

Application for a Permit to Use Groundwater

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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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

Organization

NAME FIVE MILE RANCH LLC		PHONE 541-891-1246	FAX
ADDRESS 3827 MARSHALL AVE.			CELL
CITY CARMICHAEL	STATE CA	ZIP 95608	E-MAIL*

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

AGENT / BUSINESS NAME ANDERSON ENGINEERING & SURVEYING, INC		PHONE 541-947-4407	FAX 541-947-2321
ADDRESS P.O. BOX 28			CELL
CITY LAKEVIEW	STATE OR	ZIP 97630	E-MAIL* DARRYL@ANDERSONENGINEERING.COM

Note: Attach multiple copies as needed

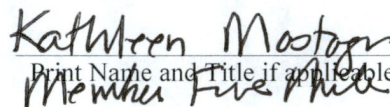
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

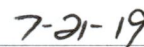
By my signature below I confirm that I understand:

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

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


Applicant Signature


Print Name and Title if applicable
Member Five Mile Ranch LLC


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.

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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).*

NA

Legal Description: You must provide the legal description of: 1. The property from which the water is to be diverted, 2. Any property crossed by the proposed ditch, canal or other work, and 3. Any property on which the water is to be used as depicted on the map.

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
1	FIVE MILE CREEK	5214 FEET	72 FEET
2	FIVE MILE CREEK	4728 FEET	69 FEET

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

NEAREST CONSTRUCTED IRRIGATION WELL – KLAM 53127

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 3.946 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
1	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	12	0-300	NONE	0-300	NA	FRACTURED BASALT	360	1100	588.00
2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	NA	<input type="checkbox"/>	12	0-300	NONE	0-300	NA	FRACTURED BASALT	360	671	359.13
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: G-18851

SECTION 4: SENSITIVE, THREATENED OR ENDANGERED FISH SPECIES PUBLIC INTEREST INFORMATION

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species if your proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters.

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

For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POA and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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

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

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

Yes No

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

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

- I understand that the permit, if issued, will not allow use during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that the Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as

appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

If yes, you will be required to provide the following information, if applicable.

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

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

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Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	3/1-10/31	947.14

For irrigation use only:

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

Primary: 243.11 Acres Supplemental: 72.6 Acres

If you listed supplemental acres, list the Permit or Certificate number of the underlying primary water right(s):

Certificate 38088 and Claim 105

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 789.28

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

- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): NA

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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- Pump (give horsepower and type): 50 hp, turbine
 Other means (describe): NA

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. Water will be pumped from well 1 to a pivot for distribution on place of use. Water will be pumped from well to a conveyance ditch where it will be flooded onto the remaining place of use.

B. Application Method

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

Pivot irrigation and flood irrigation out of a ditch

C. Conservation

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

The amount of water requested is needed to allow the cultivation of crops in primary irrigation areas, and allow for enough water for irrigation in supplemental areas in the event of water being unavailable from the primary surface rights.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: May 2019
- Date construction will be completed: August 2019
- Date beneficial water use will begin: August 2019

SECTION 8: RESOURCE PROTECTION

In granting permission to use water the state encourages, and in some instances requires, careful control of activities that may affect adjacent waterway or streamside area. See instruction guide for a list of possible permit requirements from other agencies. Please indicate any of the practices you plan to undertake to protect water resources.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: NA

- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: no disturbance of riparian areas.

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

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name NA	Address	
City	State	Zip

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application (*attach additional sheets if necessary*).

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Minimum Requirements Checklist

Minimum Requirements (OAR 690-310-0040, OAR 690-310-0050 & ORS 537.140)

Include this checklist with the application

Check that each of the following items is included. The application will be returned if all required items are not included. If you have questions, please call the Water Rights Customer Service Group at (503) 986-0900.

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

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

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 3,610.00
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)

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

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Water-Use Permit Application Processing

1. Completeness Determination

The Department evaluates whether the application and accompanying map contain all of the information required under OAR 690-310-0040 and OAR 690-310-0050. The Department also determines whether the proposed use is prohibited by statute. If the Department determines that the application is incomplete, all fees have not been paid, or the use is prohibited by statute, the application and all fees submitted are returned to the applicant.

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives public notice of the application in the weekly notice published by the Department at www.oregon.gov/owrd. 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

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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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.

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 MICHAEL MASTAGNI			PHONE (HM) 541-891-1246		
PHONE (WK)		CELL		PHONE (WK)	
ADDRESS P.O. BOX 88					
CITY BEATTY		STATE OR	CITY BEATTY	STATE OR	

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:
35S	13E	27	NW NW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	SW NW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	NE SW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	NW SW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	SW SW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	SE SW	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	27	SW SE	700	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	NE NE	100	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	SW NE	100	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	SE NE	100	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	NE SE	200	Forest/Range	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	NW SE	300	Forest/Range	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	SW SE	300	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	28	SE SE	900	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	34	NW NE	1000	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	34	SW NE	1000	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	34	NE NW	1000	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
35S	13E	34	SE NW	1000	Forest/Range	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation

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

Klamath County

B. Description of Proposed Use

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

G-18851

- 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: 3.946 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:

Construction of a new well for development of a new pivot and primary water rights, and adding supplemental groundwater right
To an existing surface water right.



