

# Application for a Permit to Use Groundwater



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

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## SECTION 1: APPLICANT INFORMATION AND SIGNATURE

### Applicant

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NAME KYLE L. AND HOLLY J. DUNNING			PHONE (HM)		
PHONE (WK)		CELL (541) 754-7273		FAX	
ADDRESS 4635 NE ELLIOTT CIRCLE					
CITY CORVALLIS		STATE OR	ZIP 97330	E-MAIL* DUNVIN@COMCAST.NET	

### Organization

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

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

AGENT / BUSINESS NAME WILL MCGILL SURVEYING LLC			PHONE (503) 510-3026		FAX
ADDRESS 15333 PLETZER RD. SE				CELL (503) 931-0210	
CITY TURNER		STATE OR	ZIP 97392	E-MAIL* WILLMCGILL.SURVEYING@GMAIL.COM	

Note: Attach multiple copies as needed

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

**By my signature below I confirm that I understand:**

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

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

  
Applicant Signature

Kyle L. Dunning  
Print Name and Title if applicable

5/5/2020  
Date

  
Applicant Signature

Holly J. Dunning  
Print Name and Title if applicable

5/5/2020  
Date

For Department Use: App. Number: \_\_\_\_\_

**SECTION 2: PROPERTY OWNERSHIP**

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

- YES, there are no encumbrances.
- YES, the land is encumbered by easements, rights of way, roads or other encumbrances.
- NO, I have a recorded easement or written authorization permitting access.
- NO, I do not currently have written authorization or easement permitting access.
- NO, written authorization or an easement is not necessary, because the only affected lands I do not own are state-owned submersible lands, and this application is for irrigation and/or domestic use only (ORS 274.040).
- NO, because water is to be diverted, conveyed, and/or used only on federal lands.

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**Affected Landowners:** List the names and mailing addresses of all owners of any lands that are not owned by the applicant and that are crossed by the proposed ditch, canal or other work, even if the applicant has obtained written authorization or an easement from the owner. *(Attach additional sheets if necessary).*

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

**SECTION 3: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL 2	FRAZIER CREEK	4975'	-5'
WELL 3	FRAZIER CREEK	5840'	-6'

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

**SECTION 3: WELL DEVELOPMENT, continued**

Total maximum rate requested: 1.2 cfs (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL-SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL 2	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"			18' MINIMUM		SAND & GRAVEL	50' +/-		239.5
WELL 3	<input checked="" type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>	10"			18' MINIMUM		SAND & GRAVEL	50' +/-		239.5
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									
	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>									

\* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.  
 \*\* A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.  
 \*\*\* Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: \_\_\_\_\_

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

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

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

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

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqq\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/)

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

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

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

Yes  No

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

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

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

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

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

Yes  No

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

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

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

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

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

If yes, provide a description of the measures to be taken to assure reasonably efficient water use:  
The proposed rate is standard for irrigation. A water use measuring device will be installed and a drip irrigation system to ensure efficient use.

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**Statewide - OAR 690-033-0330 thru -0340**

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

Yes  No

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

**SECTION 5: WATER USE**

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	Mar. 1 – Oct. 31	239.5

**For irrigation use only:**

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

Primary: 95.8 Acres                      Supplemental:      Acres

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

\_\_\_\_\_

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 239.5

- If the use is municipal or quasi-municipal, attach Form M

- If the use is **domestic**, indicate the number of households: \_\_\_\_\_ (Exempt Uses: Please note that 15,000 gallons per day for single or group domestic purposes and 5,000 gallons per day for a single industrial or commercial purpose are exempt from permitting requirements.)
- If the use is **mining**, describe what is being mined and the method(s) of extraction (*attach additional sheets if necessary*): \_\_\_\_\_

## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

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

- Pump (give horsepower and type): 40 HP submersible  
 Other means (describe): \_\_\_\_\_

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Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. 40 HP submersible pump appropriates water and conveys via 6" buried PVC mainline.

