

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

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MAY 15 2020

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME BRIDGE CREEK RANCH LLC			PHONE (HM)	OWRD
PHONE (WK) 541-681-5332	CELL		FAX	
ADDRESS PO BOX 10127				
CITY EUGENE	STATE OR	ZIP 90127	E-MAIL *	

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 ELIZABETH HOWARD			PHONE 503-796-2093	FAX
ADDRESS 1211 SW 5 TH AVE, STE 1900				CELL
CITY PORTLAND	STATE OR	ZIP 97204	E-MAIL * EHOWARD@SCHWABE.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

Bridge Creek Ranch LLC
By Jordan Pope
Applicant Signature

Bridge Creek Ranch LLC
By Jordan Pope, its President
Print Name and Title if applicable

4/14/2020
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.

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.

The PODs, property crossed by the proposed pipes, and two lease points are all locations in Township 10S, Range 20E, Section 25 in taxlot 1700.

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: Painted Hills Reservoir	Tributary to: Bridge Creek
TRSQQ of POD: T10S,R20E,Sec 25, NE-SW	
Source 2:	Tributary to:
TRSQQ of POD:	

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?

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

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SECTION 3: SOURCE OF WATER

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TRSQQ of POD: T10S,R20E,Sec 25, NE-SW	
Source 2:	Tributary to:
TRSQQ of POD:	

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_trsqg_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.

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

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Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.

- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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

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

Yes No

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

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

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

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

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

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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
Painted Hills Reservoir	Fish Culture (consistent with R-15180) in Bear Creek	June 1 –September 30	0 to 10 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Painted Hills Reservoir	Fish Culture (consistent with R-15180) in Bridge Creek	June 1 –September 30	0 to 115 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" 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: n/a Acres Supplemental: n/a Acres
 If supplemental acres are listed, provide 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: up to 125 acre-feet

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

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): 100 hp frequency drive pump
- Other means (describe): Painted Hills Reservoir drain release pipe

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

The pipeline to supply water to Bear Creek will be connected to the existing 100 hp pump. At Bear Creek a valve and flow measuring device will be installed to monitor instantaneous and total flow released. The release will be into the gravel substrate near Bear Creek to minimize evaporative loss and promote water quality by interacting with the shallow aquifer. The pipeline to supply water to Bridge Creek will be connected to the Painted Hills Reservoir drain release pipe. The pipeline will have a flow measuring device which will be used to monitor instantaneous and total flow released. The control valve for this release will be the reservoir headgate at the dam. The release point of this water will be in the gravel substrate near Bridge Creek to minimize evaporative loss and promote water quality by interacting with the shallow aquifer.

B. Application Method

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

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A pump and reservoir drain release pipe will be the methods of diversion of the water. Two conveyance pipelines will carry the water to creeks.

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.

The amount of water (25% of newly developed stored water) is required to be placed instream in order to comply with the requirements of the Water Supply Development Account Grant Agreement #WPG-0021-18 and OAR 690-093-0110(2). The water returned to Bridge and Bear Creeks will be measured via flow measuring devices installed on the outlets from the two points of diversion at the reservoir. This water use will be structured to return flows to Bridge and Bear Creeks when the water is needed for fish life during the summer, low flow period. These flows will be developed in coordination with ODFW. Temperature monitoring sites will be established with data collected every 30 minutes for five years after the project implementation.

SECTION 7: RESOURCE PROTECTION

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.
Describe planned actions:

A fish screen is not anticipated as the diversion of the water will be via a pump and the drain pipe from the reservoir. Both inlets used to fill the reservoir are currently screened with ODFW approved fish screens.

- 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:

No additional permits are necessary. Work will be limited to connecting to an existing pump at the reservoir and connecting to the drain pipe at the reservoir— which does not have riparian vegetation—and laying pipelines to return flows to the creeks. Both pipeline routes are primarily upland with poor soils which limit the amount of vegetation along the routes. Riparian vegetation at the pipeline routes termination points are minimal and the release from the pipelines will promote additional riparian vegetation growth so any overall increase in riparian health 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: There is no planned operation of equipment in a body of water.

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

Water release from both PODS will be through a pipeline and into a high infiltration artificial wet area. This method of release will improve water filtration before reaching either Bridge or Bear Creek and will not result in erosion. The enclosed system from the PODs to the release points will not allow for contaminants such as waste or chemical products to enter the system.

- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
No other permits are required if water right permit is granted

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: 2020
- b) Date construction will be completed: 2023
- c) Date beneficial water use will begin: 2023

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

This project is funded through the Water Project Grant and Loan program, under grant agreement WPG-0021-18.

