

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

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

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Organization

NAME FOLEY FAMILY FARMS, LP.		PHONE 707-933-3211	FAX N/A
ADDRESS 1707 VILLAGE CENTER CIRCLE		CELL 707-689-3347	
CITY LAS VEGAS	STATE NV	ZIP 89134	E-MAIL * AWAGNER@FOLEYFAMILYWINES.COM

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

AGENT / BUSINESS NAME STUNTZNER ENGINEERING & FORESTRY, LLC.		PHONE 503-357-5717	FAX 503-357-5698
ADDRESS 2318-B PACIFIC AVENUE		CELL N/A	
CITY FOREST GROVE	STATE OR	ZIP 97116	E-MAIL * NICKBLUNDON@STUNTZNER.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**

Applicant Signature

AI Wager VP of Farm
Print Name and Title if applicable

2/2/20
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.

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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).*

N/A

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

SECTION 3: SOURCE OF WATER

A. Proposed Source of Water

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

Source 1: Reimer Reservoir	Tributary to: Unnamed Stream
TRSQQ of POD: T7S, R5W, Section 4: NE 1/4 of NE 1/4; SE 1/4 of NE 1/4; NE 1/4 of SE 1/4, For this application and certificate 68420 on tax lots 203, 400 + 500.	
Source 2: Unnamed Stream	Tributary to: Yamhill River
TRSQQ of POD: T7S, R5W, Section 4: NE 1/4 of SE 1/4, for this application and certificate 68420 on tax lots 203, 400 + 500.	
Source 3: Unnamed Stream	Tributary to: Yamhill River
TRSQQ of POD: T7S, R5W, Section 3: SW 1/4 of SW 1/4, for certificate 68420 on tax lots 501 +502	

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

B. Applications to Use Stored Water

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

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

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

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

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

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

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

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

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

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

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

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

Yes No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.

- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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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:
N/A

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.

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
Reimer Reservoir	Irrigation	Irrigation Season (Mar.1- Oct.31)	34.65 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Unnamed Stream	Irrigation	First 3 months of I. S. (Mar.1- May 31)	0.866 <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

Please indicate the number of primary and supplemental acres to be irrigated.

Primary: 69.3 Acres Supplemental: N/A Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):
N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 34.65

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 20 HP pump on float.
- Other means (describe): N/A

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

Water is diverted by a pump on a float in the reservoir to an existing 10" diameter pipe. The existing 10" diameter pipe runs east-west. Proposed 3" diameter laterals will be constructed north-south to irrigate proposed irrigation areas.

B. Application Method

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

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.

Water requested is to establish and grow grapes (approx. 6" depth of water per acre per year).

SECTION 7: RESOURCE PROTECTION

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions: The applicant will install fish screen if ODFW requires it. The applicant will install screen to protect the pump if ODFW does not require fish screen.

- 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 reservoir is existing, no riparian or streamside disturbance is expected.

- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life. Describe planned actions and additional permits required for project implementation: The reservoir is existing, no major earthwork is expected.

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Drip irrigation will be used. Minimal use of fertilizers.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
No additional permits will be required. The reservoir is existing and permitted to store waters of the state.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: Spring 2020
- b) Date construction will be completed: Fall 2025
- c) Date beneficial water use will begin: Summer 2020

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name N/A	Address N/A	
City N/A	State N/A	Zip N/A

SECTION 10: REMARKS

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

The applicant, Foley Family Farms, has acquired tax lots 400 and 500 of section 3, T7S, R5W. And tax lot 203 of section 4, T7S, R5W. They plan to grow grapes for wine. This property had two associated certificates: 31002 (Reimer Reservoir) which allows storage of 125 acre-feet, issued in 1962 with a priority date of 1958. And 31003 which allows use of Reimer Reservoir and an unnamed stream for the irrigation of 76.4 acres, issued in 1963 with a priority date of 1958.

This property has 35.2 acres of certified irrigation under certificate 68420. An additional 18.5 acres was certified on tax lots 501 and 502 section 3, T7S, R5W. The 18.5 acres on tax lots 501 and 502 do not have access to Reimer Reservoir. Please find attached a letter from the former owner of the Foley property that the owners of tax lots 501 and 502 did not have legal access to Reimer Reservoir and to her knowledge have not accessed the stored water in Reimer Reservoir.

In 1994 transfer 6844 was issued to Mr. Chaey to move 22.7 acres of the original 76.4 acres of certificate 31003. These acres of irrigation are not shown on the map. OWRD issued certificate 68420 for the remaining acres of irrigation. The transfer was not completed and in 2012 the transfer was canceled and the acres ceased to exist (vol. 88, page 269).

In 1970 Donald Hoekstre was issued 2 certificates. First is 37147 which allowed irrigation of 27.7 acres. Second is 37148 which allowed irrigation of 33.8 acres. Both certificates listed an unnamed stream, a reservoir constructed under permit R-4651 and Reimer Reservoir. Both certificates had a priority date of July 20, 1965.

In 1994 all of the first and most of the second certificates were transferred in T-6843 issued to Mr. Chaey. The remaining acres of certificate 37148 were re-issued under certificate 68418 in November of 1994. In 1996 Mr. Chaey assigned all interest in the transfer to Mr. Tarpley. The final proof survey map for each of the certificate maps show the unnamed creek and the reservoir on site, it does not show or note the Reimer Reservoir. On August 28th of 2015 2 new certificates were issued to Mr. Tarpley; 90559 and 90560. The certificates list Reimer Reservoir but the maps do not show the reservoir.

In 2006 there was an event where water was released from Reimer Reservoir without the owner's permission. The following November of 2006 Stoel and Rives representing the owners of Reimer Reservoir at that time sent a letter terminating the agreement to use water from Reimer Reservoir. For the last 14 years no water from Reimer Reservoir has been used on the golf course even though the certificates list the reservoir as a POD.

As outlined above the Foley Family Farms now owns the property with Reimer Reservoir with certified rights to irrigate 35.2 acres with the reservoir and live flow. No one else has any right to access this water, and in fact no one else claims to have used this water for 14 years. The reservoir holds 125 acre feet and this application is to use 34.65acre feet on 69.3 acres of new grapes. The reservoir has more water available for the owners if they need it in the future.

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Foley Family Farms, Perrydale Road Vineyard
SURFACE WATER APPLICATION

ATTACHMENTS #1

INDEX

Checklist and Processing Information, 2 pages	1
Land Use Information Form, 7 pages	3
OWRD location information printout, 1 page	10
OWRD water availability analysis printout, 1 page	11
OWRD estimated cost of permit application printout, 1 page	12
Letter from past owner stating that 35.2 acres certified was irrigated in 2019, 1 page	13
Letter from past owner stating that Tax Lots 501 & 502 have not had access to Reimer Reservoir, 1 page	14
Deed, Tax Lot 400, 4 pages	15
Deed, Tax Lot 500, 4 pages	19
Deed, Tax Lot 203, 4 pages	23
Exhibit 'A', Plat 200-0011, 2 pages	27
Paper application map for reference, 1 page	29

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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

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: \$ 2,518
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Land Use Information Form

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



Applicant

NAME FOLEY FAMILY FARMS, LP.			PHONE (HM) N/A		
PHONE (WK) 707-933-3211		CELL 707-689-3347		FAX N/A	
ADDRESS 1707 VILLAGE CENTER CIRCLE					
CITY LAS VEGAS		STATE NV	ZIP 89134	E-MAIL* AWAGNER@FOLEYFAMILYWINES.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:
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
7S	5W	4	SE-NE NE-SE NE-NE	203	Exclusive Farm Use	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Divert from Reimer Reservoir
7S	5W	4	SE-NE NE-SE SE-SE	203	Exclusive Farm Use	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm Use Irrigation
7S	5W	3	SW-SW SE-SW NW-SW NE-SW SW-NW	500	Exclusive Farm Use	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm Use Irrigation
7S	5W	3	SW-NW NW-NW	400	Exclusive Farm Use	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm Use Irrigation

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

Polk County. Water diverted from Reimer Reservoir and used on property entirely owned by the applicant. (Oregon Water Resources Certificate 31002 & 68420).

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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) Unnamed Tributary of Yamhill River

Estimated quantity of water needed: 0.47 cfs cubic feet per second gallons per minute acre-foot

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

Briefly describe:

Attachment 2: Land Use Information Form

Foley Family Farms is applying for a permit to use surface water on additional acreage of land that they purchased.

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

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For Local Government Use Only

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

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): PC 10 136.030 (A) "Farm-use/irrigation"
- Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land use approvals as listed in the table below. (Please attach documentation of applicable land use approvals which have already been obtained. Record of Action/land use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land Use Approval:	
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAR 25 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.

** Please see attached notes*

NAME <u>Sidney Mulder</u>	TITLE: <u>Planning Supervisor</u>
SIGNATURE <u>[Signature]</u>	PHONE: <u>503-623-9237</u>
DATE: <u>8-12-19</u>	
GOVERNMENT ENTITY <u>Polk County</u>	

Note to local government representative: Please complete this form or sign the receipt below and return it to the applicant. If you sign the receipt, you will have 30 days from the Water Resources Department's notice date to return the completed Land Use Information Form or WRD may presume the land use associated with the proposed use of water is compatible with local comprehensive plans.

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

8/12/19

*The subject property is located partially within the Special Flood Hazard Area (SFHA). Any non-structural floodplain development, such as excavating, drilling, removal or fill material, etc., would require a land use application and approval prior to conducting the non-structural floodplain development activities. The applicable review and decision criteria for non-structural floodplain development can be found in the Polk County Zoning Ordinance Chapter 178.

The subject property also contains wetlands identified on the NWI map. Any development within the inventoried wetland areas may require a permit from the Oregon Department of State Lands (DSL).

Sidney Mulder, Planning Supervisor

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Transaction Receipt

POS - 39307

Receipt Number: 28018

Receipt Date: 8/12/19

Polk County

Community Development Dept
850 Main St.
Dallas, OR 97338
503-623-9237
Fax: 503-623-6009
cd.permits@co.polk.or.us

Fees Paid

Transaction date	Units	Description	Account code	Fee amount	Paid amount
8/12/19	1.00 Amount	PLN-Land Use Compatability Sign-Off	100-6300-310-PLAN	\$40.00	\$40.00
Payment Method: Check number: 2707 Payer: STUNTZNER ENGINEERING & FO				Payment Amount:	\$40.00
Cashier: Autumn Hillebrand				Receipt Total:	\$40.00

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How would you like to enter your Location?

