

Application for a Permit to
Store Water in a Reservoir
(Standard Review)



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

You must use this form for any reservoir storing more than 9.2 acre-feet and with a dam more than 10 feet high.

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME			PHONE (HM)	RECEIVED OCT 24 2022
PHONE (WK)	CELL		FAX	
ADDRESS				
CITY	STATE	ZIP	E-MAIL *	OWRD

Organization

NAME			PHONE	FAX
TWO BROTHERS RANCH, LLC / ANDREW CORNELL			570-417-5529	
ADDRESS			CELL	
61583 HOSMER LAKE DR				
CITY	STATE	ZIP	E-MAIL *	
BEND	OR	97702	ANDREWCORNELL@CORNELLCOOKSON.COM	

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

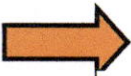
AGENT / BUSINESS NAME			PHONE	FAX
JOHN A. SHORT / WATER RIGHT SERVICES, LLC			541-389-2837	
ADDRESS			CELL	
PO BOX 1830				
CITY	STATE	ZIP	E-MAIL *	
BEND	OR	97709	JOHNSHORT@USA.COM	

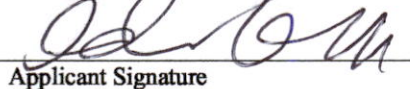
Note: Attach multiple copies as needed

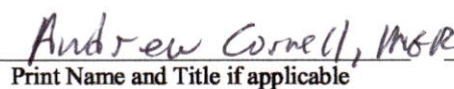
* By providing an e-mail address, consent is given to receive all correspondence from the Department electronically. (Paper copies of the final order documents will also be mailed.)

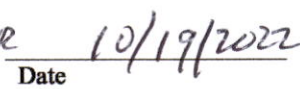
By my signature below I confirm that I understand:

- 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 packet.
- I cannot legally store water until the Water Resources Department issues a permit to me.
- 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 get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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


Applicant Signature


Print Name and Title if applicable


Date

Applicant Signature

Print Name and Title if applicable

Date

For Department Use: App. Number: _____

SECTION 2: PROPERTY OWNERSHIP

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

Legal Description: You must provide the legal description of: (1) the property from which the water is to be diverted, (2) any property crossed by the proposed ditch, canal or other work, and (3) any property on which the water is to be used as depicted on the map. **SEE ATTACHED DEED #2021-0036**

SECTION 3: SOURCE OF WATER

A. Reservoir Name: KEYES CREEK RESERVOIR

B. Source: Provide the name of the water body or other source from which water will be diverted, and the name of the stream or lake it flows into. Indicate if source is run-off, seepage, or an unnamed stream or spring.

Source 1: Marshall Creek	Tributary to: MOUNTAIN CREEK
TRSQQ of POD: T11S R22E SEC 36 SESE	
Source 2: Un-named Creek	Tributary to: MOUNTAIN CREEK
TRSQQ of POD: T11S R22E SEC 36 SESE	

- Is the proposed reservoir in a wetland (as determined by DSL)? ☐ Yes ☐ No ☒ Don't know
- Is the proposed reservoir an enlargement of an existing dam/reservoir? ☒ Yes ☐ No
- Is the proposed reservoir in-channel of a stream or off-channel: ☒ In-channel ☐ Off-Channel
- If the reservoir is proposed to be in-channel, is the stream: ☐ Perennial ☒ Intermittent ☐ Ephemeral
- If the reservoir is proposed to be in-channel, has ODFW determined that native migratory fish are present?
☐ Yes ☐ No ☒ Don't know
- Is the reservoir in the 100-year floodplain? ☐ Yes ☐ No ☒ Don't know
- If the reservoir is not in the channel of a stream, state how it is to be filled: N/A

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, refer to the map shown on [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 TRSQQ or the Lat/Long of a POD and click on "Submit" to retrieve a report that will show which section, if any, of the rules apply:
https://apps.wrd.state.or.us/apps/misc/lkp_trsqq_features/

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

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

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

☒ Yes ☐ No

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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 prior to diversion or use of water under any permit issued pursuant to this application.

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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 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

- a) The use of the impounded water will be: Irrigation, Fish Culture, Wildlife, & Fire Protection.
- b) The amount of water to be stored is: 9.1 acre-feet.
- c) The area submerged by the reservoir, when filled, will be 1.8 acres.

SECTION 6: DAM HEIGHT AND COMPOSITION

The maximum height of the structure will be 18' feet above streambed or ground surface at the centerline of the crest of the dam.

