

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME BURG FARM, LLC, ATTN: LEIGH BARTHOLOMEW			PHONE (HM)
PHONE (WK) 503-437-6874	CELL		FAX
ADDRESS 11570 NE INTERVALE RD			
CITY CARLTON	STATE OR	ZIP 97111	E-MAIL* Leigh.Bartholomew@resultspartners.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 GSI WATER SOLUTIONS, INC. ATTN: TED RESSLER			PHONE 971-200-8509	FAX
ADDRESS 55 SW YAMHILL ST, SUITE 300			CELL	
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL* TRESSLER@GSIWS.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.)

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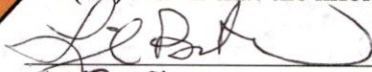
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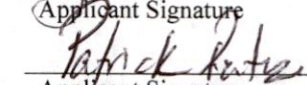
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By my signature below I confirm that I understand:

- 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 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


Applicant Signature

Leigh Bartholomew
Print Name and Title if applicable

Patricia Ressler
Print Name and Title if applicable

Owner. 9-19-19
Date

owner 10-15-19
Date

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For Department Use: App. Number: 6-100005

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.

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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).*

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

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 1 (L-133674)	HAWN CREEK	~2,157 ft	~194 ft
WELL 2	HAWN CREEK	~2,145 ft	~146 ft

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).*

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SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 30GPM (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	L-133674	<input type="checkbox"/>	6IN 4IN 4IN	1-99 1.5-241.5 261.5-281.5	241.5-261.5 281.5-301.5	1-99	53.5	MARINE SEDIMENTS	301.5FT	30	
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	6IN (EST.)	+1-250 (EST.)	250-300 (EST.)	0-99 (EST.)	N/A	MARINE SEDIMENTS	300 (EST.)	30	
	<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: 6-10005

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

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

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

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

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

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

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

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

Yes No

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

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

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

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

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

Yes No

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

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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:

Statewide - OAR 690-033-0330 thru -0340

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Is the well or proposed well located in an area where the Statewide rules apply? **DEC 09 2019 NOV 04 2019**

Yes No

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

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	Irrigation Season	6.32
Commercial	Year Round	2.30

For irrigation use only:

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

Primary: 66.2 Acres Supplemental: Acres

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

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

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____ (**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*): _____

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 10 Hp submersible pump
 Other means (describe): _____

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. **Water will be pumped from the two POA locations and conveyed by pipe to the drip irrigation system. See Attachment B.**

B. Application Method

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

Drip Irrigation, 0.5 gallon per hour emitters

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 applicant's build-out plans include up to 66.2 acres of grape vines. Each acre will contain 1555 vines and it is anticipated that each vine will require up to 20 gallons of water per season. The applicant plans to only irrigate when necessary based on temperature, rainfall, and crop needs. The amount of water used for irrigation will be limited to the minimum necessary for vine production and water use will be closely monitored throughout the irrigation season. The applicant also plans to utilize cover crops and do "under the vine" cultivation to minimize erosion potential. No herbicides will be used in vine cultivation.

SECTION 7: PROJECT SCHEDULE

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- a) Date construction will begin: Within 5 years of permit issuance
b) Date construction will be completed: Within 5 years of permit issuance
c) Date beneficial water use will begin: Within 5 years of permit issuance

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: **The applicant plans to utilize cover crops and do "under the vine" cultivation to minimize erosion potential. No herbicides will be used in vine cultivation.**
- 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: **Neither excavation nor clearing of banks in riparian or streamside areas will be associated with these projects.**

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

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	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*).

The applicant is requesting a rate of 30 gpm for irrigation and 30 gpm for commercial use, not to exceed 30 gpm in combination.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ \$2,210
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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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.

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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 BURG FARM ATTN: LEIGH BARTHOLOMEW			PHONE (HM)		
PHONE (WK) 503-437-6874		CELL		FAX	
ADDRESS 11570 NE INTERVALE RD					
CITY CARLTON		STATE OR	ZIP 97111	E-MAIL* LEIGH.BARTHOLOMEW@RESULTSPARTNERS.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:
3S	4W	24	NWSE	1200	EFU80	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	4W	24	NESW	1200	EFU80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	4W	24	SENE	1200	EFU80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	4W	24	SWNE	1200	EFU80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	4W	24	SENE	1200	EFU80	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Irrigation
3S	4W	24	NESE	1200	EFU80	<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:

Yamhill

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: 30
 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:

The applicant proposes to use groundwater from 2 wells to irrigate 66.2 acres of vineyard at an existing farm and also to supply water for domestic and commercial use at an associated winery.

