

Application for a Permit to Use
Surface Water

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 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 ARTHUR & MARY B. SPADA – CANBY FARM, LLC		BARBARA EASLEY, MANAGER		PHONE (HM) 503.780.8683
PHONE (WK)	CELL		FAX	
ADDRESS PO Box 871958				
CITY VANCOUVER	STATE WASHINGTON	ZIP 98687	E-MAIL * barbdj@aol.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 JEANNE BOATWRIGHT		PHONE 503.363.9225	FAX
ADDRESS BOATWRIGHT ENGINEERING, INC. 2613 12TH STREET SE			CELL
CITY SALEM	STATE OREGON	ZIP 97302	E-MAIL * jeanne@boatwrightenger.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



Barbara Easley
 Applicant Signature

Barbara Easley, manager
Arthur & Mary B. Spada-Canby Farm, LLC

02-15-2022
 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).*

NONE

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: Reservoir 2, Certificate 95313	Tributary to: Gribble Creek, trib. of Molalla River
TRSQQ of POD: 4S 1E WM, 21 NE-SW	

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).

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B. Applications to Use Stored Water

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

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

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

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

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

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

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

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

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

If you need help to determine in which area the proposed POD is located, please call the customer service desk at (503) 986-0900.

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

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

Yes No

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

If yes,

- I understand that the proposed use does not involve appropriation of direct streamflow during the time period April 15 to September 30, except as provided in OAR 690-033-0140.
- I understand that I will install, operate and maintain a fish screen and fish passage as listed in ORS 498.301 through 498.346, and 509.580 through 509.910, to the specifications and extent required by Oregon Department of Fish and Wildlife, prior to diversion of water under any permit issued pursuant to this application.
- I understand that the Oregon Department of Environmental Quality will review my application to determine if the proposed use complies with existing state and federal water quality standards.
- I understand that I will install and maintain water use measurement and recording devices as required by the Water Resources Department, and comply with recording and reporting permit condition requirements.

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:

The source water is water stored under an existing WRD permit and certificate. No live flow is being requested.

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Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

For Department Use: App. Number: _____

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
Reservoir 2	IR	Mar 1- Oct 31	26.65 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

N m

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.

Primary: **23.91** Acres Supplemental: **312.2** Acres Nursery Use: _____ Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): **32159, 35294, 36040, 45363, 50261, 55511, 61705, & GR-2074,**

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **26.65**

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

SECTION 6: WATER MANAGEMENT

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A. Diversion and Conveyance

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

- Pump (give horsepower and type): **60 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.

48" dia. wet well with suction line. 8" steel main to PVC mains (8", 6" & 4")

B. Application Method

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

3" & 4.5" hand lines, impact sprinklers, big gun

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 volume requested matches the volume stored under the reservoir permit. The water will be the primary source for 23.91 acres. Since the volume available (26.65 acre-feet) is short of the allowed duty for those acres (59.78 acre-feet), the water requested is appropriate and will be carefully and efficiently used. If all of the stored water is not needed for a particular crop rotation on the primary lands, the water may be applied to those acres shown for supplemental use. Waste will be prevented

- through best-management practices, such as, controlled application based on crop growth, moisture uptake, and weather conditions. The ground is very flat, averaging about 0.5%, and primarily drains, gradually, towards Gribble Creek and through the wooded and grassy riparian areas which protect the water quality of the creek. Diverted water will be measured with a totalizing flow meter. The reservoir is also used as a bulge in the system for the groundwater-sourced irrigation rights on the property that utilize three wells. This use as a bulge keeps the water level higher and helps to mitigate summertime temperatures in the stream.

