

Application for a Permit to Use
Surface Water

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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

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SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME RYAN CHEEKE		PHONE (HM) (541) 990-7168	
PHONE (WK)	CELL	FAX	
ADDRESS 25617 WONDERLY LANE			
CITY PHILOMATH	STATE OR	ZIP 97370	E-MAIL * RCHEEKE@GMAIL.COM

Organization

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME JD MCGEE, INC.		PHONE (541) 929-4226	FAX (541) 929-4227
ADDRESS 1215 MAIN ST, P.O. BOX 1472			CELL
CITY PHILOMATH	STATE OR	ZIP 97370	E-MAIL * JOHNMCGEE@JDMCGEE.COM


Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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

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

	<u>Ryan Cheeke</u>	<u>12-10-19</u>
Applicant Signature	Print Name and Title if applicable	Date
_____	_____	_____
Applicant Signature	Print Name and Title if applicable	Date

SECTION 2: PROPERTY OWNERSHIP

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

- 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.

As noted on deed

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.

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SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: McKenzie River	Tributary to: Willamette
TRSQQ of POD: 17S03W9NENE	
Source 2: Muddy Creek	Tributary to: Willamette
TRSQQ of POD: 15S03W19SENE	

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

B. Applications to Use Stored Water

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

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

If *all* sources listed in Section 3A are stored water, the Department will review your application using the expedited process provided in ORS 537.147, unless you check the box below. Please see the instruction booklet for more information.

- By checking this box, you are requesting that the Department process your application under the standard process outlined in ORS 537.150 and 537.153, rather than the expedited process provided by ORS 537.147. To file an application under the standard process, you must enclose the following:

- A copy of a signed non-expired contract or other agreement with the owner of the reservoir (if not you) to impound the volume of water you propose to use in this application.
- A copy of your written agreement with the party (if any) delivering the water from the reservoir to you.

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

This information must be provided for your application to be accepted as complete. The Water Resources Department will determine whether the proposed use will impair or be detrimental to the public interest with regard to sensitive, threatened or endangered fish species.

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

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

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

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

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

Is the POD located in an area where the Upper Columbia Rules apply?

Yes No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

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SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
(1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
McKenzie River	Irrigation	March 1 – October 31	0.66 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary and supplemental acres to be irrigated.
 Primary: 0.36 Acres Supplemental: 76.0 Acres
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
30484
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 190.9 af

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: _____
- If the use is **mining**, describe what is being mined and the method(s) of extraction: _____

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

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- Pump (give horsepower and type): 20 HP centrifugal pump
- Other means (describe): _____

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

The initial point of diversion (POD) is through the Muddy Creek Irrigation Project (MCIP) POD located in the NE ¼ of the NE ¼ of Section 9, Township 17 South, Range 3 West, Willamette Meridian. Water will be conveyed by contract through the MCIP ditch system and diverted at the Cheeke POD located in Tax Lot 100 on Tax Map 15S03W19. The Cheeke POD is currently equipped with a pump and fish screen. The water to irrigate the land outlined in this application will be piped using the existing buried PVC pipe system serving sprinkler heads spaced every 50 ft along irrigation lines. All diversion and conveyance works are currently in place. No construction needs to be performed to install the diversion, conveyance, or irrigation system. This application covers areas covered by Water Rights Certificate 30484 and that are adjacent to land covered by Water Rights Certificate 86578.

B. Application Method

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

C. Conservation

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

Irrigation scheduling will be used to determine the crop water demand and the irrigation system will operate only when water is needed. The length of set will be adjusted to meet the needs of the commercial beef pasture, hay, and row crops. The volume of water applied will be less when the crop is young and will increase as the crop matures. Using less-than-full irrigation will be considered to reduce the water requirements.

SECTION 7: RESOURCE PROTECTION

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: A fish screen is currently installed at the pump inlet on the MCIP ditch to meet ODFW and NOAA fisheries requirements to avoid entrapping aquatic organisms.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: The pump, fish screen and other works are currently in place for future use. No construction is required on the bank of the MCIP ditch.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: No in water construction will occur.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: The sprinkler system will be regulated to prevent run off and if any chemical products are injected into the irrigation system a back-flow prevention system will be used.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
An application for Stored Water in the Willamette Basin from the U.S. Bureau of Reclamation will be submitted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: N/A
- b) Date construction will be completed: N/A
- c) Date beneficial water use will begin: May 2020

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For Department Use: App. Number: 5-00012

SECTION 9: WITHIN A DISTRICT

Check here if the point of diversion or place of use are located within or are served by an irrigation or other water district.