### B. Application Method

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

Drip irrigation

### C. Conservation

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

The proposed rate is standard for irrigation. A water use measuring device will be installed and the efficient irrigation system will be kept in good operating condition to minimize run-off or contamination.

## SECTION 7: PROJECT SCHEDULE

- Date construction will begin: Upon permit issuance
- Date construction will be completed: Request standard 5 year completion time
- Date beneficial water use will begin: During 2021 irrigation season if issued

## SECTION 8: RESOURCE PROTECTION

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

- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe: Equipment will be kept in good operating condition to prevent run-off or waste.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: No clearing or excavation will be necessary for this project.

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

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

\_\_\_\_\_

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## Minimum Requirements Checklist

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

### Include this checklist with the application

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

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

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

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#### Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 2,910  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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



# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
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## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0801.

# Land Use Information Form

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

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**Applicant**

NAME KYLE L. AND HOLLY J. DUNNING			PHONE (HM) <b>OWRD</b>		
PHONE (WK)		CELL (541) 754-7273		FAX	
ADDRESS 4635 ELLIOTT CIRCLE					
CITY CORVALLIS		STATE OR	ZIP 97330	E-MAIL* DUNVIN@COMCAST.NET	

**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:
11S	5W	13A	NENE NWNE SWNE SENE	1800	UR-5	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
11S	4W	18	NENW NWNE	1300	EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
11S	4W	18	NWNW SWNW	<del>1300</del> 1200	EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Benton County

**B. Description of Proposed Use**

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

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

Source of water:  Reservoir/Pond     Groundwater     Surface Water (name) \_\_\_\_\_

Estimated quantity of water needed: 239.5     cubic feet per second     gallons per minute     acre-feet

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

Briefly describe:

It is proposed to irrigate up to 95.8 acres of hazelnuts with groundwater from proposed Wells 2 & 3.

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

## For Local Government Use Only

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

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): *11-S-13A-1800, 11-4-18-1200 + 1300 are zoned either UR-S or EFU. BCC 64.105(7) states farm or forest use is outright permitted on UR-S land.*
- 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.) *BCC 55.105(1) states farm use is outright permitted on EFU land.* 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
	<b>RECEIVED</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>MAY 12 2020</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	<b>OWRD</b>	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

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

NAME <i>Kristin Anderson</i>	TITLE: <i>Assoc. Planner</i>
SIGNATURE <i>Kristin Anderson</i>	PHONE: <i>541-766-6298</i>
DATE: <i>5/6/2020</i>	
GOVERNMENT ENTITY <i>Benton County Community Development</i>	

**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: \_\_\_\_\_

M305396-01

**PROPERTY LINE ADJUSTMENT DEED**

Randy Chandler, "Grantor" is the owner of property in Benton County, Oregon (Property 3). The legal description of Property 3, prior to this property line adjustment, is described in that Memorandum of Sale Agreement recorded as M-279047-00 in the Benton County Microfilm Records.

Kyle L. Dunning and Holly J. Dunning, "Grantees", are the owners of Property in Benton County, Oregon (Property 1). The legal description of Property 1, prior to this property line adjustment, is Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon.

Property 1 and Property 3 are adjoining tracts of land, and the parties hereby agree to adjust the property line separating their respective properties by Grantors conveying to Grantees the property described in Exhibit "C", which Grantors hereby bargain, grant, sell and convey to Grantees.

The true consideration for this conveyance is \$3,000.00 (three thousand dollars).

The legal description of Property 1 following this adjustment is set forth in the attached Exhibit "A".

The legal description of Property 3 following this adjustment is set forth in the attached Exhibit "B".

The property conveyed is subject to all matters of public record.

It is the intent of the parties that this conveyance does not create a separate lot, but that this conveyance from Property 3 shall be consolidated into and with Property 1 to comply with the Benton County Community Development Department Decision Regarding File Number LD-01-41.

