



Oregon Water Resources Department
Ground Water Application

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

51181-9

Today's Date: Wednesday, January 9, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	1	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$2,560.00

OWRD Fee Schedule

Fee Calculator Version B20170117

RECEIVED
JAN 9 2019
OWRD

Application for a Permit to Use Groundwater



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

Organization

NAME		PHONE		FAX
SCENIC WOODS LLC C/O CHRIS SCARIANO				
ADDRESS			CELL	
840 SCENIC WOOD PL NW			(541) 981-8103	
CITY	STATE	ZIP	E-MAIL*	
ALBANY	OR	97321	CHRISTOPHER.SCARIANO@EDWARDSJONES.COM	

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

AGENT / BUSINESS NAME		PHONE		FAX
Doann Hamilton / Pacific Hydro-Geology, Inc.		(503) 632-5016		(503) 632-5983
ADDRESS			CELL	
18487 S. Valley Vista Road			(503) 349-6946	
CITY	STATE	ZIP	E-MAIL*	
Mulino	OR	97042	phgdmh@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.)

By my signature below I confirm that I understand:

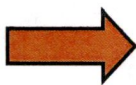
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot use water legally until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before 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.

RECEIVED

JAN 9 2019

OWRD

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



[Handwritten Signature]
Applicant Signature

Chris Scariano rep. scenic wood LLC
Print Name and Title if applicable

11/28/18
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).*

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	BOWERS SLOUGH	APPROXIMATELY 4,350 FEET	APPROXIMATELY 110 FEET
WELL 2	WILLAMETTE RIVER	APPROXIMATELY 3,900 FEET	APPROXIMATELY 170 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).*

Well specifications provided in the table below are estimates and subject to change based on actual conditions encountered in the field. The objective will be to construct the well to develop water from the marine sediments.

There are several intermittent streams nearby. Therefore, the distance to the nearest surface- water source was measured to a year-round stream. A copy of the USGS topographic map from National Geographic is attached that shows the intermittent streams.

RECEIVED

JAN 9 2019

OWRD

6-10728

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 0.56 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"/>	10 INCH	0 TO 100	TBD	0 TO 50	NA	MARINE SEDIMENTS	400 FEET		
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	10 INCH	0 TO 100	TBD	0 TO 50	NA	MARINE SEDIMENTS	400 FEET		
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>						TOTAL:		250 GPM	112.5 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"/>									

* 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.

RECEIVED
JAN 9 2019
OWRD

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

Is the well or proposed well located in an area where the Upper Columbia Rules apply?

Yes No

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.

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

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

Yes No

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

RECEIVED
JAN 9 2019
OWRD

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

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 1 through October 31	112.5 AF

For irrigation use only:

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

Primary: 45.0 Acres Supplemental: NA 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: 112.5 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

RECEIVED

JAN 9 2019

OWRD

For Department Use: App. Number: G-18775

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): Submersible 10-15 Hp
 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 conveyed through buried mainline to drip irrigation.

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*)

Drip irrigation

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 grapes and hazelnuts when needed. The most water efficient method of irrigation will be used for the crops 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 are located 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:

For Department Use: App. Number: G-18775

RECEIVED
JAN 9 2019
OWRD

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*).

Total acres shown in the NWNW of section 2 is more than the standard 40.0 acres quarter-quarters. The cadastral and tax maps show T.11S R.4W Section 2 NWNW ¼ ¼ to total 40.42 acres.

There are several intermittent streams nearby. Therefore, the distance to the nearest surface-water source was measured to a year-round stream. A copy of the USGS topographic map from National Geographic is attached that shows the intermittent streams.

RECEIVED
JAN 9 2019
OWRD

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

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.

RECEIVED

JAN 9 2019

OWRD

G-10775

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 SCENIC WOODS LLC C/O CHRIS SCARIANO			PHONE (HM)		
PHONE (WK)		CELL (541) 981-8103		FAX	
ADDRESS 840 SCENIC WOOD PL NW					
CITY ALBANY		STATE OR	ZIP 97321	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:
11S	4W	2		100	Exclusive Farm Use 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:

Benton County

B. Description of Proposed Use

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

- Permit to Use or Store Water
 Water Right Transfer
 Permit Amendment or 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: 0.56
 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 hazelnuts and grapes.