- Latitude/Longitude in Decimal Degrees (ex: Latitude: 45.0123 degrees, Longitude: -121.5321 degrees)
- Latitude/Longitude in Decimal Minutes (ex: 45 degrees, 27.567 minutes)
- Latitude/Longitude in Degrees, Minutes, Seconds (ex: 45 degrees, 37 minutes, 28 seconds)
- By Address (ex: 725 Summer ST NE Salem, OR 97301)
- By Public Land Survey (Township 1S, Range 3E, Section 5, NE Quarter/Quarter of SW Quarter)

Address:

Location

Latitude/Longitude: 44.99335, -123.2869
OR Lambert X,Y: 591571.1, 1194452
[View Location on Google Maps](#)

Public Land Survey (TRSQQ)

Meridian: WM
Township/Range/Section: 7.00S-5.00W-3
Quarter/Quarter: SE-NW

Political Features

County: Polk
OWRD Region: NW
Watermaster District: 16

DEQ Region: n/a
ODFW Region: Northwest Region
ODFW District: NWWDCoast Range Unit

Hydrologic Features

Basin: Willamette
Water Availability Basin: [SALT CR > S YAMHILL R - AT MOUTH \(73562\)](#)
Priority WAB Name: SALT CR @ mouth (OWRD: Fair, ODFW: High) (73562)

Groundwater Features

Groundwater Restricted Area: n/a

Other Features

4D Rules Apply: Rules apply
Division 33 Ruleset(s): Lower Columbia; STATEWIDE

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Water Availability Analysis

SALT CR > S YAMHILL R - AT MOUTH
WILLAMETTE BASIN

Water Availability as of 8/6/2019

Watershed ID #: 73562 ([Map](#))

Exceedance Level:

Date: 8/6/2019

Time: 3:49 PM

[Water Availability](#)

[Limiting Watersheds](#)

[Complete Water Availability Analysis](#)

Water Availability

Select any Watershed for Details

	Nesting Watershed Order	Stream Name ID #	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Sto
Select	1	181 WILLAMETTE R> COLUMBIA R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	2	182 WILLAMETTE R> COLUMBIA R- AB MOLALLA R	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Select	3	30200801 YAMHILL R> WILLAMETTE R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Select	4	188 YAMHILL R> WILLAMETTE R- AB PALMER CR	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	Yes	Yes	Yes	Yes
Select	5	163 S YAMHILL R> YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Select	6	162 S YAMHILL R> YAMHILL R- AB COZINE CR	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes
Select	7	73562 SALT CR> S YAMHILL R- AT MOUTH	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	Yes	Yes	Yes

Download Data ([Text - Formatted](#), [Text - Tab Delimited](#), [Excel](#))

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Oregon Water Resources Department
Surface Water Application

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Today's Date: Tuesday, February 11, 2020

Base Application Fee.		\$930.00
Number of proposed cubic feet per second (cfs) to be diverted. (1 cfs = 448.83 gallons per minute)	.8660	\$350.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed Surface Water points of diversions. **	1	
Number of Acre Feet to be diverted from Stored Water. (if the application is appropriating water from a pond/reservoir)	34.65	\$718.00
Subtotal:		\$1,998.00
Permit Recording Fee. ***		\$520.00
* the 1st Water Use is included in the base cost. ** the 1st Surface Water point of diversion 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		\$2,518.00

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TELEPHONE (503) 357-5717
CELL (503) 939-8381
FAX (503) 357-5698
billflatz@stuntzner.com

2318-B Pacific Avenue
FOREST GROVE, OREGON 97116

COOS BAY - FOREST GROVE - DALLAS - JUNCTION CITY

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

SUBJECT: Water Use, Certificate 68420.

To whom it may concern:

This letter is to document the irrigation of the certified land on:

- Township 7 South, Range 5 West, Section 3, Tax Lot 500.
- Township 7 South, Range 5 West, Section 4, Tax Lot 203.

The irrigation was done in April (month) of 2019.

The land irrigated is certified under Certificate # 68420.

The irrigation was on the certified area, approximately 35.2 acres at the south end of the two tax lots. The source was the certified reservoir, the 'William Reimer Reservoir'.

This irrigation was done before the property was sold to Foley Family Wines

SHARON RICHARDSON
HOWELL

Print name

Sharon R. Howell

Signature

7/17/2019

Date

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TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL: nickblundon@stuntzner.com

2318-B Pacific Avenue
Forest Grove, Oregon 97116

COOS BAY • FOREST GROVE • DALLAS • JUNCTION CITY

Celebrating 50 Years of Service

TO: **Water Resources Department**
 725 Summer Street NE, Suite A
 Salem, OR 97301

SUBJECT: **Water Use, Certificate #68420.**

To whom it may concern:

Huntington Hill Vineyard, LLC. owned the subject property prior to Foley Family Farms, LP. The subject property is located at:

- Township 7 South, Range 5 West, Section 3, Tax Lots 400 & 500.
- Township 7 South, Range 5 West, Section 4, Tax Lot 203.

The water source, "William Reimer Reservoir", is located on Tax Lot 203.

To my knowledge, no easement or access was granted to the properties located at:

- Township 7 South, Range 5 West, Section 3, Tax Lots 501.
- Township 7 South, Range 5 West, Section 3 & 10, Tax Lot 502.

This certified area is approximately 18.5 acres.

To my knowledge, Tax Lots 501 & 502 did not have legal access to the water source "William Reimer Reservoir" for five or more years before Foley Family Farms, LP. purchased the subject property.

To my knowledge, Tax Lots 501 & 502 have never been irrigated using the water source "William Reimer Reservoir."

Sharon Richardson Howell

Name of Managing Member
Huntington Hill Vineyard, LLC

Sharon R. Howell

Signature of Managing Member
Huntington Hill Vineyard, LLC

9/4/2019

Date

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First American TitleTM

Customer Service Department

Phone: 503.219.TRIO (8746)

Fax: 503.790.7872

Email: cs.oregon@firstam.com

Date: 8/8/2019

OWNERSHIP INFORMATION

Owner: Foley Family Farms Lp

Parcel #: 154093

CoOwner:

Ref Parcel #: 75 300 400

Site: OR 97338

TRS: 07S / 05W / 03

Mail: 1701 Village Center Cir Las Vegas NV 89134

County: Polk

PROPERTY DESCRIPTION

Map Grid:

Census Tract: 020500 Block: 1106

Neighborhood:

School Dist: 2 Dallas School District

Impr Type: 500 - H & B Use Farm Vacant

Subdiv/Plat:

Land Use: 550 - Vacant H&B Use Farm, Recvng Farm Def,
Zoned Efu

Std Land Use: VAGR - Vacant Agriculture/Rural

Zoning: County-EFU - Exclusive Farm Use Zone

Lat/Lon: 44.994348 / -123.294982

Watershed: Salt Creek

Legal:

ASSESSMENT AND TAXATION

Market Land: \$174,760.00

Market Impr: \$0.00

Market Total: \$174,760.00 (2018)

% Improved: 0.00%

Assessed Total: \$10,981.00 (2018)

Levy Code: 0203

Tax: \$123.63 (2018)

Millage Rate: 11.2589

Exemption:

Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 22.25 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 969,210 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	6/4/2019		\$2,300,000.00	WD		

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.

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TICOR TITLE

471819080410

**AFTER RECORDING RETURN TO AND
SEND TAX STATEMENTS TO:**

Foley Family Farms, LP
1701 Village Center Circle
Las Vegas, NV 89134
Attention: Michael Kalish, Esq.

RECORDED IN POLK COUNTY		2019-005870
Valerie Unger, County Clerk		06/07/2019 02:17:20 PM
REC-WD	Crit=1 Str=5 K. WILLIAMS	\$111.00
\$25.00	\$11.00 \$10.00 \$60.00 \$5.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Huntington Hill Vineyard, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to Foley Family Farms, LP, a Nevada limited partnership, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is TWO MILLION THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$2,300,000.00).

Subject to:

SEE EXHIBIT "B" ATTACHED HERETO AND MADE A PART HEREOF

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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MAR 25 2020
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IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: June 4, 2019

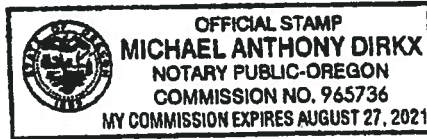
Huntington Hill Vineyard, LLC,
an Oregon limited liability company

By: Sharon R. Howell
Name: SHARON R. HOWELL
Title: MANAGER

State of OREGON
County of CLATSOP

This instrument was acknowledged before me on JUNE 4, 2019 by
SHARON R. HOWELL, manager of Huntington Hill Vineyard, LLC, an Oregon limited liability company

Michael Anthony Dirks
Notary Public - State of Oregon
MICHAEL ANTHONY DIRKS
My Commission Expires: AUGUST 27, 2021



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EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 2, PARTITION PLAT 2000-0011, recorded May 12, 2000 in Volume 2000, Page 0011, Book of Partition Plats for Polk County, Oregon as Recording No.: 200005253, in Polk County, Oregon.

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First American Title™

Customer Service Department
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.oregon@firstam.com
Date: 8/8/2019

OWNERSHIP INFORMATION

Owner: Foley Family Farms Lp
CoOwner:
Site: OR 97338
Mall: 1701 Village Center Cir Las Vegas NV 89134

Parcel #: 154105
Ref Parcel #: 75 300 500
TRS: 07S / 05W / 03
County: Polk

PROPERTY DESCRIPTION

Map Grid:
Census Tract: 020500 Block: 1107
Neighborhood:
School Dist: 2 Dallas School District
Impr Type: 500 - H & B Use Farm Vacant
Subdiv/Plat:
Land Use: 550 - Vacant H&B Use Farm, Recvng Farm Def,
Zoned Efu
Std Land Use: VAGR - Vacant Agriculture/Rural
Zoning: County-EFU - Exclusive Farm Use Zone
Lat/Lon: 44.989923 / -123.292537
Watershed: Salt Creek
Legal:

ASSESSMENT AND TAXATION

Market Land: \$565,480.00
Market Impr: \$0.00
Market Total: \$565,480.00 (2018)
% Improved: 0.00%
Assessed Total: \$56,544.00 (2018)
Levy Code: 0203
Tax: \$636.64 (2018)
Millage Rate: 11.2589
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms:	Total SqFt:	Year Built:
Baths, Total:	First Floor:	Eff Year Built:
Baths, Full:	Second Floor:	Lot Size Ac: 72.00 Acres
Baths, Half:	Basement Fin:	Lot Size SF: 3,136,320 SqFt
Total Units:	Basement Unfin:	Lot Width:
# Stories:	Basement Total:	Lot Depth:
# Fireplaces:	Attic Fin:	Roof Material:
Cooling:	Attic Unfin:	Roof Shape:
Heating:	Attic Total:	Ext Walls:
Building Style:	Garage:	Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	6/4/2019		\$2,300,000.00	WD		

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.

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TICOR TITLE

4-71819080410

**AFTER RECORDING RETURN TO AND
SEND TAX STATEMENTS TO:**

Foley Family Farms, LP
1701 Village Center Circle
Las Vegas, NV 89134
Attention: Michael Kalish, Esq.

RECORDED IN POLK COUNTY	2019-005870
Valerie Unger, County Clerk	06/07/2019 02:17:20 PM
REC-WD Cnt=1 Str=5 K. WILLIAMS	\$111.00
\$25.00 \$11.00 \$10.00 \$60.00 \$5.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

SPECIAL WARRANTY DEED - STATUTORY FORM
(INDIVIDUAL or CORPORATION)

Huntington Hill Vineyard, LLC, an Oregon limited liability company, Grantor, conveys and specially warrants to Foley Family Farms, LP, a Nevada limited partnership, Grantee, the following described real property free and clear of encumbrances created or suffered by the grantor except as specifically set forth below:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance is TWO MILLION THREE HUNDRED THOUSAND AND NO/100 DOLLARS (\$2,300,000.00).