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: **Intake system will be screened as required.**
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: **The intake structure was constructed under an earlier permit. The riparian area has already been restored and no additional work is needed.**
- 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: **No equipment will be operated within the water body.**
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions: **Best-management practices will be observed when applying either water or chemical products. The flat slope of the land and the intervening riparian vegetation strip will also aid in protecting the stream and reservoir.**
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.
None

SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: **Irrigation system was begun prior to 2012**
- b) Date construction will be completed: **Irrigation system is currently complete**
- c) Date beneficial water use will begin: **Irrigation season following permit date**

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SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

This application is being filed to:

- 1) **Replace an earlier permit, S-54435, which will be cancelled.**
- 2) **Change the use to Irrigation, where the earlier permit was for Nursery Use.**
- 3) **Include additional adjacent property that has been purchased since the earlier permit was issued, some of which does not have any water right coverage.**
- 4) **This permit proposes to provide both primary and supplemental water to areas of the farm, as appropriate.**

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Land Use Information Form

Applicant

Form with fields for NAME, PHONE (HM), PHONE (WK), CELL, ADDRESS, CITY, STATE, ZIP, and E-MAIL.

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed.

Table with columns: Township, Range, Section, 1/4 1/4, Tax Lot #, Plan Designation, Water to be: (Diverted, Conveyed, Used), Proposed Land Use.

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

Clackamas County

B. Description of Proposed Use

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

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

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

Estimated quantity of water needed: 26.65 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:

Water source is an existing reservoir with an OWRD certificate to store 26.65 ac-ft. Water will be used on surrounding farm land.



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): U Section 461, EFO.

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.

EFO, use allowed outright

NAME <u>Clayton Glasgow</u>		TITLE: <u>Planner</u>	
SIGNATURE <u>[Signature]</u>	PHONE: <u>503 742 4570</u>	DATE: <u>2/10/22</u>	
GOVERNMENT ENTITY <u>Clackamas County</u>			

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



Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

Sp

Clackamas County Official Records 2004-117767
 Sherry Hall, County Clerk

00775964200401177670050050 \$46.00

12/27/2004 03:09:45 PM

D-D Cnt=1 Stn=2 BEV L.
 \$25.00 \$11.00 \$10.00

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After Recording Return To:
 The Mary B. Spada Living Trust dated December 18, 1998
 13635 NE Clackamas Street
 Portland OR 97230

Send Tax Statements To:
 The Mary B. Spada Living Trust dated December 18, 1998
 13635 NE Clackamas Street
 Portland OR 97230

Title Order No. 831535
 Escrow No. 18-36313
 Tax Account No.

PERSONAL REPRESENTATIVE'S DEED

Ray C.
 Ray R. Lais, Personal Representative for the Estate of Daniel Franklin Lais, Deceased, Grantor, conveys to Mary B. Spada and Arthur Spada, Co-Trustees of the Mary B. Spada Living Trust dated December 18, 1998, Grantee, the following described real property:

See Exhibit 'A' attached hereto and by reference made a part hereof.

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN ORS 30.930.

The true consideration for this conveyance is \$1,600,000.00.

Dated this 23 day of December, 2004

THE ESTATE OF DANIEL FRANKLIN LAIS, DECEASED

Ray R. Lais
 By: Ray R. Lais, Personal Representative

RL
 State of OR, County of Marion)ss.

This instrument was acknowledged before me on December 23, 2004 by Ray R. Lais, as Personal Representative, of The Estate of Daniel Franklin Lais, Deceased.

Michelle Cady
 Notary Public

My commission expires: 12/3/05



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EXHIBIT A

PARCEL 1: A tract of land situated in the A.E. Gribble Donation Land Claim No. 41, in Sections 21 and 22, Township 4 South, Range 1 East, of the Willamette Meridian, County of Clackamas, State of Oregon, more particularly described as follows:

Beginning on the North boundary of said claim North 86° 30' East 14 chains from the Northwest corner of said claim and the Northeast corner of a tract of land conveyed to Sarah Jesse by deed recorded in Book "V", Page 209, Deed Records; thence South 0° 15' East tracing the East line of said Jesse Tract, 13 chains to a re-entrant corner of said Jesse tract; thence North 86° 30' East tracing the North boundary of said Jesse Tract 5.50 chains to an angular corner of said Jesse tract; thence South 0° 15' East 29.08 chains to the North line of a tract of land conveyed to John W. Goetz by deed recorded in Book 35, Page 133, Deed Records; thence East on the North line of said Goetz tract 10.12 chains; thence North 0° 15' West 42.65 chains to the North line of said Gribble Claim; thence South 86° 30' West 15.64 chains to the point of beginning.

