

# 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 WILLAMETTE VALLEY LAND, LLC C/O PAUL KUEHNE			PHONE (HM) N/A
PHONE (WK) 503.864.4422	CELL N/A	FAX N/A	
ADDRESS PO Box 99			APR 27 2022
CITY LAFAYETTE	STATE OR	ZIP 97127	E-MAIL* SEE NOTE BELOW

### Organization

NAME SAME AS ABOVE		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 ASPEN RURAL LAND CONSULTING C/O ERIC URSTADT		PHONE 971.250.1520	FAX N/A
ADDRESS 39290 NW MURTAUGH ROAD			CELL 971.250.1520
CITY NORTH PLAINS	STATE OR	ZIP 97133	E-MAIL* SEE NOTE BELOW

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.) **Please correspond via USPS and email to [paul@creeksidevalleyfarms.com](mailto:paul@creeksidevalleyfarms.com) [ERICURSTADT@HOTMAIL.COM](mailto:ERICURSTADT@HOTMAIL.COM) due to unreliability of both.**

**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

Paul Kuehne, Owner

Print Name and Title if applicable

4-19-22

Date

For Department Use: App. Number: \_\_\_\_\_

**SECTION 2: PROPERTY OWNERSHIP**

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

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- 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).*

Note that the property is being sold to Willamette Valley Lands, LLC and it is expected that the ownership will change well before a permit is created. The current landowner is: SB King Orchards, LLC, 133 Argyle Court, Newberg, OR 97132

**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: WELL DEVELOPMENT**

WELL NO.	NAME OF NEAREST SURFACE WATER	IF LESS THAN 1 MILE:	
		DISTANCE TO NEAREST SURFACE WATER, FEET*	ELEVATION CHANGE BETWEEN NEAREST SURFACE WATER AND WELL HEAD, FEET*
1	LAMBERT SLOUGH (WILLAMETTE RIVER)	2610	90
2	LAMBERT SLOUGH (WILLAMETTE RIVER)	3055	80
3	LAMBERT SLOUGH (WILLAMETTE RIVER)	2325	85
4	LAMBERT SLOUGH (WILLAMETTE RIVER)	1185	60
5	LAMBERT SLOUGH (WILLAMETTE RIVER)	1315	85
6	LAMBERT SLOUGH (WILLAMETTE RIVER)	1850	85
7	LAMBERT SLOUGH (WILLAMETTE RIVER)	2260	85
8	LAMBERT SLOUGH (WILLAMETTE RIVER)	1550	85
9	LAMBERT SLOUGH (WILLAMETTE RIVER)	1910	85

\*Per Google Earth, rounded to 5 feet.



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*).

The applicant understands that wells 1-3 and 6-9 are over ¼ mile but under 1 mile from Lambert Slough (Willamette River) and that the Water Availability Analysis shows the maximum rate that could be allowed is 15 CFS. The applicant wishes to analyze these wells first and if a satisfactory rate is determined for one of these wells, then the analysis for wells 4 and 5 may not need to be determined is the following is correct.

The applicant understands that wells 4 and 5 are within ¼ mile of Lambert Slough where the Water Resources Department (WRD) mapping system identifies the basin is the Coast Fork Willamette River Subbasin. Because the well is accessing the alluvial aquifer and is under ¼ mile, the well could have some interference with the surface water (and WRD may assume this); and therefore, the water availability will depend on the surface water availability analysis. The Water Availability Analysis shows that surface water is available all months of the year, but the subbasin rules (OAR690-502-0070(1)(a)) state that irrigation is only allowed from Dec. 1 to April 30. With this in mind, if these are the only wells that are found to be satisfactory, the applicant plans to apply for use of stored water from the Bureau of Reclamation reservoirs in the Willamette Valley to remedy this issue.

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**SECTION 3: WELL DEVELOPMENT, continued**

**Total maximum rate requested: 590 GPM** (each well will be evaluated at the maximum rate unless you indicate well-specific rates and annual volumes in the table below). The landowner will only use a maximum combined rate of 590 GPM total from any wells constructed. This would only occur if the farm is growing a crop needing the maximum rate allowed being 1/80th of a cubic foot per second per acre. Often crops grown are not the neediest crops, but the landowner has to plan for that case.