Subject to:

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Dated: June 4, 2019

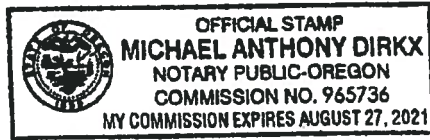
Huntington Hill Vineyard, LLC,
an Oregon limited liability company

By: Sharon R. Howell
Name: SHARON R. HOWELL
Title: MANAGER

State of OREGON
County of CLATSOP

This instrument was acknowledged before me on JUNE 4, 2019 by
SHARON R. HOWELL, manager of Huntington Hill Vineyard, LLC, an Oregon limited liability company

Michael Anthony Dirks
Notary Public - State of Oregon
MICHAEL ANTHONY DIRKS
My Commission Expires: AUGUST 27, 2021



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EXHIBIT "A"
LEGAL DESCRIPTION

Parcel 2, PARTITION PLAT 2000-0011, recorded May 12, 2000 in Volume 2000, Page 0011, Book of Partition
Plats for Polk County, Oregon as Recording No.: 200005253, in Polk County, Oregon.

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First American Title™

Customer Service Department
Phone: 503.219.TRIO (8746)
Fax: 503.790.7872
Email: cs.oregon@firstam.com
Date: 8/8/2019

OWNERSHIP INFORMATION

Owner: Foley Family Farms Lp
CoOwner:
Site: 3995 Perrydale Rd Dallas OR 97338
Mall: 1701 Village Center Cir Las Vegas NV 89134

Parcel #: 562675
Ref Parcel #: 75 400 203
TRS: 07S / 05W / 04
County: Polk

PROPERTY DESCRIPTION

Map Grid:
Census Tract: 020500 Block: 1107
Neighborhood:
School Dist: 2 Dallas School District
Impr Type: 501 - H & B Use Farm Improved
Subdiv/Plat:
Land Use: 551 - Improved H&B Use Farm, Rcvg Farm Def, Zoned Efu
Std Land Use: AFAR - Farms And Crops
Zoning: County-EFU - Exclusive Farm Use Zone
Lat/Lon: 44.992584 / -123.298180
Watershed: Salt Creek
Legal:

ASSESSMENT AND TAXATION

Market Land: \$620,360.00
Market Impr: \$70,240.00
Market Total: \$690,600.00 (2018)
% Improved: 10.00%
Assessed Total: \$112,603.00 (2018)
Levy Code: 0203
Tax: \$1,267.79 (2018)
Millage Rate: 11.2589
Exemption:
Exemption Type:

PROPERTY CHARACTERISTICS

Bedrooms: 2
Baths, Total: 2.00
Baths, Full: 2
Baths, Half:
Total Units:
Stories:
Fireplaces:
Cooling:
Heating:
Building Style: - Ms - Ms Single Wide

Total SqFt: 930 SqFt
First Floor: 930 SqFt
Second Floor:
Basement Fin:
Basement Unfin:
Basement Total:
Attic Fin:
Attic Unfin:
Attic Total:
Garage:

Year Built: 2011
Eff Year Built: 2011
Lot Size Ac: 70.75 Acres
Lot Size SF: 3,081,871 SqFt
Lot Width:
Lot Depth:
Roof Material:
Roof Shape:
Ext Walls:
Const Type:

SALES AND LOAN INFORMATION

Owner	Date	Doc #	Sale Price	Deed Type	Loan Amt	Loan Type
	6/4/2019		\$2,300,000.00	WD		

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Dated: June 4, 2019

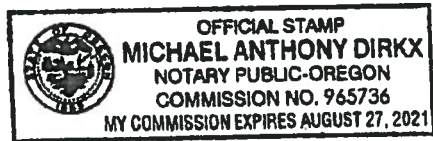
Huntington Hill Vineyard, LLC,
an Oregon limited liability company

By: Sharon R. Howell
Name: SHARON R. HOWELL
Title: MANAGER

State of OREGON
County of CLATSOP

This instrument was acknowledged before me on JUNE 4, 2019 by
SHARON R. HOWELL, manager of Huntington Hill Vineyard, LLC, an Oregon limited liability company

Michael Anthony Dirks
Notary Public - State of Oregon
MICHAEL ANTHONY DIRKS
My Commission Expires: AUGUST 27, 2021



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EXHIBIT "A"
LEGAL DESCRIPTION

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Plats for Polk County, Oregon as Recording No.: 200005253, in Polk County, Oregon.

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EASEMENTS OF RECORD

EASEMENT "E1" - PER "b" ON DV 122/290 20' WIDE FOR ROADWAY PURPOSES - THE SOUTH LINE IS THE COURSES BETWEEN (7) AND (8) AS DEFINED FOR PART. PLAT 1990-021 - THIS EASEMENT PROVIDES ACCESS FOR PARCEL 1

EASEMENT "E2" - PER "c" ON DV 122/290 16' WIDE FOR ROADWAY PURPOSES - NORTH FROM THE NORTH LINE OF "E1" - NO SPECIFIC DIMENSIONS

EASEMENT "E3" - PER BOR 51/7 - FOR SEPTIC DRAINFIELD PURPOSES - 500' x 500' ALONG NORTH LINE OF "E1" AND WESTERLY R/W PERRYDALE ROAD

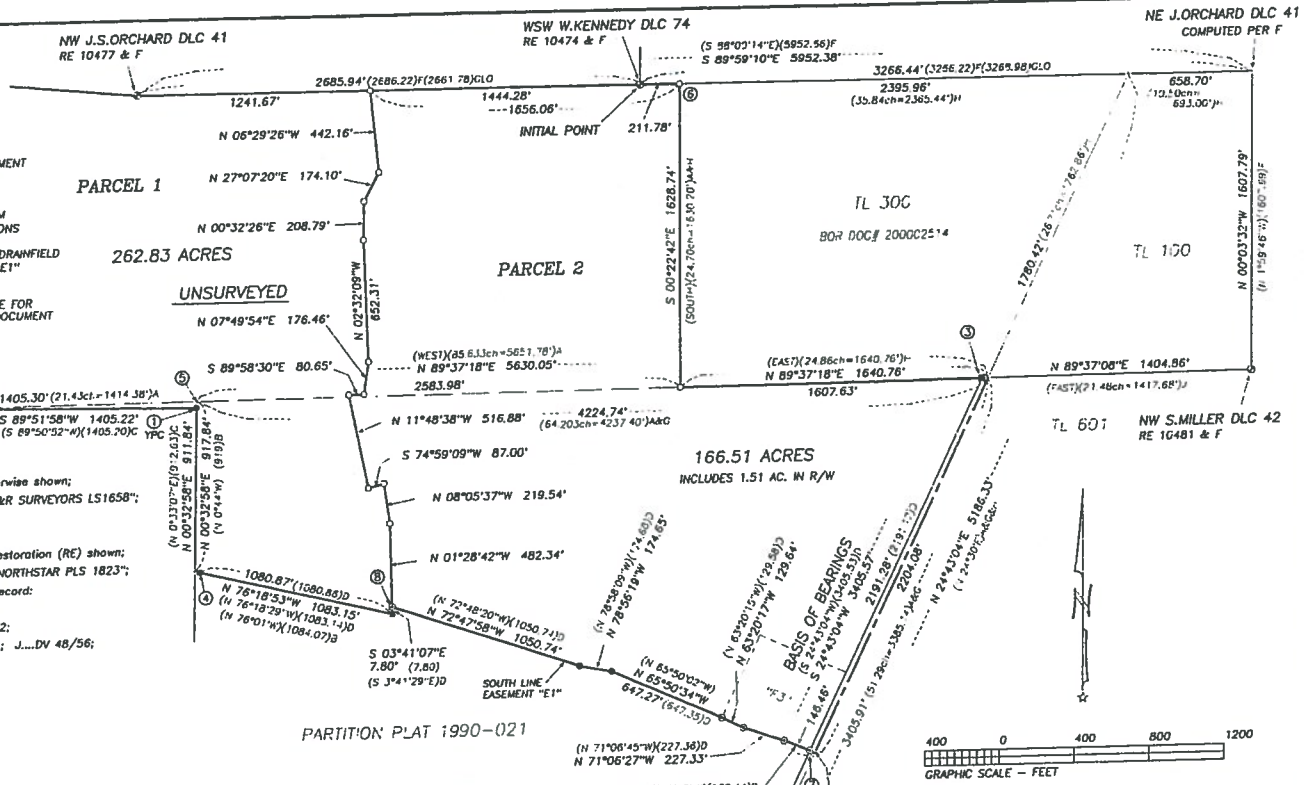
EASEMENT "E4" - PER BOR 215/2022 - 30' WIDE FOR WATERLINE - ONLY GRAPHICALLY LOCATED ON THE DOCUMENT NO DIMENSIONS

LEGEND

- Found 5/8" iron rod - no cap unless otherwise shown;
- Found 5/8" iron rod with RPC stamped "J&R SURVEYORS LS1658";
- Found 1" iron pipe per CS-754;
- Found 1/2" iron pipe per CS-4339;
- Found Polk Co. Aluminum monument per restoration (RE) shown;
- Found 5/8" x 30" rebar with RPC stamped "NORTHSTAR PLS 1823";
- () Data of, or computed from, the following record:
A...CS-754; B...CS-4339; C...CS-12263;
D...CS-12298; E...CS-12637; F...CS-13182;
G...BOR 375/1268; H...BOR Doc#200002514; J...DV 48/56;
- YPC...Yellow Plastic Cap stamped "P.L.S. 1653";
- RPC...Red Plastic Cap;

