

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME DEMERGASSO FAMILY OREGON FARM TRUST		PHONE (HM)	
PHONE (WK)	CELL (206) 384-8683	FAX	
ADDRESS 30946 WYATT DR.			
CITY HARRISBURG	STATE OR	ZIP 97446	E-MAIL * SDEMERGA@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

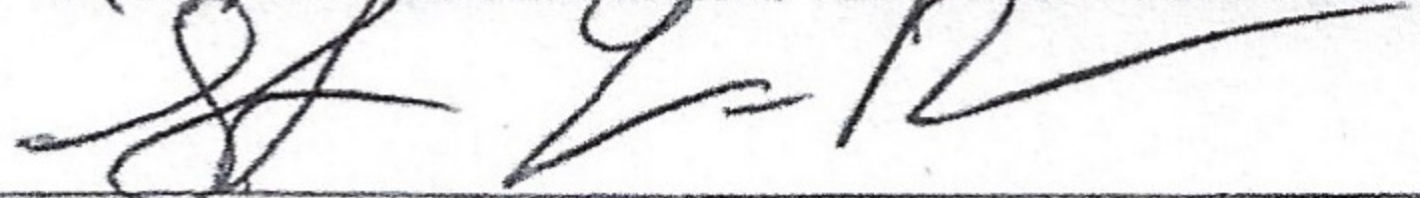
Note: Attach multiple copies as needed

* 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.

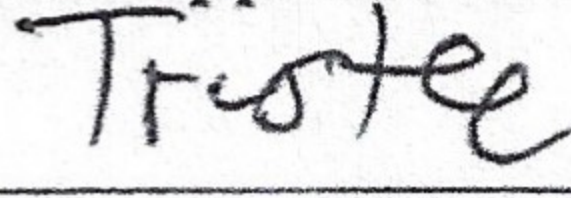
 I (we) affirm that the information contained in this application is true and accurate



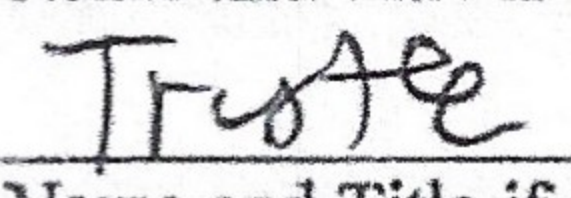
Applicant Signature



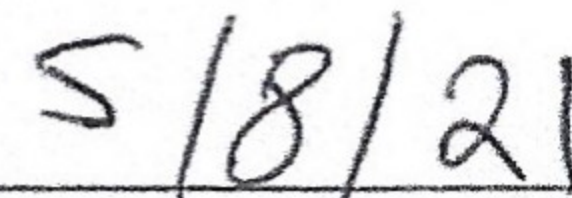
Applicant Signature



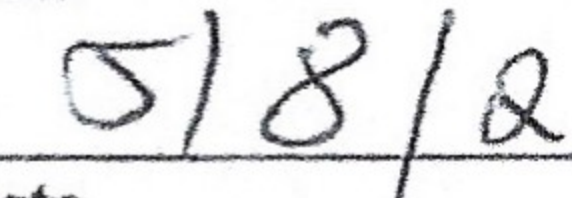
Trustee



Trustee

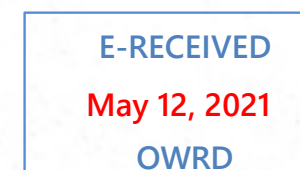


Date



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.

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: BOR Stored Water (Willamette River)	Tributary to: Columbia River
TRSQQ of POD: 15S 4W 27 NENW	
Source 2:	Tributary to:
TRSQQ of POD:	

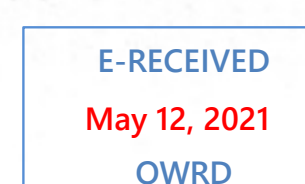
If any source listed above is stored water that is authorized under a water right permit, certificate, or decree, attach a copy of the document or list the document number (for decrees, list the volume, page and/or decree name).

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.)

For Department Use: App. Number: _____



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.

For Department Use: App. Number: _____

- 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:
Keep equipment in good operating condition to minimize waste and install water use measuring device.

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
BOR Stored Water (Willamette River)	Irrigation	Mar. 1 – Oct. 31	454.75 <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
			<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: 181.9 Acres Supplemental: _____ 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: 454.75 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
 Other means (describe): _____

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

20 HP centrifugal pump conveys water to drip lines via 8" down to 2" buried PVC mainlines.

B. Application Method

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

Drip

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 with a water use measuring device.

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 sized to the system and installed.
- 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: Minimal to no clearing will be necessary as this is an authorized POD for an existing water right.
- 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: Operation of equipment in the water will be minimal if needed.
- 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 to prevent excessive 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: Upon permit issuance
b) Date construction will be completed: Request standard 5 year completion time
c) Date beneficial water use will begin: During 2021 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

SECTION 10: REMARKS

Use this space to clarify any information you have provided in the application. *(Attach additional sheets if necessary).*
The BOR stored water conveyed to the property via the Willamette River will be pumped from a side channel Curtis Slough. The elevation at the POD on Curtis Slough is the same as the elevation at the slough's confluence with the main stem of the Willamette River indicating this is the same source (see attached evidence).