**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)*****
W1	<input type="checkbox"/>	<input checked="" type="checkbox"/>	YAMH 6500	<input type="checkbox"/>	See attachment D for YAMH 6500							200	259
W2	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>	All of the wells are planned to be in the alluvial aquifer associated with the Willamette River; and no wells are planned to be in the Columbia River Basalt aquifer thereby avoiding the regulations of the Amity Hills/Walnut Hill Ground Water Limited Area. It is expected that the total depths could be near 200 feet per other higher yielding wells in the area.  The annual volume is the maximum (being 2.5 acre-feet/acre), but it is not expected that the maximum will be used in most years. The individual well rate used is the maximum rate, 590 GPM (or 1/80 <sup>th</sup> cubic feet per second per acre) and shall be the maximum combined rate of all wells constructed.							580****	259
W3	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259
W4	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259
W5	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259
W6	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259
W7	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259
W8	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A	<input type="checkbox"/>								580****	259

\* 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.

\*\*\*\* = 103.6ac x 1/80CFS/ac x 448.8GPM/CFS (= maximum irrigation rate allowed)

\*\*\*\*\* = 103.6ac x 2.5AF/ac (= maximum irrigation duty allowed)

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**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\\_trsqg\\_features/](https://apps.wrd.state.or.us/apps/misc/lkp_trsqg_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.

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**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

For Department Use: App. Number: \_\_\_\_\_

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 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:

The landowner cannot be sure of which crops will be grown in the future as those change throughout the years. However; the landowner is highly experienced and uses a number of methods to maximize water efficiency such as:

1. The landowner uses on-site soil probes before each watering to make sure how much or if watering is needed.
2. The landowner is always using onsite observations to look for many things such as changes in water need by area, changes in soils moisture by area, and other visual signs that soils probes will not show.
3. The landowner is always monitoring the weather forecasts to see
4. The landowner uses automated drip line systems and soil moisture monitoring when suited.
5. The landowner often places organic matter into the soils so that moisture is held longer in the soils and less watering is needed.

**Statewide - OAR 690-033-0330 thru -0340**

Is the well or proposed well located in an area where the Statewide 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 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.

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## SECTION 5: WATER USE

USE	PERIOD OF USE	ANNUAL VOLUME (ACRE-FEET)
Irrigation	Irrigation Season	259 (maximum)

### For irrigation use only:

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

Primary: 95.2 Acres

Supplemental: 8.4 Acres

Nursery Use: 0.0 Acres

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

Certificate 85048

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 125

- If the use is **municipal or quasi-municipal**, attach **Form M**
- If the use is **domestic**, indicate the number of households: N/A (**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*): N/A

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## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

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

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Pump (give horsepower and type): The landowner will utilize a submersible pump in the well; the exact horsepower has not been determined, but it might be 60 horsepower.

Other means (describe): N/A

Provide a description of the proposed means of diversion, construction, and operation of the diversion works and conveyance of water. The landowner plans to use buried 8" diameter PVC pipes and may use a variety of other watering laterals, etc. as determine by the crops.

### 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*)

The landowner plans to use high pressure sprinklers (Big Guns) to water the area. Other watering methods may be utilized as crops change.

### 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*).

For Department Use: App. Number: \_\_\_\_\_

The landowner is a highly experienced farmer with many experienced field crews which use only as much water as is needed to maximize water conservation, thereby avoiding waste of water, and discharge of water to a surface stream.

There is no aquatic and riparian habitat that will need to be disturbed as the Point of Appropriation is a well and far from a riparian area.

The landowner cannot be sure of which crops will be grown in the future as those change throughout the years. However; the landowner is highly experienced and uses a number of methods to maximize water conservation such as:

1. The landowner uses on-site soil probes before each watering to make sure if and how much watering is needed.
2. The landowner is always using onsite observations to look for many things such as changes in water need by area, changes in soils moisture by area, and other visual signs to conserve water.
3. The landowner is always monitoring the weather forecasts to estimate if planned watering can be altered to conserve water.
4. The landowner uses automated drip line systems and soil moisture monitoring when suited.
5. The landowner often places organic matter into the soils so that moisture is held longer in the soils and therefore less watering is needed.

## SECTION 7: PROJECT SCHEDULE

- a) Date construction will begin: As soon as possible (ASAP); hopefully in 2022, but likely in 2023.
- b) Date construction will be completed: ASAP; hopefully in 2023.
- c) Date beneficial water use will begin: ASAP; hopefully in 2022, but likely in 2023.

## 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: The landowner is a highly experienced farmer and is always preventing erosion and run-off in a variety of ways. He has seen most issues that can occur and has many methods to resolve each of them. He has many personnel and lots of equipment to monitor and resolve even any unforeseen issues that may arise.
- 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: No clearing of streamside or riparian areas is required for this project.