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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: \$ _____
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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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

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

3. Public Notice

Within 7 days of the mailing of the initial review, the Department gives [public notice](#) of the application in the weekly notice published by the Department at www.oregon.gov/owrd. The public comment period is 30 days from publication in the weekly notice.

4. Proposed Final Order Issued

The Department reviews any comments received, including comments from other state agencies related to the protection of sensitive, threatened or endangered fish species. Within 60 days of completion of the IR, the Department issues a Proposed Final Order (PFO) explaining the proposed decision to deny or approve the application. A PFO proposing approval of an application will include a draft permit, and may request additional information or outstanding fees required prior to permit issuance.

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

If no protests are filed, the Department can issue a Final Order within 60 days of the close of the period for receiving protest. If the application is approved, a permit is issued. The permit specifies the details of the authorized use and any terms, limitations or conditions that the Department deems appropriate

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Land Use Information Form



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

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.

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NOTE TO LOCAL GOVERNMENTS

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

Land Use Information Form



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

Applicant

NAME BRIDGE CREEK RANCH LLC			PHONE (HM)		
PHONE (WK) 541-681-5332		CELL		FAX	
ADDRESS 355 GOODPASTURE ISLAND RD					
CITY EUGENE		STATE OR	ZIP 97401	E-MAIL*	

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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:
10S	20E	25	NE-SW	1700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU/Ag
10S	20E	25	SE-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU/Ag
10S	20E	25	SW-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU/Ag
10S	20E	25	NW-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU/Ag

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

Wheeler

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) Painted Hills Reservoir

Estimated quantity of water needed: 125 AF 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 Fish Life

Briefly describe:

Water will be released from Painted Hills Reservoir into Bridge Creek and Bear Creek to support fish life during low flow, summer month periods.

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): Ord. No. 80-02
- 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."**
Section 5 (3)(j) To encourage farming practices to conserve and protect fish and wildlife.

Type of Land Use Approval Needed (c.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
	MAY 15 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.

NAME Matt Davis	TITLE: Planning Director
SIGNATURE <i>[Signature]</i>	PHONE: (591) 763-2126
GOVERNMENT ENTITY Wheeler County Planning Department	DATE: 4/9/2020

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: _____

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Applicant

NAME BRIDGE CREEK RANCH LLC		PHONE (HIM)	
PHONE (WK) 541-681-5332	CELL	FAX	
ADDRESS 355 GOODPASTURE ISLAND RD			
CITY EUGENE	STATE OR	ZIP 97401	E-MAIL*

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:
10S	20E	25	NE-SW	1700		<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU/Ag
10S	20E	25	SE-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU/Ag
10S	20E	25	SW-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	EFU/Ag
10S	20E	25	NW-NW	1700		<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	EFU/Ag

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

Wheeler

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) Painted Hills Reservoir

Estimated quantity of water needed: 125 AF 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 Fish Life

Briefly describe:

Water will be released from Painted Hills Reservoir into Bridge Creek and Bear Creek to support fish life during low flow, summer month periods.

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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Land Use Information Form



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

Applicant

NAME BRIDGE CREEK RANCH LLC			PHONE (HM)		
PHONE (WK) 541-681-5332		CELL		FAX	
ADDRESS 355 GOODPASTURE ISLAND RD					
CITY EUGENE		STATE OR	ZIP 97401	E-MAIL*	

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Wheeler

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AFTER RECORDING RETURN TO:

Myles Conway
Schwabe Williamson & Wyatt
549 SW Mill View Way, Suite 100
Bend, Oregon 97702

UNTIL A CHANGE IS REQUESTED,
ALL TAX STATEMENTS SHALL BE
SENT TO:

Robert J. Riecke
Bridge Creek Ranch LLC
355 Goodpasture Island Road
Eugene, OR 97440

I certify that this instrument was
received and recorded in the book of
records of said county.

Barbara S. Sitton
Wheeler County Clerk

DEED

by: J. Sheenfield Deputy.

DOC#: 20080444 PAGES: 5
RCPT: 951 46.00
12/22/2008 2:06 PM
REFUND: .00

SPECIAL WARRANTY DEED

DERBY SMITH PARTNERS LLC ("Grantor") conveys and specially warrants to BRIDGE CREEK RANCH LLC, an Oregon limited liability company ("Grantee"), the real property described on Exhibit A attached hereto, free of encumbrances created or suffered by Grantor except as set forth on Exhibit B attached hereto.

The true consideration for this conveyance is \$1,750,000.00.

