

Application for a Permit to Use Surface Water



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

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME KATHRYN LINDSTROM		PHONE (HM)	
PHONE (WK) 707-890-8321	CELL		FAX
ADDRESS P.O. BOX 2340			
CITY WINDSOR	STATE CA	ZIP 95492	E-MAIL * KATHRYN@GEODESYWINE.COM

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Organization

NAME THE CAPRA COMPANY LLC		PHONE 707-890-8321		FAX
ADDRESS P.O. BOX 2340			CELL	
CITY WINDSOR	STATE CA	ZIP 95492	E-MAIL * KATHRYN@GEODESYWINE.COM	

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

AGENT / BUSINESS NAME BILL FERBER/BK WATER RIGHT CONSULTING, LLC		PHONE 503.910.9212		FAX 503.339.9536
ADDRESS PO BOX 13			CELL 503.910.9212	
CITY BRUSH PRAIRIE	STATE WA	ZIP 98606	E-MAIL * BILL@BKWRC.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

	Emilie Eliason, General Mgr	7/26/22
Applicant Signature	Print Name and Title if applicable	Date
_____ Applicant Signature	_____ Print Name and Title if applicable	_____ Date

SECTION 2: PROPERTY OWNERSHIP

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

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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).*

N/A

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: Pond #1	Tributary to: McMahan Branch
TRSQQ of POD: T 7S R 4 W Sect 10 SE/NW	
Source 2: Pond #2	Tributary to: McMahan Branch
TRSQQ of POD: T 7 S R 4 W Sect 10 SW/NE	
Source 2: Pond #3	Tributary to: McMahan Branch
TRSQQ of POD: T 7 S R 4 W Sect 10 SE/NW	

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).

Pond #1: Permit R 15439, T 12373; Pond #2: Permit R 15440; Pond #3: Permit R 15441

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_trsqg_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.

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

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

Yes No

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

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

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

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

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

Statewide - OAR 690-033-0330 thru -0340

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

Yes No

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

SECTION 5: WATER USE

Provide the amount of water you propose to use from each source, for each use, in cubic feet-per-second (cfs) or gallons-per-minute (gpm). If the proposed use is from storage, provide the amount in acre-feet (af):
 (1 cfs equals 448.8 gpm. 1 acre-foot equals 325,851 gallons or 43,560 cubic feet)

SOURCE	USE	PERIOD OF USE	AMOUNT
Pond #1	Irrigation	April 1 - Sept. 30	5.92 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Pond #2	Irrigation	April 1 - Sept. 30	4.21 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
Pond #3	Irrigation	April 1 - Sept. 30	4.08 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

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

Primary: 146.67 Acres

Supplemental: N/A Acres

Nursery Use: N/A Acres

If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s): N/A

Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 14.21

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

SECTION 6: WATER MANAGEMENT

A. Diversion and Conveyance

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

- Pump (give horsepower and type): Submersible electric pump, 7.5 Horsepower.
- Other means (describe):

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

Water is stored in the three reservoirs. Reservoir #3 is connected to Reservoir #2 which is connected to Reservoir #1. Water will be pumped from Reservoir #1 into 8" dia. PVC buried mainline pipe then to 4" dia. PVC buried laterals then to drip tape buried along the vine rows within the acres currently planted. As other areas are developed a big gun and/or handlines with sprinklers and/or drip tape may be used.

B. Application Method

What equipment and method of application will be used? (e.g., drip, wheel line, high-pressure sprinkler) drip tape, big gun, r handlines with sprinklers, other methods as needed may be used.

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.

This quantity of water is needed to promote plant growth and will vary depending upon weather and soil conditions. An inline flow meter is attached to the pump in Pond #1 and water use will depend upon plant demand. Waste of water will be kept to a minimum, if not almost zero, since any waste is detrimental to the limited volume of water available to the vineyard. Water is only being stored outside the irrigation season and when water has been determined by OWRD to be available. Since water is only used from the reservoirs damage to public uses of surface water should be non-existent.

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:

Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.
Note: If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.
Describe planned actions and additional permits required for project implementation: No excavation is planned for this project.

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:

Water quality will be protected by preventing erosion and run-off of waste or chemical products.
Describe planned actions:

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

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SECTION 8: PROJECT SCHEDULE

- a) Date construction will begin: April 2022
- b) Date construction will be completed: September 2027
- c) Date beneficial water use will begin: October 2027

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*).

