

Application for a Permit to Use
Surface Water

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APR 06 2021
OWRD



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 STELLMACHER FAMILY PROPERTIES LLC		PHONE (HM)	
PHONE (WK)	CELL (541) 979-7102	FAX	
ADDRESS 30416 STELLMACHER DR. SW			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL * BILLBARBSTELLMACHER@GMAIL.COM

Organization

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

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

AGENT / BUSINESS NAME 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 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

William J. Stellmacher **WILLIAM J. STELLMACHER** **4/1/21**
 Applicant Signature Print Name and Title if applicable Date

 Applicant Signature

 Print Name and Title if applicable

 Date

SECTION 2: PROPERTY OWNERSHIP

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

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

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: 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: Calapooia River	Tributary to: Willamette River
TRSQQ of POD: 12S 4W 3 NENE/NESE	
Source 2: Stellmacher Reservoir	Tributary to: N/A
TRSQQ of POD: 12S 4W 3 NESE	

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.)

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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.

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.

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

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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



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
Calapooia River	Irrigation	May 1 – July 31	0.74 <input checked="" type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
Stellmacher Reservoir	Irrigation	August 1 – September 30	60 max <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Stellmacher Reservoir	Supplemental Irrigation	May 1 – September 30	60 max <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

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

Primary: 59.5 Acres Supplemental: 113.7 Acres *SEE MAP FOR SPECIFIC POU'S*

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: 208.75 af

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): 20 HP, Centrifugal (at all PODs)
- Other means (describe): _____

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

B. Application Method

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

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 water requested is needed for crop irrigation. A high efficiency system will be installed equipped with a water use measuring device.

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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: Fish screening will be installed in accordance with ODFW specs.

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 clearing of banks will be necessary for this project. The pump sites are existing as authorized by water right certificates 12352 and 26648.

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: Operating equipment will only happen as needed during irrigation season and be kept to a minimum.

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: Care will be taken to keep equipment in good operating condition preventing any run-off.

List other federal and state permits or contracts to be obtained, if a water right permit is granted.

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: At permit issuance
- b) Date construction will be completed: Request standard 5 year completion time
- c) Date beneficial water use will begin: 2022 irrigation season if permit is issued

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

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SECTION 10: REMARKS

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

The goal of this application is to cover tillable acreage between Certificates 12352 and 26648 with irrigation. Since water is not available from the Calapooia River after July 31, it is proposed to irrigate the remainder of the season as need from the water stored in Stellmacher Reservoir (proposed by a concurrently submitted alternate reservoir application). The beginning of the irrigation season when water is available from the river, it is requested to cover these same acres with supplemental from the reservoir in case of an earlier Watermaster regulation. Due to the entire irrigation system sharing a mainline and being tied together, it is also requested that the places of use in production under Certificates 12352 and 26648 be covered with supplemental irrigation from the reservoir for the entire season in case of a severe Watermaster regulation on the Calapooia.

The goal is not to achieve more water other than that on the uncovered areas. The goal of this project is to conserve water and design a more efficient irrigation system for the entire farm. The 0.74 cfs is a standard irrigation rate for the new 59.5 acres. All out of reservoir uses combined will not exceed 60 acre-feet.

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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: \$ 3,598.00
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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For Department Use: App. Number: _____

RECORDING REQUESTED BY:



317 1st Ave. W, Ste 100
Albany, OR 97321

GRANTOR'S NAME:
Justin Bordessa

GRANTEE'S NAME:
Stellmacher Family Properties LLC

AFTER RECORDING RETURN TO:
Order No.: 60222011457-TR
Stellmacher Family Properties LLC
33767 Oakville Road SW
Albany, OR 97321

SEND TAX STATEMENTS TO:
Stellmacher Family Properties LLC
33767 Oakville Road SW
Albany, OR 97321

APN: 226478
Map: 12S04W0300 01000
33767 Oakville Road SW, Albany, OR 97321

LINN COUNTY, OREGON	2021-01700
D-WD	01/22/2021 11:09:00 AM
Sl#-10122 S. WILSON	\$135.00
\$15.00 \$11.00 \$10.00 \$60.00 \$20.00	
\$19.00	
I, Steve Druckenmiller, County Clerk for Linn County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Steve Druckenmiller - County Clerk	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Justin Bordessa, Grantor, conveys and warrants to Stellmacher Family Properties LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Linn, State of Oregon:

PARCEL I:

Beginning at a point which is West 1182 feet distant from the Northeast corner of the Donation Land Claim of William D. Rexford, known on the Plats and Surveys of the United States as Notification No. 1998 and Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian; thence West on and along the North boundary line of said claim a distance of 554 feet; thence South 70° East a distance of 242 feet; thence East 137 feet; thence North 65° 42' East a distance of 207 feet to the Place of Beginning.