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

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For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

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Please check the appropriate box below and provide the requested information

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): LDC 54.010 Farm-Use
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

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

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

NAME <u>Mark Gallagher</u>	TITLE: <u>Planning Director</u>
SIGNATURE <u>Mark Gallagher</u>	PHONE: <u>541-851-3668</u>
GOVERNMENT ENTITY <u>Klamath County</u>	DATE: <u>4-19-19</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: _____



300 Klamath Ave., Klamath Falls, OR 97601
PHONE (541)883-3401 FAX (541)882-0620

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STATUS OF RECORD TITLE

Carmen Tague
Anderson Engineering & Surveying Inc.
17681 Hwy. 395
Lakeview, OR 97630
Your Reference No.

May 6, 2019
Title Number: 294012AM
Title Officer: Bob Leyrer
Fee: \$400.00

We have searched the status of record title as to the following described property:

See attached Exhibit 'A'

Vestee:

**Five Mile Ranch LLC,
an Oregon Limited Liability Company**

and dated as of **April 30, 2019** at 7:30 a.m.

Said property is subject to the following on record matters:

For TAX INFORMATION, See Attached Exhibit "B"

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. Special Assessment disclosed by the Klamath tax rolls:
For: Klamath Lake Timber Fire Patrol
3. Special Assessment disclosed by the Klamath tax rolls:
For: Klamath Lake Grazing Fire Patrol
4. The rights of the public in and to that portion of the herein described property lying within the limits of public roads, streets or highways.
5. The reservation of all subsurface rights, except water, to the heirs of Eleanor Williams, as contained in the patent recorded December 2, 1955 Volume [279, page 402](#), Klamath County Deed Records.
6. The reservation of all subsurface rights, except water, to the heirs of Etta Williams, as contained in the patent recorded December 2, 1955 Volume [279, page 404](#), Klamath County, Deed Records
7. The reservation of all subsurface rights, except water, to the heirs of Adal Williams, as contained in the patent recorded May 14, 1956 Volume [283, page 147](#), Klamath County Deed Records.
8. Deed to Restricted Indian Lands, including the terms and provisions thereof,
Recorded: May 24, 1956
Volume: [283, page 347](#), Klamath County Deed Records

9. Deed to Restricted Indian Lands, including the terms and provisions thereof,
Recorded: January 21, 1957
Volume: [289, page 213](#), Klamath County Deed Records
10. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:
Recorded: May 22, 1957
Volume: [292, page 80](#), Klamath County Deed Records
11. All subsurface rights, except water, as reserved in trust, for the heirs of Celia Lynch, deceased Klamath Allottee No. 803 as disclosed by Deed recorded May 22, 1957 Volume [292, page 80](#), Klamath County Deed Records
12. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: United States of America, for and on behalf of the Department of Interior, Bureau of Indian Affairs
Recorded: January 15, 1960
Volume: [13, page 594](#), Miscellaneous Records

Amended by instrument,
Recorded: May 2, 1986
Volume: [M86, page 7606](#)
13. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Portland General Electric Company
Recorded: February 18, 1966
Volume: [M66, page 1391](#)
14. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: United States of America
Recorded: March 31, 1966
Volume: [M66, page 2852](#)
15. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: United States of America
Recorded: April 8, 1971
Volume: [M71, page 2951](#)

Amended by instrument,
Recorded: November 17, 1986
Volume: [M86, page 20998](#)

Amended by instrument,
Recorded: March 16, 1995
Volume: [M95, page 5892](#)
16. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Pacific Power & Light Company
Recorded: May 19, 1981
Volume: [M81, page 8778](#)

17. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Pacific Power & Light Company
Recorded: August 19, 1983
Volume: [M83, page 13972](#)
18. Reservation of Oil, gas, minerals, or other resources, including the terms and provisions contained therein, in deed from Weyerhaeuser Company.
Recorded: August 20, 1993
Volume: [M93, page 20952](#)
The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
19. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as reserved in instrument:
Recorded: August 20, 1993
Volume: [M93, page 20952](#)
20. Easement for existing public utilities in vacated street area and the conditions imposed thereby.
Reserved by vacation order recorded: August 14, 2014
Instrument No.: [2014-008486](#)

NOTE: Any map or sketch enclosed as an attachment herewith is furnished for information purposes only to assist in property location with reference to streets and other parcels. No representation is made as to accuracy and the company assumes no liability for any loss occurring by reason of reliance thereon.

THIS IS NOT A TITLE REPORT, A COMMITMENT TO ISSUE TITLE INSURANCE OR A GUARANTEE OF ANY KIND. No liability is assumed with this report. The fee charged for this service does not include supplemental reports or other services. Further dissemination of the information in this report in a form purporting to insure title to the herein described land is prohibited by law.

"Superior Service with Commitment and Respect for Customers and Employees"

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EXHIBIT 'A'

File No. 294012AM

PARCEL 1:

Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

Section 27: All

Section 28: E1/2 of the SE1/4, E1/2 of the E1/2 of the NW1/4 of the SE1/4, NE1/4 of the SW1/4 of the SE1/4

Section 34: N1/2

PARCEL 2:

Section 28 - N1/2, N1/2 of the SW1/4, N1/2 of the S1/2 of the SW1/4, W1/2 of the E1/2 NW1/4 of the SE1/4, W1/2 of the NW1/4 of the SE1/4, NW1/4 of the SW1/4 of the SE1/4, EXCEPTING THEREFROM that portion lying within Ivory Pine Road, now designated as Five Mile Creek Road.

