT	06-03-2011		SYS		
	ANNUAL REPORT PAYMENT	06-04-2010		SYS		
	ANNUAL REPORT PAYMENT	06-10-2009		SYS		
	AMENDED ANNUAL REPORT	06-10-2008		FI		
	ARTICLES OF ORGANIZATION	07-10-2007		FI	Agent	

P-88681