Attach preliminary plans, specifications and supporting information for the dam and impoundment area including 1) dam height, **18'** 2) width, **458'** 3) crest width, **20'** 4) surface area **1.8 AC.** and 5) preliminary fish passage design. **TBD PER REVIEW**

Note: If your dam height is greater than or equal to 10.0' above land surface AND your reservoir will store equal to or greater than 9.2 acre-feet, engineered plans and specifications must be approved by the Department's Dam Safety Section prior to storage of water.

The dam will be (check one): ☒ Earthfill ☐ Concrete ☐ Flash board ☐ Other

If "other," provide the description: _____

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SECTION 7: PRIMARY OUTLET WORKS

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- a) Describe the location and the dimensions of the outlet conduit through the dam:

NOTE: Most dams across a natural stream channel will need an outlet conduit having a minimum diameter of 8 inches or greater.

8" DIAMETER GATED PCV THROUGH CENTER OF DAM

- b) How and when will the outlet be operated?

GATE WILL BE OPENED AS NEEDED TO PASS LIVE FLOW OR CYCLE WATER

- c) If ODFW has determined fish are present in the stream, how do you propose to protect fish through the outlet conduit (the conduit does not constitute fish passage)?

WILL ADDRESS OWRD/ODFW RECOMMENDATIONS FOLLOWING REVIEW

SECTION 8: EMERGENCY SPILLWAY

- a) Describe the location and the dimensions of the spillway channel.

24" CMP THROUGH SOUTH SIDE OF DAM TO 5' X 5' ROCK BOTTOM NATURALLY VEGETATED CHANNEL

- b) How will the emergency spillway be designed to prevent erosion?

ROCK AND VEGETATION WILL PREVENT EROSION

- c) What is the maximum design flow for the spillway? (Should be able to handle high flow events. 10-year flood events? 50-year flood events?)

FLOOD CAPACITY OF SPILLWAY WILL EXCEED HIGH FLOW EVENTS

SECTION 9: WATER QUALITY

- a) Describe how the reservoir will be managed to maintain water quality in the reservoir and downstream.
THE WATER WILL BE REFRESHED BY SPRING RUN-OFF AND CYCLED ANNUALLY
- b) Describe how the perimeter of the reservoir will be buffered to limit nutrient and bacteria contamination.
NATURAL VEGETATION WILL PROVIDE BUFFER
- c) Describe how annual maintenance of the reservoir will be accomplished without discharging contaminated water instream.
NOT ANTICIPATED - IF CONTAMINATION OCCURS, WATER WILL BE PUMPED OUT ON ADJACENT LANDS TO INFILTRATE

SECTION 10: PROJECT SCHEDULE (List Month and Year)

- a) Proposed date construction work will begin: UPON PERMIT ISSUANCE
(Fish passage approval is necessary prior to construction.)
- b) Proposed date construction work will be completed: WITHIN 5 YEARS OF PERMIT ISSUANCE
- c) Proposed date water use will be completed: WITHIN 5 YEARS OF PERMIT ISSUANCE

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SECTION 11: 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 N/A	Address	
City	State	Zip

SECTION 12: REMARKS

Use this space to clarify any information you have provided in the application.

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 sections are completed. 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: Dam Height and Composition
- ☒ SECTION 7: Primary Outlet Works
- ☒ SECTION 8: Emergency Spillway
- ☒ SECTION 9: Water Quality
- ☒ SECTION 10: Project Schedule
- ☒ SECTION 11: Within a District
- ☒ SECTION 12: 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: **\$ 2,110**
See the Department's Fee Schedule at www.oregon.gov/owrd or call (503) 986-0900.
- ☒ Map that includes the following items:
 - ☒ Map must be prepared by a Certified Water Rights Examiner
 - ☒ 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 public-land survey corner on map
 - ☒ Location of each dam 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
 - N/A 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)

Please note that a secondary application is required if there are out-of-reservoir uses associated with this application.

For Department Use: App. Number: _____

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Water-Use Permit Application Processing

1. Completeness Determination

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

2. Initial Review

The Department reviews the application to determine whether water is available during the period requested, whether the proposed use is restricted or limited by rule or statute, and whether other issues may preclude approval of or restrict the proposed use. An Initial Review (IR) containing preliminary determinations is mailed to the applicant. The applicant has 14 days from the mailing date to withdraw the application from further processing and receive a refund of all fees paid minus \$260. The applicant may put the application on hold for up to 180 days and may request additional time if necessary.

3. Public Notice

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

4. Proposed Final Order Issued

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

5. Public Notice

Within 7 days of issuing the PFO, the Department gives public notice in the weekly notice. Notice includes information about the application and the PFO. Protest must be received by the Department within 45 days after publication of the PFO in the weekly notice. Anyone may file a protest. The protest filing fee is \$410.00 for the applicant and \$810.00 for non-applicants. Protests are filed on approximately 10 percent of Proposed Final Orders. If a protest is filed the Department will attempt to settle the protest but will schedule a contested case hearing if necessary.

