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Application for a Permit to Use  
**Surface Water**

OWRD



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

**SECTION 1: APPLICANT INFORMATION AND SIGNATURE**

**Applicant**

NAME IGH PROPERTIES INC.		PHONE (HM)	
PHONE (WK)	CELL (541) 740-8955		FAX
ADDRESS 26279 BELLFOUNTAIN RD.			
CITY MONROE	STATE OR	ZIP 97456	E-MAIL * CATTLERANCH49@YAHOO.COM

**Organization**

NAME		PHONE	FAX
ADDRESS			CELL
CITY	STATE	ZIP	E-MAIL *

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

AGENT / BUSINESS NAME WILL MCGILL SURVEYING LLC		PHONE (503) 931-0210	FAX
ADDRESS 15333 PLETZER RD. SE			CELL (503) 510-3026
CITY TURNER	STATE OR	ZIP 97392	E-MAIL * WILLMCGILL.SURVEYING@GMAIL.COM

Note: Attach multiple copies as needed

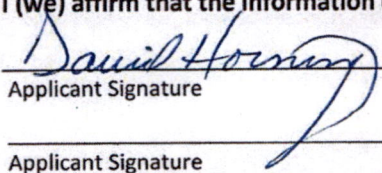
\* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the proposed and final order documents will also be mailed.)

**By my signature below I confirm that I understand:**

- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally use water until the Water Resources Department issues a permit.
- The Department encourages all applicants to wait for a permit to be issued before beginning construction of any proposed diversion. Acceptance of this application does not guarantee a permit will be issued.
- If I begin construction prior to the issuance of a permit, I assume all risks associated with my actions.
- If I receive a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to receive water to which they are entitled.



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

	DAVID HORNUNG <i>President IGH</i>	7/7/22
Applicant Signature	Print Name and Title if applicable	Date
Applicant Signature	Print Name and Title if applicable	Date

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

**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

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

**SECTION 3: SOURCE OF WATER**

**A. Proposed Source of Water**

Provide the commonly used name of the water body from which water will be diverted, and the name of the stream or lake it flows into (if unnamed, say so), and the locations of the point of diversion (POD):

Source 1: Willamette River (BOR Stored Water)	Tributary to: Columbia River
TRSQQ of POD: 13S, 4W, 31, NESW/SESW	
Source 2:	Tributary to:
TRSQQ of POD:	

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

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**B. Applications to Use Stored Water**

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

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

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

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

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

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

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

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

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

[https://apps.wrd.state.or.us/apps/misc/lkp\\_trsqg\\_features/](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.

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If yes,

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

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

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

 Yes  No

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

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

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

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

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

**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
Willamette River (BOR Stored Water)	Irrigation	Mar. 1 – Oct. 31	116.75 <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af
			<input type="checkbox"/> cfs <input type="checkbox"/> gpm <input type="checkbox"/> af

Please indicate the number of primary, supplemental and/or nursery acres to be irrigated.  
 Primary: 46.7 Acres      Supplemental: \_\_\_\_\_ Acres      Nursery Use: \_\_\_\_\_ Acres  
 If supplemental acres are listed, provide the Permit or Certificate number of the underlying primary water right(s):  
 Indicate the maximum total number of acre-feet you expect to use in an irrigation season: 116.75 af

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

**SECTION 6: WATER MANAGEMENT**

**A. Diversion and Conveyance**

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

- Pump (give horsepower and type): 15 HP centrifugal
- Other means (describe):

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

Pump will deliver water to POU through buried PVC mainline.

**B. Application Method**

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

Drip, high-pressure sprinkler.

**C. Conservation**

Please describe why the amount of water requested is needed and measures you propose to: prevent waste; measure the amount of water diverted; prevent damage to public uses of affected surface waters.

The amount of water requested is needed for irrigation of crops and will be done so efficiently. Care will be taken to keep equipment in good operating condition and prevent waste.