PARCEL 2: A tract of land situated in the A.E. Gribble Donation Land Claim No. 41 in Sections 21 and 22, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning on the North line of said claim North 36° 30' East 29.64 chains from the Northwest corner of said claim; thence South 0° 15' West 42.65 chains to the North line of a tract of land conveyed to John W. Goetz by deed recorded in Book 35, Page 133, Deed Records; thence East tracing the North line of said Goetz Tract and the North line of a tract of land conveyed to Fook Loy Company by deed recorded in Book 155, Page 444, Deed Records, 23.70 chains to the line dividing said Gribble claim into East and West halves; thence North tracing the division line of said claim, 43.66 chains to the North line of said claim; thence South 86° 30' West tracing the North line of said claim to the point of beginning.

PARCEL 3: A tract of land situated in the James Shirley Donation Land Claim No. 45 in Section 28, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of said Donation Land Claim; thence West 15.96 chains; thence South 20.00 chains; thence East 15.96 chains to the Northwest corner of the Isaac Whealdon Donation Land Claim No. 43; thence North 20.00 chains to the point of beginning.

EXCEPT THEREFROM the South 30 rods described in deed to Joseph Barry recorded June 10, 1974, Fee No. 74 15492.

ALSO EXCEPT THEREFROM the following described tract:

Beginning at the most Westerly Northwest corner of said Joseph Barry tract described in deed recorded June 10, 1974, Fee No. 74 15492; thence East along the Northerly line of said Barry tract, a distance of 270 feet; thence North parallel with the West line of said Shirley Donation Land Claim, a distance of 323 feet; thence West parallel with the North line of the aforementioned Barry tract, 270 feet to the West line of said Shirley Donation Land Claim; thence South along said West line 323 feet to the point of beginning.

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PARCEL 4: A tract of land situated in the Andrew E. Gribble Donation Land Claim No. 41 in Section 28, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of the James Shirley Donation Land Claim No. 45, in said Section 28; thence East along the Easterly extension of the North line of said Shirley Donation Land Claim to the most Northerly Northwest corner of a tract of land described in deed to George W. Yoder, et al recorded March 13, 1960 in Book 568, Page 735; thence South along the West line of said Yoder tract to an angle corner therein; thence West along the North line of said Yoder tract to the East line of said Shirley Donation Land Claim; thence North along the East line of said Shirley Donation Land Claim to the point of beginning.

PARCEL 5: A tract of land situated in the James Shirley Donation Land Claim No. 45 and in the Andrew E. Gribble Donation Land Claim No. 41, in Section 28, Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the re-entrant corner on the North line of the James Shirley and wife Donation Land Claim No. 45 said point being also the Southeast corner of the Albert H. Fish Donation Land Claim No. 40, in said Section 28; thence North 0° 15' West 30 rods; thence East to a point of intersection with the Southerly extension of the East line of that tract of land described in deed to Noah J. Roth and Lola A. Roth, recorded March 12, 1945 in Book 340, Page 405; thence North along said Southerly extension to the North line of that tract of land described in deed to Noah J. Roth and Lola A. Roth recorded September 4, 1943 in Book 312, Page 715; thence East along said North line to the Northeast corner of said Roth tract; thence South 80 rods to the common boundary line between the A.E. Gribble and Isaac Whealdon Donation Land Claim's; thence West along said common line 96 rods to the Northwest corner of the Whealdon Donation Land Claim; thence West 15.96 chains to the true point of beginning.