Section 29 - NE1/4, NE1/4 of the NW1/4, E1/2 of the NW1/4 of the NW1/4, E1/2 of the SW1/4 of the NW1/4, SE1/4 of the NW1/4, SW1/4

All being in Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

TOGETHER WITH that portion of 5 Mile Creek Road which inures thereto by Order of Vacation, Order #2015-009 and recorded August 14, 2014 in Instrument No. [2014-008486](#)

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Exhibit 'B'

TAX INFORMATION:

File No. 294012AM

Code No.	Account No.	Map No.	Tax Year	Amount	Status
072	R295736	R-2513-00000-00700-000	2018-2019	\$5,259.15	Paid
072	R295996	R-3513-00000-01000-000	2018-2019	\$470.85	Paid
072	R295825	R-3513-02800-00100-000	2018-2019	\$940.08	Paid
072	R295754	R-3513-02800-00200-000	2018-2019	\$42.56	Paid
072	R295834	R-3513-02800-00300-000	2018-2019	\$28.15	Paid
072	R295852	R-3513-02900-00100-000	2018-2019	\$575.53	Paid

2009-003943

Klamath County, Oregon



00062788200900039430020024

03/19/2009 08:15:56 AM

Fee: \$26.00

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BARGAIN AND SALE DEED--STATUTORY FORM
Individual Grantor

DAVID MASTAGNI and KATHLEEN R. MASTAGNI, Grantor, conveys to FIVE MILE RANCH, LLC, an Oregon limited liability company, Grantee, the following real property situated in Klamath County, Oregon, to wit:

Township 36 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon. Section 1: Government Lots 1, 2, 3 and 4.

Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

- Section 25: All
- Section 26: All
- Section 27: All
- Section 28: E1/2 SE1/4, E1/2 E1/2 NW1/4 SE1/4, NE1/4 SW1/4 SE1/4
- Section 34: N1/2
- Section 35: All
- Section 36: All

The true consideration for this conveyance is membership interest in limited liability company.

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. 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 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007.

AFTER RECORDING, RETURN TO AND SEND TAX STATEMENTS TO:

Five Mile Ranch, LLC
3827 Marshall Avenue
Carmichael CA 95608

G-18851

AUG 08 2019

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THE PROPERTY DESCRIBED IN THIS INSTRUMENT MAY NOT BE WITHIN A FIRE PROTECTION DISTRICT PROTECTING STRUCTURES. THE PROPERTY IS SUBJECT TO LAND USE LAWS AND REGULATIONS, WHICH, IN FARM OR FOREST ZONES, MAY NOT AUTHORIZE CONSTRUCTION OR SITING OF A RESIDENCE AND WHICH LIMIT LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930 IN ALL ZONES. 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 VERIFY EXISTENCE OF FIRE PROTECTION FOR STRUCTURES AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY UNDER ORS 197.352.

David Mastagni
David Mastagni

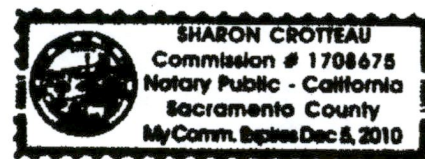
Kathleen R. Mastagni
Kathleen R. Mastagni

STATE OF CALIFORNIA)
)ss.
County of Sacramento)

On March 2, 2009 before me, Sharon Crotteau, Notary Public, personally appeared DAVID MASTAGNI and KATHLEEN R. MASTAGNI, personally known to me (or proved to me on the basis of satisfactory evidence) to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same in their authorized capacities and that their signatures on the instrument the persons, or the entity upon behalf of which the persons acted, executed the instrument.

WITNESS my hand and official sea.

Sharon Crotteau (SEAL)
Notary Public Signature





MAC 97557-CT

THIS SPACE RESERVED FOR RECORDER'S USE

2013-007311
Klamath County, Oregon
06/26/2013 03:31:53 PM
Fee: \$42.00

After recording return to:
Five Mile Ranch LLC
3827 Marshal Avenue
Carmichael, CA 95608

Until a change is requested all tax statements shall be sent to the following address:
Five Mile Ranch LLC
3827 Marshal Avenue
Carmichael, CA 95608

Escrow No. MT97557-CT
Title No. 0097557
SWD r.020212

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STATUTORY WARRANTY DEED

RLF Klamath Properties, LLC a Colorado Limited Liability Company,

Grantor(s), hereby convey and warrant to

Five Mile Ranch LLC, an Oregon Limited Liability Company,

Grantee(s), the following described real property in the County of **KLAMATH** and State of Oregon free of encumbrances except as specifically set forth herein:

Section 20 - E1/2 SW1/4 SE1/4, S1/2 SE1/4 SE1/4
Section 28 - N1/2, N1/2 SW1/4, N1/2 S1/2 SW1/4, W1/2 E1/2 NW1/4 SE1/4, W1/2 NW1/4 SE1/4, NW1/4 SW1/4 SE1/4, EXCEPTING THEREFROM that portion lying within Ivory Pine Road, now designated as Five Mile Creek Road.
Section 29 - NE1/4, NE1/4 NW1/4, E1/2 NW1/4 NW1/4, E1/2 SW1/4 NW1/4, SE1/4 NW1/4, SW1/4
All being in Township 35 South, Range 13 East of the Willamette Meridian, Klamath County, Oregon.