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.

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): SECTION 402.02(A) of the YCZO.
- 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
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		<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>LANCE WOODS</u>	TITLE: <u>ASSOCIATE PLANNER</u>
SIGNATURE:	PHONE: <u>(503) 434-7516</u>
DATE: <u>9/26/2019</u>	
GOVERNMENT ENTITY: <u>YAMHILL COUNTY PLANNING DEPT.</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: _____



First American

First American Title Company of Oregon
775 NE Evans Street

McMinnville, OR 97128
Phn - (503)472-4627
Fax - (866)800-7294

Davis Wright Tremaine, LLP
1300 SW 5th Ave, Suite 2400
Portland, OR 97201

August 16, 2016
File No.: 1031-2702777 (MWG)

Re: Property: **11570 NE Intervale Road, Carlton, OR 97111**

The closing of the above referenced transaction is now complete. For your records we enclose the following:
(Keep these instruments in a safe place as some of them **cannot** be replaced.)

- Final Settlement Statement
- Original Assignment and Assumption
- Original Bill of Sale & Equipment List
- 3 Original DMV titles
- Estimated Settlement Statement
- Receipts for deposits to escrow
- *Deed*

Your ~~Deed and~~ Policy of Title Insurance will be forwarded separately.

If checks are included in this package, please negotiate as soon as possible. Should you have any questions or need further assistance, please contact the undersigned.

First American Title Company of Oregon

Donna Befus, Assistant for
Michelle Gregor, Escrow Officer

cc: Burg Farm LLC

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After recording return to:
Burg Farm LLC
35925 Agate Creek Road
Steamboat Springs, CO 80487

Until a change is requested all tax
statements shall be sent to the
following address:
Burg Farm LLC
35925 Agate Creek Road
Steamboat Springs, CO 80487

File No.: 1031-2702777 (MWG)
Date: August 15, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

Yamhill County Official Records **201612689**
DMR-DDMR
Stn=0 MILLSA **08/15/2016 02:48:39 PM**
4Pgs \$20.00 \$11.00 \$5.00 \$20.00 **\$56.00**

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify
that the instrument identified herein was recorded in the Clerk
records.

Brian Van Bergen - County Clerk

STATUTORY WARRANTY DEED

Blossom Hill Farms, Inc., Grantor, conveys and warrants to **Burg Farm LLC**, Grantee, the following
described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

See attached Exhibit "B"

The true consideration for this conveyance is **\$1,400,000.00**. (Here comply with requirements of ORS 93.030)

FIRST AMERICAN TITLE 2702777

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After recording return to:
Burg Farm LLC
35925 Agate Creek Road
Steamboat Springs, CO 80487

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Date: August 15, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Blossom Hill Farms, Inc., Grantor, conveys and warrants to **Burg Farm LLC**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

See Legal Description attached hereto as Exhibit A and by this reference incorporated herein.

Subject to:

See attached Exhibit "B"

The true consideration for this conveyance is **\$1,400,000.00**. (Here comply with requirements of ORS 93.030)

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EXHIBIT A

LEGAL DESCRIPTION: Real property in the County of Yamhill, State of Oregon, described as follows:

A tract of land in Section 24, Township 3 South, Range 4 West, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the re-entrant angle corner on the west line of the Abijah S. Hendricks Donation Land Claim No.'s 72 & 63; thence South 05°16'18" West 2144.83 feet to the southerly southwest corner of said Hendricks DLC (basis of bearing Yamhill County Survey CS-10584); thence EAST 1719.32 feet along the south line of said Hendricks DLC to a point that is 2521.20 feet (38.20 chains) west of the southeast corner of said Hendricks DLC; thence NORTH 1824.31 feet to the centerline of Intervale Road; thence North 66°17'55" West 428.50 feet along said centerline; thence North 68°40'41" West 164.74 feet along said centerline; thence North 04°07'02" East 128.64 feet along said centerline to the southerly margin of Hendricks road (40' from centerline); thence North 78°44'44" West 36.63 feet along said margin; thence South 11°15'16" West 10.00 feet along said margin; thence North 78°44'44" West 200.00 feet along said margin; thence North 11°15'16" East 10.00 feet along said margin; North 78°44'44" West 745.73 feet along said margin to a point that is North 05°16'18" East from the point of beginning (northerly extension of the west line of said Hendricks DLC) (previous deed North 05°45' East); thence South 05°16'18' West 241.77 feet the point of beginning.

