

Application for a Permit to Use Groundwater



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME			PHONE (HM)
PHONE (WK)	CELL		FAX
ADDRESS			
CITY	STATE	ZIP	E-MAIL*

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Organization

NAME			PHONE	FAX
WHITE SAGE LAND AND CATTLE COMPANY, LLC				
ADDRESS			CELL	
6228 S. SCHNEIDER RD			503-932-3087	
CITY	STATE	ZIP	E-MAIL*	
WOODBURN	OR	97071		

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

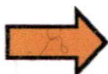
AGENT / BUSINESS NAME			PHONE	FAX
JOHN A. SHORT / WATER RIGHT SERVICES, LLC			541-389-2837	
ADDRESS			CELL	
PO BOX 1830				
CITY	STATE	ZIP	E-MAIL*	
BEND	OR	97709	JOHNSHORT@USA.COM	

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

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



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

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

Groundwater Application — Page 1

Rev. 07/21

SECTION 2: PROPERTY OWNERSHIP

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

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

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

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

SECTION 3: WELL DEVELOPMENT

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD
WELL #1	PUEBLO SLOUGH		
WELL #2	PUEBLO SLOUGH		
WELL #3	PUEBLO SLOUGH	4620'	8'

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

SECTION 3: WELL DEVELOPMENT, continued

Total maximum rate requested: 4.99 CFS (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below).

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

OWNER'S WELL NAME OR NO.	PROPOSED	EXISTING	WELL ID (WELL TAG) NO.* OR WELL LOG ID**	FLOWING ARTESIAN	CASING DIAMETER	CASING INTERVALS (IN FEET)	PERFORATED OR SCREENED INTERVALS (IN FEET)	SEAL INTERVALS (IN FEET)	MOST RECENT STATIC WATER LEVEL & DATE (IN FEET)	PROPOSED USE			
										SOURCE AQUIFER***	TOTAL WELL DEPTH	WELL- SPECIFIC RATE (GPM)	ANNUAL VOLUME (ACRE-FEET)
WELL #1	☒	☐		☐	30"/16"	0-39' / +2-100'	100-460'	0-39'	38'	SAND & GRAVEL	460'		1198.5
WELL #2	☒	☐		☐	"	"	"	"	"	"	"		"
WELL #3	☒	☐		☐	"	"	"	"	"	"	"		"
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									
	☐	☐		☐									

* Licensed drillers are required to attach a Department-supplied Well Tag, with a unique Well ID or Well Tag Number to all new or newly altered wells. Landowners can request a Well ID for existing wells that do not have one. The Well ID is intended to serve as a unique identification number for each well.

** A well log ID (e.g. MARI 1234) is assigned by the Department to each log in the agency's well log database. A separate well log is required for each subsequent alteration of the well.

*** Source aquifer examples: Troutdale Formation, gravel and sand, alluvium, basalt, bedrock, etc.

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For Department Use: App. Number: _____

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

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

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

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

https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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

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

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

☐ Yes ☒ No

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

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

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

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

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

☐ Yes ☒ No

If yes, and the proposed groundwater use is determined to have the potential for substantial interference with nearby surface waters you are notified that the Water Resources Department will determine, by reviewing

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recovery plans, the Columbia River Basin Fish and Wildlife Program, and regional restoration programs applicable to threatened or endangered fish species, in coordination with state and federal agencies, as appropriate, whether the proposed use is detrimental to the protection or recovery of a threatened or endangered fish species and whether the use can be conditioned or mitigated to avoid the detriment.

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

☒ Yes ☐ No

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

SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
IR	MAR 1 – OCT 31	913.2
IS	"	285.3

For irrigation use only:

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

Primary: 304.4 Acres Supplemental: 95.1 Acres Nursery Use: Acres

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

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: **1197.6 AF**

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- ☒ Pump (give horsepower and type): **TURBINE HP T.B.D.**
☐ Other means (describe):

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. **PIPED FROM WELLS TO PLACE OF USE.**

B. Application Method

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

PIVOTS.

C. Conservation

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

WATER WILL BE APPLIED USING EFFICIENT MODERN PIVOTS.

SECTION 7: PROJECT SCHEDULE

- Date construction will begin: **UPON ISSUANCE**
- Date construction will be completed: **WITHIN 5 YEARS OF ISSUANCE**
- Date beneficial water use will begin: **WITHIN 5 YEARS FO ISSUANCE**

SECTION 8: RESOURCE PROTECTION

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

- ☒ Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe: **LOW PRESSURE SPRINKLER HEADS TO PREVENT RUN-OFF AND EROSION.**

- ☐ Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is greater than one acre, applicant should contact the Oregon Department of Environmental Quality to determine if a 1200C permit is required.