6. Final Order Issued

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

Oregon Water Resources Department
Standard Reservoir Application

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Today's Date: Tuesday, September 27, 2022

Base Application Fee.		\$1,090.00
Number of acre feet to be diverted for Storage.	9.9	\$410.00
Number of reservoirs.	1	
Subtotal:		\$1,500.00
Permit Recording Fee. ***		\$610.00
*** the Permit Recording Fee is not required when the application is submitted but, must be paid before a permit will be issued. It is fully refundable if a permit is not issued. If the recording fee is not paid prior to issuance of the Final Order, permit issuance will be delayed.	Recalculate	
Estimated cost of Permit Application		\$2,110.00

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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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 ground water 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 503-986-0801.

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.wrd.state.or.us

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Applicant(s): Two Brothers Ranch, LLC / Andrew Cornell

Mailing Address: 61583 Hosmer Lake Dr

City: Bend

State: OR

Zip Code: 97702

Daytime Phone: 570-417-5529

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>11 S</u>	<u>22 E</u>	<u>36</u>	<u> </u>	<u>800</u>	<u>EFU</u>	☒ Diverted ☒ Conveyed ☒ Used	<u>RESERVOIR</u>

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

Wheeler 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) Marshall Creek & Un-named Creek

Estimated quantity of water needed: 9.9 acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other FI, WI, FP

Briefly describe:

Application for additional surface water to be stored in an expanded reservoir for Irrigation (IR), Fish Culture (FI), Wildlife (WI), & Fire Protection (FP) uses.

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. →

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

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

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: _____ Title: _____

Signature: _____ Phone: _____ Date: _____

Government Entity: _____

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: Two Brothers Ranch, LLC / Andrew Cornell

City or County: Wheeler Staff contact: Matt Davis

Signature:  Phone: 541-763-3200 Date: 9/8/2022



After recording return to:
Two Brothers Ranch, LLC, an Oregon limited liability
company
61583 Hosmer Lake Drive
Bend, OR 97702

Until a change is requested all tax statements shall be
sent to the following address:
Two Brothers Ranch, LLC, an Oregon limited liability
company
61583 Hosmer Lake Drive
Bend, OR 97702
File No. 430772AM

WHEELER COUNTY, OREGON 2021-0036
D-WD
Cnt=1 Pgs=5 BSNOWPOTTER 02/19/2021 02:47:02 PM
\$25.00 \$11.00 \$10.00 \$60.00 \$106.00
I, Brenda Snow Potter, County Clerk for Wheeler County, Oregon,
certify that the instrument identified herein was recorded in the Clerk
records.
Brenda Snow Potter - County Clerk

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STATUTORY WARRANTY DEED

Big Bear Mountain, LLC,
Grantor(s), hereby convey and warrant to:

Two Brothers Ranch, LLC, an Oregon limited liability company,

Grantee(s), the following described real property in the County of Wheeler and State of Oregon free of encumbrances except
as specifically set forth herein:

See Attached Exhibit 'A'

FOR INFORMATION PURPOSES ONLY, THE MAP/TAX ACCT #(S) ARE REFERENCED HERE:

The true and actual consideration for this conveyance is \$3,427,000.00.
The above-described property is free of encumbrances as of the date of this deed and those shown below, if any:

See Attached Exhibit 'B'

Return To:

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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 this 17th day of February, 2021.

Big Bear Mountain, LLC
by WC Concepts, Inc., a Delaware Corporation
its Manager

by [Signature]
Christopher Kaman, President

State of Florida ss
County of Brevard }

On this 17th day of February, 2021, before me, Deborah L. Pelham, a Notary Public in and for said state, personally appeared Christopher Kaman known or identified to me to be the President of WC Concepts, Inc., Manager in the Limited Liability Company known as Big Bear Mountain, LLC who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Deborah L. Pelham
Notary Public for the State of Florida
Residing at: 1025 Primavera Ln, Melbourne, FL 32940
Commission Expires: 11-13-2021



OCT 24 2022

EXHIBIT "A"

OWRD

430772AM

Located in WHEELER COUNTY, OREGON:

Township 11 South, Range 22 East of the Willamette Meridian, Wheeler County, Oregon:

Section 24: SW1/4SW1/4.

Section 25: W1/2; W1/2SE1/4.

Section 26: All, EXCEPT the NW1/4NW1/4.

Section 27: A triangle parcel beginning at the Southeast corner of said Section; thence due West 693 feet; thence Northeasterly in a straight line to a point 495 feet due North of the point of beginning; thence 495 feet due South to the point of beginning.