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.

RECEIVED

JAN 9 2019

OWRD

G10775

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): Chapter 55 Benton County Code
- 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

RECEIVED

JAN 9 2019

OWRD

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 & irrigation for farming permitted by right

NAME <u>Inga Williams</u>	TITLE: <u>Associate Planner</u>
SIGNATURE <u>Inga Williams</u>	PHONE: <u>541 766 6819</u>
GOVERNMENT ENTITY <u>Benton County Community Dev. Dept.</u>	DATE: <u>11/28/18</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: _____

G-10775

This page left intentionally blank.

RECEIVED

JAN 9 2019

OWRD

G-10775

BENTON COUNTY, OREGON **2018-569249**
DE-BS **04/17/2018 11:28:28 AM**
Str=53 LG
\$10.00 \$11.00 \$10.00 \$22.00 \$20.00 **\$73.00**

I, James V. Morales, County Clerk for Benton County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

James V. Morales - County Clerk

After Recording Return To:

Scott G. Cowgill
PO Box 667
Albany, OR 97321

Grantor's Name and Address:

Christopher Scariano and Nicole Scariano
840 Scenic Wood Place NW
Albany, OR 97321

Grantee's Name and Address:

Scenic Woods, LLC
840 Scenic Wood Place NW
Albany, OR 97321

Send Tax Statements To:

Scenic Woods, L.L.C
840 Scenic Wood Place NW
Albany, OR 97321

Assessor's Account No. 29920

BARGAIN AND SALE DEED

Christopher Scariano and Nicole Scariano, hereinafter referred to as Grantor, for the consideration hereinafter stated, hereby convey unto Scenic Woods, LLC, hereinafter referred to as Grantee, and unto Grantee's heirs, successors and assigns, all of Grantor's interest in that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in any way appertaining, situated in Benton County, State of Oregon, described as follows:

Beginning at the Northwest corner of the East half of the Northwest quarter of fractional Section 2 in Township 11 South, Range 4 West of the Willamette Meridian, Oregon, running thence South 37 minutes West 22 1/2 chains; thence West 20 chains; thence North 37 minutes East 22 1/2 chains to the Northwest corner of the Northwest quarter of said Section 2; thence East 20 chains to the place of beginning.

TO HAVE AND TO HOLD the same unto Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for this transfer, stated in terms of dollars, is \$0.00. However, the actual consideration consists of or includes other property or value given or permitted which is the whole consideration.

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 corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF

RECEIVED

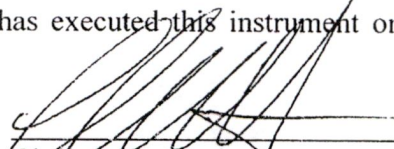
JAN 9 2019

OWRD

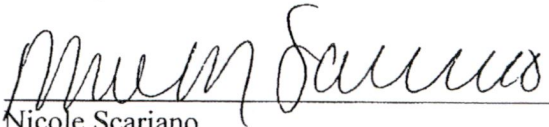
G-18775

THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

IN WITNESS WHEREOF, the Grantor has executed this instrument on April 12, 2018.



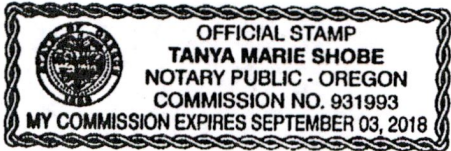
Christopher Scariano

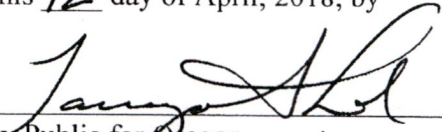


Nicole Scariano

STATE OF OREGON)
) ss.
County of Linn)

This instrument was acknowledged before me on this 12 day of April, 2018, by Christopher Scariano.

