



Oregon Water Resources Department
 Stored Water Only Applications - Expedited Secondary

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Today's Date: Monday, January 14, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	303.75	\$1,040.80
Permit Recording Fee. ***		\$520.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,080.80

OWRD Fee Schedule

Fee Calculator Version: B20170117

Application for a Permit to Use **RECEIVED**
Surface Water **JAN 14 2019**
OWRD



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 STELLMACHER FAMILY PROPERTIES LLC			PHONE (HM)
PHONE (WK) 541-926-3834	CELL	FAX	
ADDRESS 30416 STELLMACHER DR. SW			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL * BILLBARBSTELLMACHER@GMAIL.COM

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 503-510-3026	FAX
ADDRESS 15333 PLETZER RD. SE				CELL
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.)

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.

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

William J. Stellmacher William J. STELLMACHER 1/11/19
 Applicant Signature Print Name and Title if applicable Date
OWNER

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.

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- 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*).

Greenbelt Land Trust Inc., P.O. Box 1721, Corvallis, OR 97339

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 Stored Water)	Tributary to: Columbia River
TRSQQ of POD: 11S 4W 16 NESW	
Source 2:	Tributary to:
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.)

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/

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

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

Is the POD 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,

- 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:
Keep equipment in good operating condition to minimize waste and install water use measuring device.

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: 5-88672

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 (BOR Stored Water)	Irrigation/Supplemental Irrigation	Mar. 1 - Oct. 31	1.52 <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: 12.2 Acres Supplemental: 109.3 Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
Cert. 37455

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 303.75 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): 10 HP, low-pressure electric centrifugal/ 2 - 30 HP, high-pressure electric, centrifugal

Other means (describe): _____

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

Low-pressure pump will draw water with 8" suction line, 6" pipe to 30 HP high-pressure pumps conveying water through 6" buried mainline to farm.

B. Application Method

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

Hose reel traveler

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 water requested is needed for crop irrigation. A high efficiency system will be installed equipped with a water use measuring device.

For Department Use: App. Number: 5-88692

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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: New fish screening will be sized to the system and installed.

- 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 to no clearing will be required at proposed location for POD.

- 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: Operation of pump equipment will only happen as needed during irrigation season.

- 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 equipment in good operating condition to prevent run-off.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: upon permit issuance
- b) Date construction will be completed: request standard 5 year completion time
- c) Date beneficial water use will begin: 2019 irrigation season

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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).*

For Department Use: App. Number: 5-88692

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: \$ 2,080.80
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 taxlot 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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For Department Use: App. Number: S-08672

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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For Department Use: App. Number: S-88692

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.

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form

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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

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Applicant

NAME STELLMACHER FAMILY PROPERTIES LLC			PHONE (HM)	
PHONE (WK) 541-926-3834		CELL		FAX
ADDRESS 30416 STELLMACHER DR. SW				
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL* BILLBARBSTELLMACHER@GMAIL.COM	

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	16	NESW	503	Conservation Easement	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Conservation
11S	4W	16	NWSE	503	Conservation Easement	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Conservation
11S	4W	16	NWSE	500	Farm Use	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
11S	4W	16	NESE	500	Farm Use	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
11S	4W	16	SESE	500	Farm Use	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
11S	4W	16	SWSE	500	Farm Use	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
11S	4W	16	SESW	500	Farm Use	<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:

Linn 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) Willamette River (BOR Stored Water)

Estimated quantity of water needed: 303.75 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 on the Willamette River to convey BOR stored water for primary irrigation on 12.2 acres and supplemental on 109.3 acres of crops in tax lot 500.

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.

5-88682

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): LC 928.310(B)(12)

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."**

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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: JAN 14 2019	
		<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.