ALSO:

That part of the following described real property lying West of the center line of the Calapoola River:

Beginning in the center of a County Road on the South boundary line of and East 45.09 chains distant from the Southwest corner of the Donation Land Claim of Thomas I. Anderson, Notification No. 1923, Claim No. 67 in Township 12 South, Range 4 West of the Willamette Meridian; thence North 39° 23' East along the center of said County Road 13.65 chains; thence North 28° 45' East along the center of said County Road 13.85 chains; thence North 28° 45' East along the center of said County Road 10.15 chains to a point which South 11° West 17.36 chains distant from the North boundary line of said Donation Land Claim; thence East 30.74 chains to the Eastern boundary line of said Donation Land Claim; thence South 11° West 19.49 chains along the Eastern boundary line of said Donation Land Claim to the Southeast corner thereof; thence West along the Southern boundary line of said Donation Land Claim 40.16 chains to the Place of Beginning.

EXCEPTING THEREFROM that portion thereof conveyed by Hiram H. Eastman and Henrietta Eastman to Heike Ohling by deed recorded at Page 634, Volume 132, Deed Records, as follows:

Beginning in the center of the County Road on the South boundary line of, and East 45.09 chains distant from the Southwest corner of the Donation Land Claim of Thomas I. Anderson, Notification No. 1923, Claim No. 67, in Township 12 South, Range 4 West of the Willamette Meridian, Linn County Oregon; thence North 39° 23' East along the center of the County Road, a distance of 167 feet; thence South 67° 46' East a distance of 346 feet to the South Boundary line of said Claim No. 67; thence West on and along the South boundary line of said Claim No. 67 a distance of 428 feet to the Place of Beginning.

PARCEL II:

Beginning North 89° 42' East 34.915 chains from the Northwest corner of the William D. Rexford Donation Land Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian, Linn County, Oregon, said beginning point being the intersection of the Westerly line of the Oregon Electric Railway Co. right of way and the North line of said Claim No. 56; thence North 89° 42' East to the Easterly line of said right of way and the True Point of Beginning of the herein described tract of land; thence South 01° 25' West along the Easterly line of said right of way 11.31 chains; thence South 88° 35' East 50 feet; thence South 01° 25' West along said East line of said right of way 22.62 chains; thence North 88° 35' West 50 feet; thence South 01° 25' West along the said East line of right of way a distance of 192.5 feet to the point

Fidelity National Title # 60222011457

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STATUTORY WARRANTY DEED

(continued)

which is East 35.15 chains distant and North 01° 25' East 2,947.78 feet distant from the Southwest corner of said Claim No. 56; thence South 80° 18' East a distance of 661.0 feet; thence North 11° 26' East a distance of 376.0 feet; thence South 80° East a distance of 814.60 feet; thence South 15° 15' East 21.00 chains to the right bank of the Calapooia River; thence down the right bank of said river to the East boundary line of said Claim No. 56 thence North along the East line of said Claim 20.17 chains to a point on the right bank of said River, thence down the right bank of said river to the North line of said Claim No. 56; thence West along the North line of said Claim 4.32 chains to a point which is West 1182.1 feet from the Northeast corner of said Claim No. 56; thence South 65° 42' West 207 feet; thence West 137 feet; thence North 70° West 242 feet to the North line of said Claim No. 56; thence West 67 links; thence North 67° 46' West 346 feet to the center of a County Road; thence South 39° 23' West along the center of said road 167 feet to a point on the North line of and East 45.79 chains distance from the Northwest corner of said Claim No. 56; thence West to the True Point of Beginning.

ALSO EXCEPTING THEREFROM THE FOLLOWING PARCELS:

Beginning on the East line of the Oregon Electric Railroad right of way 2319.9 feet East and 2947.78 feet North 01° 25' East of the Southwest corner of the William D. Rexford Donation Land Claim No. 56; thence North 01° 25' East 192.5 feet; thence South 88° 35' East 50 feet; thence North 01° 25' East 183.59 feet, thence South 80° 00' East 677.0 feet; thence South 11° 26' West 376 feet; thence North 80° 18' West 661.0 feet to the Point of Beginning.

ALSO EXCEPTING:

Beginning at a point 4166.86 feet East and 2161.38 feet North of the Southwest corner of said William D. Rexford Claim No. 56 in Township 12 South, Range 4 West of the Willamette Meridian; thence South 85° 38' East 108.1 feet thence South 16° 19' East 270 feet to the right bank of the Calapooia River; thence South 21° 04' West along said Bank 180.4 feet; thence North 15° 15' West 451.6 feet to the Point of Beginning.

ALSO EXCEPTING all that portion in the Northwest corner of the foregoing described property which lies North and West of the County Road.