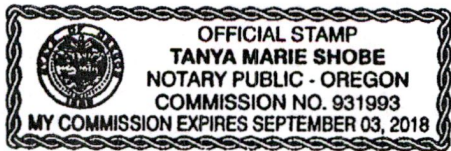


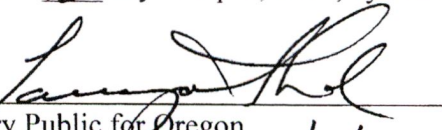


Notary Public for Oregon
My Commission Expires: 9/3/18

STATE OF OREGON)
) ss.
County of Linn)

This instrument was acknowledged before me on this 12 day of April, 2018, by Nicole Scariano.





Notary Public for Oregon
My Commission Expires: 9/3/18

RECEIVED

JAN 9 2019

OWRD

G-18775

**OPERATING AGREEMENT
OF
SCENIC WOODS, LLC
a Member-Managed, Single-Member LLC**

An Oregon Limited Liability Company

THIS OPERATING AGREEMENT (this “**Agreement**”) is made and entered into effective as of April 12, 2018, by and between **SCENIC WOODS, LLC** an Oregon limited liability company (the “**Company**”), and **CHRISTOPHER SCARIANO** (the “**Member**”).

SECTION 1. THE LIMITED LIABILITY COMPANY

1.1 Formation. The Member has caused the organization of an Oregon limited liability company under the name **SCENIC WOODS, LLC** by having Articles of Organization filed with the Oregon Secretary of State. Said Articles of Organization were acknowledged by the Oregon Secretary of State as having been filed on April 9, 2018, as Registry Number 142811496. As part of the organization of **SCENIC WOODS, LLC**, Company and Member enter into this Operating Agreement (the “**Agreement**”). The rights and obligations of the Member are as provided in the Oregon Limited Liability Company Act (the “**Act**”), except as otherwise expressly provided in this Agreement.

1.2 Name. The business of the Company will be conducted under the name **SCENIC WOODS, LLC**.

1.3 Purpose. The Company may conduct or promote any lawful business or purpose that a limited liability company may conduct or promote.

1.4 Offices. The Company maintains its principal business office within Oregon at 840 Scenic Wood Place NW, Albany, OR 97321.

1.5 Registered Agent. Christopher Scariano is the Company’s registered agent in Oregon and the address of the registered office is 840 Scenic Wood Place NW, Albany, OR 97321

1.6 Term. The term of the Company commences on the date of filing of the Articles of Organization of Company, and shall be perpetual until terminated as provided in this Agreement.sc

RECEIVED

JAN 9 2019

OWRD

1.7 Name and Address of Member. The Member's name and address is: Christopher Scariano TOD Nicole Scariano 840 Scenic Wood Place NW, Albany, OR 97321.

1.8 Admission of Additional Members. No additional members may be admitted to the Company without the prior approval of the Member. Upon the admission of a second Member, the Agreement shall be revised to address the relative rights and obligations of the Members and the change of status for income tax purposes.

1.9 Disregarded Entity. It is intended that for federal and State of Oregon income tax purposes, Company shall be a "disregarded entity", as provided in Treasury Regulation Sections 301.7701-2(c)(2)(i) and 301.7701-3(b)(1)(ii).

SECTION 2. CAPITAL CONTRIBUTIONS

2.1 Initial Capital Contributions. As soon as reasonably practicable after the organization of the Company, the Member shall contribute, and shall cause to be conveyed and transferred to the Company, certain assets (subject to the liabilities, if any) in exchange for a 100% ownership interest (the "**Interest**") in the Company.

2.2 Additional Capital Contributions. The Member is not required to make, and has made no commitment to make, any additional capital contributions to the Company. notwithstanding the foregoing, the Member may, from time to time, make additional contributions to the capital of the Company in such amounts as the Member determines is necessary. In the absence of a binding written commitment signed by the Member to make additional capital contributions to the Company, the sole determination that the Member has made or has agreed to make any additional capital contributions to the Company shall be the transfer by the Member of cash or other property to the Company with evidence that the transfer was not debt, including open account debt.