**SECTION 7: RESOURCE PROTECTION**

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

- Diversion will be screened per ODFW specifications in ORS 498.301 through 498.346 to prevent uptake of fish and other aquatic life.  
Describe planned actions: Fish screens will be installed in accordance with ODFW specs.
- Excavation or clearing of banks will be kept to a minimum to protect riparian or streamside areas.  
**Note:** If disturbed area is more than one acre, applicant should contact the Department of Environmental Quality to determine if a 1200C permit is required.  
Describe planned actions and additional permits required for project implementation: Minimal to no excavation or clearing will be required at the proposed PODs.
- Operating equipment in a water body will be managed and timed to prevent damage to aquatic life.  
Describe planned actions and additional permits required for project implementation: No operation of equipment in the water should be required.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products.  
Describe planned actions: Care will be taken to keep irrigation equipment in good operating condition to prevent run-off or erosion.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted.

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: Upon permit issuance
- b) Date construction will be completed: Request standard 5-year completion time
- c) Date beneficial water use will begin: 2023 if permit is issued

**SECTION 9: WITHIN A DISTRICT**

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

Irrigation District Name	Address	
City	State	Zip

**SECTION 10: REMARKS**

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

Some of the applied for place of use overlaps existing Certificate 82863 which will be moved by a submitted transfer. This application should work in conjunction with that transfer. The intent is not to layer these rights.

# Land Use Information Form



Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
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## NOTE TO APPLICANTS

In order for your application to be processed by the Water Resources Department (WRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be used and developed. The planning official may choose to complete the form while you wait, or return the receipt stub to you. Applications received by WRD without the Land Use Form or the receipt stub will be returned to you. Please be aware that your application will not be approved without land use approval.

**This form is NOT required if:**

- 1) Water is to be diverted, conveyed, and/or used only on federal lands; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or groundwater registration modification, and all of the following apply:
  - a) The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
  - b) The application involves a change in place of use only;
  - c) The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
  - d) The application involves irrigation water uses only.

## NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for or modifying a water right. The Water Resources Department (WRD) requires its applicants to obtain land use information to be sure the water rights do not result in land uses that are incompatible with your comprehensive plan. Please complete the form or detach the receipt stub and return it to the applicant for inclusion in their water right application. You will receive notice once the applicant formally submits his or her request to the WRD. The notice will give more information about WRD's water rights process and provide additional comment opportunities. You will have 30 days from the date of the notice to complete the land use form and return it to the WRD. If no land use information is received from you within that 30-day period, the WRD may presume the land use associated with the proposed water right is compatible with your comprehensive plan. Your attention to this request for information is greatly appreciated by the Water Resources Department. If you have any questions concerning this form, please contact the WRD's Customer Service Group at 503-986-0900.

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Attachment 2: Land Use Information Form

# Land Use Information Form

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725 Summer Street NE, Suite A  
Salem, Oregon 97301-1266  
503-986-0900  
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**Applicant**

NAME IGH PROPERTIES INC.		PHONE (HM)	
PHONE (WK)	CELL (541) 740-8955	FAX	
ADDRESS 26279 BELLFOUNTAIN RD.			
CITY MONROE	STATE OR	ZIP 97456	E-MAIL* CATTLERANCH49@YAHOO.COM

**A. Land and Location**

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

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
13S	4W	31	NESW SESW	200	550 EFU	<input checked="" type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
13S	4W	31	NWSW SWSW	200	550 EFU	<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	farming
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	
						<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:

Benton County

**B. Description of Proposed Use**

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

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

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

Estimated quantity of water needed: 116.75  cubic feet per second  gallons per minute  acre-feet

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

Briefly describe:

It is proposed to irrigate crops in tax lot 200 with Bureau of Reclamation stored water pumped out of two points on the Willamette River.

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department.



### For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

**Please check the appropriate box below and provide the requested information**

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): BCC Chapter 55.
- 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.

\_\_\_\_\_

NAME: <u>Inga Williams</u>		TITLE: <u>Associate Planner</u>
SIGNATURE: <u>[Signature]</u>	PHONE: <u>541 766 6027</u>	DATE: <u>7/5/22</u>
GOVERNMENT ENTITY: <u>Benton County</u>		

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_

City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_

Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_

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BARGAIN AND SALE DEED

GEORGE F. HORNING, ELEANOR L. HORNING, husband and wife, and IVAN M. HORNING and PATRICIA HORNING, husband and wife, convey to IGH PROPERTIES, INC., an Oregon corporation, all that real property situated in Benton County, Oregon, described on Exhibit "A" attached hereto.