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

[Signature appears on the following page]

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Dated this 22 day of December, 2008.

GRANTOR:

DERBY SMITH PARTNERS LLC

William L Smith
By WILLIAM L SMITH
Its Managing member

ACKNOWLEDGMENT

STATE OF OREGON)
) ss.
County of Deschutes)

This instrument was acknowledged before me on the 22nd day of December, 2008, by WILLIAM L SMITH as MANAGING member of DERBY SMITH PARTNERS LLC.



Sharon A. Mitchell
Notary in and for the State of Oregon
My Commission Expires: AUG. 24/2010

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**EXHIBIT A
LEGAL DESCRIPTION**

Located in WHEELER COUNTY, OREGON:

In Township 10 South, Range 20 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: That portion of the S $\frac{1}{2}$ S $\frac{1}{2}$ W $\frac{1}{4}$ lying Westerly of Bridge Creek County Road No. 14.

Section 25: All that portion lying Westerly of Bridge Creek County Road No. 14.

Section 36: NE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$; Also, two tracts of land more particularly described in that certain Bargain and Sale Deed Recorded May 9, 1980, in Wheeler County Deed Records as Microfilm No. M-35-736.

In Township 10 South, Range 21 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: That portion of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ lying Westerly of Bridge Creek County Road No. 14.

Section 31: All that portion lying Easterly of Bridge Creek and Westerly of Bridge Creek County Road No. 14.

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EXHIBIT A

PDX/120068/166587/MCO/3223050.1

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**EXHIBIT B
TITLE EXCEPTIONS**

7. As disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
8. As disclosed by the tax roll, the premises herein described are classified as forest lands. In the event of declassification, said premises will be subject to additional taxes and interest pursuant to the provisions of ORS Chapter 321.
9. Existing rights of way for roads, highways, irrigation ditches, canals and pole lines.
10. Reservations contained in Patents from the United States of America and in Deeds from the State of Oregon, if any.
11. Any adverse claim based upon the assertion that:
Rights of the public and governmental bodies in and to any portion of the premises herein described lying below the high water mark of the Bridge Creek or Bear Creek, including any ownership rights which may be claimed by the State of Oregon below the high water line.
12. Right of the public to enter, view, examine and study the subject property, including the terms and provisions thereof:
Recorded: August 25, 1947
Book/Page: 25/596 (Records of Wheeler County, Oregon)
13. An Easement created by instrument, subject to the terms and provisions thereof:
Dated: December 3, 1963
Recorded: December 11, 1963
Book/Page: 30/566 (Records of Wheeler County, Oregon)
Grantor: John Hudspeth, Florine Hudspeth, Fred Hudspeth and Margaret Hudspeth, co-partners, doing business as Hudspeth Sawmill Company and Hudspeth Lane & Livestock Company, Roger Hudspeth, doing business as Paulina Cattle Company, and Jamie Hudspeth, his wife; Ron Hudspeth and Jane Hudspeth, husband and wife
In Favor of: Hudspeth Pine, Inc.
Purpose: Road access
14. Easements, Conditions and Restrictions created by final judgment:
Filed: February 24, 1971
Case No. 2250
Court: Wheeler County Circuit Court
Between: State of Oregon, by and through its State Highway commission, composed of Glenn L. Jackson, Fred W. Hill and Thaddeus B. Bruno, and CBC Company, an Oregon corporation; The Connecticut Mutual Life Insurance Company, a Connecticut corporation; Eastern Oregon Land Company, a California corporation; and First National Bank of Oregon, a national banking association.
15. Restrictions, Covenants and Conditions, including the terms and provisions thereof, as contained in deed:
From: United States of America
To: Brooks Resources Corporation, an Oregon corporation
Recorded: May 9, 1980
Book/Page: 35/736 (Records of Wheeler County, Oregon)

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16. Scenic Easement, Restrictions and Covenants created by instrument, subject to the terms and provisions thereof:

Dated: February 6, 1980
Recorded: May 9, 1980
Microfilm No.: M-35-737 (Records of Wheeler County, Oregon)
Grantor: Brooks Resources Corporation, an Oregon corporation
In Favor of: United States of America

17. A Telephone Line Right-of-way Easement created by instrument, subject to the terms and provisions thereof:

Dated: March 21, 1985
Recorded: April 5, 1985
Microfilm No.: M-37-221 (Records of Wheeler County, Oregon)
Grantor: Brooks Resources Investment Corporation, an Oregon corporation
In Favor of: Telephone Utilities of Eastern Oregon, Inc., an Oregon corporation
Purpose: Telephone line access

