



Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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Today's Date: Thursday, February 28, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	8	\$280.00
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		\$1,320.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

Aspen

Rural Land Consulting

Water Resources, Water Rights, Land
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM
971-250-1520 (MOBILE)

Water Resources Department
Attn: New Water Right Applications
725 Summer Street NE, Ste. A
Salem, OR, 97301

20 Febr., 2019

Subject: New Application for an expedited process for a temporary right to use only stored water

To Whom It May Concern,

Enclosed is an application for a temporary right to use stored water only along with the following attachments:

1. Land Use Compatibility Statement
2. Application Map
3. Trios with legal descriptions of the lands involved
4. Fee calculator output
5. Check made out to Oregon Water Resources Department for \$1320.00

Please let me know if there is any concerns or you need any more information.

Respectfully,
Aspen Rural Land Consulting

Eric Urstadt, PE, PLS



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Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE			PHONE (HM) N/A
PHONE (WK) (503) 864-4422	CELL (503) 437-4833		FAX N/A
ADDRESS PO BOX 99			
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL * N/A

Organization

NAME N/A		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 ASPEN RURAL LAND CONSULTING C/O ERIC URSTADT		PHONE 9714.250.1520	FAX N/A
ADDRESS 39290 NW MURTAUGH ROAD			CELL
CITY NORTH PLAINS	STATE OR	ZIP 97133	E-MAIL * N/A

Note: Attach multiple copies as needed

* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

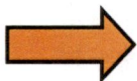
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By my signature below I confirm that I understand:

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



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

Applicant Signature

Paul Kuehne, owner
Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: PROPERTY OWNERSHIP

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

4-30-19
LMB

- 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).*

Landowner: Wakinyan Farm, LLC, c/o Harry Miller, 2310 SW 21st, Portland, OR 97201

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. The legal descriptions are in Attachment 3.

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: Reservoir per Cert. 39455	Tributary to: Salt Creek
TRSQQ of POD: T7S, R5W, S6, NE-NE	
	Tributary to: Salt Creek

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

B. Applications to Use Stored Water

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

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

SECTION 2: PROPERTY OWNERSHIP

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

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

4.30.19
LST

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TRSQQ of POD: T7S, R5W, S6, NE-NE	
	Tributary to: Salt Creek

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

B. Applications to Use Stored Water

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

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

For Department Use: App. Number: S-88752

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).*

None

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. The legal descriptions are in Attachment 3.

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: Reservoir per Cert. 29902	Tributary to: Salt Creek
TRSQQ of POD: T7S, R5W, S6, NE-NE	
Source 2: Reservoir per Cert. 39455	Tributary to: Salt Creek
TRSQQ of POD: T7S, R5W, S6, NE-NE	

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).

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B. Applications to Use Stored Water

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

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- 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

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

If yes,

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

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

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

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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
Reservoir per Cert. 39455	Irrig & Suppl	Irrigation Season	<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 9.5 Acres Supplemental: 4.2 Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
Cert. 14404
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 8 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

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 OWRD

A. Diversion and Conveyance

What equipment will you use to pump water from your source?

- Pump (give horsepower and type): 20 HP Centrifical
 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 via 6" above ground aluminum mainlines to Big Guns.

B. Application Method

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

High Pressure Sprinklers (Big Guns)

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 is needed to prevent total ruin of a garlic crop in the area. No public surface waters will be affected.

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: The reservoir is a pump to fill reservoir and no fish are present.

- 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: The pump has been in place for many years and no excavation or clearing will be necessary.

- 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: The pump and system have been in place for many years and no equipment in a water body will be needed.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The owner keeps a continuous field of crops and only waters as needed, so no run-off will occur.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
No other permits are needed to be obtained.

SECTION 8: PROJECT SCHEDULE

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- a) Date construction will begin: As soon as permit is created.*
- b) Date construction will be completed: As soon as permit is created.*
- c) Date beneficial water use will begin: The spring of 2019

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*The system has been in place for many years, so no new construction is required.