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Exhibit "B"

1. Water rights, claims to water or title to water, whether or not such rights are a matter of public record.
2. Taxes for the fiscal year 2016-2017 a lien due, but not yet payable. The taxes are not delinquent as of the date of the policy.
3. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.
4. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed. The taxes are not delinquent as of the date of the policy.
5. Terms, conditions and effect, if any, of that certain order, No. 06-212, issued by City/County Planning Department, dated March 29, 2006, recorded March 29, 2006 as Instrument No. 200606869, Deed and Mortgage Records.

The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)", as set forth in the policy issued (or to be issued) hereunder.

6. Any interest or claim of interest in and to the land by reason of existing public road without the benefit of an easement, as disclosed by ExpressMap completed August 10, 2016, revised August 11, 2016, prepared by Commercial Due Diligence Services.
7. An encroachment of a fence on adjoining land along a portion of the easterly property line, as disclosed by ExpressMap completed August 10, 2016, revised August 11, 2016, prepared by Commercial Due Diligence Services.
8. Any interest or claim of interest in and to the land by reason of existing overhead power lines without the benefit of an easement, as disclosed by ExpressMap completed August 10, 2016, revised August 11, 2016, prepared by Commercial Due Diligence Services.

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After recording return to:
Burg Farm LLC
35925 Agate Creek Road
Steamboat Springs, CO 80487

Until a change is requested all tax
statements shall be sent to the
following address:
Burg Farm LLC
35925 Agate Creek Road
Steamboat Springs, CO 80487

File No.: 1031-2702777 (MWG)
Date: August 15, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

COPY

Yamhill County Official Records		201612689
DMR-DDMR		08/15/2016 02:48:39 PM
Strn=0 MILLSA		
4Pgs	\$20.00 \$11.00 \$5.00 \$20.00	\$56.00
<small>I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.</small>		
Brian Van Bergen - County Clerk		

FIRST AMERICAN TITLE 2702777

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File No.: 1031-2702777

First American Title Company of Oregon

Printed: 08/16/2016, 4:47 PM

Officer/Escrow Officer: Michelle

775 NE Evans Street • McMinnville, OR 97128

Gregor/DMB

Phone: (503)472-4627 Fax: (866)800-7294

Settlement Location:

Final Settlement Statement



First American

775 NE Evans Street, McMinnville, OR 97128

Property Address: 11570 NE Intervale Road, Carlton, OR 97111

Buyer: Burg Farm LLC

Seller: Blossom Hill Farms Inc.

Lender:

Settlement Date: 08/15/2016

Disbursement Date: 08/15/2016

FINAL

Description	Buyer	
	Debit	Credit
Financial		
Sale Price	1,400,000.00	
Deposit: Receipt No. 103115589 on 07/25/2016 by Scott Burg C/O Deer Park Road Corporation FBO Burg Farm LLC		25,000.00
Deposit: Receipt No. 103115771 on 08/15/2016 by Burg Farm LLC		1,400,080.07
Prorations/Adjustments		
County Taxes 07/01/16 to 08/15/16 @\$2,408.40/yr		296.93
Farming Equipment	8,150.00	
Title Charges & Escrow / Settlement Charges		
Policy: ALTA Owners - 2006 EXT to First American Title Company of Oregon	1,755.00	
[OTIRO 217-06] Access - Direct to First American Title Company of Oregon	125.00	
[OTIRO 218-06] Tax Parcel (Single) to First American Title Company of Oregon	50.00	
[OTIRO 225-06] Same as Survey to First American Title Company of Oregon	100.00	
[OTIRO 239-06] Policy Authentication Endorsement to First American Title Company of Oregon	50.00	
E-recording Fee to First American Title Company of Oregon	5.00	
Escrow/Closing Fee to First American Title Company of Oregon	725.00	
Government Recording and Transfer Charges		
Record Warranty Deed-First to Yamhill County Clerk	56.00	
Miscellaneous		
Payment for ExpressMap Services to Commercial Due Diligence Services	6,000.00	
Invoice to Davis Wright Tremaine LLP	8,361.00	
Subtotals		
Due From/To Buyer		
Totals	1,425,377.00	1,425,377.00