- Other state and federal permits or contracts required and to be obtained, if a water right permit is granted.  
List: None are known

### 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 <b>(WE ARE UNSURE OF THIS)</b> Palmer Creek Water District Improvement Company	Address 14395 SE Wallace Rd	
City Dayton	State OR	Zip 97114

### SECTION 10: REMARKS

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

This application requests the maximum rate and duty allowed for irrigation in the area. If the application cannot be approved, the applicant would consider reducing the rate and/or duty if that could make the application approvable.

The landowner does not plan to construct wells in all proposed well locations, but has included multiple well locations in case some locations are not approvable; actually one good well location would be preferential to the landowner.

The information in Section 3 is based on the current understanding of the applicant and applicant's representative at this time. The applicant has tailored this application based on this understanding. If WRD determines that other options are available or could be more beneficial to the applicant, the applicant wants WRD to communicate these to the applicant, such that any alterations can be considered.

# Land Use Information Form



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

Applicant(s): Willamette Valley Land, LLC

Mailing Address: PO Box 99

City: Lafayette

State: OR

Zip Code: 97127

Daytime Phone: 503.437.4833

## A. Land and Location

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
<u>5S</u>	<u>3W</u>	<u>16</u>	<u>NA</u>	<u>1500</u>	<u>EF-80</u>	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	<u>Farming</u>
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____
_____	_____	_____	_____	_____	_____	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	_____

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

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## 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: 580  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:

The landowner needs water to irrigate farm crops.

**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): 402 of the Yamhill County Zoning Ordinance
- 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
		<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.

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Name: Kenneth P. Friday Title: F.D **OWRD**

Signature: [Signature] Phone: 503 431-7516 Date: 4/22/22

Government Entity: Yamhill 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: \_\_\_\_\_

RECORDING REQUESTED BY:

GRANTOR:

Delford M. Smith and Delford M. Smith, LLC  
3850 NE Three Mile Lane  
McMinnville, OR 97128

GRANTEE:

SB King Orchards, LLC  
133 Argyle Court  
Newberg, OR 97132

SEND TAX STATEMENTS TO:

SB King Orchards, LLC  
R5306100,R53161500 & R5306200  
Dundee, Dayton, OR

AFTER RECORDING RETURN TO:

SB King Orchards, LLC  
133 Argyle Court  
Newberg, OR 97132

Escrow No: 471813029346-TTMIDWIL36

Yamhill County Official Records	<b>201317973</b>
<b>DMR-DDMR</b>	<b>11/27/2013 12:23:34 PM</b>
Stn=5 HOLLANDK	
\$15.00 \$11.00 \$5.00 \$15.00	<b>\$46.00</b>
I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.	
Brian Van Bergen - County Clerk	

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SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Delford M. Smith and Delford M. Smith, LLC, Grantor, conveys and warrants to SB King Orchards, LLC, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

SEE ATTACHED EXHIBIT "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1,600,000.00.  
(See ORS 93.030)

Subject to and excepting: all matters of record.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

DATED: 11/26/13

Delford M. Smith  
Delford M. Smith, individually

Delford M. Smith, LLC, a Delaware limited liability company

BY: Delford M. Smith  
Delford M. Smith, Member

State of OREGON, COUNTY of YAMHILL

This instrument was acknowledged before me on November 26 2013 by Delford M. Smith, individually and Delford M. Smith, Member of Delford M. Smith, LLC, a Delaware limited liability company.

[Signature], Notary Public - State of Oregon  
My commission expires: JUNE 14, 2017

471813029346-TTMIDWIL36  
Deed (Warranty-Statutory)



TCOR TITLE 471813029346



**EXHIBIT "A"**

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Parcel 1:  
Intentionally Deleted

Parcel 2:

A tract of land in the Abram Coovert Donation Land Claim in Section 31 in Township 4 South, Range 3 West and Sections 5 and 6 in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

BEGINNING at a point 17.16 chains East of the Northwest corner of the said Abram Coovert Donation Land Claim No. 57 in Township 4 South, Range 3 West; which POINT OF BEGINNING is the Northeast corner of that tract of land conveyed to W. H. Loibl, et ux, by Deed recorded December 6, 1946 in Book 139, Page 369, Deed Records; thence East, 14.30 chains, more or less, to the Northwest corner of that tract of land conveyed to Russell B. May, et ux, by Deed recorded in Book 74, Page 246, Deed Records; thence South along the West line of said May Tract, 15.845 chains, more or less, to the Southwest corner of said May Tract; thence South 86° East along the South line of said May Tract, 11.0 chains; thence South 8° West, 15.60 chains; thence North 87° West, 23.34 chains, more or less, to the Southeast corner of the aforesaid Loibl Tract; thence North along the East line of said Loibl Tract, 30.42 chains, more or less, to the PLACE OF BEGINNING.