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SECTION 9: WITHIN A DISTRICT

- 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 None known	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*).
This application should be going into an expedited process because the source of the water is from storage only.
This application is being done to resolve a temporary problem that has been created by a bogus forfeiture proceeding that will be resolved, but not soon enough to save the current crops. The applicant and agent both want emailed paperwork, and correspondence delivered electronically; please mail and email correspondence to ericurstadt@hotmail.com and paul@creeksidevalleyfarms.com.

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: \$ 1320.00
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)

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LUC 19-14

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 WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE			PHONE (HM) N/A		
PHONE (WK) (503) 864-4422		CELL (503) 437-4833		FAX N/A	
ADDRESS PO BOX 99					
CITY LAFAYETTE		STATE OR	ZIP 97127	E-MAIL* PAULKFARMS@GMAIL.COM & ERICURSTADT@HOTMAIL.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	1/4 1/4	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
7S	5W	6	N/A	101	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	farming
7s	5w	6	N/A	2101	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
						<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:

Polk 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: 6 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:

This application is to allow use of previously stored water for irrigation.



Note to applicant: If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.

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Land Use Information Form

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): PC20 136.030(A) - "Farm Use/Irrigation"

Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

see attachment A

NAME <u>Justin Peterson</u>		TITLE: <u>Associate Planner</u>	
SIGNATURE <u>Justin Peterson</u>	PHONE: <u>503-623-9237</u>	DATE: <u>2-25-19</u>	
GOVERNMENT ENTITY <u>Polk County</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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Land Use Information Form

Page 1 of 3

5-88752

AFTER RECORDED, RETURN TO:

Emily V. Karr
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**

Andrew W. Miller
520 SW Yamhill, Suite 700
Portland, OR 97204

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2017-008348 07/17/2017 09:39:57 AM
REC-BS Cnt=1 Stn=0 C. PARIS \$15.00 \$11.00 \$10.00 \$20.00 \$5.00	\$61.00

APN: 482288
Map/Tax Lot: 97506007S5W06
Situs: 15375 Highway 22, Dallas, OR 97338

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

PRUDENCE MILLER, Grantor, conveys to **WAKINYAN FARM LLC**, an Oregon **limited liability company**, Grantee, the following described real property located in Polk County, Oregon: See attached Exhibit "A."

The true consideration for this conveyance is ZERO DOLLARS (\$0.00).

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 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

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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, Grantor has executed this Statutory Bargain and Sale Deed this 14 day of July, 2017.

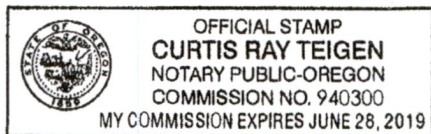
GRANTOR:

Andrew W. Miller
Andrew W. Miller, Attorney in Fact for
Prudence Miller, per Durable General Power of
Attorney dated December 4, 2012

STATE OF OREGON)
COUNTY OF MULTNOMAH)ss.

This instrument was acknowledged before me on July 14, 2017, by Andrew W. Miller, attorney in fact for Prudence Miller.

[Signature]
Notary Public - State of Oregon



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**EXHIBIT A
(Legal Description)**

TRACT 1:

That portion of the James M. Frederick and wife Donation Land Claim No. 38 lying within Section 6, Township 7 South, Range 5 West of the Willamette Meridian, described as follows: Beginning at a stone in the center of the County Road in the Northwest corner of Peter P. Friesen's land, said point being 37.20 chains North 37.50 chains East of the Southwest corner of said Claim No. 38; thence along the center of said road South 40° East 8 chains; thence North 82°50' East 26.57 chains to the East boundary of said Friesen's land; thence North 6.80 chains to the Northeast corner of said Friesen's land; thence South 82°50' West 31.85 chains to the place of beginning all lying and being in Polk County, Oregon.

ALSO: Beginning at a point 33.16 chains East and 4.53 chains North and North 56°30' East 25.89 chains from the Southwest corner of the Donation Land Claim of James M. Frederick and wife Notification No. 1980, Claim No. 38 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, which point is in the center of the County Road at the Southeast corner of land sold by Peter P. Friesen to Jacob A. Martens and wife, running thence North 56°30' East 16.95 chains to the Southeast corner of the lands of grantor herein; thence North 8.61 chains; thence South 82°50' West 26.57 chains to the center of the County Road; thence South 40° East along the center of the said road to the place of beginning.