Describe planned actions and additional permits required for project implementation: **N/A**

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

SECTION 9: WITHIN A DISTRICT

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

Irrigation District Name	Address	
City	State	Zip

SECTION 10: REMARKS

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

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Land Use Information Form

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

Applicant(s): **DOMAN FARMS**

Mailing Address: **PO BOX 704**

City: **CRANE**

State: **OR**

Zip Code: **97732**

Daytime Phone: _____

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:
40S	35E	26, 27, 33, 34, 35		1000	EFRU-1	☒ Diverted	☒ Conveyed	☒ Used	IR & IS
_____	_____	_____		_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____		_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____
_____	_____	_____		_____	_____	☐ Diverted	☐ Conveyed	☐ Used	_____

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

HARNEY COUNTY.

B. Description of Proposed Use

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

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

Source of water: ☐ Reservoir/Pond ☒ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: **1198.5** ☐ cubic feet per second ☐ gallons per minute ☒ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other **IS – SUPPLEMENTAL IRRIGATION**

Briefly describe:

GROUNDWATER APPLICATION FOR WATER TO BE PIPED FROM WELLS FOR IRRIGATION & SUPPLEMENTAL IRRIGATION USE.

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.

See bottom of Page 3. →

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): HC20 3.010 / EPLU-1
- ☐ Land uses to be served by the proposed water uses (including proposed construction) involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ 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: Brendon McMiller Title: Planning Director

Signature: [Signature] Phone: (541) 573-6655 Date: 4/11/2022

Government Entity: Harney County

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

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OFFICIAL RECORD OF DESCRIPTIONS OF REAL PROPERTIES
Office of County Assessor – Harney County

Reference # 48252

Code Area 33-2

Map # 40 35

Tax Lot # 1000

Acres 1,591.82

Legal Description	Date	Deed Recorded
Land in Harney County, Oregon, as follows: In Township 40 S., Range 35 E., W.M. Section 26: N1/2SE1/4, SW1/4SE1/4, SW1/4 Section 27: S1/2 Section 33: SE1/4 Section 34: All Section 35: NW1/4, NW1/4SW1/4		
	4/13/1888	A 596
	4/13/1888	A 603
	4/13/1888	A 605
	4/15/1891	E 299
	4/15/1891	E 301
	1/23/1892	C 261
	1/23/1892	C 262
	1/23/1892	C 265
	2/10/1899	C 532
	5/12/05	K 278
	12/6/05	K 387
	3/13/08	M 154
	6/24/14	X 123
	7/24/15	X 398
	9/13/18	27 250
	4/2/21	27 489
	4/2/21	28 296
	4/9/21	29 505
	7/6/48	49 193
	12/15/48	50 96
	12/15/48	50 97
	12/15/48	50 99
	2/25/50	52 121
	2/25/50	52 122
	7/16/54	59 33
	1/14/55	59 445
	8/13/56	62 232
	10/18/56	62 400
Perry W. Still & Donna L. Still, husband & wife and Paul Whitsett & Elsie A. Whitsett, husband & wife	10/18/56	62 401
WD: Paul Whitsett & Elsie A. Whitsett, husband & wife to Perry W. Still & Donna L. Still, husband & wife	12/3/57	64 225
B&S: Donna L. Still to Perry W. Still	1/6/61	68 522