Minimum Requirements Checklist

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

Include this checklist with the application

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

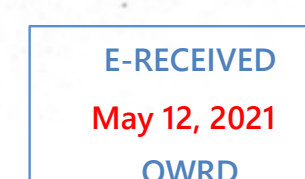
Please submit the original application and signatures to the Water Resources Department. Applicants are encouraged to keep a copy of the completed application.

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

Include the following additional items:

- Land Use Information Form with approval and signature of local planning department (*must be an original*) or signed receipt.
- Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
- Fees - Amount enclosed: \$ 2,262.00
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)

For Department Use: App. Number: _____



After Recording Return To:
Leahy Cox, LLP
188 West B Street, Bldg N
Springfield, OR 97477

Until Requested otherwise,
send all tax statements to:
Stephen John Yates-Demergasso
30946 Wyatt Drive
Harrisburg, OR 97446

LINN COUNTY, OREGON 2020-05507
D-BS
Cnt=1 Stn=44 COUNTER 03/19/2020 02:15:28 PM
\$20.00 \$11.00 \$60.00 \$19.00 \$10.00 \$120.00



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



BARGAIN AND SALE DEED

Bonnie Eva Demergasso, Grantor, conveys to Stephen John Yates-Demergasso and Oanh Le Dao, Trustess of The Demergasso Family Oregon Farm Trust u/a/d January 8, 2020, Grantee, the real property situated in Linn County, Oregon and more particularly described in the attached Exhibit A.

The true consideration of this conveyance is other than monetary.

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.

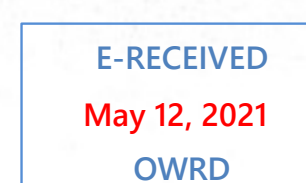
DATED this 7 day of March, 2020.

Bonnie Eva Demergasso
Bonnie Eva Demergasso

STATE OF CALIFORNIA, County of _____ ss.

This instrument was acknowledged before me on _____, 2020, by Bonnie Eva Demergasso.

~~See Attached California
All-Purpose
Acknowledgment
Notary Public for California~~



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of SAN FRANCISCO)

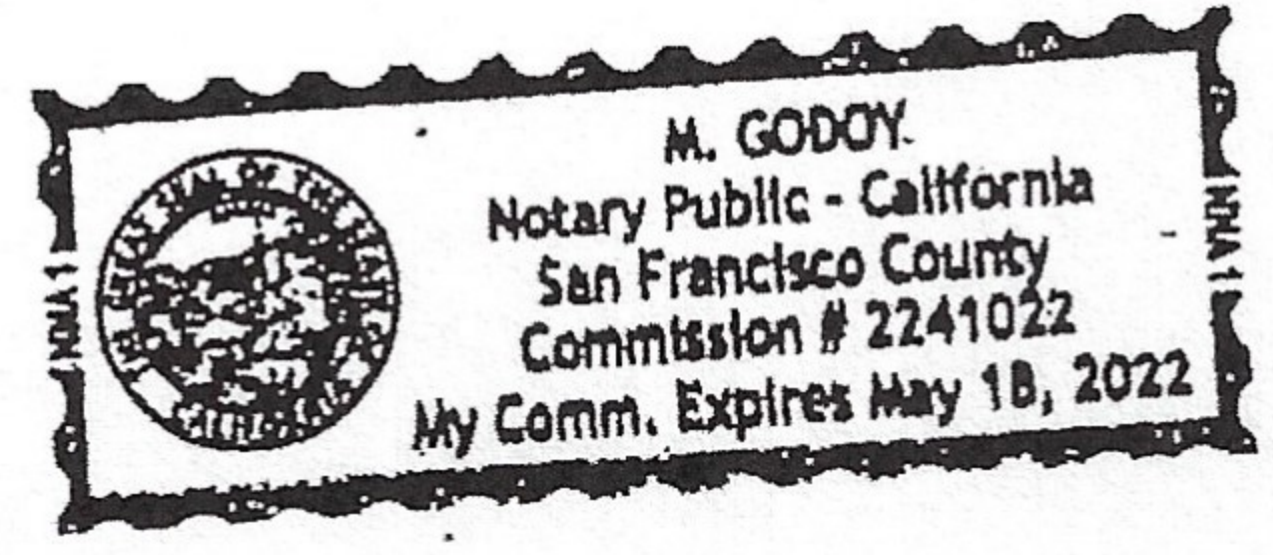
On March 7, 2020 before me, Melanie Godoy, Notary Public,
Date Here Insert Name and Title of the Officer

personally appeared BONNIE EVA DEMERGAÑO
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document:
Document Date: Number of Pages:
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney In Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