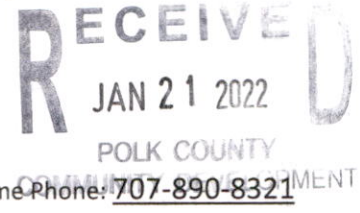
Source of water for this application is only from stored water under Water Right Permits: R 15439, R 15440, R 15441, T12373

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Land Use Information Form



Applicant(s): The Capra Company LLC attn: Kathryn Lindstrom

Mailing Address: PO Box 8321

City: Windsor

State: CA

Zip Code: 95492

Daytime Phone: 707-890-8321

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>7 S</u>	<u>4 W</u>	<u>10</u>	<u>please see attached map</u>	<u>500</u>	<u>EFU</u>	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>7 S</u>	<u>4 W</u>	<u>10</u>	<u>please see attached map</u>	<u>1200</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>
<u>7 S</u>	<u>4 W</u>	<u>10</u>	<u>please see attached map</u>	<u>1301</u>	<u>EFU</u>	<input type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	<u>Irrigation</u>

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

Polk 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: 14.21 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:

Applying for new water rights to use water from three existing reservoirs to irrigate a vineyard. The three reservoirs have existing water rights.

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): PC20 136.30(A) "Farm Use"
- 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:	
	RECEIVED	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	MAY 19 2022	<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
	OWRD	<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.

** See attached*

Name: Miranda Muller Title: Associate Planner
 Signature: [Signature] Phone: 503-623-9231 Date: 1/25/2022
 Government Entity: Polk County Community Development

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: _____

*In the northwest corner of the subject properties contain a wetland identified on the NWI map. According to the SRA map the wetland is inventoried as being fish bearing. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Land (DSL) and Oregon Department of Fish and Wildlife (ODFW).

The subject properties also contain wetlands identified on the NWI map. According to the SRA map the wetlands are not inventoried as being fish bearing, however this serves as notification to the property owners of the presence of wetlands. Any development within the inventoried wetland areas may require permits from the Oregon Department of State Land (DSL) and Oregon Department of Fish and Wildlife (ODFW).

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AFTER RECORDING RETURN TO:

Jordan Ramis PC
Two Centerpointe Dr Ste 600
Lake Oswego OR 97035
(53251-74755 – MEE)

UNTIL A CHANGE IS REQUESTED
SEND TAX STATEMENTS TO:

The Capra Company LLC
400 Aviation Blvd, Suite 400
Santa Rosa, CA 95403

RECORDED IN POLK COUNTY Valerie Unger, County Clerk	2018-008667 07/25/2018 11:03:00 AM
REC-BS Cnt=1 Stn=5 C. PARIS \$30.00 \$11.00 \$10.00 \$60.00 \$5.00	\$116.00

This space is reserved for recorder's use.

BARGAIN AND SALE DEED

The Capra Company LLC, a California limited liability company, which received title as “The Capra Company, an Oregon limited liability company, as to an undivided 25% interest,” and Mills Vineyard LLC, a California limited liability company, which received title as “Mills Vineyard LLC, an Oregon limited liability company, as to an undivided 75% interest” (Grantors), convey to The Capra Company LLC, a California limited liability company, as to an undivided 25% interest, and Mills Vineyard LLC, a California limited liability company, as to an undivided 75% interest, as tenants in common (“Grantee”), the following described real property:

See Exhibit A attached hereto and incorporated herein by this reference.

The purpose of this Deed is to correct the vesting in that Deed recorded on August 26, 2015, as Document No. 2015009299 in the Records of Polk County, Oregon. The true consideration for this conveyance is \$-0-; however, the actual consideration consists of other property or value given and received, which is the whole thereof.

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

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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.

THE CAPRA COMPANY LLC, a
California limited liability company

MILLS VINEYARD LLC, a California
limited liability company

By: Judith Jordan
Title: manager
Date: 7.16.18

By: Kathy Lord
Title: Vice President
Date: 7.18.18

[Acknowledgements Follow on Next Pages]

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ACKNOWLEDGMENT

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

State of California

County of Sonoma

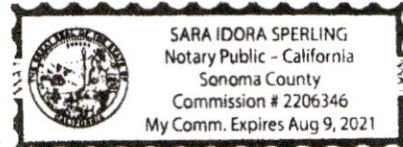
On July 16, 2018 before me, Sara Idora Sperling, Notary Public
(insert name and title of the officer)

personally appeared Judith Jordan
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 Sara Idora Sperling (Seal)



ACKNOWLEDGMENT

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

State of California
County of Sonoma

On July 18, 2018 before me, Sara Idora Sperling, Notary Public
(insert name and title of the officer)

personally appeared Kathryn Lindstrom
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 Sara Idora Sperling (Seal)

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EXHIBIT A

(Legal Description)

LEGAL DESCRIPTION: Real property in the County of Polk, State of Oregon, described as follows:

PARCEL 1:

BEGINNING AT THE SOUTHEAST CORNER OF THE DONATION LAND CLAIM OF RICHARD MCMAHAN AND WIFE, NOTIFICATION NO. 108, CLAIM NO. 40, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE RUNNING NORTH 160 RODS; THENCE WEST 128 RODS; THENCE SOUTH 160 RODS; THENCE EAST 128 RODS TO THE PLACE OF BEGINNING.