NARRATIVE

The purpose of this survey is to divide into two parcels the parent tract described in BOR 375, Page 1268. At one time said property was part of the Estate of Thomas C. Richmond, Jr. Richmond passed away in July 1892 and his estate was distributed via a lawsuit as recorded in Circuit Court Record No. 29, Pages 52 thru 55. This particular book of said records has been misplaced, so I could not read the actual decree. I was, however, able to decipher the configuration of the Lots in said suit by subsequent old deeds. CS-754 by Himes in 1923 shows the further partition of the Estate of Sarah Richmond (T.C. Richmond's wife). Using the old deeds and the Himes survey I in 1923 shows the further partition of the Estate of Sarah Richmond (T.C. Richmond's wife). Richmond Lot 5 was west of Lot 4 as described in DV 151/405, have resolved that Richmond Lot 4 was what is now TL's 100 and 300. Richmond Lot 5 was west of Lot 4 as described in DV 151/405, and Richmond Lot 6 west of Lot 5 as described in DV 28/224. As the Sarah Richmond Estate was distributed the subsequent legal descriptions follow the monuments and lines from CS-754. Because of the size of the tracts for my current partition Polk County is only requiring that I survey Parcel 2, I held monuments found or set along the north line of CS-4339, which showed the distance to be also the centerline of Perrydale Road. The west line of CS-12298 had previously been determined for CS-12263. That survey had found several "iron pipes" called on CS-754. I do not necessarily agree with the CS-12263 resolution of the corner at (1). I feel that the pipes recovered at (2) and (3) are from CS-754. I also feel that the 1/2" pipe at (4) is from CS-4339, which showed the distance to be 919' south of a pipe at (5). I computed the position at (5) by holding the north line of CS-12298 and the line I established between (2) and (3). This position (5) seems to be a better fit to CS-754 and CS-4339 than (1). The above explanation is as far as I will go at this time to resolve the rest of the old Richmond boundary because I only need to survey Parcel 2. The north line of Parcel 2 follows the north line of the Orchard DLC that was reestablished by Polk County in 1995 per CS-13182. That survey did not recover very many original GLO monuments, but resorted to a compilation of monuments from prior surveys, proportionate positions, and occupation lines in order to place most of the DLC and Section corners. None of the Claim corners that I used for this survey were reestablished from original evidence. The original length of the north line of the Orchard Claim was 89.86 chains. The 1895 Richmond partition lawsuit apparently held a total of 90.19 chains for the line to create Lots 4, 5, and 6 thereon. I have shown the procedure used by Polk County, which yields a distance of 90.19 chains. Deeds for the current TL 300 (part of the original Richmond Lot 4) began at the NE corner of the Orchard Claim while those for the north portion of my client's tract (Richmond Lot 5) began at the Orchard NW corner. Because of the excess of length along the north claim line there would be a problem in deed resolution. I feel the original Richmond lawsuit created each tract simultaneously, so I was ready to proportion the corner position at (6). I feel the County positions for the NW corner, the NE of Orchard more closely fit the positions used for the original Richmond conveyances than does that for the NW corner. This is based upon the relative positions of existing fence lines and that of Perrydale Road. I established the SW corner of Richmond Lot 4 per the deed distance from the centerline of Perrydale Road. Then holding the record angle of 90° at the SW corner of Lot 4 I intersected the north claim line. The resulting distance to the Kennedy corner nicely fit the computed difference between the stated length of the Richmond Lot 4 and the original GLO DLC relationship. I see no other obvious way to resolve this survey due to the uncertainty of original Claim corner positions. This is an equitable solution that fits existing occupation lines adequately. The division line between Parcels 1 and 2 was established according to a buyer and seller agreement.



PARTITION PLAT No. 2000-0011
for
**THE WILLIAM C. REIMER FAMILY TRUST
and ALLEN & TRACY LAWSON**

in the
WEST 1/2 of SECTION 3, NORTH 1/2 and
SOUTHEAST 1/4 of SECTION 4,
and the NORTHEAST 1/4 of SECTION 5,
T 7 S, R 5 W, W.M.,
POLK COUNTY, OREGON

REGISTERED
PROFESSIONAL
LAND SURVEYOR
Mark O. Jones
THEODORE JAMES LANIOTR
1983
Renewed Date 12/31/2000

NORTHSTAR SURVEYING, INC.
720 N.W. 4th Street
Corvallis, Oregon 97330
Phone: 541-757-9050

MAY 2, 2000
PAGE 2 of 2

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Foley Family Farms, Perrydale Road Vineyard
SURFACE WATER APPLICATIONATTACHMENTS #2INDEX

Spreadsheet showing certificates and transfers associated with Reimer Reservoir, 1 page	1
Certificate 31002 and map, 2 pages	2
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Termination of agreement from Stoel Rives 2006 to Tim Tarpley, 4 pages	26

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Foley Family Wines, Reimer Reservoir Water Right, Calculations

Name	App. #	Permit #	Cert #	Transf. #	Priority	acres	ac-ft	Date
Original Permits								
Reimer	R-32373	R-2147	31002		6/6/1958		125.0	6/5/1962
Reimer	S-32374	S-25533	31003 68420		6/6/1958	76.4 53.7		6/5/1963 11/8/1994
Transfer from 31003 not completed and canceled								
Chaey				6844	6/6/1958	22.7		11/8/1994

Additional rights that specify reservoir as POD								
Hoekstre	S-41114	S-30802	37147 90559		7/20/1965	27.7 27.7		11/16/1970 8/28/2015
Hoekstre	S-41115	S-30803	37148 68418 90560		7/20/1965	33.8 8.2 25.6		11/16/1970 11/8/1994 8/28/2015
Tarply	Transfers from Certificates; 37147, 37148, 42975. Final Proof Survey does not list Reimer Reservoir As a POD			6843		53.3		11/8/1994

Newer water rights for golf course								
Chaey	R-72926	R-11548			9/23/1993		409.25	4/12/1995
Chaey/Tarply	S-72927	S-51613			10/30/1992	79.3		4/12/1995

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WILLIAM REIMER**
of Route 1, Box 328, Dallas, State of Oregon, has made proof
to the satisfaction of the STATE ENGINEER of Oregon, of a right to store the waters of
an unnamed stream, tributary of Isahill River, appropriated under Application
No. 32374, Permit No. 25533,

for the purposes of
irrigation
under Reservoir Permit No. R-2147 of the State Engineer, and that said right to store said
waters has been perfected in accordance with the laws of Oregon; that the priority of the right
hereby confirmed dates from **June 6, 1958,**

that the amount of water entitled to be stored each year under such right, for the purposes afore-
said, shall not exceed **125.0 acre feet.**

The reservoir is located in

NE $\frac{1}{4}$ NE $\frac{1}{4}$
SE $\frac{1}{4}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$

All as projected within Orchard DLC No. 41
Section 4
T. 7 S., R. 5 W., W. M.

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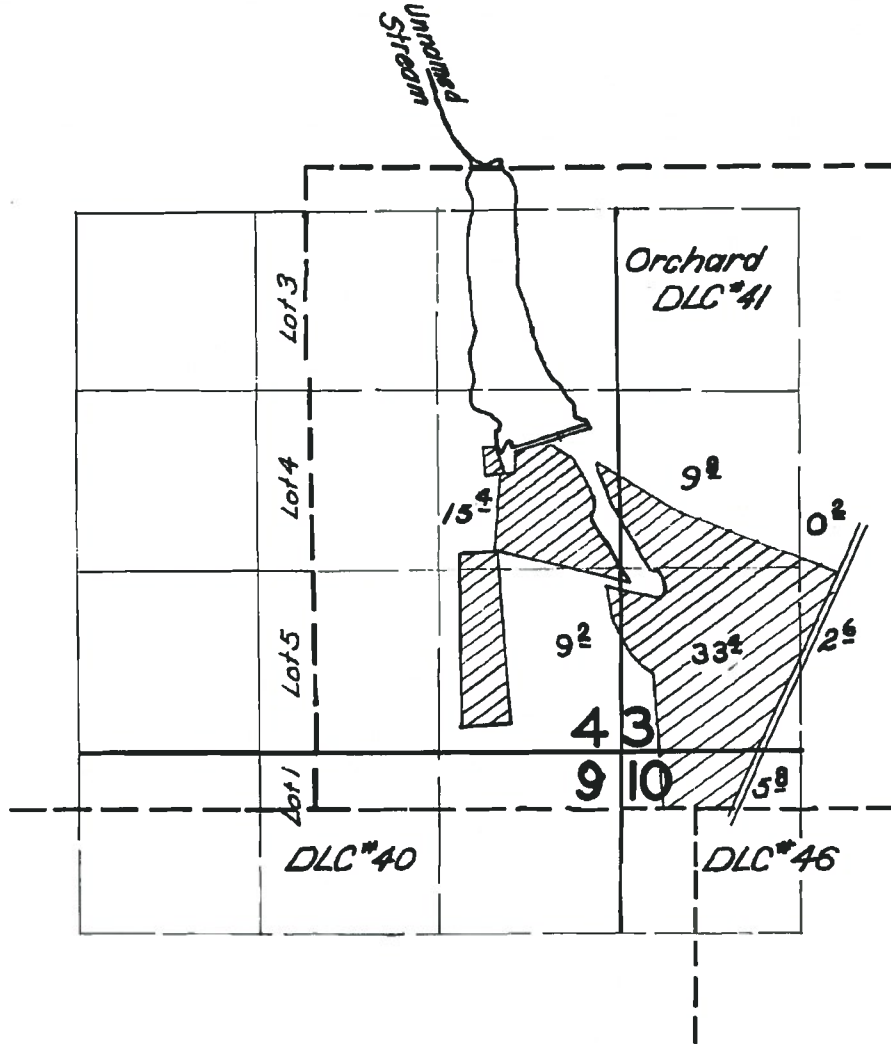
WITNESS the signature of the State Engineer, affixed

this date. JUNE - 5 1962

CHRIS L. WHEELER

State Engineer

T.7S. R.5W.W.M.



FINAL PROOF SURVEY
UNDER

R-32373 *R-2147*
Application No. *32374* Permit No. *25533*
IN NAME OF

William Reimer

Surveyed *July 5* 1962., by *Carl R. Baker*

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That **WILLIAM REIMER**

of Route 1, Box 328, Dallas, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of an unnamed stream and William Reimer reservoir constructed under Application No. R-32373, Permit No. R-2147, a tributary of Yamhill River for the purpose of

irrigation of 76.4 acres under Permit No. 25533 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from June 6, 1958,

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed

0.67 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Orchard DLC No. 41, Section 4, T. 7 S., R. 5 W., W. M.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

0.2 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
9.8 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
33.4 acres SW $\frac{1}{4}$ SW $\frac{1}{4}$
2.6 acres SE $\frac{1}{4}$ SW $\frac{1}{4}$
Section 3
15.4 acres NE $\frac{1}{4}$ SE $\frac{1}{4}$
9.2 acres SE $\frac{1}{4}$ SE $\frac{1}{4}$
Section 4
5.8 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$
Section 10

All as projected within Orchard DLC No. 41
T. 7 S., R. 5 W., W. M.

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The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. JUNE - 5 1963

CHRIS L. WHEELER

State Engineer

Recorded in State Record of Water Right Certificates, Volume 23, page 31003

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

48420

THIS CERTIFICATE ISSUED TO

WILLIAM REIMER
ROUTE 1 BOX 328
DALLAS, OREGON 97338

confirms the right to use the waters of an UNNAMED STREAM AND WILLIAM REIMER RESERVOIR CONSTRUCTED PERMIT R-2147, a tributary of YAMHILL RIVER, for IRRIGATION OF 53.7 ACRES.

This right was perfected under Permit 25533. The date of priority is JUNE 6, 1958. This right is limited to 0.47 CUBIC FOOT PER SECOND or its equivalent in case of rotation, measured at the point of diversion from the source.

The point of diversion is located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within ORCHARD DLC 41, SECTION 4,
T 7 S, R 5 W, WM.

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use to which this right is appurtenant is as follows:

NE $\frac{1}{4}$ SW $\frac{1}{4}$ 0.2 ACRE
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 9.8 ACRES
SW $\frac{1}{4}$ SW $\frac{1}{4}$ 21.6 ACRES
SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.6 ACRES
SECTION 3

NW $\frac{1}{4}$ SE $\frac{1}{4}$ 13.4 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 0.3 ACRE
SECTION 4

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 5.8 ACRES
SECTION 10

all as projected within ORCHARD DLC 41
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

This certificate describes that portion of the water right confirmed by Certificate 31003, State Record of Water Right Certificates, NOT modified by the provisions of an order of the Water Resources Director entered NOV 8, 1977, approving Transfer Application 6844.