PARCEL 3:

Part of the Henry Hewitt Donation Land Claim No. 56, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning 32.88 chains North 89° East and 15.00 chains North 0° 15' West from the Southwest corner of the Claim; thence North 89° 45' East, 50 chains to the East line of said Claim; thence North 13° East along the Claim line to angle in said Claim; thence North 17° West along the claim line to the Southeast corner of land conveyed to Isaac Hewitt by deed recorded June 21, 1892 in Book 27, Page 455, Deed Records; thence South 89° 45' West along the South line of said Isaac Hewitt tract, 31.69 chains; thence South 0° 15' East, 13.37 chains; thence South 89° 45' West, 19.94 2/3 chains; thence South 0° 15' East, 5.85 chains to the place of beginning.

EXCEPTING THEREFROM that portion thereof lying Westerly of Wallace Road. (O.S.H. 221).

ALSO EXCEPTING THEREFROM that tract of land conveyed to David D. Litscher and Janice N. Litscher, recorded July 15, 2005, Instrument No. 200514762.

PARCEL 4:

Part of the Henry Hewitt Donation Land Claim No. 56, in Township 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning in the middle of the County Road at a point which is 36.60 chains North 0° 15' West and 44.45 chains North 89° 45' East from the Southwest corner of said Claim; running thence North 89° 5' East, 3.09 chains to an iron pipe; thence South 74° East, 6.98 chains to an iron pipe; thence South 0° 15' East, 13.36 chains to a stone; thence South 89° 45' West, 10.41 chains to the middle of the County Road; thence North 2° 08' East along the middle of the County Road, 15.32 chains to the place of beginning.

B-3/6

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**EXHIBIT "A"**  
(Continued)

PARCEL 5:

A tract of land in Sections 16 and 21, Township 5 South, Range 3 West of the Willamette Meridian and being a part of the Henry Hewitt Donation Land Claim No. 56, Notification No. 1629, said Township and Range, Yamhill County, Oregon, and being more particularly described as follows:

Beginning at a point on the South line of the Henry Hewitt Donation Land Claim, South 89° West 8.86 chains from the Northeast corner of the Samuel Angell Donation Land Claim; thence South 89° West along the South line of the said Hewitt Donation Land Claim, 20.523 chains to an iron rod set in the center of the Dayton-Salem County Road; thence North 2° 10' East along the center of said road 15.175 chains to the North line of Lot No. 9 of County Survey No. 1186; thence East along the North line of said Lot No. 9, 20.523 chains; thence South 2° 10' West to the place of beginning.

EXCEPTING THEREFROM a tract conveyed to Clarence S. Crawly et ux by deed recorded February 21, 1942, in Book 119, Page 295, Deed Records of Yamhill County, Oregon.

ALSO EXCEPTING a tract conveyed to Henry Schindler et ux. by deed recorded December 6, 1945, in Book 132, Page 12, Deed Records of Yamhill County, Oregon.

ALSO EXCEPTING THEREFROM a tract conveyed to Robert L. Shelburne and Sharon L. Shelburne, husband and wife, by deed dated June 14, 1974, and recorded June 17, 1974, in Film Volume 100 on Page 1346, Yamhill County Deed Records, Yamhill County, Oregon.

Parcel 6:

BEGINNING at an iron pipe set 588.06 feet East of the Northwest corner of the Abram Covert Donation Land Claim No. 57 and No. 42, Notification No. 1635 in Townships 4 and 5 South, Range 3 West of the Willamette Meridian in Yamhill County, Oregon, as said corner was re-established in County Survey No. 2287; thence East with the North line of said Donation Land Claim, 544.50 feet to an iron pipe set at the Northeast corner of lands described in Deed recorded in Volume 44, Page 206, Deed Records of Yamhill County, Oregon; thence South 1°04' West with the East line of said land, 2017.90 feet to the South line of said Donation Land Claim of Abram Covert above named; thence North 86°04' West (at 414.23 feet intersect the Northwest corner of the Alvis Kimsey Donation Land Claim No. 43, Notification No. 1630) 545.80 feet to an iron pipe set for the Southwest corner; thence North 1°04' East parallel with the East line, 1980.76 feet to the PLACE OF BEGINNING.