Irrigation in the EFU zoning district is an outright use

NAME <u>Alyssa Schreiner</u>	TITLE: <u>Assistant Planner</u>
SIGNATURE <u>Alyssa Schreiner</u>	PHONE: <u>541-967-3816</u>
GOVERNMENT ENTITY <u>Linn County Planning and Building</u>	DATE: <u>1/11/19</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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Business Registry Business Name Search

JAN 14 2019

[New Search](#)

Business Entity Data

OWRD

01-10-2019 10:15

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
734938-85	DLLC	ACT	OREGON	02-08-2000	02-08-2020	
Entity Name	STELLMACHER FAMILY PROPERTIES LLC					
Foreign Name						

[New Search](#)

Associated Names

Type	PPB PRINCIPAL PLACE OF BUSINESS					
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

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

Type	AGT REGISTERED AGENT		Start Date	07-24-2015	Resign Date
Of Record	200067-14	EVASHEVSKI ELLIOTT PC			
Addr 1	100 CALAPOOIA ST SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Type	MAL MAILING ADDRESS					
Addr 1	PO BOX 983					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MGR MANAGER				Resign Date
Name	WILLIAM	STELLMACHER			
Addr 1	30416 STELLMACHER DR SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Type	MGR MANAGER				Resign Date
Name	BARBARA	STELLMACHER			
Addr 1	30416 STELLMACHER DR SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

[New Search](#)

Name History

Business Entity Name	Name Type	Name Status	Start Date	End Date
STELLMACHER FAMILY PROPERTIES LLC	EN	CUR	02-08-2000	

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

[New Search](#)

Summary History

Image Available	Action	Transaction Date	Effective Date	Status	Name/Agent Change	Dissolved By
	AMENDED ANNUAL REPORT	01-03-2019		FI		
	ANNUAL REPORT PAYMENT	01-11-2018		SYS		
	ANNUAL REPORT PAYMENT	01-17-2017		SYS		
	ANNUAL REPORT PAYMENT	01-26-2016		SYS		
	AMNDMT TO ANNUAL RPT/INFO STATEMENT	07-24-2015		FI	Agent	
	ANNUAL REPORT PAYMENT	01-07-2015		SYS		
	ANNUAL REPORT PAYMENT	01-07-2014		SYS		
	ANNUAL REPORT PAYMENT	01-04-2013		SYS		
	REINSTATEMENT AMENDED	07-02-2012		FI		
	ADMINISTRATIVE DISSOLUTION	04-08-2011		SYS		
	ANNUAL REPORT PAYMENT	01-14-2010		SYS		
	ANNUAL REPORT PAYMENT	01-08-2009		SYS		
	ANNUAL REPORT PAYMENT	01-15-2008		SYS		
	ANNUAL REPORT PAYMENT	02-13-2007		SYS		
	ANNUAL REPORT PAYMENT	01-27-2006		SYS		
	ANNUAL REPORT PAYMENT	01-12-2005		SYS		

S-88692

CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION
Managing Water in the West

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OWRD

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Stellmacher Family Properties LLC
- 2) Address: 30416 Stellmacher Dr. SW, Albany, OR 97321
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? Yes (Easement for POD)

B. Water User Organizations (Such as Irrigation Districts, Ditch/Canal Companies, Water Control Districts, Water User Associations & Cooperatives, Irrigation Improvement Districts, and similar entities organized according to State Law)

- 1) Name of Organization: _____
- 2) Name & Title of Applicant: _____
- 3) Mailing Address of Organization: _____
- 4) Taxpayer Identification Number: _____
(Social Security Number or Employer Identification Number)
- 5) Please provide the following information:
 - (a) A description of the area served by the organization (location, total acreage, # of water users, prominent crops, etc.)
 - (b) Copy of organization by-laws, articles of incorporation (if applicable), board resolution authorizing the applicant to represent and bind the organization under contract with the United States.

2. Source of Water (name of stream, river): Willamette River

3. Proposed point of diversion: 2990 feet West and 1400 feet North
of SE corner of Section 16, Township 11S, Range 4W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: S-88692.