The true and actual consideration for this conveyance is **\$225,000.00**.
The above-described property is free of encumbrances except all those items of record, if any, as of the date of this deed and those shown below, if any:

42 AMT

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 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.

Dated this 24 day of June, 2013.

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RLF Klamath Properties, LLC, a Colorado limited liability company

by: Resource Land Fund IV LLC, a Colorado limited liability company, Managing Member

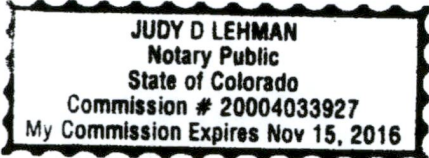
By: [Signature]
B Joseph Leininger, Authorized Representative

State of Colorado
County of El Paso

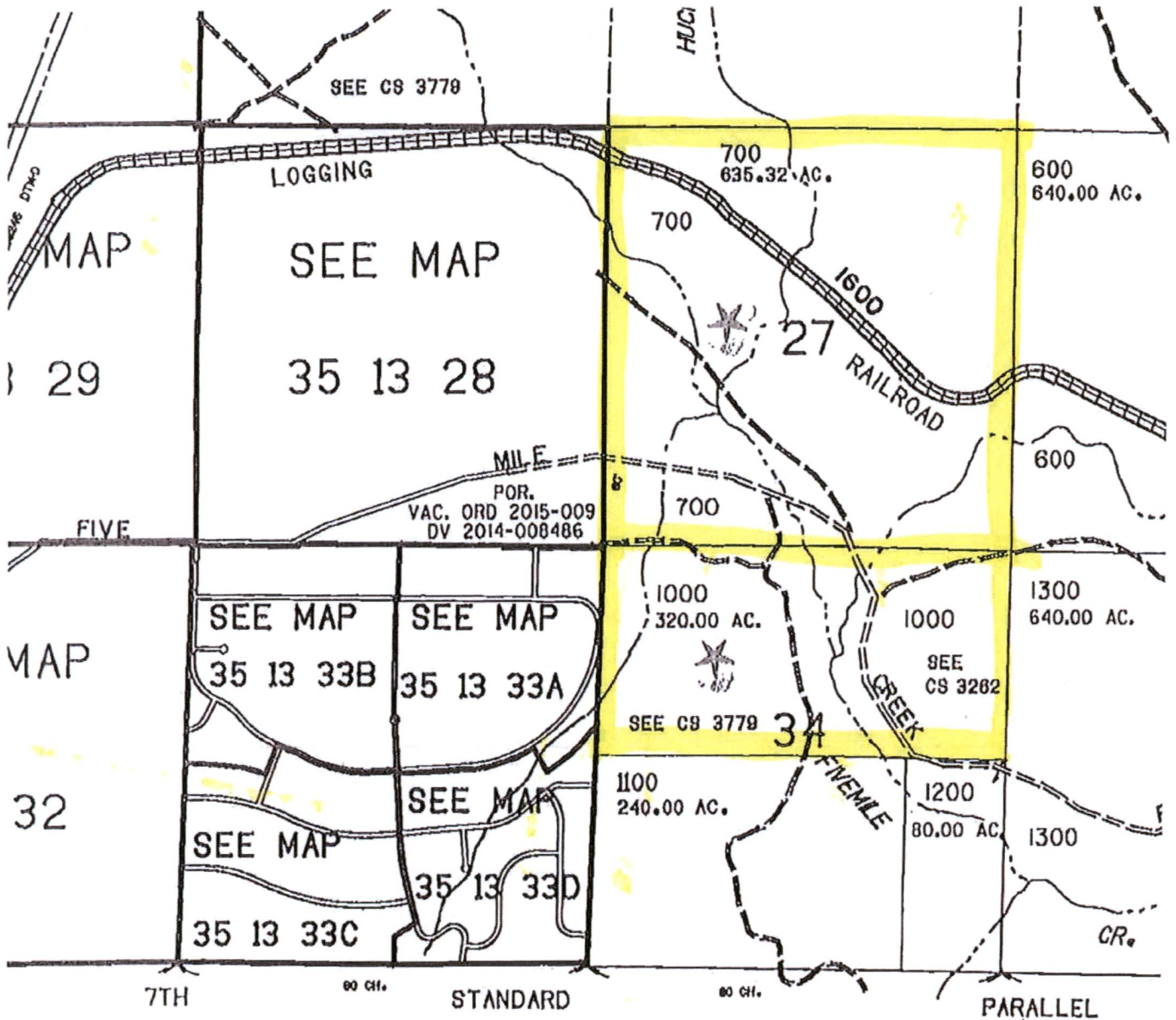
This instrument was acknowledged before me on June 24, 2013 by B Joseph Leininger of Resource Land Fund IV LLC, a Colorado limited liability company, Managing Member for RLF Klamath Properties, LLC.