EXCEPT any portion conveyed to George and Eleanor Horning by deed recorded as M-56706, Deed Records of Benton County, Oregon.

SUBJECT TO: Easements and restrictions of record, liens or encumbrances and excepting center pivots installed on the property.

True and actual consideration: None

Mail tax statements to: IGH Properties, Inc. 27775 Horning Lane Corvallis, OR 97333

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY/COUNTY PLANNING DEPT. TO VERIFY APPROVED USES.

DATED this 29 day of Dec, 1988.

George F. Horning (signature) George F. Horning

Eleanor L. Horning (signature) Eleanor L. Horning

Ivan M. Horning (signature) Ivan M. Horning

Patricia Horning (signature) Patricia Horning

STATE OF OREGON ) ) ss. ) County of Benton )

Dec 29, 1988

Personally appeared the above-named GEORGE F. HORNING, ELEANOR L. HORNING, IVAN M. HORNING and PATRICIA HORNING and acknowledged the foregoing to be their voluntary act. Before me:

James W. Walton (signature) NOTARY PUBLIC FOR OREGON My Commission Expires: 11.8.90

After recording return to:

JAMES W. WALTON, P. C. Attorney at Law P. O. Box "W" 203 NW Fifth Street Corvallis, Oregon 97339

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(1) Yunkers Property:

Beginning at a point marked by a 3/4" pipe in center line of County Road 2.70 chains North 89°43' West of Northeast corner of Samuel E. Oliver Donation Land Claim No. 47, Township 14 South, of Range 5 West of Willamette Meridian in Benton County, State of Oregon; running thence North 14°47' East along center line of said County Road 7.20 chains to a pipe; thence North 33°17' East 7.00 chains to a pipe; thence North 36°30' East 13.737 chains; thence North 31°30' East 8.00 chains to a 3/4" pipe; thence East 7.867 chains to a 3/4" pipe; thence South 77°30' East 9.65 chains to a 3/4" pipe on the East line of the Joseph M. Lafferty Donation Land Claim No. 46; thence South 0°10' West along said line 8.40 chains to a 1 1/2" pipe on sub-division line of Northeast Quarter of Section 14; thence North 89°56' East along said line 6.50 chains to center line of Martin's Lake; thence along center line of said lake South 32°0' East 15.00 chains and South 37°16' West 9.366 chains to a point on center line of Section 14; thence along the center line of Martin's Lake South 17°00' West 7.194 chains; thence North 89°57' East 43.113 chains to the center of the county road; thence along the center line of said road North 9°46' East 6.92 chains to the place of beginning;

(2) Goldblatt Property:

Parcel I: Beginning at a 3/4" pipe in the northwest corner of Section 1, T. 14 S. R. 5 W. of the W.M. thence along the north line of said section south 89°57' east 11.938 chains to a 1" pipe; thence south 0°11' west 19.309 chains to the old Willamette River which point is 0.80 chains south 0°11' west of a pipe; thence following said stream south 68°10' west 3 chains; south 38°44' west 5.766 chains to a point 1.20 chains south 89°57' east of a pipe; thence north 89°57' west 5.566 chains to a pipe in the west line of said section 1; thence north on said west line 24.926 chains to the place of beginning;

Parcel II: Beginning at a 1" pipe in the south line of Section 36, T. 13 S. R. 5 W. of the W.M. 19.993 chains east of the southwest corner thereof; thence north 0°12' east on subdivision line 20 chains to a 3/4" pipe; thence south 89°37' east 17.50 chains to a 1/2" pipe; thence south 0°12' west 20 chains to 1/2 inch pipe in south line of said Section 36; thence west on said south line 17.50 chains to the place of beginning;

EXCEPT any portion of the above described premises lying below ordinary mean high water mark line of the Willamette River;

SUBJECT to the reservation of one-half interest in oil, gas, and minerals as reserved in deed from Union Central Life Insurance Company to Mary M. Goldblatt recorded in Book 97, page 611, Deed Records of Benton County, Oregon

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(3) Purvine Property:

Northeast quarter of Northeast quarter of Section 3, also Northwest quarter of Northwest quarter, East half of Northwest quarter, West half of Northeast quarter of Section 2, all in Township 14 South of Range 5 West of Willamette Meridian, in Benton County, Oregon.

except rights of the public in and to that portion of the above described property lying within roads and/or highways; easement of record; Rights of the Federal Government, the State of Oregon and the general public in and to that part thereof lying below the high water line of the Long Tom River; Lease with William H. Volker, et ux; and Financing Statements of record given by William H. Volker, et ux.