PARCEL 6: A tract of land situated in the James Shirley Donation Land Claim No. 45 in Section 28, Township 4 South, Range 1 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, more particularly described as follows:

Beginning at the Southeast corner of the A.H. Fish Donation Land Claim in said Section 28; thence South 89° 50' 50" West 180.18 feet and South 0° 09' 10" East 20.00 feet to the initial point of Valley Estates, a recorded plat; thence following the East line of said plat and the Northerly extension thereof South 0° 17' 30" West 1381.91 feet to a point on the North line of S. Heinz Road (County Road No. 286); thence North 85° 26' 05" East along the North line of said road 899.51 feet to an iron pipe at the Southwest corner of that tract described in Contract to Robert L. Lay, et ux, recorded December 9, 1971, Fee No. 71 34729; thence North 00° 17' 30" East along the West line of said Lay tract 1334.27 feet to an iron pipe at the Northwest corner thereof; thence South 89° 43' 20" West along the South line of the tract described in Contract to Joseph Barry recorded March 19, 1973, Fee No. 73 7853, 716.19 feet to the point of beginning

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EXHIBIT A

Subject to:

1. As disclosed by the tax rolls, the premises herein described have been zoned or classified for farmland. At any time that said land is disqualified for such use, the property will be subject to additional taxes or penalties and interest.
2. Any adverse claim based upon the assertion that:
 - A) Some portion of said land has been brought within the boundaries thereof by an avulsive movement of the Gribble Creek or has been formed by accretion to any such portion.
 - B) Some portion of said property has been created by deposit of artificial fill.
And Excepting;
 - C) The rights of the public and governmental bodies for fishing, navigation and commerce in and to any portion of the premises herein described, lying below the high water line of the Gribble Creek.
 - D) The right, title and interest of the State of Oregon in and to any portion lying below the high water line of Gribble Creek.

Affects: Parcels 1 and 2
3. Rights of the public in and to that portion lying within streets, roads and highways.
4. Easement, including the terms and provisions thereof,

From: Maxwell W. Mitchell and Mary S. Mitchell, husband and wife
To: Portland General Electric Company, an Oregon corporation
Recorded Date: June 17, 1958
Recording Number: Book 541 Page 465
For: Electric power transmission line
Affects: Parcels 1 and 2
5. Easement, including the terms and provisions thereof,

From: Noah J. Roth and Lela A. Roth, husband and wife
To: Portland General Electric Company, an Oregon corporation
Recorded Date: June 18, 1958
Recording Number: 8928 Book 541 Page 564
For: Electric power transmission line
Affects: Parcel 5
6. Easement, including the terms and provisions thereof,

To: U S. West Communications, Inc., a Colorado corporation
Recorded Date: October 28, 1993
Recording Number: 93079922
Affects: Parcel 6

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7. Easement, including the terms and provisions thereof,
From: Ray Lais, Personal Representative of the Estate of Daniel Frank Lais,
deceased
To: Northwest Natural Gas Company, an Oregon corporation
Recorded Date: January 17, 2003
Recording Number: 2003-006840, amended August 29, 2003, Fee No. 2003-116445
For: Gas pipeline
Affects: Parcel 5
8. Rights of utilities to service existing lines.

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Clackamas County Official Records **2014-040304**
Sherry Hall, County Clerk 08/12/2014 09:22:01 AM
D-D Cnt=1 Str=4 JANIS
\$30.00 \$16.00 \$10.00 \$20.00 \$22.00 \$98.00

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RECORDING REQUESTED BY:
Fidelity National Title Company of Oregon

GRANTOR:
Paula M. Lee, as Trustee of the Disclaimer Trust under The Gilbert S. Lee and Paula M. Lee Revocable Trust, dated June 22, 1979 as to an undivided one-half interest and Hugh B. Lee and Charlotte B. Lee, as trustees of the HUGH LEE REVOCABLE TRUST, dated 2/09/1995, which took title as Hugh O. Lee and Charlotte B Lee, as trustees of the HUGH LEE REVOCABLE TRUST, as to an undivided one-half interest
7401 Willow Rd
Frederick, MD 21702

