



**Oregon Water Resources Department
Ground Water Application**

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Today's Date: Wednesday, December 19, 2018

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.36	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,560.00

OWRD Fee Schedule

Fee Calculator Version B20170117

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

Application for a Permit to Use
Groundwater

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

Form with fields: NAME, PHONE (WK), CELL, ADDRESS, CITY, STATE, ZIP, E-MAIL*, PHONE (HM), FAX

Organization

Form with fields: NAME, PHONE, FAX, ADDRESS, CITY, STATE, ZIP, E-MAIL*

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

Form with fields: AGENT / BUSINESS NAME, PHONE, FAX, ADDRESS, CITY, STATE, ZIP, E-MAIL*

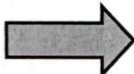
Note: Attach multiple copies as needed

* 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.)

By my signature below I confirm that I understand:

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

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

Signature: [Handwritten Signature]
Print Name and Title if applicable: Duane Ditchen
Date: 11-20-18

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).*

NA

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: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 1	HOWELL PRAIRIE CREEK	2,650 FEET	15 FEET
WELL 2	SMALL TRIBUTARY TO PUDDING RIVER	2,750 FEET	10 FEET

Please provide any information for your existing or proposed well(s) that you believe may be helpful in evaluating your application. For existing wells, describe any previous alteration(s) or repair(s) not documented in the attached well log or other materials *(attach additional sheets if necessary).*

The table below shows the estimated well depth based on existing well logs. The actual construction will be based on conditions encountered in the field while drilling the well. The objective will be to develop a well that develops water from the alluvium and meets OWRD regulations and standards. Proposed Well 2 will only be developed if additional water is needed to reach the proposed rate.

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.36 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

The table below must be completed for each source to be evaluated or the application will be returned. If this is an existing well, the information may be found on the applicable well log. *(If a well log is available, please submit it in addition to completing the table.)* If this is a proposed well, or well-modification, consider consulting with a licensed well driller, geologist, or certified water right examiner to obtain the necessary information.

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	TBD	TBD	TBD	TBD	TBD	ALLUVIUM	0-300 FEET		
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	TBD	TBD	TBD	TBD	TBD	ALLUVIUM	0-300 FEET		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						TOTAL:		161 GPM	72 AF
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

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* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.
 ** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.
 *** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc..

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For Department Use: App. Number: _____

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 if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

To answer the following questions, use the map provided in Attachment 3 or the link below to determine whether the proposed point of appropriation (POA) 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 TRSQQ or the Lat/Long of a POA 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/

If you need help to determine in which area the proposed POA 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 well or proposed well located in an area where the Upper Columbia Rules apply?

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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, and if the Department determines that proposed groundwater use has the potential for substantial interference with nearby surface waters:

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the 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.

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

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Is the well or proposed well located in an area where the Lower Columbia rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified 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, you will be required to provide the following information, if applicable.

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:

NA

Statewide - OAR 690-033-0330 thru -0340

Is the well or proposed well located in an area where the Statewide rules apply?

Yes No

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If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that 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.

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	March through October 31	72 AF

For irrigation use only:

Please indicate the number of primary and supplemental acres to be irrigated (*must match map*).

Primary: 114.1 Acres Supplemental: 0 Acres

If you listed supplemental acres, list 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 72 AF

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: NA (**Exempt Uses:** Please note that 15,000 gallons per day for single or group **domestic** purposes and 5,000 gallons per day for a single **industrial or commercial** purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): NA

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SECTION 6: WATER MANAGEMENT**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): Once the Well(s) is fully developed an appropriate size and type of pump will be determined.
- 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 wells and conveyed through buried mainlines with hydrants to attach high pressure sprinklers.**

B. Application Method

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

The proposed method for applying water to crops is high pressure sprinklers and/or drip

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to aquatic life and riparian habitat; prevent the discharge of contaminated water to a surface stream; prevent adverse impact to public uses of affected surface waters (attach additional sheets if necessary).

Water will be applied to crops when needed. The most water efficient method of irrigation will be used for the crop being irrigated.

SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: Within three years after the permit is issued
- b) Date construction will be completed: Within five years after the permit has been issued
- c) Date beneficial water use will begin: Within five years after the permit has been issued

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent 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.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: **Water will be applied at rate and duration to avoid excess watering**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation:
No streams within the place of use so no banks will need clearing

- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted:
List: NA

SECTION 9: WITHIN A DISTRICT

- Check here if the point of appropriation (POA) or place of use (POU) are located within or served by an irrigation or other water district.