Irrigation District Name	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 location of the section lines, quarter-quarters, tax lot lines, and DLC lines were approximated using the Linn County Tax Map 15S03W19.

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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: Source of Water
- SECTION 4: Sensitive, Threatened or Endangered Fish Species Public Interest Information
- SECTION 5: Water Use
- SECTION 6: Water Management
- SECTION 7: Resource Protection
- SECTION 8: Project Schedule
- SECTION 9: Within a District
- SECTION 10: Remarks

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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: \$ 2,705.20
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)

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 30day 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 RYAN CHEEKE			PHONE (HM)		
PHONE (WK)		CELL		FAX	
ADDRESS 25617 WONDERLY WAY					
CITY PHILOMATH		STATE OR	ZIP 97370	E-MAIL* RCHEEKE@GMAIL.COM	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
15S	3W	19	SW, NE	100	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
15S	3W	19	SE, NE	100	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farming
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Linn County

B. Description of Proposed Use

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

- Permit to Use or Store Water
- Water Right Transfer
- Permit Amendment or Groundwater Registration Modification
- Limited Water Use License
- Allocation of Conserved Water
- Exchange of Water

Source of water: Reservoir/Pond Groundwater Surface Water (name) Muddy Creek

Estimated quantity of water needed: 0.66 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for ___ household(s)
 Municipal Quasi-Municipal Instream Other ___

Briefly describe:

This project will install a low pressure sprinkler irrigation system to supply water to pasture and row crops.



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): CCC 928-325(B)(1)

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
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	FEB 21 2020	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

Farm use is an outright use in the EFW zoning district.

NAME <u>Alyssa Schrems</u>	TITLE: <u>Assistant Planner</u>
SIGNATURE <u>Alyssa Schrems</u>	PHONE: <u>541-967-3816</u>
GOVERNMENT ENTITY <u>Lincoln County</u>	DATE: <u>1/15/20</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: _____

CONTRACT DATA SHEET



Bureau of Reclamation
Attn: PN-6324
1150 N. Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION
Managing Water in the West

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1. Applicant Information:

A. Landowners

- 1) Name of Landowner(s): Ryan Cheeke
- 2) Address: 25617 Wonderly Lane, Philomath, OR, 97370
- 3) Mailing Address (if different): _____
- 4) Taxpayer Identification Number(s): _____
(Social Security Number or Employer Identification Number¹)
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

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

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

2. Source of water (name of stream, river): McKenzie River
3. Proposed point of diversion: 140 feet South and 120 feet East of NE corner of Section 9, To 17S, Range 3W, Willamette Meridian.
4. A water right permit to divert storage water is required. Application or file number with Oregon Water Resources Department (OWRD) if you have applied for a permit to divert storage water: In Process/Will send when known
5. Include a map of lands and diversion points. (Same as required by OWRD for application of surface/ground water permit).

6. Do you currently hold a right to natural flows for irrigating the property described herein? No
If yes, what is/are the priority date(s)? _____

7. Total quantity of water from storage requested: 190.9 acre-feet.

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

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TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
15S	3W	19	SW, NE	38.18	
15S	3W	19	SE, NE	38.18	

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

10. Is the land identified above currently being irrigated? Yes If yes, what is the source? (natural flows, wells, etc.) Well

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: -A fish screen is installed at the point of diversion to prevent uptake of fish and other aquatic life.

12. Telephone number where you can be reached during the day: (541) 990 - 7168

Before returning the completed Contract Data Sheet to the address provided on page 1, please ensure you have:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE². MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

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

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



Parcel Information

Parcel #:	0320941
Tax Lot:	15S03W1900100
Site Address:	32139 Priceboro Dr Harrisburg OR 97446 - 9732
Owner:	Cheeke, Ryan Pierre Thomas Cheeke, Stacie Et Al 25617 Wonderly Ln Philomath OR 97370
Twn/Range/Section:	15S / 03W / 19
Parcel Size:	76.36 Acres (3,326,242 SqFt)
Lot:	
Census Tract/Block:	030600 / 3050
Levy Code Area:	00707
Levy Rate:	13.4207
Market Value Land:	\$555,460.00
Market Value Impr:	\$141,440.00
Market Value Total:	\$696,900.00
Assessed Value:	\$199,980.00