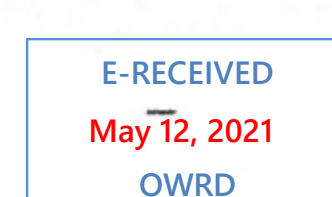


EXHIBIT "A"

PARCEL 1:

MAP NO. 15S04W220000301

Mailing Address: 30400 Tosta Drive, Harrisburg, Oregon

The following described real property situated in the County of Linn, State of Oregon, to-wit:

Part of Section 27 and part of the D.L.C. of Jason S. Clark, Claim No. 45 in Township 15 South, of Range 4 West of the Willamette Meridian, Oregon, more particularly described as follows: Beginning at a point on the West line of said Clark Claim No. 45, which is 4.30 chains North of the South line of the Northwest quarter of Section 22; thence South 41.75 chains to the center of a slough; thence Easterly up the center of said slough to the East line of Section 27, at a point 18.0 chains South of the Northeast corner of said Section 27; thence North to the Southwesterly boundary line of Market Road No. 2, as described in Deed recorded October 15, 1938 in Book 148, page 477, Deed Records; thence North 37° 01' West along the Southwesterly boundary line of said Market Road No. 2 to the North boundary line of that tract conveyed to A. C. Hubbard and Ida Mae Hubbard, his wife, by deed recorded June 25, 1942 in Book 158, page 434, Deed Records; thence West to the place of beginning. EXCEPT a roadway along the East side of said described property, recorded in Book 116, page 253, Deed Records.

AND

MAP NOS. 16S04W020000500 and 16S04W020000400

Mailing Addresses: 20996 & 20950 Curtis Road, Harrisburg, Oregon

PARCEL 2:

A parcel of land situated in the Northwest 1/4 of Section 2, Township 16 South, Range 4 West, Willamette Meridian and being a portion of the property described in the deed recorded in Volume 562, Page 231, Linn County Microfilm Records, more particularly described as follows:

Beginning at the Northwest corner of the Charles B. Cochran Donation Land Claim No. 52, Township 16 South, Range 4 West, Willamette Meridian; thence South 2°54'33" West, along the West line of said Donation Land Claim No. 52, 937.86 feet; thence leaving said West line of Donation Land Claim No. 52 North 87°05'27" West 1182.06 feet; thence South

Exhibit "A"
Page 1 of 2

2°54'33" West 372.90 feet; thence South 87°05'27" East 949.19 feet to a point on the West right-of-way line of County Road No. 236 (Curtis Road); thence along said West right-of-way line South 4°58'09" West 14.08 feet; thence continuing along said West right-of-way line along the arc of a 578.43 foot radius curve right, the chord of which bears South 11°42'53" West 135.89 feet, 136.20 feet; thence continuing along said West right-of-way line South 18°27'37" West 246.65 feet; thence continuing along said West right-of-way line along the arc of a 733.34 foot radius curve left, the chord of which bears South 6°17'52" West 309.01 feet, 311.34 feet; thence continuing along said West right-of-way line South 5°51'54" East 168.02 feet; thence continuing along said West right-of-way line along the arc of a 587.96 foot radius curve left, the chord of which bears South 11°51'54" East 122.92 feet, 123.14 feet; thence continuing along said West right-of-way line South 17°51'54" East 94.86 feet; thence continuing along said West right-of-way line along the arc of a 271.99 foot radius curve right, the chord of which bears South 14°01'48" East 36.38 feet, 36.41 feet; thence leaving said West right-of-way line North 88°03'56" West, parallel with the South line of Government Lot 2, Township 16 South, Range 4 West, Willamette Meridian, 198.12 feet to a 1/2 inch iron rod; thence South 2°54'33" West, parallel with the East line of said Government Lot 2, 200.85 feet to a point on the South line of said Government Lot 2; thence North 88°03'56" West, along the South boundary of the North 1/2 of said Section 2, 2021.14 feet to the West 1/4 corner of said Section 2; thence North 1°50'48" East, along the West line of said Section 2, 2634.44 feet to the Northwest corner of said Section 2; thence South 87°30'37" East, along the North line of said Section 2, 2505.20 feet to the point of beginning, all in Linn County, Oregon.

PARCEL 3:

A parcel of land situated in the Northwest 1/4 of Section 2, Township 16 South, Range 4 West, Willamette Meridian and being a portion of that property described in the deed recorded in Volume 333, Page 453, Linn County, Oregon Deed Records, more particularly described as follows:

Beginning at a point on the West right-of-way line of County Road No. 236 (Curtis Road) which is South 2°54'33" West 937.86 feet along the West line of the Charles B. Cochran Donation Land Claim No. 52, Township 16 South, Range 4 West Willamette Meridian, and North 87°05'27" West 194.39 feet from the Northwest corner of said Donation Land Claim No. 52; thence leaving said West right-of-way line North 87°05'27" West 987.67 feet; thence South 2°54'33" West 372.90 feet; thence South 87°05'27" East 949.19 feet to a point on the West right-of-way line of the aforementioned County Road No. 236; thence along said West right-of-way line North 4°58'09" East 204.23 feet; thence continuing along said West right-of-way line along the arc of a 587.96 foot radius curve right, the chord of which bears North 13°21'45" East 171.65 feet, 172.26 feet to the point of beginning, all in Linn County, Oregon.