GRANTEE:
Arthur & Mary B. Spada Farms, LLC, an Oregon limited liability company
13635 NE Clackamas St
Portland, OR 97230

SEND TAX STATEMENTS TO:
Arthur & Mary B. Spada Farms, LLC, an Oregon limited liability company
13635 NE Clackamas St
Portland, OR 97230

AFTER RECORDING RETURN TO:
Arthur & Mary B. Spada Farms, LLC, an Oregon limited liability company
13635 NE Clackamas St
Portland, OR 97230

Escrow No: 20140097150-FTPOR01
01013245
41E2102000
Canby, OR

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Paula M. Lee, as Trustee of the Disclaimer Trust under The Gilbert S. Lee and Paula M. Lee Revocable Trust, dated June 22, 1979 as to an undivided one-half interest and Hugh B. Lee and Charlotte B. Lee, as trustees of the HUGH LEE REVOCABLE TRUST, dated 2/09/1995, which took title as Hugh O. Lee and Charlotte B Lee, as trustees of the HUGH LEE REVOCABLE TRUST, as to an undivided one-half interest, Grantor, conveys and warrants to Arthur & Mary B. Spada Farms, LLC as Successor Trustee

Arthur & Mary B. Spada Farms, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Clackamas, State of Oregon:

PARCEL I:

A parcel of land in the Southeast one-quarter of Section 21 and the Northeast one-quarter of Section 28, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and being a part of the A.E. Gribble Donation Land Claim No. 41 in said Township 4 South, Range 1 East, described as follows:

Beginning on the North boundary of the Donation Claim of A.E. Gribble No. 41, in Township 4 South, Range 1 East of the Willamette Meridian, at the North end of the division line between the East and West halves of said claim; thence South 63.66 chains (4201.56 feet) to the South boundary of said claim; thence East 13.54 chains (893.64 feet); thence North 63.70 chains (4204.20 feet) to the North boundary; thence South 86° 30' West 13.54 chains (893.64 feet) to the place of beginning.

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Fidelity National Title of Oregon 20140097150-01 C

ALSO:

Beginning 24 chains (1584.00 feet) East of the Southwest corner of said A.E. Gribble Donation Land Claim No. 41; thence East on said claim line 13.36 chains (881.76 feet) to the division line between the East and West halves of said claim; thence North on said line 20 chains (1320.00 feet); thence West 13.36 chains (881.76 feet) to the corner of a tract of land owned by John Stahl and F. Bachert; thence South to the place of beginning.

PARCEL II:

A parcel of land situated in the Southeast one-quarter of Section 21, and the Northeast one-quarter of Section 28, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon and being a part of the A.E. Gribble Donation Land Claim No. 41 in said Township 4 South, Range 1 East, said parcel of land being more particularly described as follows:

Beginning at a stone marked with an "X" at the Northeast corner of said A.E. Gribble Donation Land Claim; thence South 87° 36' 06" West along the Northerly line of said Gribble Donation Land Claim a distance of 292.92 feet to a stone marked with an "X" at the Southeast corner of John Gribble Donation Land Claim No. 38; thence South 86° 47' 30" West along the North line of said A.E. Gribble Donation Land Claim a distance of 1920.72 feet; thence South 00° 09' 05" East a distance of 20.03 feet to a point on the South boundary of S. Gribble Road, said point being the Northwest corner of that parcel of land conveyed to E.D. Gribble and recorded August 14, 1957 in Book 529, Page 293, Record of Deeds, Clackamas County, Oregon; thence continuing South 00° 09' 05" East along the Westerly line of said E.D. Gribble Donation Land Claim a distance of 1779.17 feet to the true point of beginning of the parcel of land herein described; thence continuing South 00° 09' 05" East along said Westerly line a distance of 2487.20 feet to a point on the Southerly line of said A.E. Gribble Donation Land Claim; thence South 89° 54' 18" West along said Southerly line a distance of 27.40 feet; thence North 00° 09' 46" East a distance of 2486.86 feet; thence North 88° 24' 00" East a distance of 13.77 feet to the true point of beginning.