Tax Information

Tax Year	Annual Tax
2018	\$2,700.53
2017	\$2,591.39
2016	\$2,372.33

Legal

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Land

Land Use:	501 - Hbu Farm No Special Assmt Improv	Zoning:	County-EFU - Exclusive Farm Use
Watershed:	Muddy Creek-Willamette River	Std Land Use:	AFAR - Farms And Crops
Recreation:		School District:	7 - Harrisburg
Primary School:	Harrisburg Elementary School	Middle School:	Harrisburg Middle School
High School:	Harrisburg High School		

Improvement

Year Built:	1910	Stories:	1.00	Finished Area:	3,124 SqFt
Bedrooms:	6	Bathrooms:	2.00	Pool:	
Bldg Type:	148 - One Story With Attic				

Transfer Information

Rec. Date:	1/2/2018	Sale Price:	\$387,500.00	Doc Num:	0000000041	Doc Type:	Warranty Deed
Owner:	CHEEKE, RYAN PIERRE THOMAS & STACIE ETAL			Grantor:	GRIMES, ROY E & MAHLON H		
Orig. Loan Amt:	\$248,500.00			Title Co:	AMERITITLE		
Finance Type:		Loan Type:		Lender:	FARM CREDIT SVCS		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.

Grantor's Name and Address:

Roy E. Grimes, Mahlon H. Grimes, and Bruce B. Grimes
32135 Priceboro Dr.
Harrisburg OR 97446

Grantee's Name and Address:

Ryan Pierre Thomas Cheeke and Stacie Marie Cheeke
25617 Wonderly Ln
Philomath, OR 97370

After Recording Return To:

Ryan Pierre Thomas Cheeke and Stacie Marie Cheeke
25617 Wonderly Lane
Philomath Or 97370

Send Tax Statements To:

Ryan and Stacie Cheeke
25617 Wonderly Ln
Philomath, OR 97370

Linn County, Oregon, Assessor's Account No.:

320941 & 320982

LINN COUNTY, OREGON	2018-00041
D-WD	01/02/2018 12:38:00 PM
Str=38 K. PETERSON	\$90.00
\$30.00 \$11.00 \$10.00 \$20.00 \$19.00	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

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WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, that Roy E. Grimes, Mahlon H. Grimes, and Bruce B. Grimes, each as to an undivided one third interest as tenant in common, hereinafter referred to Grantor, for the consideration hereinafter stated, do hereby convey and warrant to **Ryan Pierre Thomas Cheeke and Stacie Marie Cheeke, husband and wife**, hereinafter called Grantee, and unto Grantee's heirs, successors and assigns that certain real property, with the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, situated at 32135-32139 Priceboro Dr., Harrisburg, in the Linn County, State of Oregon, and more particularly described as Exhibit A, attached hereto, and by this reference incorporated herein (the "Property"), free of all encumbrances except those of record; RESERVING a life estate on behalf of Roy E. Grimes, in the life of Roy E. Grimes, as more particularly stated and described in Exhibit B, attached hereto.

To Have and to Hold the same unto the said Grantee and Grantee's heirs, successors and assigns forever.

The true and actual consideration paid for the undivided two third interests from Mahlon H. Grimes and Bruce B. Grimes is \$387,500.00. The undivided one third interest from Roy E. Grimes is a gift to Grantee.

In construing this deed and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, AND 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

PAGE 1 -WARRANTY DEED

AMERITITLE 209547AM

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.

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In Witness Whereof, the Grantor has executed this instrument this ___ day of December, 2017.

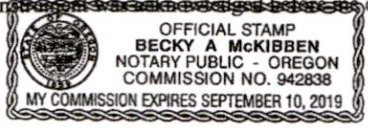
Roy E. Grimes
Roy E. Grimes

Mahlon H. Grimes
Mahlon H. Grimes

Bruce B. Grimes

STATE OF OREGON)
) ss.
County of Linn)

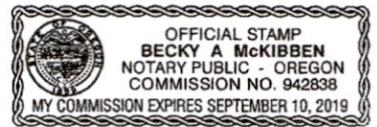
This instrument was acknowledged before me on December 27, 2017, by Roy E. Grimes.



Becky A. McKibben
Notary Public for Oregon
My commission expires: 9-10-19

STATE OF OREGON)
) ss.
County of Linn)

This instrument was acknowledged before me on December 27, 2017, by Mahlon H. Grimes.



Becky A. McKibben
Notary Public for Oregon
My commission expires: 9-10-19

STATE OF ALASKA)
) ss.
County of _____)

This instrument was acknowledged before me on December ___, 2017, by Bruce B. Grimes.