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GD: Perry W. Still to Perry W. Still & Donna Lou Still, as Co-Trustees of the Perry W. & Donna Lou Still Trust, u/t/a dated April 16, 1991	6/24/92	920971
WD: Perry Still to Nolan L. Edwards & Charmaign W. Edwards, husband & wife (error on legal description)	5/28/02	20021030
WD: Error on legal description	8/28/02	20021599
WD: Corrected legal description	9/19/02	20021739
Death Certificate – Donna L. Still	3/17/03	20030462
Second Correction – WD: Perry W. Still, as Trustee of the Perry W. & Donna Lou Still Trust, under trust agreement dated April 16, 1991 to Nolan L. Edwards & Charmaign W. Edwards, husband & wife	5/3/04	20040766
WD: Nolan L. & Charmaign W. Edwards, husband & wife to Nolan L. & Charmaign W. Edwards, husband & wife, an undivided ½ interest and Craig Stevenson & Sarah Fryberger, husband & wife, an undivided ½ interest	9/12/05	20051729
Harney County Findings and Decisions: 08-57 Accessory Farm Dwelling	10/9/08	20081787
WD: Craig C. Stevenson aka Craig Stevenson to Sarah J. Fryberger ana Sarah Fryberger	8/19/11	20111021
Deed of Reconveyance – Instrument #2005-2049	8/20/12	2012-1075
Deed of Reconveyance – Instrument #2005-2049	12/7/12	2012-1588
WD: Sarah Fryberger to Nolan L. Edwards & Charmaign W. Edwards, as tenants by the entirety	9-19-14	2014-1227
WD: Nolan L. Edwards & Charmaign W. Edwards, as tenants by the entirety to Nolan L. Edwards, Charmaign W. Edwards and Chad N. Edwards	9-19-14	2014-1228
Deed of Trust	9-19-14	2014-1229
Satisfaction of Mortgage – Instrument #2002-1600	10-6-14	2014-1310
Deed of Reconveyance – Instrument #2004-0924	11-3-14	2014-1411
Satisfaction of Mortgage – Instrument t#2002-1031, #2002-1600, #2002-1740 and #2005-2044	1-23-15	2015-0085
Modification of Deed of Trust – Instrument #2014-1229	2-5-15	2015-0125
Notice of Pendency of an Action	2-5-18	2018-0133
WD: Nolan L Edwards, Charmaign W Edwards and Chard N Edwards to: Sarah Fryberger	7-22-21	2021-1185
Release of Notice of Pendency of an Action – Instrument #2018-0133	8-27-21	2021-1411
Application for Recording Manufactured Home as Real Property	10-7-21	2021-1618

Application for Recording Manufactured Home as Real Property	10-7-21	2021-1619
Application for Recording Manufactured Home as Real Property	10-7-21	2021-1620
Application for Recording Manufactured Home as Real Property	10-7-21	2021-1621
Memorandum of Contract of Sale: Sarah Fryberger to:		
White Sage Land and Cattle Company, LLC, an Oregon limited liability company		
as to an undivided 78% interest as a tenant in common, and		
Dee V and Shelie W Doman, husband & wife, each as to an undivided		
11% interest as tenants in common and not as tenants by the entirety	10-7-21	2021-1622

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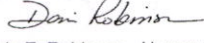
After recording return to
Michael W. Peterkin
Peterkin Burgess
222 NW Irving Ave.
Bend, OR 97703

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Until a change is requested,
all tax statements must be sent
to the following address:
White Sage Land and Cattle Company, LLC
15387 Fields Denio Rd.
Fields, OR 97710

HARNEY COUNTY, OR 2021-1622
DEED-CONT 10/07/2021 09:58:02 AM
Pgs= 7 \$111.00
I, Derrin Robinson, County Clerk for Harney
County, Oregon certify that the instrument
identified herein was recorded in the Co.
Clerk's records.

Derrin E. Robinson, Harney County Clerk


MEMORANDUM OF CONTRACT OF SALE

This Memorandum of Contract of Sale (this "Memorandum") is made as of October 1, 2021, between Sarah Fryberger ("Seller") whose address is PO Box 472, Scotts Mills, OR 97375 and White Sage Land and Cattle Company, LLC, an Oregon limited liability company as to an undivided 78% interest as a tenant in common, and to Dee V. Doman and Shelie W. Doman, husband and wife, each as to an undivided 11% interest as tenants in common and not as tenants by the entirety (collectively "Purchaser") whose address is 15387 Fields Denio Rd., Fields, OR 97710.

Pursuant to a Contract of Sale dated October 1, 2021 ("Contract"), Seller sold to Purchaser Seller's interest in that certain property in Harney County, Oregon, more particularly described in the attached Exhibit A. The terms upon which Seller has sold the Property to Purchaser are set forth in the Contract, to which reference is made for all purposes. The true and actual consideration for this conveyance is \$3,800,000.00. Purchaser will pay such amount, with interest, according to the terms of the Contract, under which the final payment of principal and interest is due on September 30, 2026.