PARCEL III:

A parcel of land situated in the Southeast one-quarter of Section 21 and the Northeast one-quarter of Section 28, Township 4 South, Range 1 East of the Willamette Meridian, in the County of Clackamas and State of Oregon, and being a part of the A.E. Gribble Donation Land Claim No. 41 in said Township 4 South, Range 1 East, said parcel of land being more particularly described as follows:

Beginning at a stone marked with an "X" at the Northeast corner of said A.E. Gribble Donation Land Claim; thence South 87° 36' 06" West along the Northerly line of said Gribble Donation Land Claim a distance of 292.92 feet to a stone marked with an "X" at the Southeast corner of John Gribble Donation Land Claim No. 38; thence South 86° 47' 30" West along the North line of said A.E. Gribble Donation Land Claim a distance of 1920.72 feet; thence South 00° 09' 05" East a distance of 20.03 feet to a point on the South boundary of S. Gribble Road, said point being the Northwest corner of that parcel of land conveyed to E.D. Gribble and recorded August 14, 1957 in Book 529, Page 293, Record of Deeds, Clackamas County, Oregon and the true point of beginning of the parcel of land herein described; thence continuing South 00° 09' 05" East along the Westerly line of said E.D. Gribble property a distance of 1779.17 feet; thence South 88° 24' 00" West a distance of 13.77 feet; thence North 00° 09' 46" East a distance of 1779.33 feet to a point on the South boundary of said S. Gribble Road; thence North 87° 47' 30" East along said South boundary a distance of 4.01 feet to the true point of beginning.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,250,000.00. (See ORS 93.030)

Subject to and excepting: SEE ATTACHED EXHIBIT

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

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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: 2/07/14

Disclaimer Trust under The Gilbert S. Lee and Paula M. Lee Revocable Trust, dated June 22, 1979 as to an undivided one-half interest

BY: Paula M. Lee
Paula M. Lee, Trustee

The Hugh Lee Revocable Trust, dated 2/09/1995, as to an undivided one-half interest

BY: Charlotte B. Lee
Charlotte B. Lee, Co-Trustee

BY: Hugh B. Lee
Hugh B. Lee, as Co-Trustee

Signed in Counter-PART

State of _____
County of _____

This instrument was acknowledged before me on _____, 2014 by CHARLOTTE B. LEE as CO-TRUSTEE of THE HUGH LEE REVOCABLE TRUST dated 2/09/1995.

Notary Public - State of _____
My commission expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2014 by HUGH B. LEE as CO-TRUSTEE OF THE HUGH LEE REVOCABLE TRUST dated 2/09/1995

Notary Public - State of _____
My commission expires: _____

State of _____
County of _____

This instrument was acknowledged before me on _____, 2014 by PAULA M. LEE as TRUSTEE OF THE DISCLAIMER TRUST UNDER THE GILBERT S. LEE AND PAULA M. LEE REVOCABLE TRUST, dated June 22, 1979.

see attached ack.

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT
CIVIL CODE § 1189

State of California }
County of Sonoma }
On August 5th 2014 before me, DAN SERBIN, NOTARY PUBLIC
Date Name and Title of the Officer
personally appeared PAUL M. LEE
Name(s) of Signer(s)



Place Notary Seal Above

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: Dan Serbin
Signature of Notary Public

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 Statutory
Title or Type of Document: Warranty Deed Document Date: 8
Number of Pages: 3 Signer(s) Other Than Named Above: CHARLOTTE B. LEE & HUGH B. LEE

Capacity(ies) Claimed by Signer(s)
Signer's Name: PAUL M. LEE Signer's Name: _____
 Corporate Officer — Title(s): _____ Corporate Officer — Title(s): _____
 Partner — Limited General Partner — Limited General
 Individual Attorney in Fact Individual Attorney in Fact
 Trustee Guardian or Conservator Trustee Guardian or Conservator
 Other: _____ Other: _____