Notary Public for Alaska
My commission expires: _____

\\WIN-P31V3MHAJ1\NETWORK\ATTY\AJB\CLIENTS\CHEEKE, RYAN\WARRANTY DEED - 12-20-17.DOCX:12/22/17

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.

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In Witness Whereof, the Grantor has executed this instrument this 27 day of December, 2017.

Roy E. Grimes

Mahlon H. Grimes

[Handwritten Signature]

Bruce B. Grimes

STATE OF OREGON)
) ss.
County of Linn)

This instrument was acknowledged before me on December __, 2017, by Roy E. Grimes.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON)
) ss.
County of Linn)

This instrument was acknowledged before me on December __, 2017, by Mahlon H. Grimes.

Notary Public for Oregon
My commission expires: _____

STATE OF ALASKA)
) ss.
County of Seward)

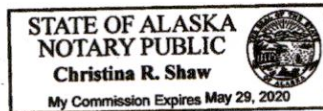
This instrument was acknowledged before me on December 27, 2017, by Bruce B. Grimes.

[Handwritten Signature]

Notary Public for Alaska
My commission expires: May 29, 2020

\\WIN-F31V3MHA01\NETWORK\ATTY\AJ\CLIENTS\CHEEKE, RYAN\WARRANTY DEED - 12-20-17.DOCX:12/22/17

PAGE 2 -WARRANTY DEED



S-88812

Exhibit A

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Parcel I:

The South half of the Northeast quarter of Section 19 in Township 15, South Range 3 West of the Willamette Meridian in Linn County, Oregon.

Parcel II:

The North 24 rods of the Southeast quarter of Section 19 in Township 15 South, Range 3 West, Willamette Meridian in Linn County, Oregon.

Save and Except:

Beginning at a point in the center of the County Road 30 feet West of the Quarter Corner on the East line of Section 19, Township 15 South, Range 3 West of the Willamette Meridian; thence West, along the center of the County Road, 500 feet; thence South, parallel with the East line of said Section, 174 feet; thence East, parallel with the North line as above described, 500 feet to a point South of the place of beginning; thence North 174 feet to the point of beginning, Linn County, Oregon

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Exhibit B

Roy E. Grimes' life estate in the Property shall be in the residence located thereon at the time of the reservation of the life estate. During the term of that life estate, Roy shall personally have full use of the portion of the Property on which the old grocery store building, chicken house, machine shed, and gas house, all of which are located near the residence on the Property, are located and which are roughly outlined on the map on page 2 of this Exhibit B. During the life estate, reasonable utilities shall be paid by the fee title owner of the Property.

Maintenance; Waste: As long as this life estate remains in force, Roy shall be responsible for maintenance and upkeep of the curtilage surrounding the residence. All of the personal property located within the portion of the Property subject to the life estate is not included in the sale and remains Roy's property. Maintenance must be sufficient to ensure the Property does not appear abandoned or substantially cluttered when viewed from the adjacent public road. Roy otherwise agrees not to commit waste on the Property.

Valuation: If Roy decides to sell his life estate in the Property, he may do so by giving the owner of the Property 30-days written notice of his election to sell. The value of his life estate shall be \$200,000 as of December 31, 2017. The value will be reduced by \$1,200 per month on the 1st day of each month, beginning on January 1, 2018 (for example, as of December 2, 2018, the value of the life estate for purposes of this sell back will be $\$200,000 - \$14,400 = \$185,600$). The owner of the Property shall have 90 days to complete the purchase of the life estate, at the valuation on the date of the written notice of election to sell. If Roy dies prior to the valuation under this paragraph being reduced to \$0, his estate will be entitled to recover the remaining value from the owner of the Property, although the life estate shall no longer exist (the value of the life estate shall be \$0 after 167 months).

Termination: This life estate shall terminate upon the death of Roy Grimes. If he can no longer reside on the Property, Roy may lease the residence to a tenant and retain the rental income from that tenancy. The fee owner of the Property shall have the first right of refusal on renting the residence at any monthly amount offered to a third-party tenant. If Roy leases the residence to a third-party, he shall be responsible for all costs associated with that tenancy. Except as stated in this Exhibit B, the life estate or right to use the Property hereunder is not transferrable to a third-party.