Exhibit "A"
Page 2 of 2

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.

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

Applicant

NAME DEMERGASSO FAMILY OREGON FARM TRUST		PHONE (HM)	
PHONE (WK)	CELL (206) 384-8683	FAX	
ADDRESS 30946 WYATT DR.			
CITY HARRISBURG	STATE OR	ZIP 97446	E-MAIL* SDEMERGA@GMAIL.COM

A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:	Proposed Land Use:
15S	4W	22	SWNE SENE SWNW SENW NESW NWSW SESW NESE NWSE SWSE SESE	301		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
15S	4W	27	NENE NWNE	301		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Farming
15S	4W	27	NENW	301		<input checked="" 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:

Linn County

B. Description of Proposed Use

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

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

Source of water: Reservoir/Pond Groundwater Surface Water (name) BOR Stored Water (Willamette River)

Estimated quantity of water needed: 454.75 cubic feet per second gallons per minute acre-feet

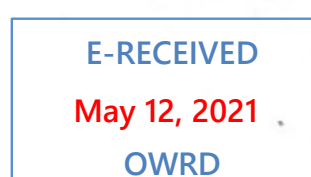
Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other _____

Briefly describe:

It is proposed to divert BOR stored water from the POD on Curtis Slough and irrigate crops in tax lot 301.



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): _____.

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 <i>Ashley Heyberger</i>	TITLE: <i>Assistant Planner</i>
SIGNATURE 	PHONE: <i>541-967-3816</i>
GOVERNMENT ENTITY <i>Linn County</i>	DATE: <i>5/12/21</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: _____



CONTRACT DATA SHEET



U.S. Bureau of Reclamation
Attn: PN-3324
1150 North Curtis Road
Boise, ID 83706-1234
208-378-5344

RECLAMATION *Managing Water in the West*

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): Demergasso Family Oregon Farm Trust
- 2) Address: 30400 Tosta Rd., Harrisburg, OR 97446
- 3) Mailing Address (if different): 30946 Wyatt Dr., Harrisburg, OR 97446
- 4) Taxpayer Identification Number(s): 616-05-9128
(Social Security Number or Employer Identification Number)¹
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

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

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

2. Source of Water (name of stream, river): Curtis Slough (side channel of Willamette River)

3. Proposed point of diversion: 810' feet South and 2850' feet West
of NE corner of Section 27, Township 15S, Range 4W,
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Application submitted to OWRD. Number not yet assigned.

5. Include a map of lands and diversion points. [Same as required by Oregon Water Resources Department (OWRD) for application for surface/ground water permit].

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

7. Total quantity of water from storage requested: 454.75 acre-feet.

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

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
SEE ATTACHED MAP AND TABLE					

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

10. Is the land identified above currently being irrigated? Partially If yes, what is the source? (*natural flows, wells, etc.*) a well

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: _____
The POD will be screened per ODFW specs.

12. Telephone number where you can be reached during the day: (206) 384-8683 Stephen Demergasso, landowner
(503) 510-3026 Will McGill, CWRE

Before returning the completed Contract Data Sheet to the address provided on page 1, please check that you have done the following:

- ANSWERED ALL QUESTIONS COMPLETELY
- ATTACHED AND IDENTIFIED ADDITIONAL SHEET(S) AS NECESSARY
- ATTACHED THE REQUIRED MAP
- SUBMIT PAYMENT FOR THE APPROPRIATE CONTRACT ADMINISTRATION FEE ², MAKE CHECK PAYABLE TO THE U.S. BUREAU OF RECLAMATION

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

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

Demergasso Family Oregon Farm Trust – BOR Contract Data Sheet Table (item 8)

Township	Range	Section	QQ	Acres	Crop
15S	4W	22	SWNE	3.6	Hazelnuts
15S	4W	22	SENE	0.6	Hazelnuts
15S	4W	22	SWNW	0.3	Hazelnuts
15S	4W	22	SENW	3.4	Hazelnuts
15S	4W	22	NWSW	19.8	Hazelnuts
15S	4W	22	NESW	0.9	Hazelnuts
15S	4W	22	SESW	20.2	Hazelnuts
15S	4W	22	NESE	22.5	Hazelnuts
15S	4W	22	NWSE	27.3	Hazelnuts
15S	4W	22	SWSE	11.7	Hazelnuts
15S	4W	22	SESE	38.8	Hazelnuts
15S	4W	27	NENE	25.6	Hazelnuts
15S	4W	27	NWNE	2.5	Hazelnuts
15S	4W	27	NENW	4.7	Hazelnuts

**AFFIDAVIT FOR THE VOLUNTARY DIMINUTION OF AN
ENTIRE WATER RIGHT CERTIFICATE**

State of ~~Oregon~~ Washington)
County of ~~Linn~~ King) ss

I/We (or authorized agent), Demergasso Family Oregon Farm Trust,
residing at 30946 Wyatt Dr., Harrisburg, OR 97446,
telephone number (206) 384-8683, being first duly sworn depose and say:

1. I/We are the legal owner(s) of the property described as tax lot number 301, within Section 22/27, Township 15S, Range 4W, of the Willamette Meridian, in Linn County, Oregon, as shown on the attached map and described in the attached deed and legal description and made part of this affidavit;
2. Water right certificate number 52658 issued in the name of Eugene Chemical & Rendering Works, with a date of priority of 5/20/1977 for use of 0.31 cubic foot per second of water from a well (source) for the purpose of irrigation (use) is appurtenant to my/our property;
3. I/We have obtained a more efficient (e.g., better, more economical) source of water for the primary irrigation of these lands, and request the entire water right described be diminished from a right for primary irrigation to a right for supplemental irrigation of the same lands;
4. The appurtenant water right is/is not located within the boundaries of an irrigation, drainage, water improvement, or water control district, or federal reclamation project (if the right is located within a district or reclamation project, name it here: N/A); and
5. I/We agree that if this change is approved, it is permanent and the right to the use of water from a well (source) cannot be changed back to the primary source unless otherwise provided by law. I/We also agree that so long as there is sufficient water available from the new primary source, I am/we are not entitled to use any water from a well (source) for primary irrigation of these lands.

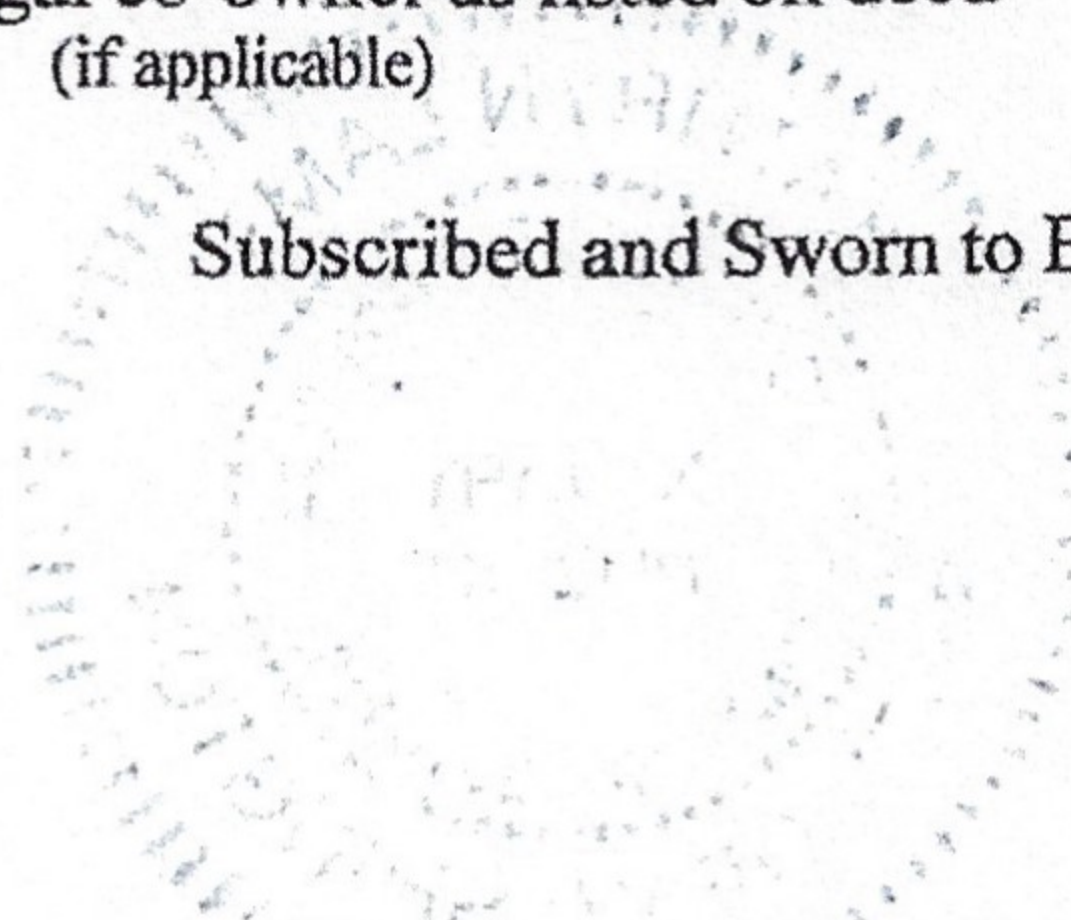
[Signature]
Signature of legal owner as listed on deed, or authorized agent

5/10/21
Date

[Signature]
Signature of legal co-owner as listed on deed
(if applicable)

5/10/21
Date

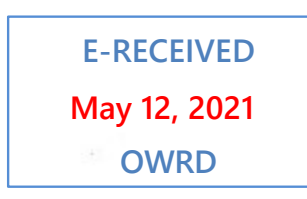
Subscribed and Sworn to Before Me this 10th day of May, 2021.