Signer Is Representing: _____ Signer Is Representing: _____

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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: 08/06/2014

Disclaimer Trust under The Gilbert S. Lee and Paula M. Lee Revocable Trust, dated June 22, 1979 as to an undivided one-half interest

BY: Signed in counter-part
Paula M. Lee, Trustee

The Hugh Lee Revocable Trust, dated 2/09/1995, as to an undivided one-half interest

BY: Charlotte B. Lee, Co-Trustee
Charlotte B. Lee, Co-Trustee

BY: Hugh B. Lee, Co-Trustee
Hugh B. Lee, as Co-Trustee
SUCCESSOR TRUSTEE

State of MARYLAND
County of Frederick

This instrument was acknowledged before me on 6th, August, 2014 by CHARLOTTE B. LEE as ~~CO~~-TRUSTEE of THE HUGH LEE REVOCABLE TRUST dated 2/09/1995.

Notary Public - State of MARYLAND
My commission expires: September 2014

JYOTI KAPOOR
Notary Public
Frederick County
Maryland
My Commission Expires Sep 1, 2014

State of MARYLAND
County of Frederick

This instrument was acknowledged before me on 6th, August, 2014 by HUGH B. LEE as SUCCESSOR CO-TRUSTEE OF THE HUGH LEE REVOCABLE TRUST dated 2/09/1995

Notary Public - State of MARYLAND
My commission expires: 6th, August 2014

JYOTI KAPOOR
Notary Public
Frederick County
Maryland
My Commission Expires Sep 1, 2014

State of _____
County of _____

This instrument was acknowledged before me on _____, 2014 by PAULA M. LEE as TRUSTEE OF THE DISCLAIMER TRUST UNDER THE GILBERT S. LEE AND PAULA M. LEE REVOCABLE TRUST, dated June 22, 1979.

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SOURCE WATER

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STATE OF OREGON
COUNTY OF CLACKAMAS
CERTIFICATE OF WATER RIGHT

THIS CERTIFICATE ISSUED TO

ARTHUR SPADA
PO BOX 157
SAINT PAUL OR 97137

confirms the right to store water perfected under the terms of Permit R-14542. The amount of water used to which this right is entitled is limited to the amount used beneficially, and shall not exceed the amount specified, or its equivalent in the case of rotation, measured at the point of diversion from the source. The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-86639

SOURCE OF WATER: GRIBBLE CREEK, A TRIBUTARY OF MOLALLA RIVER

STORAGE FACILITY: RESERVOIR 2

PURPOSE OR USE OF THE STORED WATER: MULTIPLE PURPOSE

MAXIMUM VOLUME: 26.65 ACRE-FEET EACH YEAR (ENLARGEMENT OF RESERVOIR CONSTRUCTED UNER PERMIT R-6617)

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH JUNE 30

DATE OF PRIORITY: JULY 20, 2006

The dam is located as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC	Measured Distances
4 S	1 E	WM	21	NE SW	41	704 FEET SOUTH AND 1298 FEET EAST FROM NW CORNER, ANDREW EAST GRIBBLE DLC 41

The area submerged by this reservoir is as follows:

Twp	Rng	Mer	Sec	Q-Q	DLC
4 S	1 E	WM	21	NE SW	41
4 S	1 E	WM	21	SE SW	41

NOTICE OF RIGHT TO PETITION FOR RECONSIDERATION OR JUDICIAL REVIEW

This is an order in other than a contested case. This order is subject to judicial review under ORS 183.484 and ORS 536.075. Any petition for judicial review must be filed within the 60-day time period specified by ORS 183.484(2). Pursuant to ORS 183.484, ORS 536.075 and OAR 137-004-0080, you may petition for judicial review and petition the Director for reconsideration of this order. A petition for reconsideration may be granted or denied by the Director, and if no action is taken within 60 days following the date the petition was filed, the petition shall be deemed denied. In addition, under ORS 537.260 any person with an application, permit or water right certificate subsequent in priority may jointly or severally contest the issuance of the certificate within three months after issuance of the certificate.