SECTION 3. ALLOCATION OF PROFIT AND LOSSES; DISTRIBUTION

3.1 Allocations of Income and Loss. All items of income, gain, loss, deduction, and credit will be allocated 100.0% to the Member. For federal and state income tax purposes, all items of Company income, gain, loss, and deduction will be reported on the Member's separate tax returns.

3.2 Distributions. No distribution may be made to the Member if, after giving effect to the distribution in the judgment of the Member, either (1) the Company would not be able to pay its debts as they become due in the ordinary course of business or (2) the fair value of the total assets of the Company would not at least equal its total liabilities. Subject to the foregoing limitation, the Company will make such distributions to the Member in such amounts as the Member determines.

RECEIVED

JAN 9 2019

OWRD

SECTION 4. POWERS AND DUTIES OF MEMBER

4.1 Management of Company. The management and control of the Company and its business and affairs will be vested in the Member. The Member shall, however, have the right to designate a manager to manage the day-to-day business and operations of the Company. The Member will have all the rights and powers that may be possessed by a member-managed limited liability company pursuant to the Act and those rights and powers that are otherwise conferred by law or that are necessary, advisable, or convenient to the discharge of the Member's duties under this Agreement and to the management of the business and affairs of the Company; provided, however, notwithstanding the foregoing, the Member shall not be required to perform services for the Company solely by virtue of being a Member. Without limiting the generality of the foregoing, the Member will have the following rights and powers (which the Member may exercise at the cost, expense, and risk of the company):

(1) To expend the funds of the Company in furtherance of the Company's business.

(2) To perform all acts necessary to manage and operate the business of the Company, including engaging such persons as the Member deems advisable to assist in the management of the Company;

(3) To execute, deliver, and perform on behalf of an in the name of the Company any and all agreements and documents deemed necessary or desirable by the Member to carry out the business of the Company, including any lease, deed, easement, bill of sale, mortgage, trust deed, security agreement, contract of sale, or other document conveying, leasing, or granting a security interest in the interest of the Company in any of its assets, or any part thereof, whether held in the Company's name, the name of the Member, or otherwise, and no other signature or signatures will be required for any such instrument to be valid, binding, and enforceable against the Company in accordance with its terms;

(4) To borrow or raise moneys on behalf of the Company in the Company's name or in the name of the Member for the benefit of the Company and, from time to time, to draw, make, accept, endorse, execute, and issue promissory notes, drafts, checks, and other negotiable or nonnegotiable instruments and evidences of indebtedness, and to secure the payment thereof by mortgage, security agreement, pledge, or conveyance or assignment in trust of the whole or any part of the assets of the Company, including contract rights, and no other signature or signatures will be required for any such instrument to be valid, binding, and enforceable against the Company in accordance with its terms.

4.2 Limitation on Liability of Member. No Member or agent of the Company shall have any personal obligation for any liabilities of the Company by reason of being a Member or agent of the Company. The Member will not have any liability to the Company for any loss suffered by the Company which arises out of any action,

RECEIVED

JAN 9 2019

OWRD

omission, or error in judgment of the Member, which act, omission, or error did not constitute fraud.

4.3 Indemnification of Member. The Member shall be indemnified by the Company against any losses, judgments, liabilities, expenses, and amounts paid in settlement of any claims sustained against the Company or against the Member in connection with the Company, including, without limitation, attorney fees at trial and on appeal as incurred. The satisfaction of any indemnification and any saving harmless will be from, and limited to, Company assets, and the Member will not have any personal liability on account of such indemnification.

4.4 Dealing with the Company. The Member, and any affiliates of or persons related to the Member, may deal with the Company, by providing or receiving property and services to or from the Company, and may receive from others or from the Company profits, compensation, commissions, or other income incident to such dealings as long as such profits, compensation, commissions, or other income is not proved beyond a reasonable doubt to be in excess of fair market value. To the maximum extent permitted by law, the Member shall not have or owe any fiduciary duties to the Company. Without limiting the generality of the foregoing, under no circumstances shall any person or entity, whether a creditor, incidental beneficiary, or otherwise, have any right or entitlement derivative of the Company or any ability to assert any claims by, through, or on behalf of the Company, including, without limitation, a claim that the Member has breached a fiduciary duty owed to the Company.