ALSO: Beginning at a point in the center of the County Road leading from Dallas to Salt Creek, at a point 54.41 chains West and 33.77 chains North 56°30' East from the Southeast corner of the James M. Frederick Donation Land Claim Notification No. 1980, Claim No. 38 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, and thence running North 56°30' East 17.30 chains to an iron pipe; thence South 14.16 chains to an anchor post; thence South 70° West 8.60 chains to the center of said County Road; thence North 40°30' West along center of said road, 9.80 chains to the place of beginning.

SAVE AND EXCEPT the following described tract of land from the above described tracts of land to-wit: Beginning in the center of a County Road at the Northwest corner of Peter P. Friesen's land at a point which is 37.20 chains North and 37.50 chains East of the Southwest corner of the James M. Frederick Donation Land Claim No. 38 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence South 39°21' East along the center of said County Road 780.0 feet to the center of a creek; thence Northeasterly along the center of said creek 720 feet, more or less, to the Westerly line of the State Highway as same is located in the said Township and Range; thence North 53°34' West along the Westerly line of said State Highway 624.0 feet, more or less, to the North line of said Friesen's land; thence South 82°50' West 651.55 feet to the place of beginning.

SAVE AND EXCEPT that parcel conveyed to Clarence E. Villwock by deed recorded January 5, 1988 in Book 210, Page 116, Book of Records for Polk County, Oregon.

TRACT 2:

Beginning at the Northeast corner of the Donation Land Claim of James M. Frederick and wife, Notification No. 1980, Claim No. 37 in Township 7 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; thence running South 44.55 chains; thence South 82°50' West 38.36 chains; thence North 39.58 chains to the North line of said Donation Land Claim; thence North 75°54' East along said line 38.72 chains to the place of beginning.

SAVE AND EXCEPT THEREFROM all of that portion lying Southwesterly of the Southwesterly line of State Highway No. 22.

SAVE AND EXCEPT THEREFROM all of the above, that portion of the above described tracts of land lying within the boundaries of public roads and highways.

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AFTER RECORDED, RETURN TO:

Emily V. Karr
Stoel Rives LLP
760 SW Ninth Avenue, Suite 3000
Portland, OR 97205

**UNTIL A CHANGE IS REQUESTED,
SEND ALL TAX STATEMENTS TO:**

Andrew W. Miller
520 SW Yamhill, Suite 700
Portland, OR 97204

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2017-008348 07/17/2017 09:39:57 AM
REC-BS Cnt=1 Stn=0 C. PARIS \$15.00 \$11.00 \$10.00 \$20.00 \$5.00	\$61.00

APN: 482288
Map/Tax Lot: 97506007S5W06
Situs: 15375 Highway 22, Dallas, OR 97338

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY BARGAIN AND SALE DEED

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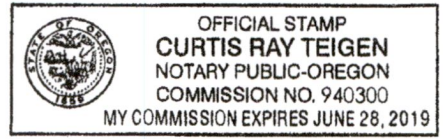
GRANTOR:

Andrew W. Miller
Andrew W. Miller, Attorney in Fact for
Prudence Miller, per Durable General Power of
Attorney dated December 4, 2012

STATE OF OREGON)
)ss.
COUNTY OF MULTNOMAH)

This instrument was acknowledged before me on July 14, 2017, by Andrew W. Miller, attorney in fact for Prudence Miller.

[Signature]
Notary Public - State of Oregon



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(Legal Description)**

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Oregon Water Resources Department
Stored Water Only Applications - Expedited Secondary

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- [Contact Us](#)

ATTACH 4-1/1

Today's Date: Tuesday, February 19, 2019

Base Application Fee.		\$520.00
Acre feet of Stored Water to be diverted.	8	\$280.00
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		\$1,320.00

OWRD Fee Schedule

Fee Calculator Version: B20170117

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