The issuance of this superseding certificate does not confirm the status of the water right in regard to the provisions of ORS 540.610 pertaining to forfeiture or abandonment.

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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,
affixed Nov. 8, 1974.

A. REED MARBUT

for

Martha O. Pagel, Director

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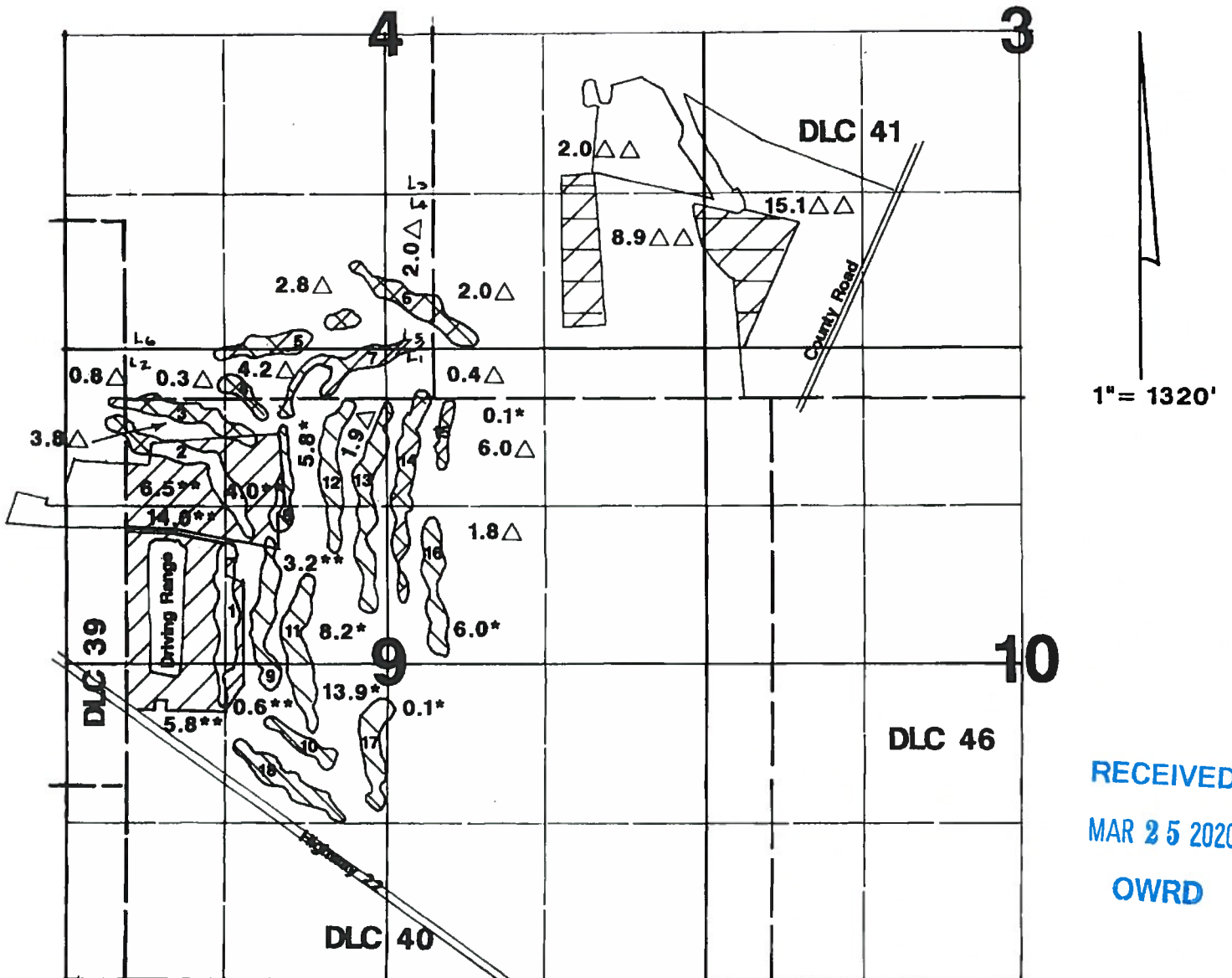
MAR 25 2020

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Recorded in State Record of Water Right Certificates numbered 68420.


T-6844.LHN

T.7S., R.5W., W.M.




Diversion Points located: 2280'N & 450'W from SE corner Section 4;
1090'S & 30'E from NW corner DLC 40.

Point of Diversion located NE 1/4 SE 1/4 Section 4.

 Transfer from Cert.
37147 & 42975
(**)

 Transfer to
(*)

 Transfer from
Cert. 31003
(△△)

 Transfer to
(△)

Application Map

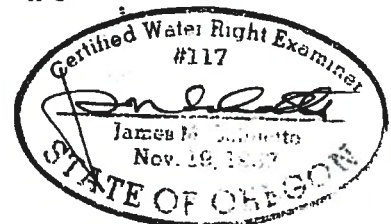
Dong Kuen Chaey

Application #:

Transfer #:

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THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.



T-6844

STATE OF OREGON
COUNTY OF POLK

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 6844 submitted by

DONG KUEN CHAEY
2647 PERRYDALE ROAD
DALLAS, OREGON 97338.

The right to be modified, as evidenced by a PORTION of Certificate 31003, was perfected under Permit 25533 with a date of priority of JUNE 6, 1958. The right allows the use of waters of AN UNNAMED STREAM AND REIMER RESERVOIR CONSTRUCTED UNDER PERMIT R-2147, a tributary of the YAMHILL RIVER, for IRRIGATION OF 22.7 ACRES. This right is limited to 0.20 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within ORCHARD DLC 41, SECTION 4, T 7 S, R 5 W, WM, or its equivalent in case of rotation, measured at the point of diversion from the source.

The amount of water used for irrigation under this right is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its equivalent) and 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

SW $\frac{1}{4}$ SW $\frac{1}{4}$ 11.8 ACRES
as projected within ORCHARD DLC 41
SECTION 3

NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 ACRES
SE $\frac{1}{4}$ SE $\frac{1}{4}$ 8.9 ACRES
both as projected within ORCHARD DLC 41
SECTION 4
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

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The applicant proposes to change the place of use to:

SE $\frac{1}{4}$ SW $\frac{1}{4}$ 2.8 ACRES
LOT 4 (SW $\frac{1}{4}$ SE $\frac{1}{4}$) 2.0 ACRES
SW $\frac{1}{4}$ SE $\frac{1}{4}$ 2.0 ACRES
as projected within ORCHARD DLC 41
SECTION 4

LOT 1 (NW $\frac{1}{4}$ NE $\frac{1}{4}$) 0.4 ACRE
LOT 1 (NE $\frac{1}{4}$ NW $\frac{1}{4}$) 4.2 ACRES
NE $\frac{1}{4}$ NW $\frac{1}{4}$ 11.0 ACRES
as projected within BROWN DLC 40
LOT 2 (NW $\frac{1}{4}$ NW $\frac{1}{4}$) 0.3 ACRE
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1996.
2. The former place of use shall no longer be irrigated as a part of this water right.

Certificate 31003 is cancelled. A new certificate will be issued to confirm that portion of the right NOT involved in this transfer. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources Director,
affixed NOV 8 1994.

dw 
A. REED MARBUT
Martha O. Pagel, Director

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BEFORE THE WATER RESOURCES DEPARTMENT
OF THE STATE OF OREGON

IN THE MATTER OF THE CANCELLATION OF)
TRANSFER(S) TO APPROPRIATE WATER) ORDER
UNDER THE PROVISIONS OF ORS 537.260)

Findings of Fact

1. The time within which the appropriations under the following water right transfer(s) must have been perfected has expired. The owners of such transfer(s) have failed or refused within the period of three months thereafter to submit proof of the completion of such appropriations as required by ORS 537.260. Consequently, notices have been addressed to each of the owners of said transfer(s) by certified mail in accordance with the provisions of ORS 537.260 and ORS 174.160. The sixty-day time limit allowed in those notices has elapsed, and the owners of such transfer(s) have failed or refused to submit proof of the completion of the appropriations under the terms and conditions of their respective transfer(s).

TRANSFER(S) TO USE SURFACE WATER:

<u>Name</u>	<u>Basin Number</u>	<u>Watermaster District</u>	<u>Permit Number</u>	<u>Transfer Number</u>
Dong Kuen Chaey	2	16	S-25533	T-6844

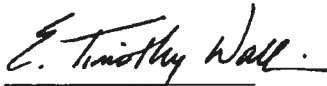
Conclusions of Law

1. Proof of appropriation of water under the terms and conditions of the transfer(s) listed has not been made to the satisfaction of the Water Resources Director as required under ORS 537.260.

Order

1. NOW, THEREFORE, it is hereby ORDERED that the transfer(s) are canceled in accordance with the provisions of ORS 537.260.

Dated at Salem, Oregon on OCTOBER 25 2012.



E. Timothy Wallin, Water Rights Program Manager, for
Phillip C. Ward, Director

PLACED IN U.S. MAIL OCT 25 2012
BY OREGON WATER RESOURCES DEPARTMENT

This is a final order in other than contested case. This order is subject to judicial review under ORS 183.484. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 536.075 and OAR 137-004-0080 you may petition for judicial review or petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

RECEIVED
MAR 25 2020
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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD HOEKSTRE

of Route 1, Box 111, Dallas, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed stream and reservoir constructed under Application No. R-41113, Permit No. R-4651 and Reimer Reservoir constructed under Permit No. R-2147 a tributary of Salt Creek for the purpose of irrigation of 27.7 acres

under Permit No. 30802 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 20, 1965

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.35 cubic foot per second

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within Orchard DLC 41, Section 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Brown DLC 40, Section 9; T. 7 S., R. 5 W., W. M. Diversion points located below:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-4651 and Reimer Reservoir constructed under Permit No. R-2147,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

17.2 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$
2.5 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$
0.8 acre NE $\frac{1}{4}$ SW $\frac{1}{4}$
7.2 acres NW $\frac{1}{4}$ SW $\frac{1}{4}$
all as projected within Brown DLC 40
Section 9
T. 7 S., R. 5 W., W. M.