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

S-88692

6. Do you currently hold a right to natural flows for irrigating the property described herein? Yes (Willamette Slough)
If yes, what is/are the priority date(s)? 3/12/1965

7. Total quantity of water from storage requested: 303.75 acre-feet.

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8. Location of land to be irrigated in each 40-acre tract:

JAN 14 2019

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
11S	4W	16	NESE	26.0	hazelnuts
11S	4W	16	NWSE	28.1	hazelnuts
11S	4W	16	SWSE	37.0	hazelnuts
11S	4W	16	SESE	24.7	hazelnuts
11S	4W	16	SESW	5.7	hazelnuts

OWRD

9. What is the present use of the land identified above? [*farming; idle* (fallow cultivated land); *native* (appears never to have been tilled); *planted pasture or other* (please specify)].
Farming

10. Is the land identified above currently being irrigated? Partial If yes, what is the source? (*natural flows, wells, etc.*) Natural flows - Willamette Slough

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: New fish screening will be purchased that will be sized to the pumping equipment and will be pre-approved by the Oregon Department of Fish and Wildlife.

12. Telephone number where you can be reached during the day: 503-510-3026 Will McGill, CWRE
541-926-3834 Stellmacher

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE ², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

¹ Section 31001.(i) of the Debt Collection Improvement Act of 1996 (Chapter 10 of Pub. L. 104-134) requires each contractor with an agency of the United States to furnish their taxpayer identifying number (social security number or employer identification number) and each agency to disclose to that contractor its intent to use such number for purposes of collecting and reporting on any delinquent amounts arising out of such contractor's relationship with the Government.

² The minimum contract administration fee for most applications is \$100. However, from time to time this fee may be revised to cover the costs of the United States. We recommend you contact this office to verify the current minimum contract administration fee. In the event that the costs to the United States of evaluating the application are in excess of the minimum contract administration fee, an estimate of the reimbursable costs for which advance payment is required will be provided to the applicant.

STATUTORY BARGAIN AND SALE DEED

Grantor's Name and Address:

William J. Stellmacher
Barbara S. Stellmacher
30416 Stellmacher Drive S.W.
Albany, OR 97321

Grantee's Name and Address:

Stellmacher Family Properties
LLC, an Oregon limited
liability company
30416 Stellmacher Drive S.W.
Albany, OR 97321

After recording return to:

James H. Jordan
Attorney at Law
P. O. Box 983
Albany, OR 97321

The true and actual
consideration for this
conveyance is \$NONE.

Until a change is requested
all tax statements shall be
sent to:

Stellmacher Family Properties
LLC, an Oregon limited
liability company
30416 Stellmacher Drive S.W.
Albany, OR 97321

Tax Account Information:

Account No. 0148458, Parcel 11S04W14B 00100 (57.42 acres)
Account No. 0149118, Parcel 11S04W16 00500 (189.84 acres)

Conveyance

William J. Stellmacher and Barbara S. Stellmacher, Grantor,
conveys to Stellmacher Family Properties LLC, an Oregon limited
liability company, Grantee, the following described real property
located in Linn County, Oregon:

57.42 Acres:

Beginning at a point on the west line of and North 0°33'30"
East 1064.38 feet from the Southwest corner of the George Cline
DLC No. 84 in Township 11 South, Range 4 West, Willamette

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Meridian, Linn County, Oregon; thence along said West line, North 0°33'30" East 1424.33 feet to the Northeast corner of that tract of land described in Linn County Deed Records Volume 324, page 254; thence along the North line and North line extended of the South one half of the John Layton DLC No. 57, South 89°34'15" West 1794.02 feet to a 1/2 inch iron rod; thence South 0°33'30" West 1396.35 feet to a 1/2 inch iron rod; thence South 89°32'08" East 1793.76 feet to the point of beginning.

EXCEPT that portion within the boundaries of the County road known as Bryant Drive.