Seller and her guests (cumulatively "Seller" for the purposes of this section) will be entitled to "right of trespass" over the Property for their recreational use and enjoyment and Seller will have guest privileges to occupy the 1988 Fuqua manufactured home (Serial No. 253802) and the yard surrounding the home during her lifetime or until Purchaser sells the entire Property to an unrelated buyer, which ever event occurs first. During the period while payments are owing to Seller, Buyer will provide reasonable notice (not less than seven (7) days) to Seller regarding the use of the Fuqua home; and after Seller has been paid-in-full, Seller will provide reasonable notice (not less than seven (7) days) to Buyer regarding Seller's anticipated use of the Fuqua home. The term "unrelated buyer" means an acquiring person who pays value and who is not a member of the Purchaser or an entity whose members were never members of the Purchaser entity.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 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 ORS 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS

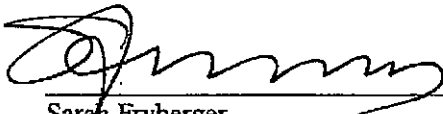
DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

Property Tax Account Nos. 48045, 48057, 48061, 48250, 48252, 73005, 76466, 76944, 72810

This Memorandum must be recorded in the official records of Harney County, Oregon in order to give notice of the existence of the Contract. This Memorandum will not be deemed or construed to define, limit, or modify the Contract, or any provision thereof, in any manner.

IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the day and year first above written.

Seller:
SARAH FRYBERGER



Sarah Fryberger

Purchaser:
WHITE SAGE LAND AND CATTLE
COMPANY, LLC

By: _____
Samuel Doman, Manager/Member

By: _____
Thomas Doman, Manager/Member

DEE V. DOMAN

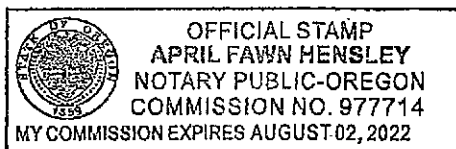
Dee V. Doman, an individual

SHELIE W. DOMAN

Shelie W. Doman, an individual

STATE OF OREGON)
) ss.
County of Crook)

This record was acknowledged before me on October 1, 2021 by Sarah Fryberger.




Notary Public for Oregon
My commission expires: 8/2/2022

DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 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.

Property Tax Account Nos. 48045, 48057, 48061, 48250, 48252, 73005, 76466, 76944, 72810

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IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the day and year first above written.

Seller:

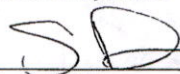
SARAH FRYBERGER

Sarah Fryberger

Purchaser:

**WHITE SAGE LAND AND CATTLE
COMPANY, LLC**

By: _____


Samuel Doman, Manager/Member

By: _____

Thomas Doman, Manager/Member

DEE V. DOMAN

Dee V. Doman, an individual

SHELIE W. DOMAN

Shelie W. Doman, an individual

STATE OF OREGON)

) ss.

County of _____)

This record was acknowledged before me on October ____, 2021 by Sarah Fryberger.

Notary Public for Oregon

My commission expires: _____

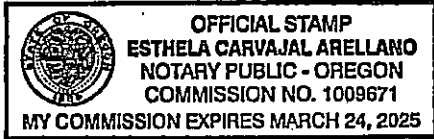
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APR 21 2022

OWRD

STATE OF OREGON)
) ss.
County of Clackamas)

This record was acknowledged before me on October 4, 2021, by Samuel Doman as Manager and Member of White Sage Land and Cattle Company, LLC.



Esthela Carvajal Arellano
Notary Public for Oregon
My commission expires: 3-24-25

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on October ____, 2021, by Thomas Doman as Manager and Member of White Sage Land and Cattle Company, LLC.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on October ____, 2021 by Dee V. Doman.

Notary Public for Oregon
My commission expires: _____

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on October ____, 2021 by Shelie W. Doman.

Notary Public for Oregon
My commission expires: _____

DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, ORS 195.301 AND ORS 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.

Property Tax Account Nos. 48045, 48057, 48061, 48250, 48252, 73005, 76466, 76944, 72810

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IN WITNESS WHEREOF, the parties have caused this Memorandum to be executed as of the day and year first above written.

Seller:
SARAH FRYBERGER

Sarah Fryberger

Purchaser:
**WHITE SAGE LAND AND CATLLE
COMPANY, LLC**

By: _____
Samuel Doman, Manager/Member

By: _____
Thomas Doman, Manager/Member

DEE V. DOMAN

Dee V. Doman, an individual

SHELIE W. DOMAN

Shelie W. Doman, an individual

STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on October ____, 2021 by Sarah Fryberger.