Irrigation District Name NA	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*).

None

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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.

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: Well Development
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Project Schedule
- SECTION 8: Resource Protection
- SECTION 9: Within a District
- SECTION 10: Remarks

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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: \$ 2,040
See the Department's Fee Schedule at 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)

Note: In addition to a groundwater application, a standard reservoir application is required to store groundwater in a reservoir. If an applicant proposes to divert water from a reservoir, a surface water application is also required.

G-1877L

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. 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.

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

Applicant

NAME DUANE DITCHEN / BRIAN AND DUANE LLC			PHONE (HM)		
PHONE (WK) (503) 873-441		CELL		FAX	
ADDRESS 7385 HOWELL PRAIRIE RD NE					
CITY SILVERTON		STATE OR	ZIP 97318-9353	E-MAIL*	

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:
6S	1W	31		400	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
6S	1W	31		500	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	IR
						<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:

Marion 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 Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

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

Estimated quantity of water needed: 0.36 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:

New groundwater application to irrigate 114.1 acres

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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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.

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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): MCC 17.136
- 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 <u>LISA MILLIMAN</u>	TITLE: <u>ASSOCIATE PLANNER</u>
SIGNATURE <u>Lisa Milliman</u>	PHONE: <u>503 588 5238</u>
GOVERNMENT ENTITY <u>MARION COUNTY</u>	DATE: <u>12/19/18</u>

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: _____

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18-26194

After Recording Return To:
Brian & Duane, LLC
7385 Howell Prairie Road NE
Silverton OR 97381

Send Tax Statements To:
Brian & Duane, LLC
7385 Howell Prairie Road NE
Silverton OR 97381

Title Order No. 18-26194
Escrow No. 18-26194
Tax Account No. R16937; 061W31
0500

WARRANTY DEED
(ORS 93.850)

Ronald J. Schmidt and Mildred M. Schmidt, Trustee(s) of the Schmidt Family Trust dated May 18, 1988 Robert L. Schmidt and Kathryn M. Schmidt, Trustee(s) of the Schmidt Family Revocable Trust dated May 17, 1990 Edward L. Schmidt and Mary J. Schmidt, Trustee(s) of the Schmidt Family Trust dated November 20, 1993 Alan S. Schmidt and Mary J. Schmidt, Trustee(s) of the Alan and Jane Schmidt Trust dated April 11, 1996 and Ralph D. Schmidt and M. Priscilla Schmidt, Trustee(s) of the Ralph D. and M. Priscilla Schmidt Joint Revocable Trust dated February 19, 1996, Grantor, conveys and warrants to Brian & Duane, LLC, an Oregon Limited Liability Company, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$700,000.00.

Dated this 22nd day of August, 2003.

SCHMIDT FAMILY TRUST

By: Ronald J. Schmidt, Trustee

SCHMIDT FAMILY TRUST

By: Mildred M. Schmidt, Trustee

SCHMIDT FAMILY REVOCABLE TRUST

By: Robert L. Schmidt, Trustee

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SCHMIDT FAMILY REVOCABLE TRUST

Kathryn M. Schmidt
By: Kathryn M. Schmidt, Trustee

SCHMIDT FAMILY TRUST

• Edward L. Schmidt
By: Edward L. Schmidt, Trustee

SCHMIDT FAMILY TRUST

• Mary J. Schmidt
By: Mary J. Schmidt, Trustee

ALAN AND JANE SCHMIDT TRUST

Alan S. Schmidt
By: Alan S. Schmidt, Trustee

ALAN AND JANE SCHMIDT TRUST

Mary J. Schmidt
By: Mary J. Schmidt, Trustee

RALPH D. AND M. PRISCILLA SCHMIDT JOINT REVOCABLE TRUST

Ralph D. Schmidt
By: Ralph D. Schmidt, Trustee

RALPH D. AND M. PRISCILLA SCHMIDT JOINT REVOCABLE TRUST

M. Priscilla Schmidt
By: M. Priscilla Schmidt, Trustee

State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Ronald J. Schmidt, as Trustee, of Schmidt Family Trust.

S. Glaspy
Notary Public

My commission expires: 9-6-04

State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Mildred M. Schmidt, as Trustee, of Schmidt Family Trust.