189.84 Acres:

Parcel I: Beginning at a 3/4 inch bolt North 89°55' West 1963.15 feet from a 3/4 inch bolt on the East line of and South 0°21' East 11 chains from the Northeast corner of the JOHN MOORE D.L.C. No. 59 in Township 11 South, Range 4 West of the Willamette Meridian in Linn County, Oregon, said beginning point being 11 chains South of the South line of the West projection of the DAVIS LAYTON D.L.C. No. 58 in said Township and Range; and running thence South 0°21' East parallel with the East line of D.L.C. No. 59 a distance of 1914 feet to a 3/4 inch iron rod on the South line of and West 14.65 feet from the Southeast corner of Section 16 in said Township and Range; thence West along the South line of Section 16 a distance of 969.41 feet to a 1-1/2 inch pipe at the Southwest corner of that certain 150 acre tract conveyed to W.C. Stellmacher by deed recorded on page 376 of Volume 52 of Linn County Deed Records; thence North 28.75 chains, more or less, to the Northwest corner of said W.C. Stellmacher tract, said point being 11 chains South of the North line of the Henry J.C. Averill D.L.C. No. 82; thence East 984.41 feet to the place of beginning and containing 42.92 acres.

Parcel II: Beginning at a point which is East 75 links and South 14° East 11.35 chains and West 8.21 chains and South 63 links distant from the Northeast corner of H.J.C. AVERILL'S D.L.C., Notification No. 1811, Claim No. 82, in Township 11 South, Range 4 West of the Willamette Meridian, in Linn County, Oregon, running from thence South 28.67 chains; thence South 65° West 11 chains; thence South 78° West 4.21 chains; thence North 28.20 chains; thence East 7.54 chains; thence North 5.18 chains; thence North 83° East 6.57 chains, to the place of beginning, containing 40 acres, more or less. Also the right to travel over the following described property: Beginning at a point which is West 2.24 chains distant from the Northeast corner of the H.J.C. AVERILL'S D.L.C. Claim No. 82, Township 11 South, Range 4 West of the Willamette Meridian, running thence South South 3° West 4.86 chains; thence South 42-1/2° West 9.90 chains; thence South 83° West 39 links; thence North 42-1/2° East 10.30 chains; thence North 3° East 4.47 chains to a point South 3° West 30 links and

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West 25 links from place of beginning.

Parcel III: Beginning at a point which is 75 links East of the Northeast corner of the H.J.C. AVERILL D.L.C., Not. No. 1811, Claim No. 82, Township 11 South, Range 4 West of the Willamette Meridian, Oregon; and running thence South 14° East 11.35 chains; thence West 8.21 chains; thence South 29.30 chains; thence South 65° West 11 chains; thence South 78° West 5 chains; thence South $70^{\circ}45'$ West 5 chains; thence North 84° West 6 chains; thence South 87° West 4.56 chains; thence North 30° West 1.75 chains to the bank of a creek or outlet of a lake; thence North 30° West down the channel of said creek to the West boundary line of said D.L.C., 4 chains, more or less; thence in a Northerly direction along the West boundary line of said D.L.C. in the Northwest corner thereof; and thence East 35.35 chains to the place of beginning, all in Linn County, Oregon, EXCEPTING therefrom that part of the foregoing description described in the deed of record page 80 record of deeds, Volume 99 of said County.

Parcel IV: Beginning at a point in the outlet of Horseshoe Lake from which an ash 12" bears North 34° East 36 links, said point being North 17.564 chains and East 25.977 chains from the most westerly Northwest corner of the HENRY J.C. AVERILL D.L.C. No. 82 in Township 11 South, Range 4 West, of the Willamette Meridian in Linn County, Oregon; and running thence North 47° West 13.25 chains to the Southeasterly bank of the Willamette River; thence along said bank as follows: North $87^{\circ}30'$ East 4.0 chains, North 74° East 5.0 chains, North 63° East 2.75 chains and North 51° East 2.48 chains to the Westerly line of the aforementioned D.L.C. No. 82; thence along said Westerly line of D.L.C. No. 82 as follows: South 1° West 2.39 chains, South $17^{\circ}30'$ West 9.0 chains and South 7° West 3.37 chains to the center line of the outlet of Horseshoe Lake; thence North $19^{\circ}30'$ West along the center of said outlet 98 links to the place of beginning and containing 7.3 acres, more or less.