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APR 21 2022

OWRD

Notary Public for Oregon

My commission expires: _____

MEMORANDUM OF CONTRACT OF SALE

Page 2 of 4

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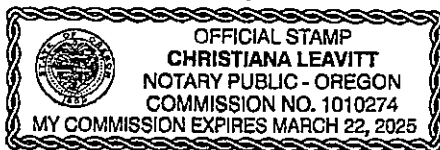
STATE OF OREGON)
) ss.
County of _____)

This record was acknowledged before me on October _____, 2021, by Samuel Doman as Manager and Member of White Sage Land and Cattle Company, LLC.

Notary Public for Oregon
My commission expires: _____

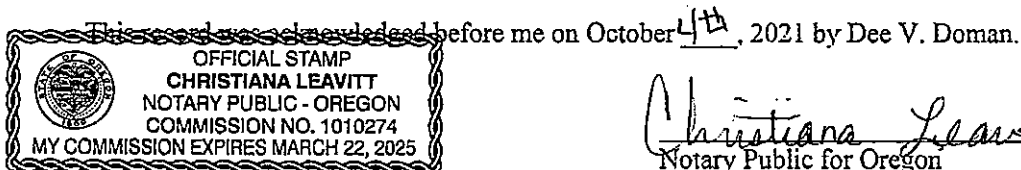
STATE OF OREGON)
) ss.
County of Harney)

This record was acknowledged before me on October 4th, 2021, by Thomas Doman as Manager and Member of White Sage Land and Cattle Company, LLC.



Christiana Leavitt
Notary Public for Oregon
My commission expires: 3/22/2025

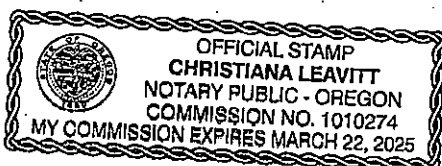
STATE OF OREGON)
) ss.
County of Harney)



Christiana Leavitt
Notary Public for Oregon
My commission expires: 3/22/2025

STATE OF OREGON)
) ss.
County of Harney)

This record was acknowledged before me on October 4th, 2021 by Shelie W. Doman.



Christiana Leavitt
Notary Public for Oregon
My commission expires: 3/22/2025

SWD
[Signature]

EXHIBIT A
[Legal Description]

Land in Harney County, Oregon, as follows:

In Twp. 38 S., R. 35 E., W.M.:

Sec. 28: S $\frac{1}{2}$ SE $\frac{1}{4}$.

Sec. 33: N $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$.

In Twp. 39 S., R. 35 E., W.M.:

Sec. 34: Lots 4 and 5, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

In Twp. 40 S., R. 35 E., W.M.:

Sec. 2: Lot 7.

Sec. 3: Lots 1, 2, 3, 4 and 5, SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 4: S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

Sec. 10: NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$, S $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 11: W $\frac{1}{2}$.

Sec. 14: N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.

Sec. 16: All.

Sec. 17: E $\frac{1}{2}$.

Sec. 26: SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.

Sec. 27: S $\frac{1}{2}$.

Sec. 33: SE $\frac{1}{4}$.

Sec. 34: All.

Sec. 35: NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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: **\$ 5,050**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☒ Map that includes the following items:
 - ☒ Permanent quality and drawn in ink
 - ☒ Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - ☒ North Directional Symbol
 - ☒ Township, Range, Section, Quarter/Quarter, Tax Lots
 - ☒ Reference corner on map
 - ☒ Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - ☒ Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - ☒ Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - ☒ Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$310. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$480.00 for the applicant and \$950.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

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APR 15 2022
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Minimum Requirements Checklist

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

Include this checklist with the application

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- ☒ SECTION 10: Remarks

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Include the following additional items:

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- ☒ Provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map.
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 - ☒ 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)

Oregon Water Resources Department
Groundwater Application

[Main](#)
[Help](#)
[Return](#)
[Contact Us](#)

Today's Date: Thursday, March 10, 2022

Base Application Fee.		\$1,570.00
Number of proposed cubic feet per second (cfs) to be appropriated. (1 cfs = 448.83 gallons per minute)	4.99	\$2,050.00
Number of proposed Use's for the appropriated water. (i.e. Irrigation, Supplemental Irrigation, Pond Maintenance, Industrial, Commercial, etc) *	1	
Number of proposed groundwater points of appropriation. (i.e. number of wells) (include all injection wells, if applicable) **	3	\$820.00
Subtotal:		\$4,440.00
Permit Recording Fee. ***		\$610.00
* the 1st Water Use is included in the base cost. ** the 1st groundwater point of appropriation is included in the base cost. *** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$5,050.00

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