18. An Easement created by instrument, subject to the terms and provisions thereof:

Dated: November 15, 2000
Recorded: November 27, 2000
Microfilm No.: 000393 (Records of Wheeler County, Oregon)
Grantor: Darby Smith Partners, LLC, an Oregon limited liability company
In Favor of: Thomas P. Norton and Mary T. Norton, husband and wife
Purpose: Road purposes

Re-Recorded: December 15, 2000
Microfilm No.: 000405 (Records of Wheeler County, Oregon)

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EXHIBIT B

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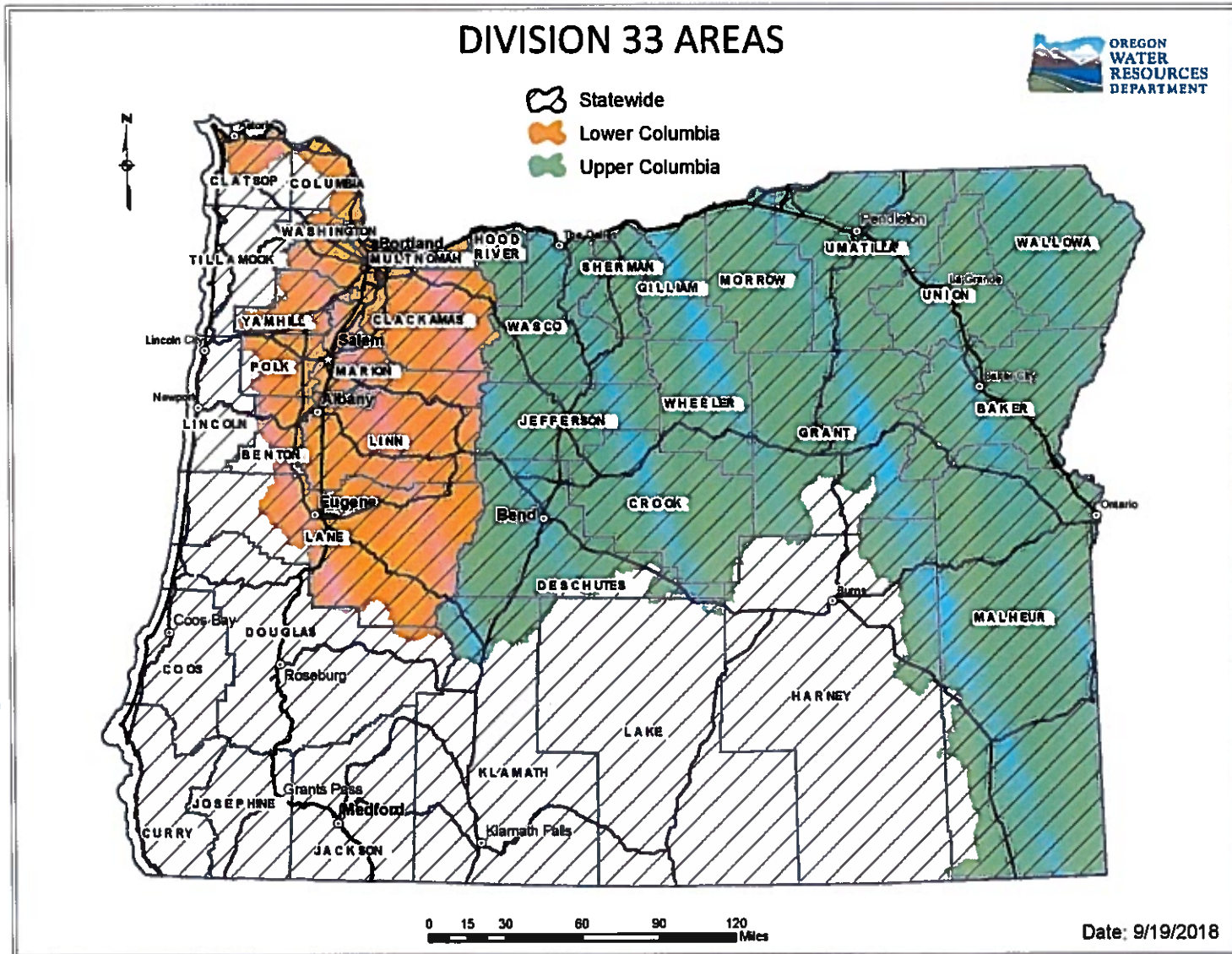
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Figure 1: Map of Division 33 Areas



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For more detailed information, click on the following link and enter the TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the Division 33 rules apply: https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/