Parcel V: Beginning at the Northwest corner of the Henry J.C. Averill D.L.C. 82 in Section 16, T. 11 S., R. 4 W. of the Will. Mer., Linn County, Oregon; and running thence N. $89^{\circ}49'$ E., along the North line of said D.L.C. 82, a distance of 2060 feet; thence S. $0^{\circ}11'$ E. 60.0 feet; thence S. $89^{\circ}49'$ W., parallel to the North line of said D.L.C. 82, a distance of 1210 feet; thence S. $0^{\circ}11'$ E. 315.0 feet; thence S. $89^{\circ}49'$ W. 500 feet, more or less, to the Easterly bank of the Willamette River; thence Northwesterly, along said bank, to a point which bears S. $89^{\circ}49'$ W. of the point of beginning; thence N. $89^{\circ}49'$ E. to the point of beginning, and containing 9.26 acres, more or less, of which 0.03 acre lies within the existing county road, leaving 9.23 acres, more or less, subject to the rights of the public in the use of said existing county road.

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S-88692

THIS TRANSACTION IS NOT INTENDED TO CONSOLIDATE ANY OF THE INDIVIDUALLY DESCRIBED PARCELS OR TAX LOTS FOR LAND USE, TAX LOTS, OR ANY OTHER PURPOSE.

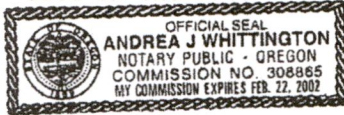
THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO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

DATED this 7th day of July, 2000.

William J. Stellmacher
William J. Stellmacher
Barbara S. Stellmacher
Barbara S. Stellmacher

STATE OF OREGON)
) ss.
County of Linn)

Personally appeared the above-named William J. Stellmacher and declared the foregoing instrument to be his voluntary act and deed on the date written above.



Andrea J. Whittington
Notary Public for Oregon
My Commission Expires: 2-22-02

STATE OF OREGON)
) ss.
County of Linn)

Personally appeared the above-named Barbara S. Stellmacher and declared the foregoing instrument to be her voluntary act and deed on the date written above.



Andrea J. Whittington
Notary Public for Oregon
My Commission Expires: 2-22-02

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JAN 14 2019
OWRD

S-88692

STATE OF OREGON
County of Linn

I hereby certify that the attached
was received and duly recorded
by the Linn County records.

STEVE DRUCKENMILLER MF 1116
Linn County Clerk
By SW, Deputy PAGE 566

M
20
21

8:30 O'clock a.m. 41
JUL 14 2000

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JAN 14 2019

OWRD

5-88692

RECORDING COVER SHEET (Please print or type)

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

LINN COUNTY, OREGON

2012-14373

E-AE

Cnt=2 Stn=1 COUNTER

09/20/2012 03:16:35 PM

\$55.00 \$5.00 \$15.00 \$19.00 \$10.00

\$104.00



00187477201200143730110117

I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



After recording return to: ORS 205.234(1)(c)

Greenbelt Land Trust, Inc.

P.O. Box 1721

Corvallis, OR 97339

1. Title(s) of the transaction(s)

ORS 205.234(1)(a)

Deed of Reciprocal Access Easements and Maintenance Agreement

2. Direct party(ies) / grantor(s)

Name(s) & Address(es)

ORS 205.234(1)(b)

Stellmacher Family Properties, LLC

3. Indirect party(ies) / grantee(s)

Name(s) & Address(es)

ORS 205.234(1)(b)

Greenbelt Land Trust, Inc., an Oregon non-profit corporation

4. True and actual consideration:

ORS 205.234(1) Amount in dollars or other

\$.00

Other:

5. Send tax statements to:

ORS 205.234(1)(e)

No changes

6. Satisfaction of lien, order, or warrant:

ORS 205.234(1)(f)

FULL

PARTIAL

7. The amount of the monetary obligation imposed by the lien, order, or warrant:

ORS 205.234(1)(f)

\$

8. Previously recorded document reference: 2012-12710

9. If this instrument is being re-recorded complete the following statement:

ORS 205.244(2)

"Rerecorded at the request of Greenbelt Land Trust, Inc.

to correct Conservation Easement recording number on page 2

previously recorded in book _____ and page _____, or as fee number _____."