**THIS INSTRUMENT WILL 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 APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.**

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✓ After recording return to:  
Kyle and Holly Dunning  
4635 NE Elliott Circle  
Corvallis, OR 97330

Send Property 1  
Tax Statement To:  
Kyle Dunning  
4635 NE Elliott Circle  
Corvallis, OR 97330

Send Property 3  
Tax Statement To:  
Randy Chandler  
4735 NE Elliott Circle  
Corvallis, OR 97330

DATED this 18 day of September 2001.

PROPERTY 1: [Signature]  
Kyle L. Dunning

[Signature]  
Holly J. Dunning

STATE OF OREGON )  
 ) ss.  
County of Benton )

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On this 18 day of September 2001, personally appeared before me the above-named Kyle L. Dunning and Holly J. Dunning and acknowledged the foregoing instrument to be their voluntary act and deed.

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[Signature]  
Notary Public for Oregon  
My Commission Expires:



DATED this 17 day of September 2001.

PROPERTY 3: [Signature]  
Randy Chandler

STATE OF OREGON )  
 ) ss.  
County of Benton )

On this 17 day of September 2001, personally appeared before me the above-named Randy Chandler and acknowledged the foregoing instrument to be his voluntary act and deed.

[Signature]  
Notary Public for Oregon  
My Commission Expires: Oct 31, 2004



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**EXHIBIT A**

**DESCRIPTION OF RESULTANT PROPERTY 1**

Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon.

**TOGETHER AND WITH:**

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.

RECEIVED

MAY 12 2020

OWRD

**EXHIBIT B**

**DESCRIPTION OF RESULTANT PROPERTY 3**

Part of the William Elliot Donation Land Claim No. 40, Township 11 South Range 5 West of the Willamette Meridian, Benton County, Oregon, being the North half and the South half of the following described premises:

Beginning at the Southwest corner of that tract of land conveyed to Garland C. Arvin and Jean Arvin by deed recorded Book 104 Page 154 Deed Records; thence Easterly along the South line of said Arvin tract 8.421 chains to the Southeast corner thereof; thence Southerly parallel with the West line of the William Elliot Donation Land Claim 2.374 chains; thence Westerly parallel to the South line of said Arvin tract 8.421 chains to the West line of the William Elliot Donation Land Claim; thence Northerly along said claim line to the place of beginning; EXCEPTING those portions of the premises lying in roads.

**EXCEPTING THEREFROM:**

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.

**EXHIBIT C**

**RECEIVED**

**MAY 12 2020**

**DESCRIPTION OF PROPERTY TRANSFERRED  
FROM PROPERTY 3 TO PROPERTY 1**

**OWRD**

Beginning at a 5/8 inch iron rod on the South line of that property conveyed to Randy Chandler and described in Benton County Microfilm Records M-279047-00, said 5/8 inch iron rod also being at an interior angle point on a westerly line of Lot 16 of "Pinot Gris Estates", a subdivision plat of record in Benton County, Oregon, and being located South 0°02'00" West 1556.47 feet and South 89°49'21" East 510.54 feet from the Northwest corner of the William H. Elliott Donation Land Claim No. 40, in the Northeast quarter of Section 13, Township 11 South, Range 5 West of the Willamette Meridian, Benton County, Oregon; thence along the lines of said Lot 16 the following courses: South 89°49'21" East 45.12 feet to a 5/8 inch iron rod at the Southeast corner of said Randy Chandler property and North 0°02'00" East 156.68 feet to the Southeast corner of that property conveyed to James E. Chandler and Marilyn R. Chandler and described in Benton County Microfilm Records M-3939-79; thence along the South line of said James and Marilyn Chandler property North 89°49'21" West 45.35 feet to a 5/8 inch iron rod; thence South 0°03'07" East 156.68 feet to the point of beginning.

302885

STATE OF OREGON }  
County of Benton } ss.

I hereby certify that the within instrument  
was received for record

PH 3:23 '01SEP20

AND  
ASSIGNED M305396  
2021

In the microfilm records of said county  
Witness My Hand and Seal of County Affixed  
JAMES V. MORALES  
County Clerk

By  Deputy