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Our wire instructions do not change. If you receive an email or other communication that appears to be from us and contains revised wiring instructions, you should consider it suspect and you must call our office at an independently verified phone number. Do not inquire with the sender.

Michelle Gregor

Escrow Officer: Michelle Gregor

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STATE OF OREGON
WATER SUPPLY WELL REPORT
(as required by ORS 537.765 & OAR 690-205-0210)

WELL I.D. LABEL# 133674
START CARD # 1044195
ORIGINAL LOG #

(1) LAND OWNER Owner Well I.D. 3227
First Name _____ Last Name _____
Company BURG FARM LLC
Address 659 NE 9TH ST.
City MCMINNVILLE State OR Zip 97128

(2) TYPE OF WORK New Well Deepening Conversion
 Alteration (complete 2a & 10) Abandonment (complete 5a)

(2a) PRE-ALTERATION
Dia + From To Gauge Std Plstc Wld Thrd
Casing:
Material From To Amt sacks/lbs
Seal: _____

(3) DRILL METHOD
 Rotary Air Rotary Mud Cable Auger Cable Mud
 Reverse Rotary Other _____

(4) PROPOSED USE Domestic Irrigation Community
 Industrial/ Commercial Livestock Dewatering
 Thermal Injection Other _____

(5) BORE HOLE CONSTRUCTION Special Standard (Attach copy)
Depth of Completed Well 301.50 ft.
BORE HOLE SEAL
Dia From To Material From To Amt sacks/lbs
10 0 99 Bentonite Chips 0 99 51
6 99 301.5 Calculated 45
Calculated _____

How was seal placed: Method A B C D E
 Other POUR/PROBE/HYDRATE
Backfill placed from _____ ft. to _____ ft. Material _____
Filter pack from _____ ft. to _____ ft. Material _____ Size _____
Explosives used: Yes Type _____ Amount _____

(5a) ABANDONMENT USING UNHYDRATED BENTONITE
Proposed Amount _____ Actual Amount _____

(6) CASING/LINER
Casing Liner Dia + From To Gauge Std Plstc Wld Thrd
 6 1 99 25
 4 1.5 241.5 sch40
 4 261.5 281.5 sch40
Shoe Inside Outside Other Location of shoe(s) 99
Temp casing Yes Dia 10 From + 1 To 5

(7) PERFORATIONS/SCREENS
Perforations Method _____
Screens Type machine slotted Material PVC
Perf/ Casing/ Screen Dia From To Scrn/slot Slot # of Tele/ Screen Liner Dia From To width length slots pipe size
Screen Liner 4 241.5 261.5 .032 4 4
Screen Liner 4 281.5 301.5 .032 4 4

(8) WELL TESTS: Minimum testing time is 1 hour
 Pump Bailer Air Flowing Artesian
Yield gal/min Drawdown Drill stem/Pump depth Duration (hr)
30 _____ 300 1
30 _____ 275 2

Temperature 54 °F Lab analysis Yes By _____
Water quality concerns? Yes (describe below) TDS amount 78 ppm
From To Description Amount Units

(9) LOCATION OF WELL (legal description)
County YAMHILL Twp 3.00 S N/S Range 4.00 W E/W WM
Sec 24 NW 1/4 of the SE 1/4 Tax Lot 1200
Tax Map Number _____ Lot _____
Lat _____ " or 45.29327608 DMS or DD
Long _____ " or -123.12219958 DMS or DD
 Street address of well Nearest address
11570 NE INTERVALE RD, CARLTON, OR 97111

(10) STATIC WATER LEVEL
Date SWL(psi) + SWL(ft)
Existing Well / Pre-Alteration _____
Completed Well 8/9/2019 _____ 53.5
Flowing Artesian? Dry Hole?