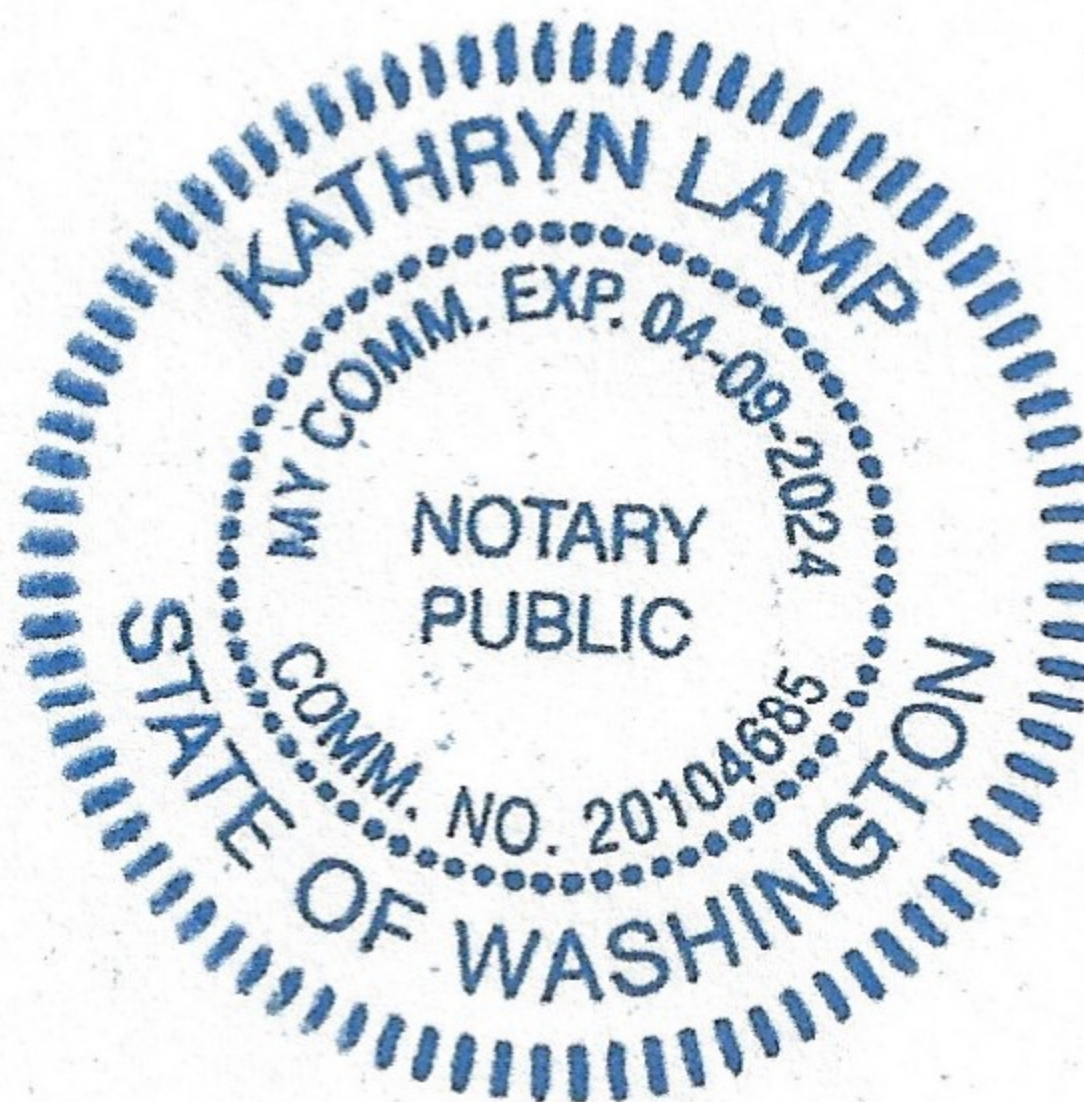


[Signature]
Notary Public for Oregon - Washington

My Commission Expires 04-09-2024

PLEASE ATTACH A LEGIBLE COPY OF : 1) A DEED WHICH LISTS LAND OWNERS AND INCLUDES A LEGAL DESCRIPTION OF AFFECTED LANDS, AND 2) AN ADJUDICATION MAP, WATER RIGHT FINAL PROOF MAP, OR A TAX LOT MAP WITH THE WATER RIGHT CLEARLY DRAWN AND IDENTIFIED. IF ACTING AS AN AUTHORIZED AGENT, INCLUDE COPY OF POWER OF ATTORNEY OR OTHER DOCUMENTS GRANTING AUTHORITY TO ACT ON BEHALF OF LEGAL OWNER(S).





The owner, Demergasso Family Oregon Farm Trust, requests that the affidavit for the voluntary diminution of an entire water right certificate for certificate 52658 only be processed contingent upon the approval of the simultaneously submitted surface water application. If the application is approved, Bureau of Reclamation stored water will be diverted from Curtis Slough as the new primary source of irrigation for this place of use.