(4) Marcum Property: (a):

Tract I: Beginning at a 3/4" bolt the 1/4 section corner on the north line of Section 36, Township 13 south, Range 5 west of the Willamette Meridian in Benton County, Oregon; and running thence south 89°50' east along the section line 18.26 chains to a 1 1/4" pipe; thence south 0°16' west 23.284 chains to a 1 1/4" pipe; thence north 89°50' west 20.87 chains to an iron; thence south 0°12' west 11.635 chains to a 3/8" x 1 1/4" iron which is 2.522 chains north 89°54' west of the center of said section; thence north 89°54' west 17.59 chains to a 1" shaft the legal subdivision corner; thence north 26°48' east 22.327 chains to a 1/2 x 1 1/2" iron which is 30.057 chains south 89°51' east along the legal subdivision line from the west side of said section; thence north 8°31' east 20.218 chains to a 1 1/4" pipe the witness corner on the east bank of Long Tom River and on the north line of said section; thence south 89°59' east 7.113 chains to the place of beginning.

Also, the full and free right and authority to the perpetual use of a 20' roadway on which a road is now constructed and in use, the west boundary of said 20' roadway being particularly described as follows, to-wit: Beginning at a 1/2" pipe on the section line 2.493 chains north 89°57' west of the 1/4 section corner on the south line of said section and running thence north 0°12' east 39.886 chains to said 3/8" x 1 1/4" iron 2.522 chains north 89°54' west of the center of said section 36.

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(5) Marcum Property (b):

Beginning at the quarter corner between sections 25 and 36, Township 13 south, Range 5 west, Willamette Meridian; thence north 89° 39' west along section line 7.113 chains and north 89° 50' west 1.10 chains to the center of Long Tom River; thence with the meanderings downstream along center of river to the legal subdivision line which runs east through the center of the south half of said section 25 at the 3rd crossing of said line with said stream from the west line of Section 25, which is about 20 chains north and 14 chains east from said quarter corner; thence east along said subdivision line 22.50 chains more or less to the Willamette River; thence in a southeasterly direction along the west side of Willamette River to the south line of section 30, Township 13 south, Range 4 west; thence west 10 chains more or less to the southeast corner of section 25; thence north 89° 50' west 40.233 chains to the beginning; Excepting that part in section 30, Township 13 south, Range 4 west, Willamette Meridian together with a right of way or gateway as follows: A strip of land 25 links wide with the centerline as follows: Beginning at a point 14.31 chains north, 26° 06' east of the quarter corner on the south line of section 25 and running thence west 1.87 chains; thence north 11° 26' west 28.17 chains to the present county road; subject to provisions as to right of way from Richard Thomas Myers and wife to Charles T. Goodman and Mary E. Goodman in Book 82 page 526 Deed Records, Benton County and in deed from Charles Goodman and wife to Clair E. Miller in Book 96 page 223, Deed Records.

(6) Nancy Horning Property:

All that part of the Southeast quarter of the Northwest quarter of Section 36 lying East of the Long Tom River; Also, that part of the Southwest quarter of the Northeast quarter and the Northwest quarter of the Southeast quarter of Section 36 lying West of a line drawn parallel to and 18.26 chains easterly from the North-South centerline of Section 36; EXCEPTING THEREFROM that portion of the Northwest quarter of the Southeast quarter of said section lying South of a line drawn parallel to and 22 chains Northerly distant from the South line of said Section 36, Township 13 South, Range 5 West, Willamette Meridian; that part of the Northeast quarter of the Southwest quarter Section 36 lying Easterly of the centerline of that certain roadway described in Book 182, page 55 Benton County Deed Records.