[Signature]
(Notary Public)

My commission expires 11-15-2016



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SEE MAP 36 13

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
CERTAIN PREMISES AND NO LIABILITY IS
ASSUMED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY ACTUAL SURVEY.



A-18851

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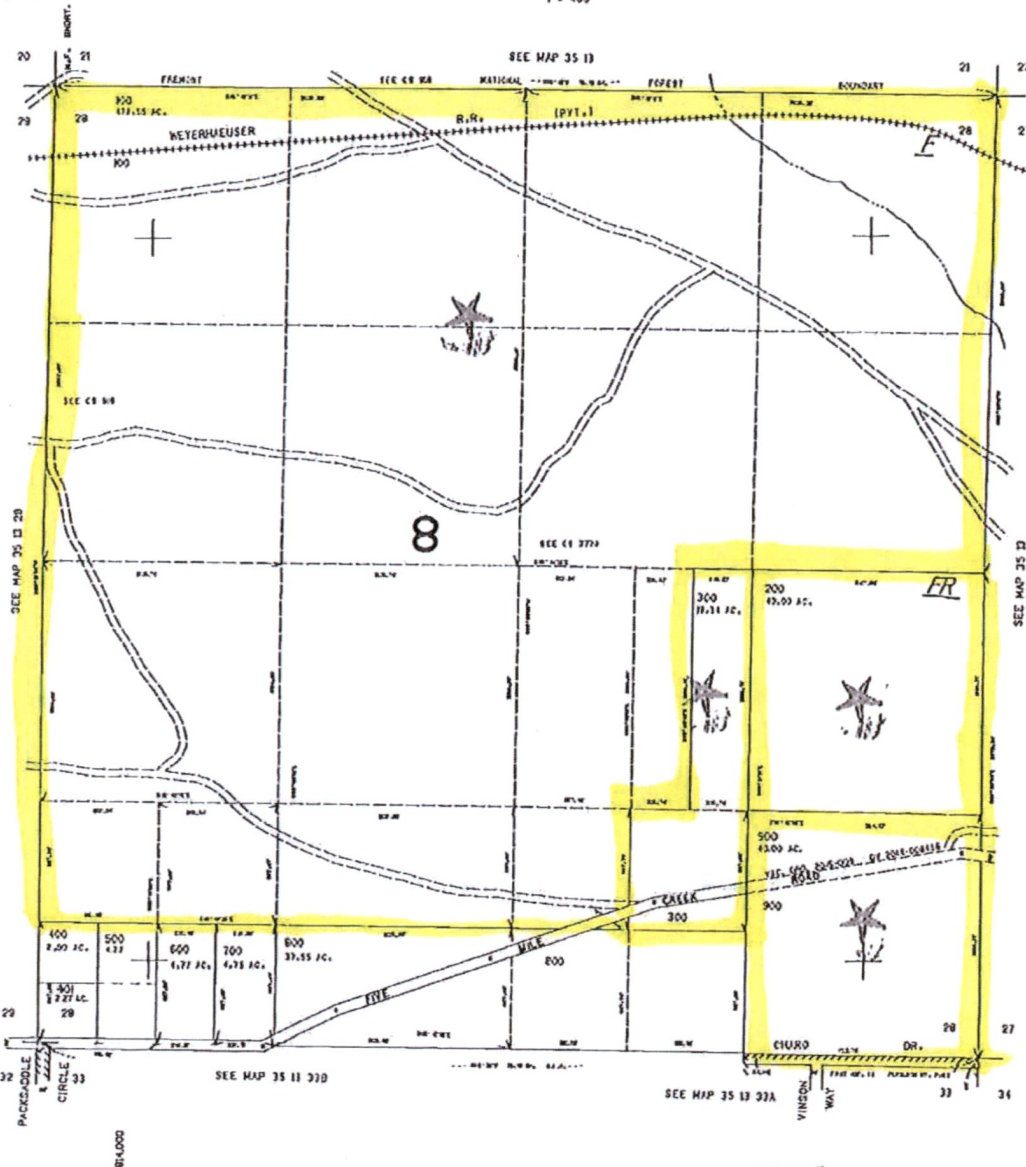
AUG 08 2019

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REVISED 03-12-15
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 28 T.35S. R.13E. W.M.
KLAMATH COUNTY
1" = 400'

35 13 28



CANCELLED NO.
10001
10002

365 000

35 13 28

AmeriTitle

THIS SKETCH IS MADE SOLELY FOR THE
PURPOSE OF ASSISTING IN LOCATING
CERTAIN PREMISES AND NO LIABILITY IS
ASSURED FOR VARIATIONS IF ANY, IN
DIMENSIONS AND LOCATIONS ASCERTAINED
BY ACTUAL SURVEY.