William E. McGill

William E. McGill, CWRE

After Recording Return To:
Leahy Cox, LLP
188 West B Street, Bldg N
Springfield, OR 97477

Until Requested otherwise,
send all tax statements to:
Stephen John Yates-Demergasso
30946 Wyatt Drive
Harrisburg, OR 97446

LINN COUNTY, OREGON 2020-05507
D-BS
Cnt=1 Str=44 COUNTER 03/19/2020 02:15:28 PM
\$20.00 \$11.00 \$60.00 \$19.00 \$10.00 \$120.00



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



BARGAIN AND SALE DEED

Bonnie Eva Demergasso, Grantor, conveys to Stephen John Yates-Demergasso and Oanh Le Dao, Trustess of The Demergasso Family Oregon Farm Trust u/a/d January 8, 2020, Grantee, the real property situated in Linn County, Oregon and more particularly described in the attached Exhibit A.

The true consideration of this conveyance is other than monetary.

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.

DATED this 7 day of March, 2020.

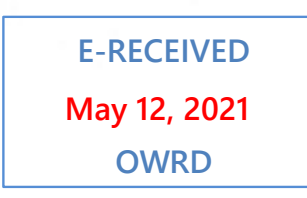
Bonnie Eva Demergasso
Bonnie Eva Demergasso

STATE OF CALIFORNIA, County of _____) ss.

This instrument was acknowledged before me on _____, 2020, by Bonnie Eva Demergasso.

See Attached California
All-Purpose
Acknowledgment

Notary Public for California



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

CIVIL CODE § 1189



A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of SAN FRANCISCO)

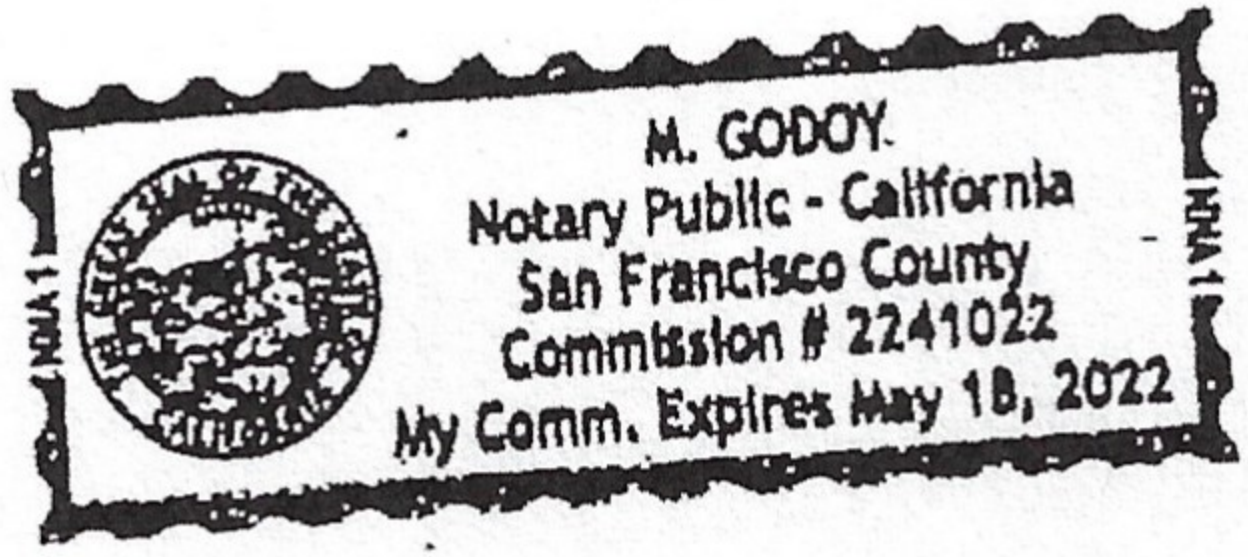
On March 7, 2020 before me, Melanie Godoy, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared DONNIE EVA DEMERGAÑO
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.
Signature [Handwritten Signature]
Signature of Notary Public



Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document:
Document Date: Number of Pages:
Signer(s) Other Than Named Above:

Capacity(ies) Claimed by Signer(s)

Signer's Name:
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

Signer's Name:
[] Corporate Officer - Title(s):
[] Partner - [] Limited [] General
[] Individual [] Attorney in Fact
[] Trustee [] Guardian or Conservator
[] Other:
Signer Is Representing:

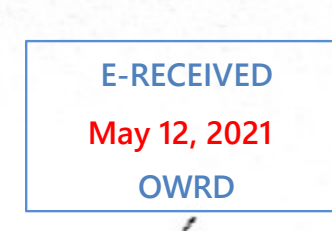


EXHIBIT "A"

PARCEL 1:

MAP NO. 15S04W220000301

Mailing Address: 30400 Tosta Drive, Harrisburg, Oregon

The following described real property situated in the County of Linn, State of Oregon, to-wit:

Part of Section 27 and part of the D.L.C. of Jason S. Clark, Claim No. 45 In Township 15 South, of Range 4 West of the Willamette Meridian, Oregon, more particularly described as follows: Beginning at a point on the West line of said Clark Claim No. 45, which is 4.30 chains North of the South line of the Northwest quarter of Section 22; thence South 41.75 chains to the center of a slough; thence Easterly up the center of said slough to the East line of Section 27, at a point 18.0 chains South of the Northeast corner of said Section 27; thence North to the Southwesterly boundary line of Market Road No. 2, as described in Deed recorded October 15, 1938 in Book 148, page 477, Deed Records; thence North $37^{\circ} 01'$ West along the Southwesterly boundary line of said Market Road No. 2 to the North boundary line of that tract conveyed to A. C. Hubbard and Ida Mae Hubbard, his wife, by deed recorded June 25, 1942 in Book 158, page 434, Deed Records; thence West to the place of beginning. EXCEPT a roadway along the East side of said described property, recorded in Book 116, page 253, Deed Records.

AND

MAP NOS. 16S04W020000500 and 16S04W020000400

Mailing Addresses: 20996 & 20950 Curtis Road, Harrisburg, Oregon

PARCEL 2:

A parcel of land situated in the Northwest 1/4 of Section 2, Township 16 South, Range 4 West, Willamette Meridian and being a portion of the property described in the deed recorded in Volume 562, Page 231, Linn County Microfilm Records, more particularly described as follows:

Beginning at the Northwest corner of the Charles B. Cochran Donation Land Claim No. 52, Township 16 South, Range 4 West, Willamette Meridian; thence South $2^{\circ} 54' 33''$ West, along the West line of said Donation Land Claim No. 52, 937.86 feet; thence leaving said West line of Donation Land Claim No. 52 North $87^{\circ} 05' 27''$ West 1182.06 feet; thence South

Exhibit "A"
Page 1 of 2

2°54'33" West 372.90 feet; thence South 87°05'27" East 949.19 feet to a point on the West right-of-way line of County Road No. 236 (Curtis Road); thence along said West right-of-way line South 4°58'09" West 14.08 feet; thence continuing along said West right-of-way line along the arc of a 578.43 foot radius curve right, the chord of which bears South 11°42'53" West 135.89 feet, 136.20 feet; thence continuing along said West right-of-way line South 18°27'37" West 246.65 feet; thence continuing along said West right-of-way line along the arc of a 733.34 foot radius curve left, the chord of which bears South 6°17'52" West 309.01 feet, 311.34 feet; thence continuing along said West right-of-way line South 5°51'54" East 168.02 feet; thence continuing along said West right-of-way line along the arc of a 587.96 foot radius curve left, the chord of which bears South 11°51'54" East 122.92 feet, 123.14 feet; thence continuing along said West right-of-way line South 17°51'54" East 94.86 feet; thence continuing along said West right-of-way line along the arc of a 271.99 foot radius curve right, the chord of which bears South 14°01'48" East 36.38 feet, 36.41 feet; thence leaving said West right-of-way line North 88°03'56" West, parallel with the South line of Government Lot 2, Township 16 South, Range 4 West, Willamette Meridian, 198.12 feet to a 1/2 Inch iron rod; thence South 2°54'33" West, parallel with the East line of said Government Lot 2, 200.85 feet to a point on the South line of said Government Lot 2; thence North 88°03'56" West, along the South boundary of the North 1/2 of said Section 2, 2021.14 feet to the West 1/4 corner of said Section 2; thence North 1°50'48" East, along the West line of said Section 2, 2634.44 feet to the Northwest corner of said Section 2; thence South 87°30'37" East, along the North line of said Section 2, 2505.20 feet to the point of beginning, all in Linn County, Oregon.

PARCEL 3:

A parcel of land situated in the Northwest 1/4 of Section 2, Township 16 South, Range 4 West, Willamette Meridian and being a portion of that property described in the deed recorded in Volume 333, Page 453, Linn County, Oregon Deed Records, more particularly described as follows:

Beginning at a point on the West right-of-way line of County Road No. 236 (Curtis Road) which is South 2°54'33" West 937.86 feet along the West line of the Charles B. Cochran Donation Land Claim No. 52, Township 16 South, Range 4 West Willamette Meridian, and North 87°05'27" West 194.39 feet from the Northwest corner of said Donation Land Claim No. 52; thence leaving said West right-of-way line North 87°05'27" West 987.67 feet; thence South 2°54'33" West 372.90 feet; thence South 87°05'27" East 949.19 feet to a point on the West right-of-way line of the aforementioned County Road No. 236; thence along said West right-of-way line North 4°58'09" East 204.23 feet; thence continuing along said West right-of-way line along the arc of a 587.96 foot radius curve right, the chord of which bears North 13°21'45" East 171.65 feet, 172.26 feet to the point of beginning, all in Linn County, Oregon.

Exhibit "A"
Page 2 of 2