SUBJECT to rights of the public in and to that portion of said premises lying in roads and highways; rights of the United States, State of Oregon, and the public as to fishing, navigation and commerce in and to that portion of said premises, if any, lying below the high water line of the Willamette River; any liens or encumbrances suffered or permitted by the Grantee herein subsequent to September 1963.

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The north one-half, as bisected by a line running in a due easterly and westerly direction, of the following described property, to-wit: (7) Edwin & Nancy Horning Property. (a):

Lots 5, 6, and 7 of Section 31, T. 13 south R 4 west of Willamette Meridian. The east half of the northeast quarter, the north half of the southeast quarter, the east half of the southeast quarter of the southeast quarter and the northeast quarter of the southwest quarter of Section 36, Township 13 south, Range 5 west of the Willamette Meridian, ALSO that part of the west half of the northeast quarter and the southeast quarter of the northwest quarter of said Section 36, Township 13 south, Range 5 west of Willamette Meridian, described as follows: beginning at a 1 1/2 inch pipe on the north line of said Section 36, said pipe being south 89° 50' east 18.26 chains from the north quarter section corner of said Section 36; thence south 0° 16' west 28.284 chains to a pipe; thence north 89° 50' west 20.87 chains to an iron; thence south 0° 12' west 11.685 chains to an iron which is 2.522 chains north 89° 54' west of the center of said Section 36; thence east to the southeast corner of the west half of the northeast quarter of said Section 36; thence north to the northeast corner of the west half of the northeast quarter of said Section 36; thence west along the north line of said Section to the point of beginning;

Parcel III, Tax Lot 100

EXCEPTING from the above the following lands in Section 36, Township 13 south, Range 5 west of Willamette Meridian: Beginning at the northeast corner of the second tract of land described in deed from J.H. McFadden et ux to R.N. Maxfield et ux, recorded in Book 69, page 395 Deed Records of Benton County, Oregon; thence north 8 rods; thence east parallel to the south line of said Section 36 to a point which is 8 rods north and 8 rods west of the northwest corner of the southeast quarter of the southeast quarter of said Section 36; thence south 8 rods; thence west along the north line of the southwest quarter of the S.E. quarter and S.E. quarter of S.W. quarter of said Section 36 to the point of beginning;

ALSO EXCEPTING that portion described as follows: Beginning at a pipe at an interior corner of said tract, said pipe being 18.26 chains south 89° 50' east, along the north line of the Section, and 28.284 chains south 0° 16' west, along a west line of said tract, from the quarter section corner on the north line of Section 36, Twp. 13 south, Range 5 west, Willamette Meridian, thence, along the lines of said tract, north 89° 50' west 20.87 chains, south 0° 12' west 11.685 chains to the north line of the northeast quarter of the southwest quarter of said Section, westerly to the northwest corner and southerly to the southwest corner of said northeast quarter of the southwest quarter and easterly 17.50

chains to the northeast corner of the second tract described in deed recorded in Book 69, page 395, Benton County Deed Records, thence north 2 chains and easterly, parallel to the legal subdivision line, to a point 2 chains north and 2 chains west of the center of the southeast quarter of said Section, thence northerly to the point of beginning, containing 95 acres, more or less.

EXHIBIT A PAGE 4

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The south one-half, as bisected by a line running in a due easterly and westerly direction, of the following described property, to-wit:

(8) Edwin & Nancy  
Horning Property (b):

Lots 5, 6 and 7 of Section 31, T. 13 south R. 4 west of Willamette Meridian. The east half of the northeast quarter, the north half of the southeast quarter, the east half of the southeast quarter of the southeast quarter and the northeast quarter of the southwest quarter of Section 36, Township 13 South, Range 5 West of Willamette Meridian, ALSO that part of the west half of the northeast quarter and the southeast quarter of the northwest quarter of said Section 36, Township 13 South, Range 5 west of Willamette Meridian, described as follows: beginning at a 1 1/2 inch pipe on the north line of said Section 36; said pipe being south 89° 50' east 18.26 chains from the north quarter section corner of said Section 36; thence south 0° 16' west 28.281 chains to a pipe; thence north 89° 50' west 20.87 chains to an iron; thence south 0° 12' west 11.685 chains to an iron which is 2.522 chains north 89° 51' west of the center of said Section 36; thence east to the southeast corner of the west half of the northeast quarter of said Section 36; thence north to the northeast corner of the west half of the northeast quarter of said Section 36; thence west along the north line of said Section to the point of beginning;