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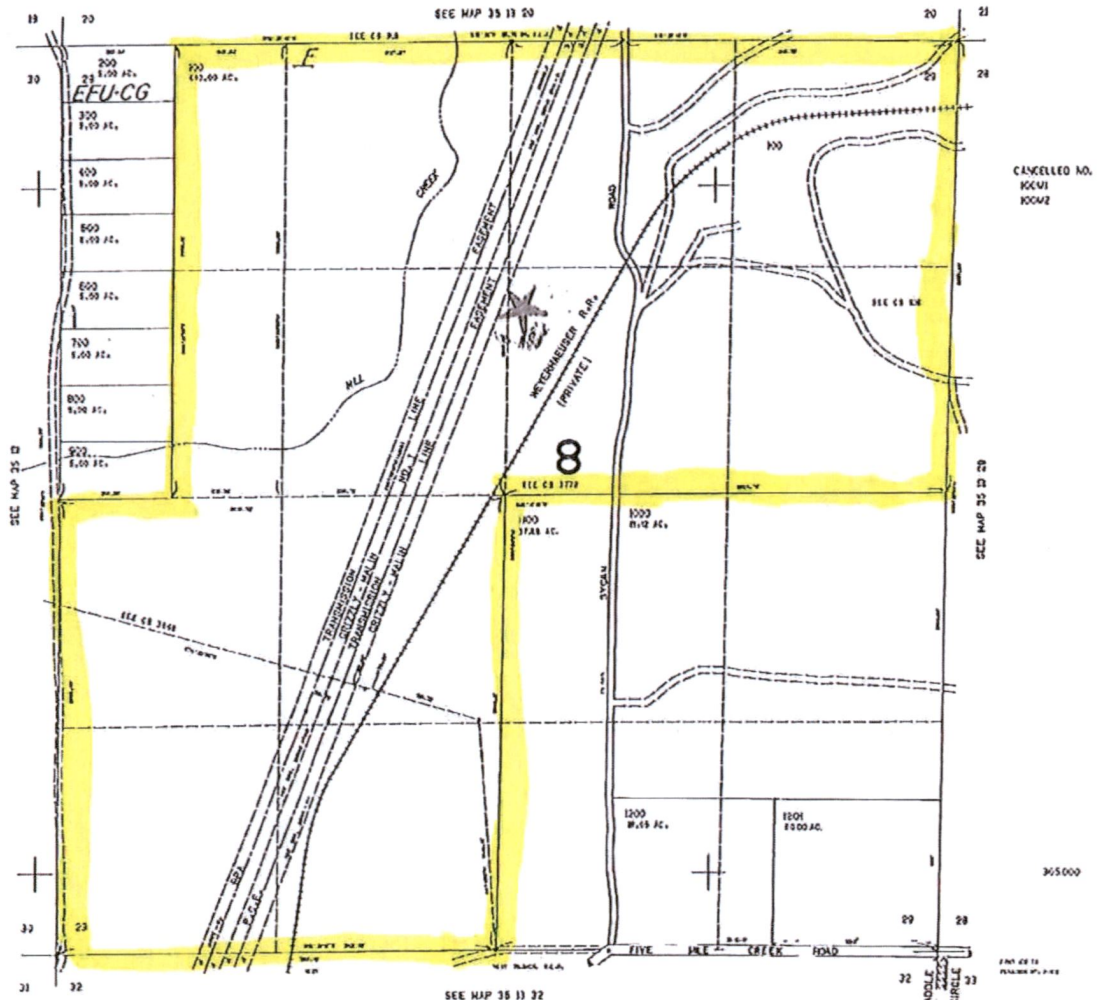
AUG 08 2019

OWRD

REVISED 02-28-2016
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 29 T.35S. R.13E. W.M.
KLAMATH COUNTY