WATER BEARING ZONES Depth water was first found 233.00

SWL Date	From	To	Est Flow	SWL(psi)	+ SWL(ft)
8/9/2019	233	284	30		53.5

(11) WELL LOG Ground Elevation _____

Material	From	To
Top Soil	0	5
Clay, red and brown	5	16
Clay, tan w/brown claystone, packed sand	16	27
Packed sand, hard w/white like layers	27	34
Cemented sand, coarse blk/gray	34	76
Same, with some fine gravels	76	87
Sandstone, gray hard fine	87	167
Sandstone, coarse gray w/white layers	167	233
Same, also w/thin tan layers	233	252
Sandstone, fine gray w/occ hd crse layers	252	284
Sandstone, fine/dirty w/claystone gray	284	301

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Date Started 8/7/2019 OWRD Completed 8/9/2019

(unbonded) Water Well Constructor Certification
I certify that the work I performed on the construction, deepening, alteration, or abandonment of this well is in compliance with Oregon water supply well construction standards. Materials used and information reported above are true to the best of my knowledge and belief.

License Number 1977 Date 8/11/2019
Signed JOSE ESTRADA (E-filed)

(bonded) Water Well Constructor Certification
I accept responsibility for the construction, deepening, alteration, or abandonment work performed on this well during the construction dates reported above. All work performed during this time is in compliance with Oregon water supply well construction standards. This report is true to the best of my knowledge and belief.

License Number 1438 Date 8/11/2019
Signed DAVID PAYSINGER (E-filed)
Contact Info (optional) bluewaterdrilling.com || 503 868 7878

G-10005



Oregon Water Resources Department
Ground Water Application

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- [Contact Us](#)

Today's Date: Wednesday, November 6, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	.067	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Ground Water point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,910.00

OWRD Fee Schedule

cm

Fee Calculator Version B20170117

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Oregon
Kate Brown, Governor

Water Resources Department
725 Summer St NE, Suite A
Salem, OR 97301
(503) 986-0900
Fax (503) 986-0904

December 12, 2019

Dear Applicant:

The Oregon Water Resources Department has received your groundwater application for a water use permit. Your application has been assigned file number G-**18885**. Please refer to this number when contacting the Department. Should you have any questions about your application, please contact the following Water Rights Specialist assigned to your application:

Lisa Graham, Water Rights Specialist	Phone: 503-986-0808
	Email: elisabeth.a.graham@oregon.gov

A description of the steps that are used for processing a water right application are shown on the reverse side of this letter.

The first step in the water rights process is the completion of a groundwater review by the Department. This review can take approximately 6-9 months to complete, sometimes longer. Once the groundwater review is completed, you will receive a copy of an Initial Review that summarizes the Department's preliminary determinations. Copies of the Proposed Final Order and Final Order will also be mailed to you.

Please note that your application is subject to review and comment from other state agencies and interested parties.

Sincerely,

COPY

Judy Ferrell
Customer Service Representative
Oregon Water Resources Department

cc: File

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

1. 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.

2. 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.

3. 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 Initial Review, 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.

4. 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.

5. 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 will specify the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate.



Water Solutions, Inc.

October 29, 2019

Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, OR 97301

RE: Application for a Permit to Use Groundwater – Burg Farm, LLC

Dear Application Caseworker,

On behalf of the applicant, Burg Farm, LLC, please find enclosed an Application for a Permit to Use Groundwater accompanied by the required fee of \$2,210. The application requests the use of 30 gallons per minute of groundwater from two wells for irrigation use on 66.2 acres.

If you have any questions regarding the enclosed application, you can reach me at 971-200-8509. Please copy me on any correspondence regarding this application.

Sincerely,

A handwritten signature in blue ink that reads "Theodore R. Ressler".

Theodore R. Ressler, RG, CWRE
GSI Water Solutions, Inc.