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Measurement, recording, and reporting conditions:

- A. The water user shall maintain a staff gage that measures the entire range and stage between full reservoir level and dead pool storage in the reservoir in good working order. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I. Additionally, if the reservoir is located in channel then weirs or other suitable measuring devices must be installed upstream and downstream of the reservoir, and, a gated valve outlet must be installed. The water user shall maintain such devices in good working order.
- B. The water user shall allow the watermaster access to the devices; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
- C. The Director may require the water user to keep and maintain a record of the amount (volume) of water used and may require the water user to report water use on a periodic schedule as established by the Director. In addition, the Director may require the water user to report general water use information, the periods of water use and the place and nature of use of water under this right. The Director may provide an opportunity for the water user to submit alternative reporting procedures for review and approval.

The storage of water allowed herein is subject to the installation and maintenance of an outlet pipe with control works, or the provision of other means to evacuate water when determined necessary by the Water Resources Director to satisfy prior downstream rights.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The water user shall maintain and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the diversion while by-pass devices provide adequate upstream and downstream passage for fish.

The water user shall not construct, operate or maintain any dam or artificial obstruction to fish passage in the channel of the subject stream without providing a fishway to ensure adequate upstream and downstream passage for fish, unless the water user has requested and been granted a fish passage waiver by the Oregon Fish and Wildlife Commission. The water user is hereby directed to contact an Oregon Department of Fish and Wildlife Fish Passage Coordinator, before beginning construction of any in-channel obstruction.

Use under this right is limited to the reservoir area. This right does not provide for the appropriation of water for maintaining the water level or maintaining a suitable fresh water condition.

The storage of water allowed herein is subject to the installation and maintenance of a fully functional conduit/gate assembly having a minimum diameter of 8 inches.

Failure to comply with any of the provisions of this right may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the right.

This right is for the beneficial use of water without waste. The water user is advised that new regulations may require the use of best practical technologies or conservation practices to achieve this end.

By law, the land use associated with this water use must be in compliance with statewide land-use goals and any local acknowledged land-use plan.

The use of water allowed herein may be made only at times when sufficient water is available to satisfy all prior rights, including prior rights for maintaining instream flows.

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The right to store water for the above purpose is restricted to beneficial use at the place of use described.

Issued NOV 06 2020



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





Boatwright Engineering, Inc.

2613 12th Street SE Salem, Oregon 97301

civil engineers • land surveyors • water rights
503.363.9225

Letter of Transmittal

Date
March 15, 2022

Job No
22/2

**TO: Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266**

Attention:
Re: New Water Right Permit

WE ARE SENDING YOU:	<input checked="" type="checkbox"/>	Attached	Under Separate cover via			the following items:
Shop drawings		Prints	Plans	Samples	Specifications	
Copy of letter		Change order	<input checked="" type="checkbox"/>	Application Packet		

COPIES	DATE	NO.	DESCRIPTION
1	2-15-2022	8	Application for a Permit to Use Surface Water
1	2-10-2022	3	Land Use Information
1	1-25-2022	1	Application Map
1	12-27-2004	5	Deed 2004-117767
1	8-12-2014	5	Deed 2014-040304
1	11-06-2020	3	Certificate 95313 – Source Water
1	2-15-2022	1	Check #3609, Acct: Arthur and Mary B. Spada Farms LLC, Barbara Easley TTE Amount: \$2,049.80 for filing and recording fees
1	3-15-2022	1	OWRD Fee Calculation Sheet

THESE ARE TRANSMITTED as checked below:

<input checked="" type="checkbox"/>	For approval of a Water Rt Permit	Approved as submitted	Resubmit	copies for approval
	For your use	Approved as noted	Submit	copies for distribution
	As requested	Returned for corrections	Return	corrected copies
	For review and comment			
	FOR BIDS DUE			

REMARKS:

COPY TO: **Barbara Easley**

SIGNED:

Jeanne Boatwright
Jeanne Boatwright

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