35 13 29



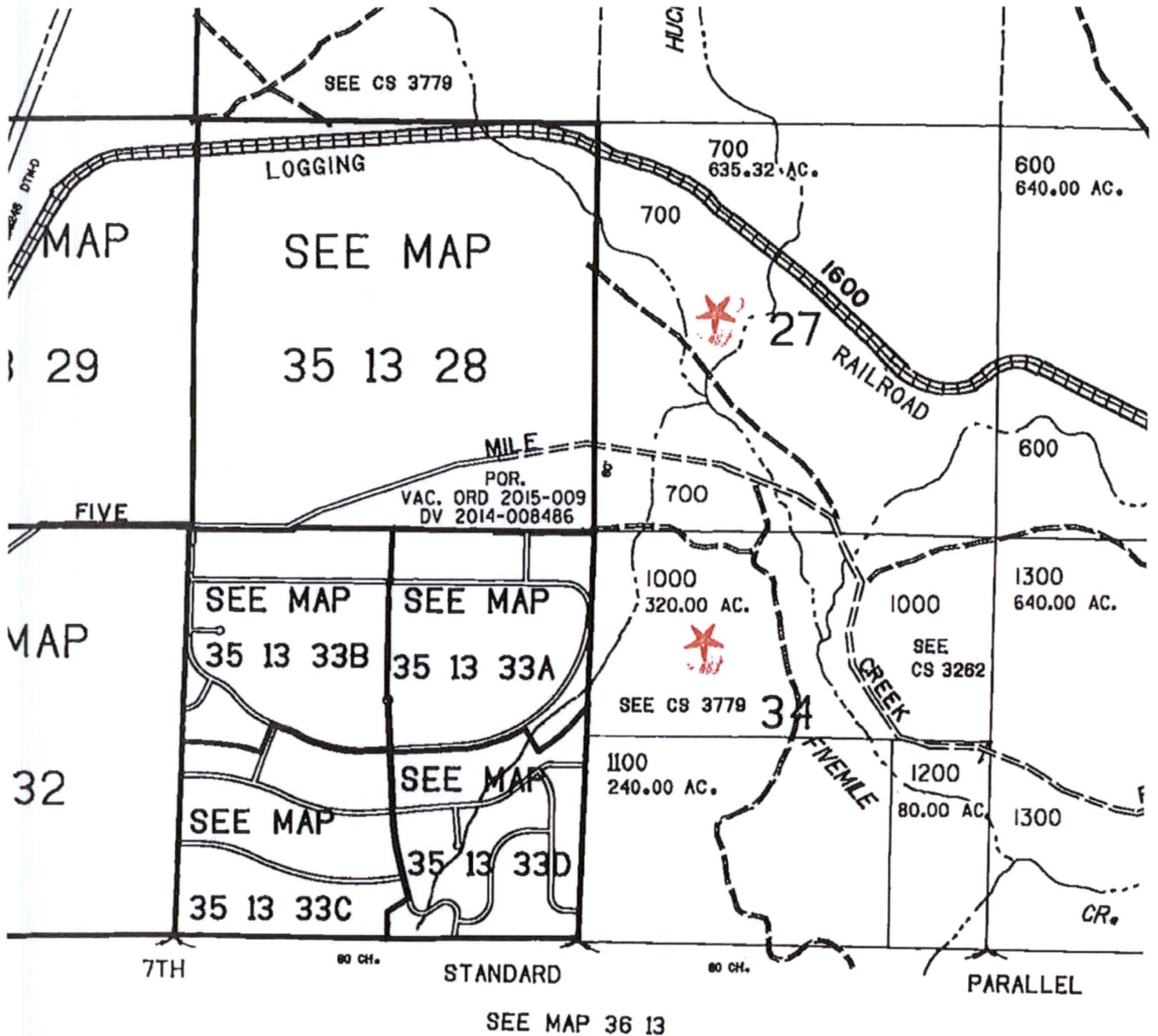
AmeriTitle
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BY ACTUAL SURVEY.

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AUG 08 2019

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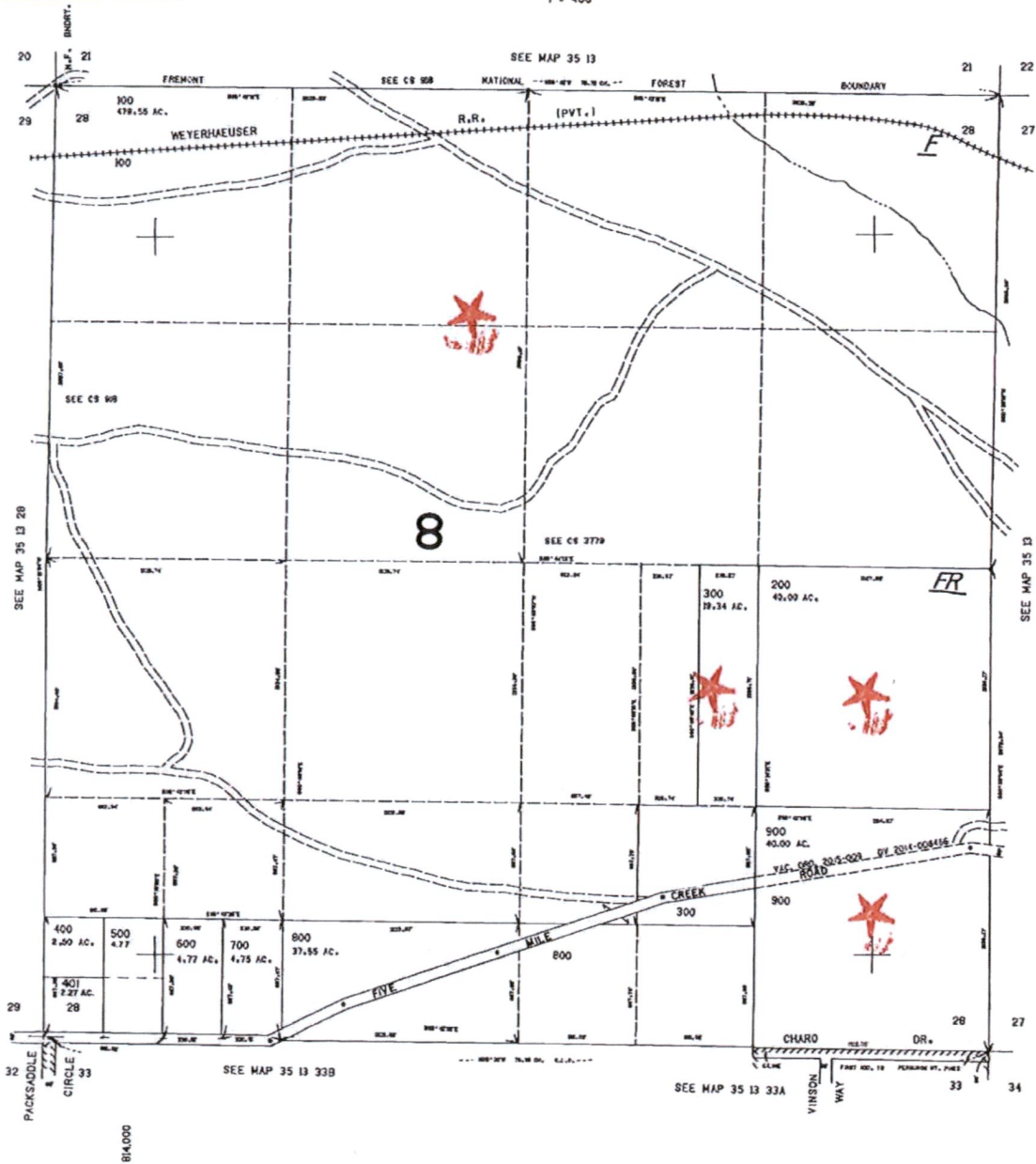
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RECEIVED
 AUG 08 2019
 OWRD