ALSO EXCEPTING THEREFROM:

Beginning at a point in the center of the County Road which point is on the North line of the William D. Rexford Donation Land Claim No. 56, Township 12 South, Range 4 West of the Willamette Base and Meridian, Linn County, Oregon, and 45.79 chains East of the Northwest corner of said claim; thence North 39° 03' East along the center of said road, 80.60 feet; thence South 50° 57' East, perpendicular to the center of said road, 30 feet to a 5/8 inch iron rod; thence South 01° 55' 20" West, 37.02 feet to a 5/8 inch iron rod; thence South 55° 07' 02" East, 91.07 feet to a 5/8 inch iron rod; thence South 30° 42' 20" West, 191.85 feet to a 5/8 inch iron rod; thence South 60° 53' 30" West; 383.22 feet to a 5/8 inch iron rod on the Southeastly right of way line of said road; thence North 50° 46' West, 30 feet to the center of said road; thence North 39° 14' East, 487.73 feet to the Point of Beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS ONE MILLION FIVE HUNDRED FIFTY-FIVE THOUSAND AND NO/100 DOLLARS (\$1,555,000.00). (See ORS 93.030).

Subject to:

The Land has been classified as Farm Land, as disclosed by the tax roll. If the Land becomes disqualified, said Land may be subject to additional taxes and/or penalties.

Rights of the public to any portion of the Land lying within the area commonly known as roads, streets or highways.

Any adverse claim based on the assertion that any portion of the subject land has been removed from or brought within the subject land's boundaries by the process of accretion or reliction or any change in the location of Calapooia River.

Any adverse claim based on the assertion that any portion of the subject land has been created by artificial means or has accreted to such portions so created, or based on the provisions of ORS 274.905 through 274.940.

Any adverse claim based on the assertion that any portion of the subject land is now or at any time has been below the ordinary high water line of Calapooia River.

Rights of fishing, navigation, commerce, flood control, propagation of anadromous fish, and recreation, and other rights of the public, Indian tribes or governmental bodies in and to the waters of Calapooia River.

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STATUTORY WARRANTY DEED
(continued)

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Pacific Power & Light Company, a corporation
Purpose: as mentioned in said easement
Recording Date: May 29, 1973
Recording No: Volume 63, Page 666

Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: PacifiCorp, an Oregon corporation
Purpose: as mentioned in said easement
Recording Date: November 2, 2017
Recording No: 2017-20001

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.

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

Dated: 1/19/21
[Signature]
Justin Bordessa

State of OR County of Linn

This instrument was acknowledged before me on 19 Jan, 2021 by Justin Bordessa.

[Signature]
Notary Public, State of Oregon
My Commission Expires: 2/20/23



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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 ground water registration modification, and **all** of the following apply:
 - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b) The application involves a change in place of use only;
 - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; **and**
 - d) The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

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

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

NAME STELLMACHER FAMILY PROPERTIES LLC		PHONE (HM)	
PHONE (WK)	CELL (541) 979-7102	FAX	
ADDRESS 30416 STELLMACHER DR. SW			
CITY ALBANY	STATE OR	ZIP 97321	E-MAIL* BILLBARBSTELLMACHER@GMAIL.COM

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
<u>12S</u>	<u>4W</u>	<u>3</u>	<u>NWNE</u> <u>SWNE</u> <u>SENE</u> <u>NWSE</u> <u>SESE</u>	<u>1000</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Farming</u>
<u>12S</u>	<u>4W</u>	<u>3</u>	<u>NENE</u> <u>NESE</u>	<u>1000</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Reservoir,</u> <u>Farming</u>

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

Linn County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Ground Water Surface Water (name) Stellmacher Reservoir/Calapooia River

Estimated quantity of water needed: 208.75 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 construct Stellmacher Reservoir and irrigate from it when Calapooia River water is not available. Water will be diverted for irrigation and storage from existing pump sites at the North and South POD.

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): LCC 928.310(B)(1)

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

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

Signature: Phone: (541) 967-3816 Date: 4/1/2021

Government Entity: Linn County

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: _____

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Business Registry Business Name Search

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Business Entity Data

02-05-2021

10:40

Registry Nbr	Entity Type	Entity Status	Jurisdiction	Registry Date	Next Renewal Date	Renewal Due?
734938-85	DLLC	ACT	OREGON	02-08-2000	02-08-2022	
Entity Name STELLMACHER FAMILY PROPERTIES LLC						
Foreign Name						

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Associated Names

Type	PPB	PRINCIPAL PLACE OF BUSINESS			
Addr 1	30416 STELLMACHER DR SW				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Please click [here](#) for general information about registered agents and service of process.

Type	AGT	REGISTERED AGENT	Start Date	07-24-2015	Resign Date	
Of Record	200067-14	EVASHEVSKI ELLIOTT PC				
Addr 1	100 CALAPOOIA ST SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MAL	MAILING ADDRESS			
Addr 1	PO BOX 983				
Addr 2					
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA

Type	MGR	MANAGER			Resign Date	
Name	WILLIAM	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

Type	MGR	MANAGER			Resign Date	
Name	BARBARA	STELLMACHER				
Addr 1	30416 STELLMACHER DR SW					
Addr 2						
CSZ	ALBANY	OR	97321	Country	UNITED STATES OF AMERICA	

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