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Diversion points located: 450 feet West and 2280 feet North from SE Corner, Section 4; 30 feet East and 1090 feet South from NW Corner, Brown DLC 40.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

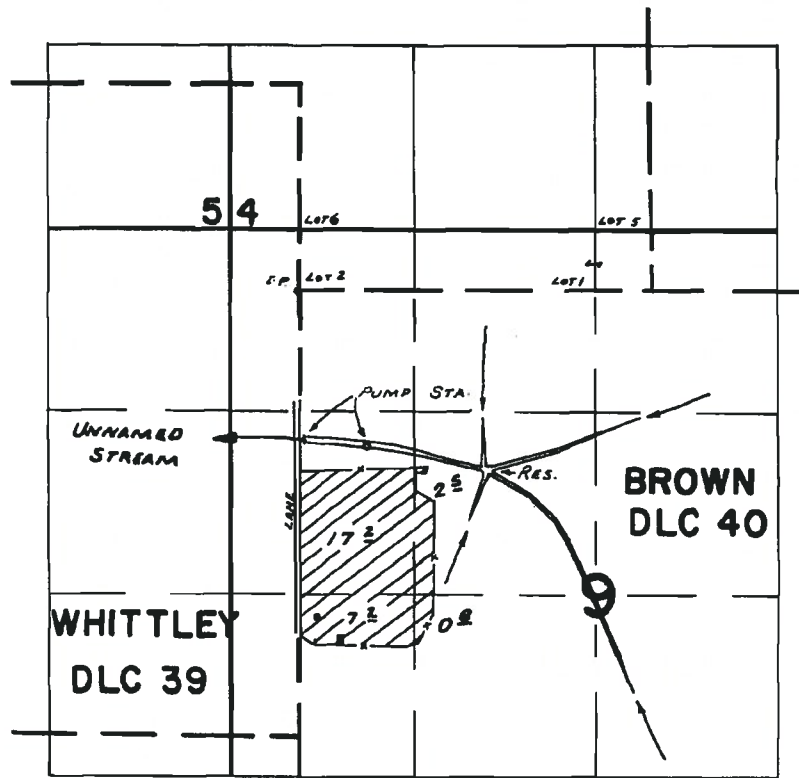
WITNESS the signature of the State Engineer, affixed

this date. November 16, 1970

CHRIS L. WHEELER

State Engineer

T.7S.R.5W.W.M.



Reimer Res.
NE 1/4 SE 1/4 Sec. 4



DIV. PT. LOCATED 450' W
2280' N FROM SE
COR. SEC. 4

DIV. PTS. LOCATED: 1070' S & 30' E FROM NW COR. BROWN DLC 40

FINAL PROOF SURVEY
UNDER

R- 4113 R- 4651
Application No. 4114 Permit No. 30802
IN NAME OF

DONALD HOEKSTRE

Surveyed APR. 21, 1969, by D. BUELL

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STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

This Is to Certify, That DONALD HOEKSTRE

of Route 1, Box 111, Dallas, State of Oregon, has made proof to the satisfaction of the STATE ENGINEER of Oregon, of a right to the use of the waters of Unnamed stream and reservoir constructed under Permit No. R-2147 and reservoir constructed under Application No. R-41113, Permit No. R-4651 a tributary of Salt Creek for the purpose of irrigation of 33.8 acres and stock use

under Permit No. 30803 of the State Engineer, and that said right to the use of said waters has been perfected in accordance with the laws of Oregon; that the priority of the right hereby confirmed dates from July 20, 1965

that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited to an amount actually beneficially used for said purposes, and shall not exceed 0.425 cubic foot per second, being 0.42 c.f.s. for irrigation and 0.005 c.f.s. for stock

or its equivalent in case of rotation, measured at the point of diversion from the stream. The point of diversion is located in the NE $\frac{1}{4}$ SE $\frac{1}{4}$ as projected within Orchard DLC 41, Section 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within Brown DLC 40, Section 9, T. 7 S., R. 5 W., W. M. Diversion points located below:

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, shall be limited to one-eightieth of one cubic foot per second per acre, or its equivalent for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2 $\frac{1}{2}$ acre feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from reservoir constructed under Permit No. R-2147 and reservoir constructed under Permit No. R-4651,

and shall conform to such reasonable rotation system as may be ordered by the proper state officer.

A description of the place of use under the right hereby confirmed, and to which such right is appurtenant, is as follows:

	0.7 acre NE $\frac{1}{4}$ NE $\frac{1}{4}$
	1.7 acres SE $\frac{1}{4}$ NE $\frac{1}{4}$
	both as projected within Whitley DLC 39 Section 8
Stock and	5.9 acres NE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Brown DLC 40
	9.0 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Brown DLC 40
	3.9 acres NW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Whitley DLC 39
	1.9 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Whitley DLC 39
	7.3 acres SW $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Brown DLC 40
	3.4 acres SE $\frac{1}{4}$ NW $\frac{1}{4}$ as projected within Brown DLC 40
	Section 9 T. 7 S., R. 5 W., W. M.

Diversion points located: 450 feet West and 2280 feet North from SE Corner, Section 4; 1090 feet South and 30 feet East from NW Corner, Brown DLC 40.

The right to the use of the water for the purposes aforesaid is restricted to the lands or place of use herein described.

WITNESS the signature of the State Engineer, affixed

this date. November 16, 1970

CHRIS L. WHEELER

State Engineer

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T-6843

STATE OF OREGON

COUNTY OF POLK

ORDER APPROVING A CHANGE IN PLACE OF USE

Pursuant to ORS 540.510 to 540.530, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, **TRANSFER 6843** submitted by

DONG KUEN CHAEY
2647 PERRYDALE ROAD
DALLAS, OREGON 97338.

The first right to be modified, as evidenced by **Certificate 37147**, was perfected under Permit 30802 with a date of priority of JULY 20, 1965. The right allows the use of an UNNAMED STREAM, A RESERVOIR CONSTRUCTED UNDER PERMIT R-4651, **AND REIMER RESERVOIR CONSTRUCTED UNDER PERMIT 2147**, tributary of SALT CREEK, for **IRRIGATION 27.7 ACRES**. This right is limited to 0.35 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within ORCHARD DLC 41, SECTION 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within BROWN DLC 40, SECTION 9; T 7 S, R 5 W, WM; 2280 FEET NORTH 450 FEET WEST FROM THE SE CORNER, SECTION 4, 1090 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER, BROWN DLC 40, or its equivalent in case of rotation, measured at the point of diversion from the source.

The second right to be modified, as evidenced by a **PORTION of Certificate 37148**, was perfected with a priority date of JULY 20, 1965. The right allows the use of an UNNAMED STREAM, A RESERVOIR CONSTRUCTED UNDER PERMIT 2147 (Reimer Reservoir), AND RESERVOIR CONSTRUCTED UNDER PERMIT R-4651, tributary of SALT CREEK, for **IRRIGATION 25.6 ACRES**. This right is limited to 0.32 cubic foot per second, if available at the authorized point of diversion: NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within ORCHARD DLC 41, SECTION 4; SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within BROWN DLC 40, SECTION 9; T 7 S, R 5 W, WM; 2280 FEET NORTH 450 FEET WEST FROM THE SE CORNER, SECTION 4, 1090 FEET SOUTH AND 30 FEET EAST FROM THE NW CORNER, BROWN DLC 40, or its equivalent in case of rotation, measured at the point of diversion from the source.

The third right to be modified, as evidenced by a **PORTION of Certificate 42975**, was perfected with a priority date of DECEMBER 20, 1971. The right allows the use of water from a RESERVOIR ENLARGED UNDER PERMIT R-5934, a tributary of SALT CREEK, for SUPPLEMENTAL IRRIGATION OF 53.3 ACRES. This right is limited to 2.69 acre feet, if available at the authorized point of diversion: SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within BROWN DLC 40, SECTION 9, T 7 S, R 5 W, WM; 1090 FEET SOUTH AND 30 EAST FROM THE NW CORNER, BROWN DLC 40.

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The amount of water used for irrigation under these rights is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second from direct flow (or its equivalent) and 2½ acre-feet for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-4651, Reimer Reservoir constructed under Permit R-2147, and the reservoir enlarged under Permit R-5934, provided further that the right for supplemental irrigation shall be limited to any deficiency in the available supply of any prior right existing for the same land and shall not exceed the limitation allowed herein.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is located as follows:

		<u>PERMIT 36631</u>	
		<u>PERMIT 30802</u>	<u>PERMIT 30803</u>
NE¼	NW¼		5.9 ACRES
NW¼	NW¼		9.0 ACRES
SW¼	NW¼	17.2 ACRES	7.3 ACRES
SE¼	NW¼	2.5 ACRES	3.4 ACRES
NE¼	SW¼	0.8 ACRE	
NW¼	SW¼	7.2 ACRES	
all as projected within BROWN DLC 40			
SECTION 9			
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.			

The right to use the water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the place of use to:

		<u>PERMIT 36631</u>	
		<u>PERMIT 30802</u>	<u>PERMIT 30803</u>
NW¼	NE¼	6.5 ACRES	
SW¼	NE¼	6.0 ACRES	
NW¼	NW¼	4.9 ACRES	
SW¼	NW¼	9.5 ACRES	
SE¼	NW¼		12.4 ACRES
NE¼	SW¼		12.0 ACRES
NW¼	SW¼		1.0 ACRE
NW¼	SE¼		0.2 ACRE
all as projected within BROWN DLC 40			
NW¼	NW¼	0.8 ACRE	
as projected within WHITTLEY DLC 39			
SECTION 9			
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.			

THIS CHANGE TO EXISTING WATER RIGHTS MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1996.

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2. The former place of use shall no longer be irrigated as a part of this water right.

Certificates 37147, 37148, and 42975 are cancelled. New certificates will be issued to confirm those portions of the rights NOT involved in this transfer. When satisfactory proof of the completed change is received, new certificates confirming these water rights will be issued.

WITNESS the signature of the Water Resources Director,
affixed NOV 8 1994.

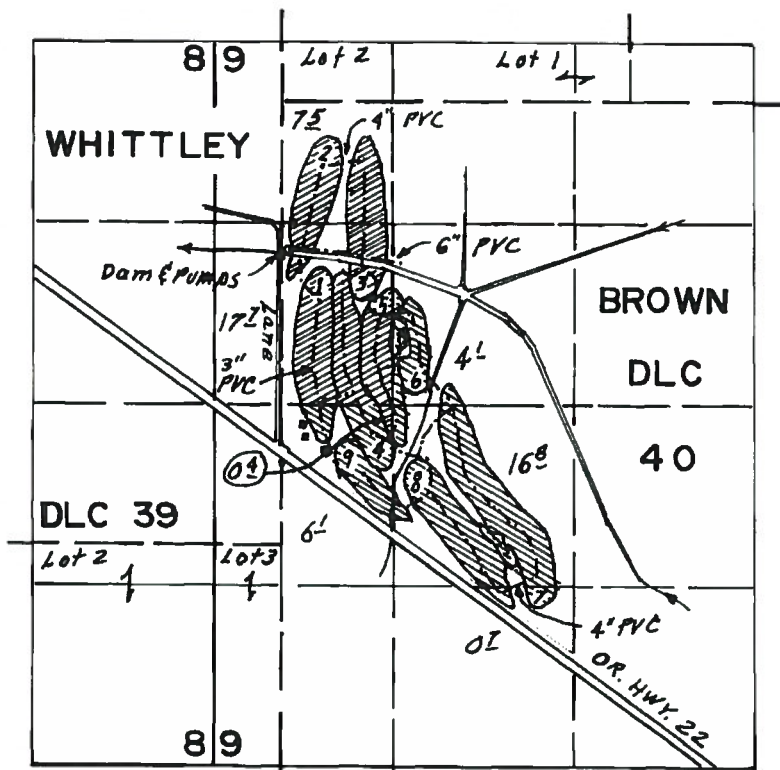

A. REED MARBUT
Martha O. Pagel, Director

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WATER RESOURCES DIVISION

T.7S. R5W. W.M.



Scale 4" = 1 Mi.

Dam loc. 1090's & 30' E FROM NW COR DLC 40

Permit No. 30802 = 27.7 ac.

Permit No. 30803 = 25.6 ac.