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Field Map

Date: 9/22/2010

Customer(s): RYAN CHEEKE
District: LINN SOIL & WATER CONSERVATION DISTRICT

Field Office: TANGENT SERVICE CENTER
Agency: NRCS
Assisted By: LARSEN, LYNN



Legend

Consplan_2011





Oregon
Kate Brown, Governor

Water Resources Department

725 Summer St NE, Suite A

Salem, OR 97301

(503) 986-0900

Fax (503) 986-0904

February 27, 2020

Dear Applicant:

The Oregon Water Resources Department has received your surface water application for a water use permit. Your application has been assigned file number **S-88812**. 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:

Kim French, Water Rights Specialist	Phone: 503-986-0816
	Email: kim.r.french@oregon.gov

A description of the steps that are used for processing a surface water application are shown on the reverse side of this letter. Surface water applications that propose to use stored water exclusively are reviewed using an expedited process and contain slightly different processing steps.

The Department's goal is to process applications within statutory deadlines. The first step in the process is issuance of an Initial Review, which summarizes the Department's preliminary determinations. Surface water applications typically receive an Initial Review in approximately two to three months. Copies of the Initial Review, Proposed Final Order, and Final Order will be mailed to you. Applications proposing to use stored water only under the expedited process will receive a Final Order.

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
JD McGee, Agent

Water-Use Permit Application Processing Steps

Oregon Water Resources Department

Standard Process for a Surface Water Application:

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 & Protest Opportunity

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. A 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.

Expedited Process for a Surface Water Application:

Note: The expedited process only applies to an applications using stored water only under ORS 537.147.

The expedited process allows the Department to process an application within several weeks in cases where no public interest concerns are identified. It does not provide an opportunity to protest the Department's recommendation unless public interest issues are identified, in which case the Department will then evaluate the application using the standard process and a protest opportunity will be available. For expedited applications, the Department issues a Final Order only. Once accepted by the Department, these applications are published in the weekly public notice every Tuesday and a 30-day public comment periods begins. Following the public comment period, the Department can issue the Final Order.

JD McGEE, Inc.

Engineering & Surveying
Land Use Planning

"Solving Problems for You"

Phone: (541) 929-4226

Fax: (541) 929-4227

E-mail: jmcgee@actionnet.net

PO Box 1472

Philomath, OR 97370

LETTER OF TRANSMITTAL

TO:	Oregon Water Resources Department
	725 Summer St. NE, Suite A
	Salem, OR 97301

Job No: 19-50
Project: Cheeke – Water Rights
Date: 2/19/2020
From: KP
Via: USPS

COPIES	DATE	DESCRIPTION
1	2/19/20	Application for a permit to use Surface Water
1	2/19/20	Attachment 1: Checklist & Processing information
1	2/19/20	Attachment 2: Land Use Information Form
1	2/19/20	Two exhibit maps
1	2/19/20	Copy of Bureau of Reclamation Contract Data Sheet
1	2/19/20	Property and title information
1	2/19/20	Check # 5496 for Payment to OWRD

THESE ITEMS ARE TRANSMITTED AS CHECKED BELOW OR OTHERWISE NOTED

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Approved as Submitted | <input type="checkbox"/> Rejected | <input checked="" type="checkbox"/> For Approval | <input type="checkbox"/> For Distribution |
| <input type="checkbox"/> Approved as Noted | <input type="checkbox"/> Resubmit for Approval | <input type="checkbox"/> For Your Use | <input type="checkbox"/> As Indicated Below |
| <input type="checkbox"/> Returned with Comments | <input type="checkbox"/> As Requested | <input type="checkbox"/> For Review and Comment | |

REMARKS:

These applications are submitted on behalf of Ryan Cheeke,

cc: _____

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S-00012

November 4, 2019

Bill Parks
U.S. Bureau of Reclamation
1150 North Curtis Rd., Ste 100
Boise, ID 83706

Phone: 208-378-5344

RE: Ryan Cheeke, Willamette Basin Water Contract

Dear Mr. Parks,

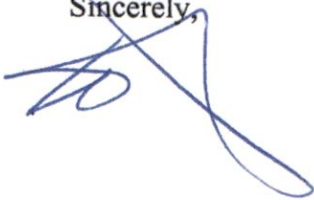
Please accept this application for Willamette Basin stored water. I am applying to the Oregon Water Resources Department simultaneously for the water right to use the proposed contracted water. I will send the application number as soon as it is assigned. I am also contracting with the Muddy Creek Irrigation Project (P.O. Box 225, Harrisburg, Oregon, 97446) to divert and convey the water through their system and into Muddy Creek for us to use.

Please find the following attached:

- Contract Data Sheet
- Water Right Exhibit Maps showing the point of diversion into Muddy Creek and the area proposed to be irrigated with the contracted water
- Check for \$100.00

If you need any additional materials or have any questions, please let me know.

Sincerely,



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FEB 21 2020

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S-00012