REVISED 03-12-15
 THIS MAP WAS PREPARED FOR
 ASSESSMENT PURPOSE ONLY

SECTION 28 T.35S. R.13E. W.M.
 KLAMATH COUNTY
 1" = 400'

35 13 28



CANCELLED NO.
 100M1
 100M2

305 000

35 13 28

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RECEIVED

AUG 08 2019

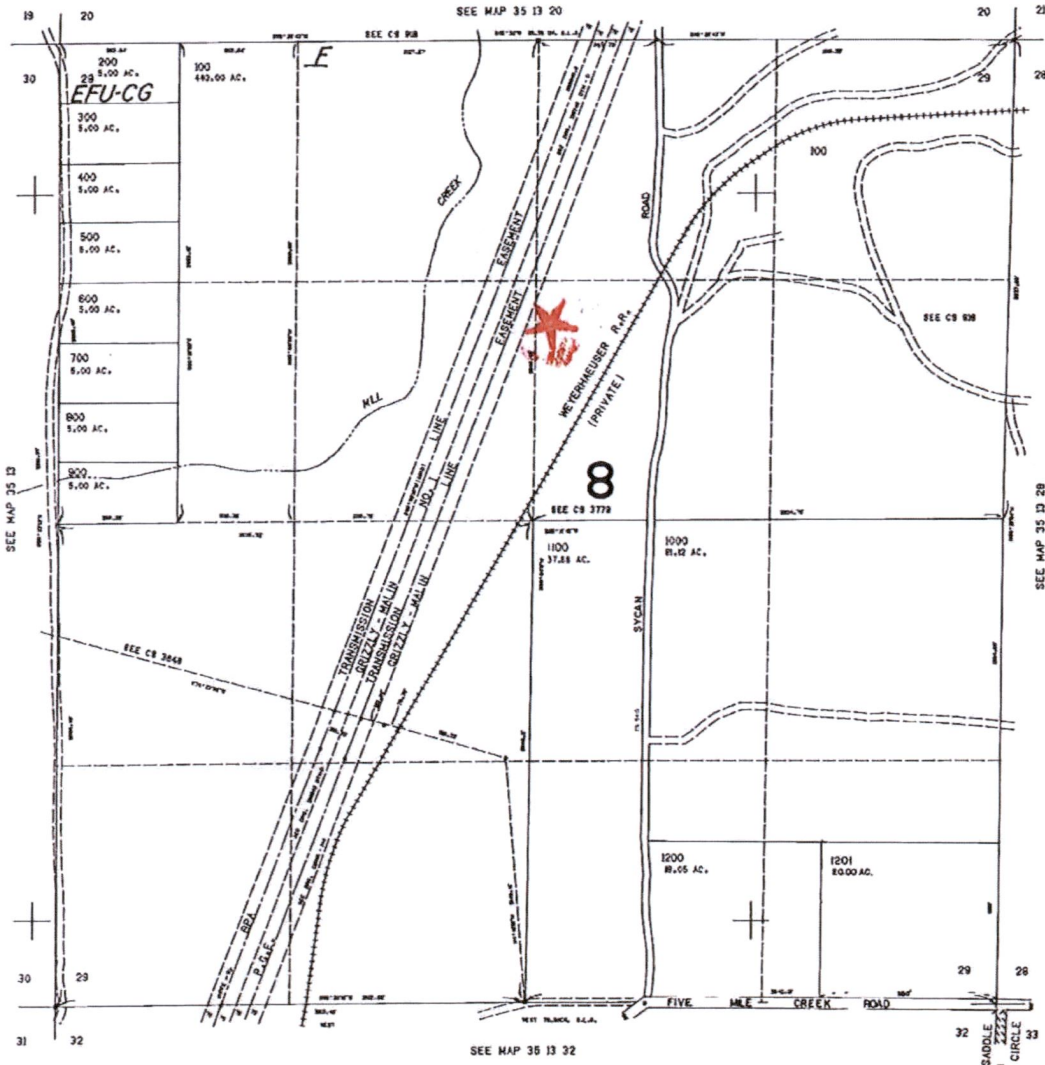
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REVISED 09-28-2016
THIS MAP WAS PREPARED FOR
ASSESSMENT PURPOSE ONLY

SECTION 29 T.35S. R.13E. W.M.
KLAMATH COUNTY

35 13 29

1"=400'



CANCELLED NO.
100M1
100M2

305,000

35 13 29

G-18851