FINAL PROOF SURVEY UNDER

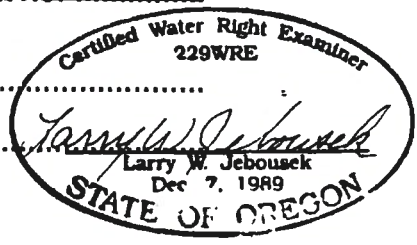
TRANSFER NO. T- 6843

Application No. _____ Permit No. _____

IN NAME OF

JIM TARPLEY

Surveyed March 9, 1999, by Larry W. Jebousek



THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

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68418

STATE OF OREGON
COUNTY OF POLK
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

DONALD HOEKSTRE
ROUTE 1 BOX 111
DALLAS, OREGON 9738

confirms the right to use the waters of an UNNAMED STREAM, RESERVOIR
CONSTRUCTED UNDER PERMIT R-2147, AND RESERVOIR CONSTRUCTED UNDER
PERMIT R-4651, tributary of SALT CREEK, for IRRIGATION OF 8.2 ACRES.

This right was perfected under Permit 30803. The date of priority is
JULY 20, 1965. This right is limited to 0.10 CUBIC FOOT PER SECOND or
its equivalent in case of rotation, measured at the point of diversion
from the source.

The points of diversion are located as follows:

NE $\frac{1}{4}$ SE $\frac{1}{4}$, as projected within ORCHARD DLC 41, SECTION 4;
SW $\frac{1}{4}$ NW $\frac{1}{4}$, as projected within BROWN DLC 40, SECTION 9, T 7 S, R 5 W,
WM; 2280 FEET NORTH AND 450 FEET WEST FROM THE SE CORNER, SECTION 4;
1090 FEET SOUTH AND 30 FEET WEST FROM THE NW CORNER, BROWN DLC 40.

The amount of water used for irrigation, together with the amount
secured under any other right existing for the same lands, is limited
to a diversion of ONE-EIGHTIETH of one cubic foot per second (or its
equivalent) and 2 $\frac{1}{2}$ acre-feet for each acre irrigated during the
irrigation season of each year.

The use shall conform to such reasonable rotation system as may be
ordered by the proper state officer.

A description of the place of use to which this right is appurtenant
is as follows:

NE $\frac{1}{4}$ NE $\frac{1}{4}$ 0.7 ACRE
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 1.7 ACRES
both as projected within WHITTLEY DLC 39
SECTION 8

NW $\frac{1}{4}$ NW $\frac{1}{4}$ 3.9 ACRES
SW $\frac{1}{4}$ NW $\frac{1}{4}$ 1.9 ACRES
both as projected within WHITTLEY DLC 39
SECTION 9
TOWNSHIP 7 SOUTH, RANGE 5 WEST, W.M.

This certificate describes that portion of the water right confirmed
by Certificate 37148, State Record of Water Right Certificates, NOT
modified by the provisions of an order of the Water Resources Director
entered NOV 8, 1994, approving Transfer Application 6843.

The issuance of this superseding certificate does not confirm the
status of the water right in regard to the provisions of ORS 540.610
pertaining to forfeiture or abandonment.

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The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described. The use confirmed herein may be made only at times when sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.

WITNESS the signature of the Water Resources Director,
affixed NOV. 8, 1994.

A. REED MARBUT

for
Martha O. Pagel, Director

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Recorded in State Record of Water Right Certificates numbered 68418.

T-6843.LHN

STATE OF OREGON
 COUNTY OF POLK
 CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIM TARPLEY
 13935 HWY 22
 DALLAS OR 97338

confirms the right to use the waters of an UNNAMED STREAM, A RESERVIOR CONSTRUCTED UNDER PERMIT R-2147 (Reimer Reservoir), AND RESERVOIR CONSTRUCTED UNDER PERMIT R-4651, tributary of SALT CREEK, for IRRIGATION of 25.6 ACRES.

This right was perfected under Permit S-30803. The date of priority is JULY 20, 1965. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.32 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	5 W	WM	4	NE SE	41	2280 FEET NORTH AND 450 FEET WEST FROM SE CORNTER, SECTION 4
7 S	5 W	WM	9	SW NW	40	1090 FEET SOUTH AND 30 FEET EAST FROM NW CORNER, DLC 40

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre (or its equivalent) for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-2147 and reservoir constructed under Permit R-4651.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	5 W	WM	9	NW NW	40	7.5
7 S	5 W	WM	9	SW NW	40	17.7
7 S	5 W	WM	9	NW SW	40	0.4

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 8, 1994, at Special Order Volume 48, Page 337, approving Transfer Application 6843, and together with Certificate 68418, supersedes Certificate 37148, State Record of Water Right Certificates.

AUG 28 2015

Issued _____.



Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

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STATE OF OREGON

COUNTY OF POLK

CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

TIM TARPLEY
13935 HWY 22
DALLAS OR 97338

confirms the right to use the waters of an UNNAMED STREAM, A RESERVOIR CONSTRUCTED UNDER PERMIT R-4651, AND REIMER RESERVOIR CONSTRUCTED UNDER PERMIT R-2147, tributary of SALT CREEK, for IRRIGATION of 27.7 ACRES.

This right was perfected under Permit S-30802. The date of priority is JULY 20, 1965. The amount of water to which this right is entitled is limited to an amount actually used beneficially, and shall not exceed 0.35 CUBIC FOOT PER SECOND, or its equivalent in case of rotation, measured at the point of diversion from the source.

The points of diversion are located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
7 S	5 W	WM	4	NE SE	41	2280 FEET NORTH AND 450 FEET WEST FROM SE CORNTER, SECTION 4
7 S	5 W	WM	9	SW NW	40	1090 FEET SOUTH AND 30 FEET EAST FROM NW CORNER, DLC 40

The amount of water used for irrigation, together with the amount secured under any other right existing for the same lands, is limited to a diversion of ONE-EIGHTIETH of one cubic foot per second per acre (or its equivalent) for each acre irrigated from direct flow and shall be further limited to a diversion of not to exceed 2.5 acre-feet per acre for each acre irrigated during the irrigation season of each year from direct flow and storage from the reservoir constructed under Permit R-4651 and Reimer Reservoir constructed under Permit R-2147.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

A description of the place of use is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Acres
7 S	5 W	WM	9	SE NW	40	4.1
7 S	5 W	WM	9	NE SW	40	16.8
7 S	5 W	WM	9	NW SW	40	6.1
7 S	5 W	WM	9	SE SW	40	0.7

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NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.482. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.482. Pursuant to ORS 183.482, ORS 536.075 and OAR 137-003-0675, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied.

The right to the use of the water for the above purpose is restricted to beneficial use on the lands or place of use described.

This certificate is issued to confirm a change in PLACE OF USE approved by an order of the Water Resources Director entered NOVEMBER 8, 1994, at Special Order Volume 48 Page 337, approving Transfer Application 6843, and supersedes Certificate 37147, State Record of Water Right Certificates.

Issued AUG 28 2015 .

A handwritten signature in black ink, appearing to read "Dwight French", written over a horizontal line.

Dwight French
Water Right Services Division Administrator, for
Thomas M. Byler, Director
Oregon Water Resources Department

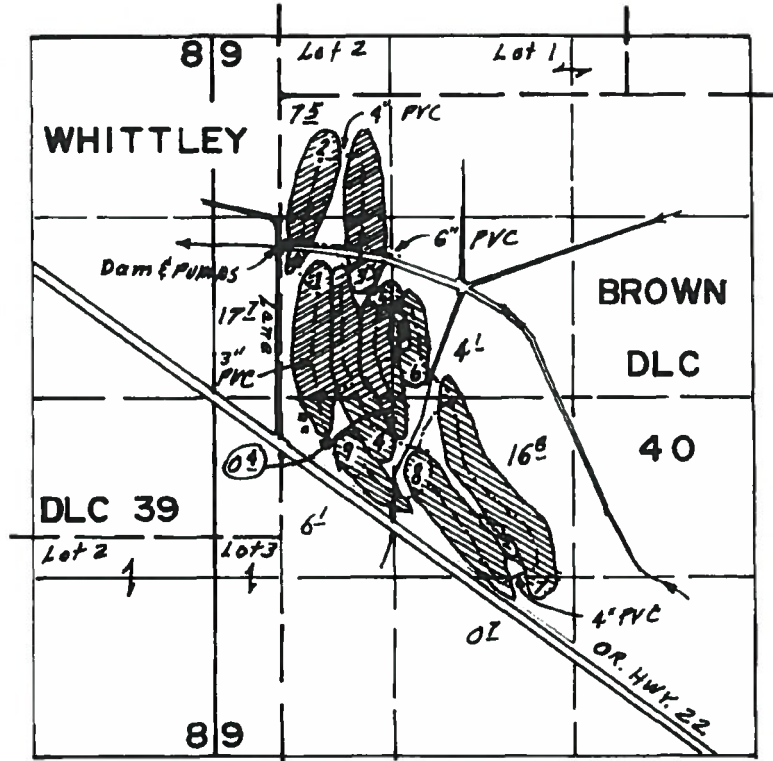
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WATER RESOURCES DEPT
SALEM, OREGON

T.7S. R5W. W.M.



Scale
4" = 1 Mi.

Dam loc. 1090'S & 30'E FROM NW COR DLC 40

 Permit No. 30802 = 27.7 ac. and supplemental under Permit 36631

 Permit No. 30803 = 25.6 ac. and supplemental under Permit 36631
9c WRD
3/27/15

FINAL PROOF SURVEY UNDER

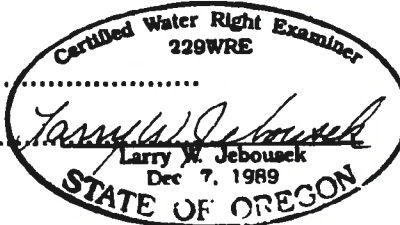
TRANSFER NO. T- 6843

Application No. _____ Permit No. _____

IN NAME OF

TIM TARPLEY.....

Surveyed March 9, 1999, by Larry W. Jebousek



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THIS MAP WAS PREPARED FOR THE PURPOSE OF IDENTIFYING THE LOCATION OF A WATER RIGHT ONLY AND IS NOT INTENDED TO PROVIDE LEGAL DIMENSIONS OR LOCATION OF PROPERTY OWNERSHIP LINES.

FEB 24 1997

ASSIGNMENT OF TRANSFER

WATER RESOURCES DEPT.
SALEM, OREGON

I, We, Dong Kuan Chao of
(name of landowner initiating the transfer)

2647 Perrydale Rd Dallas Or 97338
(mailing address) (city) (state) (zip code)

do hereby assign all of my interest in and to water right transfer application numbered T6843, as filed in the office of the Water Resources Director, to:

Tim Tarply of
(name of the new landowner where the water is to be used)

13895 Highway 22 Dallas Or 97338
(mailing address) (city) (state) (zip code)

Telephone number 503-623-6666

WITNESS my hand the 16th day of December, 1996

STATE OF OREGON,)

County of Marion.)