4.5 Loans. The Member may, but will not be obligated to, make loans to the Company to cover the Company's cash requirements, and such loans will bear interest at a rate determined by the Member.

SECTION 5. SALARIES AND REIMBURSEMENT OF EXPENSES

5.1 Organization Expenses. The Company will pay all expenses incurred in connection with organization of the Company.

5.2 Other Company Expenses. The Member will charge the Company for the Member's actual out-of-pocket expenses incurred in connection with the Company's business.

5.3 Salaries. The Member will be paid such compensation as is specifically authorized by the Member.

SECTION 6. BOOKS OF ACCOUNT AND BANKING

6.1 Books of Account. The Company's books and records and this Agreement will be maintained at the principal office of the Company. The Member will keep and maintain books and records of the operations of the Company that are appropriate and adequate for the Company's business and for carrying out this Agreement.

RECEIVED

JAN 9 2019

OWRD

6.2 Banking. All funds of the Company are to be deposited in a separate bank account or in an account or accounts of a savings and loan association as determined by the Member. Such funds may be withdrawn from such account or accounts on the signature of the Member and/or of any such other person or persons as are designated by the Member in writing.

SECTION 7. ASSIGNMENT OF INTERESTS; SUBSTITUTION OF MEMBERS

A Member may dispose of all or any portion of his or her Interest. If the Member transfers his or her entire Interest, then the transferee shall be admitted as a substituted Member on completion of the transfer without further action and shall thereafter be the Member for purposes of this Agreement. If the Member transfers less than his or her entire Interest, then the transferee shall be admitted as a substituted Member with respect to the transferred Interest on the written consent of the Member.

SECTION 8. DISSOLUTION AND WINDING UP OF THE COMPANY

8.1 Dissolution. The Company will be dissolved only on the happening of any of the following events:

- (1) The express determination of the Member to dissolve the Company; or
- (2) By operation of law.

Without limiting the generality of the foregoing, the death, adjudicated incompetency, bankruptcy, or insolvency of the Member or the occurrence of any other event that terminates the membership of the Member in the Company shall not cause or result in a dissolution of the Company.

8.2 Winding Up. On the dissolution of the Company, the Member will take full account of the Company's assets and liabilities, and the assets will be liquidated as promptly as is consistent with obtaining their fair value, and the proceeds, to the extent sufficient to pay the Company's obligations with respect to the liquidation, will be applied and distributed in the following order:

- (1) To payment and discharge of the expenses of liquidation and of all the Company's debts and liabilities; and
- (2) To the Member.

SECTION 9. GENERAL PROVISIONS

9.1 Amendments. A proposed amendment will be adopted and become effective as an amendment only on the written approval of the Member.

RECEIVED

JAN 9 2019

OWRD

9.2 Entire Agreement. This Agreement, including any attached Exhibits or any other document to be furnished pursuant to the provisions hereof, embodies the entire agreement and understanding of the parties to the agreement regarding the subject matter contained in it. There are no restrictions, promises, representations, warranties, covenants, or undertakings other than those expressly set forth or referred to in such documents. This Agreement and such documents supersede all prior agreements and understandings among the parties regarding the subject matter hereof.

9.3 Severability. If any term or provision of this Agreement is held to be void or unenforceable, that term or provision shall be severed from this Agreement, the balance of the Agreement shall survive, and the balance of this Agreement shall reasonably be construed so as to carry out the intent of the parties as evidenced by the terms of this Agreement.

9.4 Governing Law. This Agreement and the rights of the parties under it will be governed by and interpreted in accordance with the laws of the state of Oregon (without regard to principles of conflicts of law).

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the date and year first above written.

MEMBER:



Christopher Scariano

COMPANY:

SCENIC WOODS, LLC

By: 

Christopher Scariano, Member

N:\ATTY\SGC\Clients\Scenic Woods, LLC\Business Organization\OPERATING AGREEMENT.doc

RECEIVED

JAN 9 2019

OWRD