S. Glaspy
Notary Public

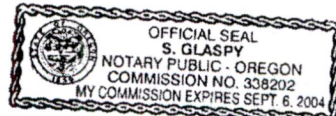
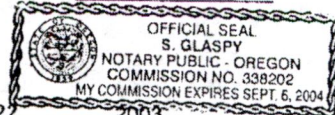
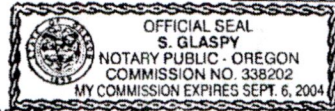
My commission expires: 9-6-04

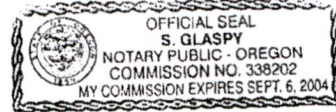
State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Robert L. Schmidt, as Trustee, of Schmidt Family Revocable Trust.

S. Glaspy
Notary Public

My commission expires: 9-6-04





State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Kathryn M. Schmidt, as Trustee, of Schmidt Family Revocable Trust.

S. Glaspay My commission expires: 9-6-04
Notary Public

State of CA, County of ORANGE)ss.

This instrument was acknowledged before me on 8-26-03, 2003
by Edward L. Schmidt, as Trustee, of Schmidt Family Trust.

Gloria M. Ferrier My commission expires: 11-20-05
Notary Public

State of CA, County of ORANGE)ss.

This instrument was acknowledged before me on 8-26-03, 2003
by Mary J. Schmidt, as Trustee, of Schmidt Family Trust.

Gloria M. Ferrier My commission expires: 11-20-05
Notary Public

State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Alan S. Schmidt, as Trustee, of Alan and Jane Schmidt Trust.

S. Glaspay My commission expires: 9-6-04
Notary Public

State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003
by Mary J. Schmidt, as Trustee, of Alan and Jane Schmidt Trust.

S. Glaspay My commission expires: 9-6-04
Notary Public

State of OR, County of Marion)ss.

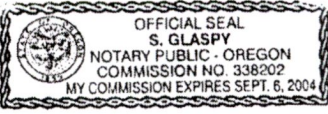
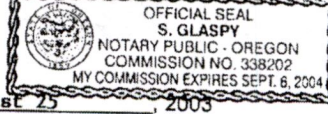
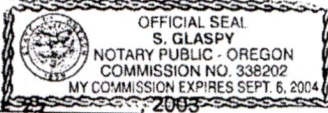
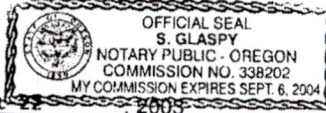
This instrument was acknowledged before me on August 22, 2003
by Ralph D. Schmidt, as Trustee, of Ralph D. and M. Priscilla Schmidt Joint Revocable Trust.

S. Glaspay My commission expires: 9-6-04
Notary Public

State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 25, 2003
by M. Priscilla Schmidt, as Trustee, of Ralph D. and M. Priscilla Schmidt Joint Revocable Trust.

S. Glaspay My commission expires: 9-6-04
Notary Public



RECEIVED
DEC 19 2018
OWRD

G-18772

Title No. 18-26194

Escrow No. 18-26194

EXHIBIT 'A'

Legal Description:

Beginning at a point in the center of the County Road 1.04 chains North of the Southwest corner of the Donation Land Claim of David Smith and wife, in Township 6 South, Range 1 West of the Willamette Meridian, Marion County, Oregon; thence North 12° East 47.29 chains; thence West 19.57 chains; thence South 8° 39' West 46.70 chains; thence East 16.72 chains to the place of beginning, all being in Marion County, Oregon.

Subject to:

Taxes for the fiscal year 2003-2004, a lien in an amount to be determined, but not yet payable.

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

Regulations, including levies, liens, assessments, rights of way and easements of Silver Falls Library District.

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

57781-2

REEL:2189

PAGE: 55

September 02, 2003, 09:41 am.

CONTROL #: 94919

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 41.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.

RECEIVED

DEC 19 2018

OWRD

TICOR TITLE

REEL PAGE
2189 56



18-26195

After Recording Return To:
Brian & Duane, LLC
7385 Howell Prairie Road NE
Silverton OR 97381

Send Tax Statements To:
Brian & Duane, LLC
7385 Howell Prairie Road NE
Silverton OR 97381

Title Order No. 18-26195
Escrow No. 18-26195
Tax Account No. R16935

WARRANTY DEED
(ORS 93.850)

Ralph D. Schmidt and M. Priscilla Schmidt, Trustee(s) of the Ralph D. Schmidt and M. Priscilla Schmidt Joint Revocable Trust and Alan S. Schmidt and Mary Jane Schmidt, Trustee(s) of the Alan & Jane Schmidt Trust dated April 11, 1996, Grantor, conveys and warrants to Brian & Duane, LLC, an Oregon Limited Liability Company, an estate in fee simple, an estate in fee simple, and, an estate in fee simple, Grantee, the following described real property free of encumbrances except as specifically set forth herein:

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

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$195,000.00.