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JAN 14 2019

OWRD

First American Title

S-88692

*Until a change is requested,
send tax statements to:*

No Changes

After recording return to:

GREENBELT LAND TRUST, Inc.
P.O. BOX 1721
CORVALLIS, OREGON 97339

With copies to:

Oregon Watershed Enhancement Board
Attn: Policy and Oregon Plan Section
775 Summer Street NE, Suite 360
Salem, OR 97301-1290

Bonneville Power Administration
Real Property Services, TERR
Re: ~~WILWF-WL-2~~ WILWF-WL-2
P.O. Box 3621
Portland, OR 97208-3621

LINN COUNTY, OREGON 2012-12710
E-REC
Cnt=2 Str=1 COUNTER 08/21/2012 12:09:43 PM
\$50.00 \$5.00 \$11.00 \$15.00 \$19.00 \$110.00



I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Steve Druckenmiller - County Clerk



**DEED OF RECIPROCAL ACCESS EASEMENTS AND
MAINTENANCE AGREEMENT**

This Deed of Reciprocal Access Easement and Maintenance Agreement is made this 17 day of August, 2012 (the "Effective Date") by and between Stellmacher Family Properties, LLC ("Stellmacher") and Greenbelt Land Trust, Inc., an Oregon non-profit corporation ("Greenbelt"), collectively referred to as "the Parties" herein.

WHEREAS, in accordance with that certain Option Purchase Agreement between the Parties dated June 19, 2012, Stellmacher agreed to cooperate with Greenbelt in the partitioning of certain property of Stellmacher for the purpose of achieving certain conservation objectives on a portion of the Stellmacher property. The Stellmacher property is depicted with more particularity in Exhibits A and B, the partition plat dated AUGUST 20, 2012 and filed as Partition Plat No. 2012-32 ("the Plat"), with Parcel 1 being sold to Greenbelt under the Option Purchase Agreement and Parcel 2 being retained by Stellmacher;

WHEREAS, as depicted on the Plat, it is intended that Greenbelt will access Parcel 1 by a road easement twenty (20) feet in width through Parcel 2, as well as a road easement twenty (20) feet in width along the western and southern boundaries of Parcel 2, with both easements collectively

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5-888728

referred to as "the Access Easements" herein;

WHEREAS, it is intended that Parcel 2 will be benefited by irrigation-related easements across Parcel 1 ("the Irrigation Easements"), with the Irrigation Easements depicted on the Plat as the "Waterline, Power and Access easement" and "20.00' Wide Access Easement";

WHEREAS, in partial consideration for Stellmacher agreeing to sell Parcel 1 to Greenbelt, Greenbelt agreed to certain terms and conditions of use and maintenance of the Access Easements;

WHEREAS, as a condition of funding to be received from the State of Oregon, acting through the Oregon Watershed Enhancement Board (hereinafter "OWEB") and the United States, acting through the Bonneville Power Administration ("BPA"), Greenbelt has granted a conservation easement to OWEB and BPA (the "OWEB-BPA Conservation Easement"), encumbering the Parcel 1 in accordance with the terms and conditions of the OWEB-BPA Conservation Easement, which is dated AUGUST 13, 2012 and recorded as Document Number 2012-12711 in the Deed Records of Linn County.

2012-12711

NOW THEREFORE, the Parties Agree as Follows:

1. **Access Easements.** Stellmacher, as the record owner of Parcel 2, for adequate consideration, the receipt of which is hereby acknowledged, and the further consideration of the performance of the covenants and agreements by Greenbelt as set out and expressed below, does hereby grant, convey, warrant, remise and relinquish to Greenbelt, the owner of Parcel 1, its successors and assignees, appurtenant perpetual non-exclusive easements (the Access Easements) over the property more particularly described as follows:

Access Drive: That certain strip of property 20.00' in width generally running north and south the centerline of which is partially depicted on Detail "B" of the Plat and labeled "CENTERLINE OF 20' WIDE ACCESS EASEMENT PER THIS PLAT," and which continues to the south and as fully depicted on Page 1 of the Plat.