Parcel III, Tax Lot 200

EXCEPTING from the above the following lands in Section 36, Township 13 south, Range 5 west of Willamette Meridian: Beginning at the northeast corner of the second tract of land described in deed from J.N. McFadden et ux to R.N. Maxfield et ux, recorded in Book 69, page 395 Deed Records of Benton County, Oregon; thence north 8 rods; thence east parallel to the south line of said Section 36 to a point which is 8 rods north and 8 rods west of the northwest corner of the southeast quarter of the southeast quarter of said Section 36; thence south 8 rods; thence west along the north line of the southwest quarter of the S.E. quarter and S.E. quarter of S.W. quarter of said Section 36 to the point of beginning;

ALSO EXCEPTING that portion described as follows: Beginning at a pipe at an interior corner of said tract, said pipe being 18.26 chains south 89° 50' east, along the north line of the Section, and 20.281 chains south 0° 16' west, along a west line of said tract, from the quarter section corner on the north line of Section 36, Twp. 13 south, Range 5 west, Willamette Meridian, thence, along the lines of said tract, north 89° 50' west 20.87 chains, south 0° 12' west 11.685 chains to the north line of the northeast quarter of the southwest quarter of said Section, westerly to the northwest corner and southerly to the southwest corner of said northeast quarter of the southwest quarter and easterly 17.50

chains to the northeast corner of the second tract described in deed recorded in Book 69, page 395, Benton County Deed Records, thence north 2 chains and easterly, parallel to the legal subdivision line, to a point 2 chains north and 2 chains west of the center of the southeast quarter of said Section, thence northerly to the point of beginning, containing 95 acres, more or less.

ENCLOSURE PAGE 5

STATE OF OREGON }  
County of Benton } ss. 099025

I hereby certify that the within instrument was received for record  
DEC 29 PM 2 41

and assigned No. 107749 1986

In the Microfilm records of said county  
Witness My Hand and Seal of County At-Large  
DANIEL G. BURNS  
Director of Records & Elections  
By *[Signature]*  
Deputy

CONTRACT DATA SHEET

OWRD



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

RECLAMATION  
Managing Water in the West

1. Applicant Information:

A. Landowners

- 1) Name of landowner(s): IGH Properties Inc.
- 2) Address: 27775 Horning Ln., Corvallis, OR 97333
- 3) Mailing Address (if different): 26279 Bellfountain Rd., Monroe, OR 97456
- 4) Taxpayer Identification Number(s): 93-099004  
(Social Security Number or Employer Identification Number)<sup>1</sup>
- 5) Do you own all of the land where you propose to divert and make use of water? Yes

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

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

2. Source of Water (name of stream, river): Willamette River

3. Proposed point of diversion: POD 1: 1520' N and 1840' E, POD 2: 570' N and 1350' E  
feet and feet  
of SW corner of Section 31, Township 13S, Range 4W,  
Willamette Meridian.

4. A water right permit to divert storage water is required. Application or file number with OWRD if you have applied for a permit to divert storage water: Submitted SW application simultaneously

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



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

7. Total quantity of water from storage requested: 116.75 acre-feet.

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

TOWNSHIP	RANGE	SECTION	40-ACRE TRACT (1/4) (1/4)	NO. of ACRES	TYPE of IRRIGATED CROP
13S	4W	31	NESW	3.9	grass
13S	4W	31	NWSW	14.0	grass
13S	4W	31	SWSW	26.1	grass
13S	4W	31	SESW	2.7	grass

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

Farming

10. Is the land identified above currently being irrigated? No. If yes, what is the source? (*natural flows, wells, etc.*) \_\_\_\_\_

11. Diversion must be screened to prevent uptake of fish and other aquatic life. Describe plan(s) to comply with State/Federal fish screen standards: New fish screening will be purchased that will be sized to the pumping equipment and will be pre-approved by the Oregon Department of Fish and Wildlife.

12. Telephone number where you can be reached during the day: David Horning, president (541) 740-8955  
Grant McGill, agent (503) 931-0210

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

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

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

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

## 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: \$2,175.80  
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)