B-4/6

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RECORDING REQUESTED BY:



1215 NE Baker Street  
McMinnville, OR 97128

GRANTOR'S NAME:  
SB King Orchards, LLC

GRANTEE'S NAME:  
KCK Partners, LLC

AFTER RECORDING RETURN TO:  
KCK Partners, LLC, an Oregon limited liability company  
11483 SE Amity Dayton Hwy  
Dayton, OR 97114

SEND TAX STATEMENTS TO:  
KCK Partners, LLC  
11483 SE Amity Dayton Hwy  
Dayton, OR 97114

Portion of R5316-01500 to R5316-1590, Dayton, OR 97114

Yamhill County Official Records	<b>201900244</b>
DMR-DDMR	01/08/2019 10:27:00 AM
Str=2 MILLSA	
3Pgs \$15.00 \$11.00 \$5.00 \$60.00	<b>\$91.00</b>

I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.  
Brian Van Bergen - County Clerk

**BARGAIN AND SALE DEED - STATUTORY FORM**  
(INDIVIDUAL or CORPORATION)

SB King Orchards, LLC, an Oregon limited liability company, Grantor, conveys to KCK Partners, LLC, an Oregon limited liability company, Grantee, the following described real property, situated in the County of Yamhill, State of Oregon,

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

The true consideration for this conveyance Fifteen Thousand And No/100 Dollars (\$15,000.00). (See ORS 93.030).

This Deed is being recorded as part of an approved lot line adjustment, Docket L-44-18.

This conveyance is made solely as an adjustment of common boundary between adjoining properties, and does not create a separate parcel that can be conveyed independently of adjacent land.

The VLDR-2.5 zoned portion of Tax Lot 5316-1590 cannot be divided along the VLDR-2.5/EF 80 zoning boundary unless the zoning designation is changed to allow a division.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

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

Dated: 1/7/19

SB King Orchards, LLC  
By: Andrea Blythe Berselli  
Andrea Blythe Berselli  
Member

State of Oregon  
County of Yamhill

This instrument was acknowledged before me on 7 December 2018 by Andrea Blythe Berselli, Member of SB King Orchards, LLC

Leah Mae  
Notary Public - State of Oregon  
My Commission Expires: 30 May 21



TICOR TITLE 471818075850

B-5/6

**EXHIBIT "A"**  
Legal Description

A tract of land being a portion of land described as Parcel 5 in deed No. 201317973, Yamhill County Deed Records and lying within the H. Hewitt Donation Land Claim No. 56 in Section 16, Township 5 South, Range 3 West, Willamette Meridian, Yamhill County, Oregon, being more particularly described as follows:

Beginning at a point on the South boundary of the H. Hewitt Donation Land Claim No. 56, said point also being the Southwest corner of that land conveyed to KCK Partners, LLC recorded in Instrument No. 201810017 and which bears South 89°16'16" West 650.89 feet from the Northeast corner S. Angell Donation Land Claim No. 57; thence North 02°26'16" East along the Westerly boundary of said KCK Partners, LLC tract, a distance of 200 feet to the Northwest corner thereof; thence North 89°16'16" East 65.00 feet to the Northeast corner of said KCK Partners, LLC tract, said point also being on the Easterly boundary of Parcel 5 of Instrument No. 201317973; thence North 02°26'16" East 102.50 feet to the Northeast corner of land being described; thence South 89°16'16" West 154.45 feet to a point; thence South 02°26'16" West 302.50 feet to a point on the South boundary of the H. Hewitt Donation Land Claim No. 56; thence North 89°16'16" East 89.45 feet, more or less, to the Point of Beginning.

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# Aspen

Rural Land Consulting

Water Resources, Water Rights, Land  
Surveying, Engineering, Land Use Planning

ERICURSTADT@HOTMAIL.COM  
971-250-1520 (MOBILE)

Water Resources Department  
Attn: New Water Right Applications  
725 Summer Street NE, Ste. A  
Salem, OR, 97301

14 APR 2022

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**Subject: New Application to use Ground Water**

To Whom It May Concern,

Enclosed is an application for the use of ground water together with the following attachments:

- A. Application map
- B. Deed with legal description
- C. Land Use Compatibility Statement
- D. Well log of existing well
- E. Fee Cost print-out
- F. A check made out to "Oregon Water Resources Department" for \$6280.00.

Please let me know if there are any concerns or you need any more information.

Respectfully,  
***Aspen Rural Land Consulting***

Eric Urstadt, PE, PLS



# 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

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### 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 **This page left intentionally blank.** 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: \$6280.00  
See the Department's Fee Schedule at [www.oregon.gov/owrd](http://www.oregon.gov/owrd) or call (503) 986-0900.
- Map that includes the following items:
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

For Department Use: App. Number: \_\_\_\_\_

Oregon Water Resources Department  
Groundwater Application

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

Today's Date: Friday, April 15, 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)	1.29	\$820.00
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) **	9	\$3,280.00
Subtotal:		\$5,670.00
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.	<input type="button" value="Recalculate"/>	
Estimated cost of Permit Application		\$6,280.00

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