Perimeter Access: That certain strip of property 20.00' in width running along the southern and western boundary of Parcel 2 as depicted on Page 1 of the Plat and following the course, bearing and distance references as L-1 to L-32, as stated on Page 1 of said Plat.

The purpose of the Access Easements is to provide the limited access rights necessary for Greenbelt to achieve the conservation purposes intended by Greenbelt's purchase of Parcel 1, with said purposes limited to conservation management, education, restoration and monitoring of Parcel 1.

2. **Irrigation Easements.** Greenbelt, as the record owner of Parcel 1, for adequate consideration, the receipt of which is hereby acknowledged, and the further consideration of

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JAN 14 2019

OWRD

S-88692

the performance of the covenants and agreements by Stellmacher, as set out and expressed below, does hereby grant, convey, warrant, remise and relinquish to Stellmacher, the owner of Parcel 2, and its successors and assignees, appurtenant perpetual non-exclusive easements (the Irrigation Easements), over the property more particularly described as follows:

Waterline and Power Area: That certain area of property depicted on Detail "A" of the Plat and labeled "EASEMENT AREA WATERLINE, POWER AND ACCESS PER THIS PLAT".

Access Strip: That certain strip of property 20.00' in width, the centerline of which is depicted on Detail "A" of the Plat and labeled "CENTERLINE OF 20' WIDE ACCESS EASEMENT PER THIS PLAT".

The purpose of the Irrigation Easements is to allow the installation, maintenance, and operation of an irrigation system benefiting Parcel 2, including a waterline, all reasonably necessary pumping equipment and power related thereto, and for access to said line and equipment.

3. **Public Access.** General public use of the Access Easements and Irrigation Easements is not intended.
4. **Vehicular Access and Speed limit.** Access rights granted by Stellmacher and Greenbelt include vehicular access rights, subject to the use and maintenance conditions of this Agreement. Motor vehicles shall not exceed 10 miles per hour while using the Access Easements and Irrigation Easements.
5. **Maintenance.** Upon reasonable notice to the other, Stellmacher and Greenbelt agree that each shall repair any damage that each causes to the Access Easements over Parcel 1. Maintenance of the Access Easement areas, other than to repair damage attributable to a particular party, shall be shared based upon the proportionate use of the Parties as provided for in ORS 105.175 or its successor provisions.

Notwithstanding anything to the contrary herein, Stellmacher, its successors and assigns will remain responsible for all obligations, including maintenance and repair, associated with the Irrigation Easements.

6. **OWEB-BPA Conservation Easement.** All Greenbelt and Stellmacher activities under this Agreement, including maintenance and repair, will strictly comply with the terms and conditions of the OWEB-BPA Conservation Easement.
7. **OWEB and BPA Rights of Access.** Notwithstanding anything to the contrary herein, the State of Oregon, acting by and through OWEB and the United States of America acting by and through BPA, and their successors and assigns, are hereby assigned the right to use the Access Easements as reasonably necessary to administer and enforce agreements between

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Greenbelt, OWEB and/or BPA related to Parcel 1, with said use to be subject to use restrictions, but not maintenance obligations, provided for herein.

8. **Successors and Assigns.** This instrument, and the covenants and agreements contained in this instrument shall inure to the benefit of and be binding and obligatory upon the heirs, executors, administrators, assigns, lessees and invitees of the Parties.
9. **Recording.** This Agreement will be recorded by Greenbelt in the Deed Records of Linn County, Oregon.

IN WITNESS WHEREOF, each party to this instrument has caused it to be executed on the dated indicated below.