Enclosures: Application for a Permit to Use Groundwater
Check #1203 in the amount of \$2,210

CC: Leigh Bartholomew
Patrick Reuter

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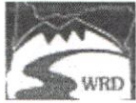
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Oregon Water Resources Department
Ground Water Application

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

Today's Date: Wednesday, November 6, 2019

Base Application Fee.		\$1,340.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	0.67	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	2	\$350.00
Number of proposed Ground Water points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	2	\$350.00
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Estimated cost of Permit Application		\$2,910.00

OWRD Fee Schedule

Fee Calculator Version B20170117

↑
JK

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 OWRD

E-2 Standard Application Completeness Checklist

Yes No

For use with Groundwater and Surface Water Applications Only
Minimum Requirements (OAR 690-310-0040) (ORS 537.400)

For use by WRD staff only

Application G-18885 County Yamhill Priority Date 12/09/2019

Township 3S Range 4W Section 24 (ZRA)

Amount 0.47 cfs Use Irrigation Season/Commercial WM Dist. # 16

Applicant Name Burg Farm, LLC

Receipt No. 131490 Caseworker Assigned Kim Lisa

- Applicant/Organization Name and Mailing Address
- Signature of all applicants (include title or authority of representative if applicant is an organization or corporation). *Applicant's agent may NOT sign application.
- Property Ownership: Does the applicant own all the land for the proposed project? Y N

If No:

- The affected landowner's name(s) and mailing address(s) must be listed
- A signed statement declaring the existence of either written authorization or an easement permitting access to land crossed by the proposed ditch canal or other work must be submitted.

- For a SW Application: Source of water must be indicated.
 - If the source is stored water, is the stored water component filled out and does the applicant own the reservoir or include a non-expired agreement for stored water? (ORS 537.400)
NOTE: A surface water application cannot be filed at the same time as a Reservoir or Alt Reservoir if it will be for the use of the stored water under the PROPOSED Reservoir application, Exp. Secondary (E2)(ORS 537.147).
 - If for stored water not under contract, is the source authorized under a permit, certificate, or decree?
Permit or Certificate issued Y N Permit or Certificate # _____

For a GW Application: Well Development Tables completed and/or a well log report included (if existing)


Division 33, Public Interest Information (Sensitive, Threatened, Endangered, Fish Species)

- Proposed Water Use
 - Amount of water from each source in GPM, CFS, or AF
 - Period of use indicated
 - If for supplemental irrigation, primary acreage or underlying permit or certificate number listed
(Primary and Supplemental Irrigation counts as 2 uses)

Water Management Section (Estimates if the water system has not been designed)

Resource Protection Section

Project schedule (If system is already completed, indicate "existing.")

 **ENTERED**
12-13-19
JF

- Supplemental data sheets enclosed (if needed)
- Form M (Municipal or Quasi-Municipal)
- Spring Description Sheet (if source is a spring)

A completed **Land-Use Form** or receipt signed and dated by the appropriate planning department officials. *Please be certain that the Land-Use form lists all lands involved and all uses proposed. Date of signature must be within the past 12 months.*

A **Legal Description** of all the properties involved where water is diverted, crossed, and used. The Legal description includes a metes and bounds or other government survey description. A copy of the deed, land sales contract or title insurance policy can provide this information, or applicant may submit a lot book report prepared by a title company. Copies of tax bills are not acceptable.

The proposed source IS / IS NOT (circle one) restricted or withdrawn from further appropriation. *NOTE: If it is withdrawn under ORS 538, return application and fees.*

The **map** must meet all the minimum requirements of OAR 690-310-0050.

- Township, Range, Section
- Location of main canals, ditches, pipelines or flumes (if POA/POD is outside of POU)
- Place of use, 1/4-1/4's and tax lot clearly identified
- Even map scale not less than 4" = 1 mile (1" = 1320 ft.); examples: 1" = 100 ft., 1" = 200 ft.
- Location of *each* diversion point or well by reference to a recognized public land survey corner. Multiple wells shall be uniquely labeled, and identified on well logs, if existing.
- Reference corner on map
- North Directional Symbol
- Number of acres per 1/4 1/4 if for irrigation, nursery, or agriculture

Fees: Print out from Fee Calculator

Total Fees	\$ 2,910. ⁰⁰ --
Fee Paid	\$ 2,910. ⁰⁰ --
Amount Due	\$ 0

Reviewed by: Judy Ferrell Date: 12/09/2019
Cory Middleton 12/11/2019
 amm 12/13/2019