PARCEL 2:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; RUNNING THENCE EAST 10.0 CHAINS; THENCE NORTH 10.00 CHAINS; THENCE WEST 4.03 CHAINS; THENCE NORTH 12.00 CHAINS TO THE SOUTH SIDE OF A 20 FOOT ROADWAY DEEDED TO THE GENERAL PUBLIC AS RECORDED IN VOLUME 69, PAGE 9, DEED RECORDS FOR POLK COUNTY, OREGON; THENCE NORTH 73° WEST 40 LINKS ALONG SAID ROADWAY; THENCE NORTH 64° WEST 5.50 CHAINS ALONG SAID ROADWAY; THENCE WEST 2.97 CHAINS TO THE EAST LINE OF THE DONATION LAND CLAIM OF RICHARD MCMAHAN, NO. 40; THENCE SOUTH 24.75 CHAINS; THENCE EAST 2.50 CHAINS TO THE PLACE OF BEGINNING.

PARCEL 3:

BEGINNING AT A POINT 30.00 CHAINS SOUTH AND 5.97 CHAINS EAST OF THE 1/4 SECTION CORNER ON THE LINE BETWEEN SECTIONS 3 AND 10 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, STATE OF OREGON; AND RUNNING THENCE EAST 4.03 CHAINS; THENCE NORTH 11.20 CHAINS; THENCE NORTH 73° WEST 4.03 CHAINS; THENCE SOUTH 12.25 CHAINS TO THE PLACE OF BEGINNING.

SAVE AND EXCEPT A STRIP OF LAND 8-1/4 FEET WIDE ACROSS THE NORTH END OF THE ABOVE DESCRIBED PREMISES RESERVED FOR ROAD PURPOSES.

PARCEL 4:

BEGINNING 80 RODS WEST OF THE 1/4 SECTION CORNER BETWEEN SECTIONS 10 AND 11 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; THENCE RUNNING NORTH 79 RODS; THENCE NORTH 70° WEST 1 ROD; THENCE WEST 21 RODS; THENCE NORTH 73° WEST 18 RODS; THENCE SOUTH 84 RODS; THENCE EAST 40 RODS TO THE PLACE OF BEGINNING.

PARCEL 5:

THE WEST HALF OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 10, IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON.

SAVE AND EXCEPT: BEGINNING AT A 1/2 INCH IRON PIPE MARKING THE SOUTHEASTERLY CORNER OF TRACT NO. 2 AS DESCRIBED IN THAT DEED RECORDED IN VOLUME 201, PAGE 469, POLK COUNTY RECORD OF DEEDS, SAID 1/2 INCH IRON PIPE BEARS NORTH 89° 26' 43" WEST 660.32 FEET FROM THE 1/4 CORNER BETWEEN SECTIONS 10 AND 11 IN TOWNSHIP 7 SOUTH, RANGE 4 WEST OF THE WILLAMETTE MERIDIAN IN POLK COUNTY, OREGON; AND RUNNING THENCE NORTH 0° 21' 53" WEST 1308.18 FEET TO THE NORTHEASTERLY CORNER OF SAID TRACT NO. 2; THENCE WEST 360.00 FEET; THENCE CONTINUING WEST 473.57 FEET ALONG THE SOUTHERLY BOUNDARY LINE OF THE SECOND PARCEL OF LAND DESCRIBED IN POLK COUNTY BOOK OF RECORDS 27, PAGE 313, TO A 1/2 INCH IRON PIPE; THENCE SOUTH 08° 45' 15" EAST 215.65 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 89° 59' 30" EAST 79.04 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 04° 25' 40" EAST 144.17 FEET TO A 1/2 INCH IRON PIPE; THENCE NORTH 85° 34' 20" EAST 44.63 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 01° 22' 37" EAST 410.47 FEET TO A 1/2 INCH IRON PIPE; THENCE NORTH 88° 37' 24" EAST 45.53 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 0° 38' 43" WEST 544.60 FEET TO A 1/2 INCH IRON PIPE; THENCE SOUTH 89° 54' 52" EAST 624.92 FEET TO THE POINT OF BEGINNING.

NOTE: This Legal Description was created prior to January 01, 2008.

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Minimum Requirements Checklist

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

Include this checklist with the application

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

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

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

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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 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: \$1835.00
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- Map that includes the following items:
 - Permanent quality and drawn in ink
 - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
 - North Directional Symbol
 - Township, Range, Section, Quarter/Quarter, Tax Lots
 - Reference corner on map
 - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
 - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
 - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
 - N/A Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)