Stellmacher Family Properties LLC, an Oregon limited liability company

William J. Stellmacher Date 8/17/12
By: William J. Stellmacher, managing
member

The William and Barbara Stellmacher Revocable Living Trust, Dated March 15, 1993, as
member

William J. Stellmacher Date 8/17/12
By: William J. Stellmacher
Its: trustee

Barbara S. Stellmacher Date 8/17/12
By: Barbara S. Stellmacher
Its: trustee

Greenbelt Land Trust, Inc., an Oregon non-profit corporation

Lyle E. Hutchens Date 17 AUG 12
By: LYLE E HUTCHENS
Its: TREASURER

Accepted by the Oregon Watershed Enhancement Board:

By: _____ Date _____

Thomas M. Byler

Its: Executive Director

Accepted by the United States of America:

By: Margaret H. Wolcott Date 8-15-2012

Margaret H. Wolcott

Its: Manager, Real Property Services, Bonneville Power Administration

STATE OF OREGON)
) SS
COUNTY OF _____)

Personally appeared before me this ____ day of _____, 2012 above named William J. Stellmacher as managing member of Stellmacher Family Properties LLC, on behalf of the limited liability company and William J. Stellmacher, as trustee of the William and Barbara Stellmacher Revocable Living Trust dated March 15, 1993, and acknowledged the foregoing instrument to be his voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

STATE OF OREGON)
) SS
COUNTY OF _____)

Personally appeared before me this ____ day of _____, 2012 the above named Barbara S. Stellmacher as trustee of the William and Barbara Stellmacher Revocable Living Trust dated March 15, 1993, and acknowledged the foregoing instrument to be her voluntary act and deed.

Notary Public for Oregon
My Commission Expires: _____

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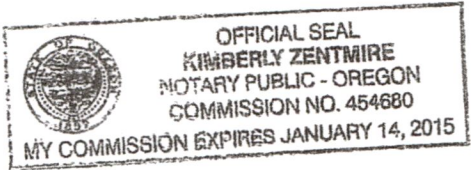
JAN 14 2019

OWRD

8-88692

STATE OF OREGON)
) SS
COUNTY OF Benton)

This instrument was acknowledged before me on August 17, 2012 by Wye E. Hutchins as Treasurer of Greenbelt Land Trust, Inc., an Oregon non-profit corporation.



Kimberly Zentwire
Notary Public for Oregon
My Commission Expires: 1/14/2015

STATE OF OREGON)
) SS
COUNTY OF Manon)

This instrument was acknowledged before me on August 13, 2012 by Thomas M. Byler, as Executive Director of the Oregon Watershed Enhancement Board.



Miriam D Hulst
Notary Public for Oregon
My commission expires: 12/01/2014

STATE OF OREGON)
) SS
COUNTY OF _____)

This instrument was acknowledged before me on _____, _____ by Margareth H. Wolcott, as Manager, Real Property Services of Bonneville Power Administration.

Notary Public for Oregon
My commission expires: _____

RECEIVED
JAN 14 2019
OWRD

S-88692

STATE OF OREGON)
) SS
COUNTY OF _____)

This instrument was acknowledged before me on _____, 2012 by _____
_____ as _____ of Greenbelt Land Trust, Inc., an Oregon
non-profit corporation.

Notary Public for Oregon
My Commission Expires: _____

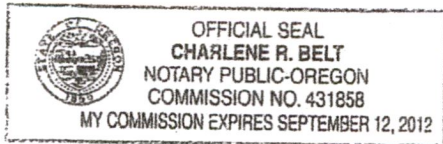
STATE OF OREGON)
) SS
COUNTY OF _____)

This instrument was acknowledged before me on _____, _____ by Thomas M.
Byler, as Executive Director of the Oregon Watershed Enhancement Board.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON)
) SS
COUNTY OF McClatsine)

This instrument was acknowledged before me on August 15, 2012 by Margareth H.
Wolcott, as Manager, Real Property Services of Bonneville Power Administration.



Charlene R. Belt
Notary Public for Oregon
My commission expires: 9/12/2012