Dated this 22nd day of August, 2003.

RALPH D. SCHMIDT AND M. PRISCILLA SCHMIDT JOINT REVOCABLE TRUST

Ralph D. Schmidt
By: Ralph D. Schmidt, Trustee

RALPH D. SCHMIDT AND M. PRISCILLA SCHMIDT JOINT REVOCABLE TRUST

M. Priscilla Schmidt
By: M. Priscilla Schmidt, Trustee

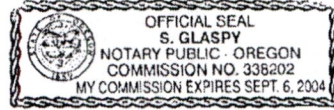
ALAN & JANE SCHMIDT, TRUST

Alan S. Schmidt
By: Alan S. Schmidt, Trustee

ALAN & JANE SCHMIDT TRUST

Mary Jane Schmidt
By: Mary Jane Schmidt, Trustee

RECEIVED
DEC 19 2018
OWRD

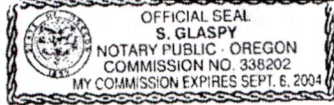


State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 25, 2003 by Ralph D. Schmidt, as Trustee, of Ralph D. Schmidt and M. Priscilla Schmidt Joint Revocable Trust.

S. Glaspay
Notary Public

My commission expires: 9-6-04



State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 25, 2003 by M. Priscilla Schmidt, as Trustee, of Ralph D. Schmidt and M. Priscilla Schmidt Joint Revocable Trust.

S. Glaspay
Notary Public

My commission expires: 9-6-04

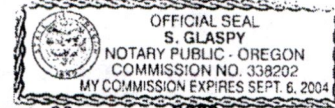


State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003 by Alan S. Schmidt, as Trustee, of Alan & Jane Schmidt Trust.

S. Glaspay
Notary Public

My commission expires: 9-6-04



State of OR, County of Marion)ss.

This instrument was acknowledged before me on August 22, 2003 by Mary Jane Schmidt, as Trustee, of Alan & Jane Schmidt Trust.

S. Glaspay
Notary Public

My commission expires: 9-6-04

25778-02

Title No. 18-26195

Escrow No. 18-26195

EXHIBIT 'A'

Legal Description:

Beginning at the Southwest corner of D.H. Smith Donation Land Claim #42 in Section 31, Township 6 South, Range 1 West of the Willamette Meridian in Marion County, Oregon; running thence North 12°11' East along the East line of the J. Schmidt tract, which line is also the West line of the said Smith Donation Land Claim, 2,938.34 feet to the Southwest corner of tract #2 as disclosed by that conveyance to Oller W. Hall, et ux, by deed recorded August 17, 1955 in Volume 478, Page 675; thence South 83°30' East 377.52 feet to the Southeast corner of tract #2 in said Hall deed; thence South 8°56' West 1,598.52 feet to an iron pipe; thence South 9°17' West 1,268.75 feet to an iron pipe in the South line of said claim; thence West along the South line of said Claim 540.16 feet to the place of beginning.

SAVE AND EXCEPT that portion deeded to Marion County, Oregon for roadway purposes.

Subject to:

Taxes for the fiscal year 2003-2004, a lien in an amount to be determined, but not yet payable.

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

Regulations, including levies, liens, assessments, rights of way and easements of Silver Falls Library District.

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

An Easement created by instrument, including the terms and provisions thereof,

In favor of: Pacific Northwest Pipeline Corporation

For: right of way

Dated: October 17, 1959

Recorded: October 21, 1959

Volume: 527 Page: 757

in Marion County, Oregon.

Said Easement was assigned to El Paso Natural Gas Company by instrument recorded December 31, 1959 in Volume 529, Page 760, Deed Records, Marion County, Oregon.

**RECEIVED
DEC 19 2018
OWRD**

REEL:2189

PAGE: 56

September 02, 2003, 09:41 am.

CONTROL #: 94919

State of Oregon
County of Marion

I hereby certify that the attached instrument was received and duly recorded by me in Marion County records:

FEE: \$ 36.00

ALAN H DAVIDSON
COUNTY CLERK

THIS IS NOT AN INVOICE.