I certify that the within was received by me on the 24th day of February 1997, at 8 o'clock A m., and was recorded in the Miscellaneous Records, Vol. 7 Page 3340

Water Resources Director

Dong Kuan Chao
(signature of initial landowner)
President, Capital International Corporation
(signature of initial landowner)

HELPFUL INFORMATION:

A transfer is one or a combination of the following: a change in the location of the point of diversion or well, an additional point of diversion or well, a change in the character (type) of use, a change from a supplemental right to a primary right, or a change in the place where water is used.

This form should be used when the landowner of the place where the water is used initiates one or more of the above listed changes to a water right then sells or otherwise conveys the place where water is used to someone else. IF THE PURPOSE OF THE TRANSFER WAS TO CHANGE THE PLACE WHERE WATER IS USED TO LAND OWNED BY SOMEONE ELSE, THIS FORM IS NOT NEEDED

The completed assignment must be submitted to the:

WATER RESOURCES DEPARTMENT
158 12TH ST. N.E.
SALEM, OR 97310

A-05
DSM

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together with a recording fee of \$10.00:



900 S.W. Fifth Avenue, Suite 2600
Portland, Oregon 97204
main 503.224.1180
fax 503.220.2480
www.stoel.com

November 13, 2006

DAVID E. FILIPPI
Direct (503) 294-9529
defilippi@stoel.com

VIA OVERNIGHT DELIVERY
(UPS Tracking # 1Z 786 854 01 9581 0994)

Mr. Tim Tarpley
Cross Creek Golf Course
13935 Highway 22
Dallas, OR 97338

Re: Richardson Reservoir

Dear Mr. Tarpley:

We represent Mr. Clent Richardson and Huntington Hill Vineyards, LLC ("HHV"). I understand that you are not represented by counsel in this matter. If I am incorrect, please have your counsel contact me.

As you know, Mr. Richardson's property, located to the northeast of the Cross Creek Golf Course ("Golf Course"), includes a reservoir that is located wholly on Mr. Richardson's property. We understand that you or agents at your direction entered Mr. Richardson's property earlier this year, opened a release valve at the reservoir, and caused water to drain from the reservoir into a waterway that flowed downstream of the reservoir. Apparently, you then used water from Mr. Richardson's reservoir to either fill a pond or ponds associated with the Golf Course and/or to irrigate the Golf Course. By way of this correspondence, we hereby provide notice that even assuming that you or your predecessors had the right to access the reservoir and use water from the reservoir in the past, you no longer have the right to do so.

We understand that you provided documentation to Mr. Richardson that you alleged provided the legal basis for accessing the reservoir, draining the reservoir, and then using water from the reservoir for your own purposes. We have reviewed this documentation, and it does not give you the right to access the reservoir.


As background, State of Oregon Certificate of Water Right No. 31002 provides Mr. Richardson, as the appurtenant landowner, the right to store water on his property in the subject reservoir. This water right is appurtenant to the land, and passed to Mr. and Mrs. Richardson at the time they acquired the property from the William C. Reimer Family Trust in 2000. In conjunction

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Oregon
Washington
California
Utah
Idaho



Mr. Tim Tarpley
November 13, 2006
Page 2

with this storage right, the State of Oregon also issued Certificate of Water Right No. 31003, which allowed water stored in the reservoir to be used for irrigation purposes. The particular lands that were originally authorized to receive irrigation water were located in close proximity to the reservoir.

At some point following issuance of the water right permit for the reservoir, Mr. William Reimer (the former owner of the reservoir and the former owner of the land now owned by Mr. Richardson) entered into an agreement with Donald M. and Clara Hoekstre (the "Agreement"), in which Reimer agreed to provide the Hoekstres with a limited amount of water from the reservoir for use on particular lands owned by the Hoekstres. (A copy of the Agreement and a copy of a map that shows the Tracts identified in the Agreement are enclosed.) The place of use identified in the Agreement overlaps with lands that now make up a portion of the Golf Course. Significantly, this Agreement is limited to 20 acre feet of water annually. In addition, the Agreement by its own terms can be terminated if the Hoekstres fail to make annual payments toward the cost of operating and maintaining the reservoir, and can be further terminated without cause by either party by giving notice of cancellation 90 days prior to the beginning of the irrigation season. To our knowledge, this Agreement was not recorded in the Polk County records, and the copy we are providing was located in the files of the Oregon Water Resources Department ("OWRD").

At the same time, while the Agreement above apparently provided the Hoekstres with a basis for receiving water from the reservoir, the water right issued by the State of Oregon (Certificate 31003) had to be modified in order to change the authorized place of use under the water right. It appears that a subsequent property owner, Dong Kuen Chaey, submitted an application (Transfer Application T-6844) to OWRD to transfer—or change—22.7 acres from the original place of use described in Certificate of Water Right 31003 to particular lands associated with the Golf Course. Thus, the documentation you provided to Mr. Richardson was a copy of the Order issued by OWRD, approving a change in the place of use for 22.7 acres from lands in the vicinity of the reservoir under the original Certificate of Water Right 31003 to the Golf Course. We would note that the Order required the change in the place of use to be completed on or before October 1, 1996.

Before OWRD will approve a change in the place of use, it requires the requesting entity to establish that it has the legal right to access the water source. Here, this means that the Department needed some legal basis upon which Dong Kuen Chaey could go on to land not owned by him to access stored water for use on the proposed place of use. In reviewing the OWRD file for Transfer Application T-6844, the only documentation indicating this access right

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Mr. Tim Tarpley
November 13, 2006
Page 3


is the Agreement described above. This is the OWRD file in which we located a copy of the Agreement.

The OWRD Transfer Order and the Agreement lead us to make several points:

First, assuming that the OWRD Transfer Order (change in place of use) was valid based on the Agreement between William Reimer and Donald M. and Clara Hoekstre, the OWRD Transfer Order required that the change be completed no later than October 1, 1996. There was no evidence in the OWRD file that the change was in fact completed by this date, and no evidence of any extension request. We understand that your need for water this year was in fact due to recent and ongoing expansion efforts at the Golf Course. In other words, we believe it is likely that the transfer was not completed as of the deadline, and the right to use water on the 22.7 acres identified in the Transfer Order has since been lost.

Second, even assuming that the Transfer Order remains valid and assuming you do possess the right to irrigate the 22.7 acres identified in the Transfer Order, the only possible legal basis enabling you to access the reservoir is the Reimer-Hoekstre Agreement described above. This assumes that the Agreement was not personal to the Hoekstres and that the access right provided for in the Agreement could be passed along to you as the current owner of the benefited lands. In any event, pursuant to the terms of that Agreement and on behalf of Clent Richardson and HHV, we hereby terminate the Agreement based on your failure to make annual payment toward the cost of operation and maintenance of the reservoir. If for some reason this termination for cause is somehow invalid (and we know of no reason that it should be invalid), we also hereby terminate the Agreement without cause, as this notice of termination is 90 days prior to the beginning of the 2007 irrigation season, which according to the OWRD begins March 1, 2007 for this particular area.

Otherwise, Mr. Richardson, as the owner of the reservoir and the land on which it sits, has every right to exclude you from his land. We are not aware of any other legal basis for you or the Golf Course to access the reservoir. As noted above, while you provided documentation evidencing your right to use water as granted by the State of Oregon pursuant to an Order approving Transfer T-6844, you provided no documentation evidencing a right to access Mr. Richardson's property or the reservoir itself. We understand that the local OWRD watermaster, Mr. Mike McCord, also confirmed for you that even if you have a state-issued right to use water, the water right does not automatically carry with it the legal access to the water source. Finally, we would note that the title report for Mr. Richardson's property makes no mention of any easement allowing you or anyone else access to the reservoir.



Mr. Tim Tarpley
November 13, 2006
Page 4

While we believe that Mr. Richardson has a basis to pursue you for trespass and the unlawful conversion of stored water that otherwise belonged to him based on activities that occurred earlier this year, we understand that Mr. Richardson does not wish to pursue you or the Golf Course for these claims at this time. Further, to the extent that water was taken from the reservoir and stored in ponds at the Golf Course, and was otherwise diverted from the reservoir in amounts that exceeded the limits set by the OWRD Transfer Order, such use also appears to be in violation of the water right. Again, Mr. Richardson does not intend to pursue these matters at this time.

Instead, Mr. Richardson simply wants to make clear at this time that—assuming the Agreement between William Reimer and Donald M. Hoekstre and Clara Hoekstre provided you and the Golf Course with a right to access a limited supply of water from the reservoir—this Agreement is now terminated pursuant to the express terms of the Agreement as set forth above. Mr. Richardson anticipates that this express cancellation fully resolves any claims of access on your part, and will end any uncertainty regarding this issue in the future.

Please contact me or Mr. Richardson if you have any questions regarding this matter.

Sincerely,



David E. Filippi
Of counsel for Mr. Clent Richardson and Huntington Hill Vineyards, LLC

Enclosures

cc (w/encs.): Mr. Clent Richardson

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TELEPHONE (503) 357-5717
FAX (503) 357-5698
EMAIL: nickblundon@stuntzner.com

2318-B Pacific Avenue
Forest Grove, Oregon 97116

COOS BAY • FOREST GROVE • DALLAS • JUNCTION CITY

Celebrating 50 Years of Service

February 25, 2020

Oregon Water Resources Department
725 Summer Street NE, Ste. A
Salem, OR 97301-1266

**Application for a Permit to Use Surface Water
Associated with Certificates #68420 & #31002**

To Whom It May Concern:

An *Application for a Permit to Use Surface Water* has been completed for Foley Family Farms. You will find the following enclosed:

1. A check in the amount of \$2,518.00 to pay the review fees for the *Application for a Permit to Use Surface Water*.
2. The completed and signed *Application for a Permit to Use Surface Water*.
3. *Application Map*.
4. Attachment Packet #1:
 - Checklist and processing information.
 - Land use information form.
 - OWRD location information printout.
 - OWRD water availability printout.
 - OWRD fee calculation printout.
 - Letter from former owner testifying to water use on 35.2 acres certificate 31002.
 - Letter from former owner testifying to no access to Reimer Res. for tax lots 501+502.
 - Deeds and Exhibit 'A' for Foley Family Farms property, tax lots 400, 500 and 203.
 - Reduced scale application map for reference.
5. Attachment Packet #2:
 - Spreadsheet showing certificates and transfers associated with Reimer Reservoir.
 - Certificates 31002 and 31003.
 - Certificate 68420, remainder from certificate 31003.
 - Transfer T-6844 and cancellation of T-6844.
 - Certificates 37147 and 37148.
 - Transfer T-6843.
 - Certificate 68148, remainder from certificate 37148.
 - Certificates 90560 and 90559.
 - Assignment of transfer T-686843.
 - Termination of agreement from Stoel Rives in 2006 to Tim Tarpley.

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If you have any questions on this submitted material, please contact:

Bill Flatz

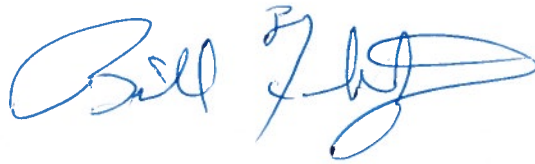
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Cell: 503-939-8381

Email: billflatz@stuntzner.com

Sincerely,

Bill Flatz – PE, CWRE



Stuntzner Engineering & Forestry, LLC.

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