Section 34: NW1/4; W1/2NE1/4; NE1/4NE1/4; NW1/4SW1/4.

Section 36: All, EXCEPT the NE1/4NE1/4.

Township 11 South, Range 23 East of the Willamette Meridian, Wheeler County, Oregon:

Section 30: Lot 4; SE1/4SW1/4; S1/2SE1/4

OCT 24 2022

EXHIBIT "B"

430772AM

OWRD

1. Taxes deferred, as disclosed by the tax roll, the premises herein described have been zoned or classified for farm use. At any time that said land is disqualified for such use the property will be subject to additional taxes or penalties and interest.
2. The assessment roll and the tax roll disclose that the premises herein described were specially assessed as Forest Land. If the land becomes disqualified for the special assessment under the statute, an additional tax may be levied for the last five (5) or lesser number of years in which the land was subject to the special land use assessment.
3. Minerals of whatsoever kind, subsurface and surface substances, including but not limited to coal, lignite, oil, gas, uranium, clay, rock, sand and gravel in, on, under and that may be produced from the Land, together with all rights, privileges, and immunities relating thereto, whether or not appearing in the Public Records or listed in Schedule B. The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.
4. Rights of the public and governmental bodies in and to that portion of said premises now or at any time lying below the high water line of Marshall Creek and Keys Creek, including any ownership rights which may be claimed by the State of Oregon as to any portion now or at any time lying below the ordinary high water line.

Such rights and easements for navigation and fishing as may exist over that portion of the property now or at any time lying beneath the waters of Marshall Creek and Keys Creek.

All matters arising from any shifting in the course of Marshall Creek and Keys Creek including but not limited to accretion, reliction and avulsion.

5. Reservation of minerals and mining easement, including the terms and provisions contained therein, in deed from Eastern Oregon Land Company, its successors and assigns.
Recorded: March 25, 1919
Book: 15, Page 47

The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

6. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Pacific Northwest Bell Telephone Company, its successors and assigns
Recorded: June 15, 1964
Book: 31, Page: 17
7. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Brooks Scanlon, Inc., a Delaware corporation
Recorded: October 15, 1975
Book: 34, Page: 455

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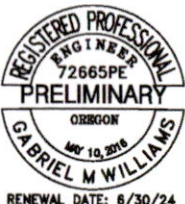
8. Reservation of minerals not previously reserved, including the terms and provisions contained therein, in deed from Donald E. McGhehey and Grace G. McGhehey, as Tenants by the Entirety.
Recorded: December 23, 1976
Book: 34, Page 768

The Company makes no representation as to the present ownership of any such interests. There may be leases, grants, exceptions or reservations of interests that are not listed.

9. An easement including the terms and provisions thereof, affecting the portion of said premises and for the purposes stated therein as set forth in instrument:
Granted To: Telephone Utilities of Eastern Oregon, an Oregon corporation
Recorded: December 3, 1981
Book: 36, Page 193

10. Terms, provisions and conditions, including but not limited to maintenance provisions, contained in appurtenant easement,
Recorded: December 17, 2015
Instrument No.: 2015-0345

11. Notwithstanding Paragraph 4 of the covered risks of the policy or policies to be issued, the policy or policies will not insure against loss arising by reason of any lack of a right of access to and from the Land.
(Affects Township 11 South, Range 23 East)



RENEWAL DATE: 8/30/24

- MAJOR CONTOUR 5'

MINOR CONTOUR 1'

EXISTING DAM

	PROPOSED DAM
1. Name of dam	
2. Location	
3. Type of dam	
4. Height of dam	
5. Length of dam	
6. Volume of water impounded	
7. Estimated cost of construction	
8. Estimated annual revenue from dam	
9. Estimated annual maintenance cost	
10. Estimated net annual benefit	
11. Estimated payback period	
12. Estimated life expectancy	
13. Other information	

PROPOSED SPILLWAY

EXISTING SPILLWAY PROFILE

DRAWING STATUS:		DATE:	NO.	REVISION:	DATE:
302		09/17/22	1		
302		09/21/22	2		
302			3		
			4		
			5		
			6		
			7		
			8		
			9		
			10		

RSI Resource Specialists Inc.

1180 SW LAKE RD, STE 202
REDMOND, OR 97756
(541) 771-8811
gabe@rsiengr.com

PROJECT:
MARSHALL CREEK RESERVOIR

PROJECT LOCATION:
WHEELER COUNTY

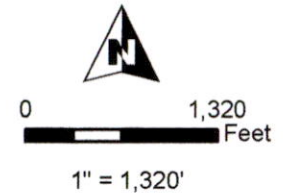
DRAWN BY: BDD

SHORT TITLE:
CONCEPTUAL MARSHALL
CREEK RESERVOIR

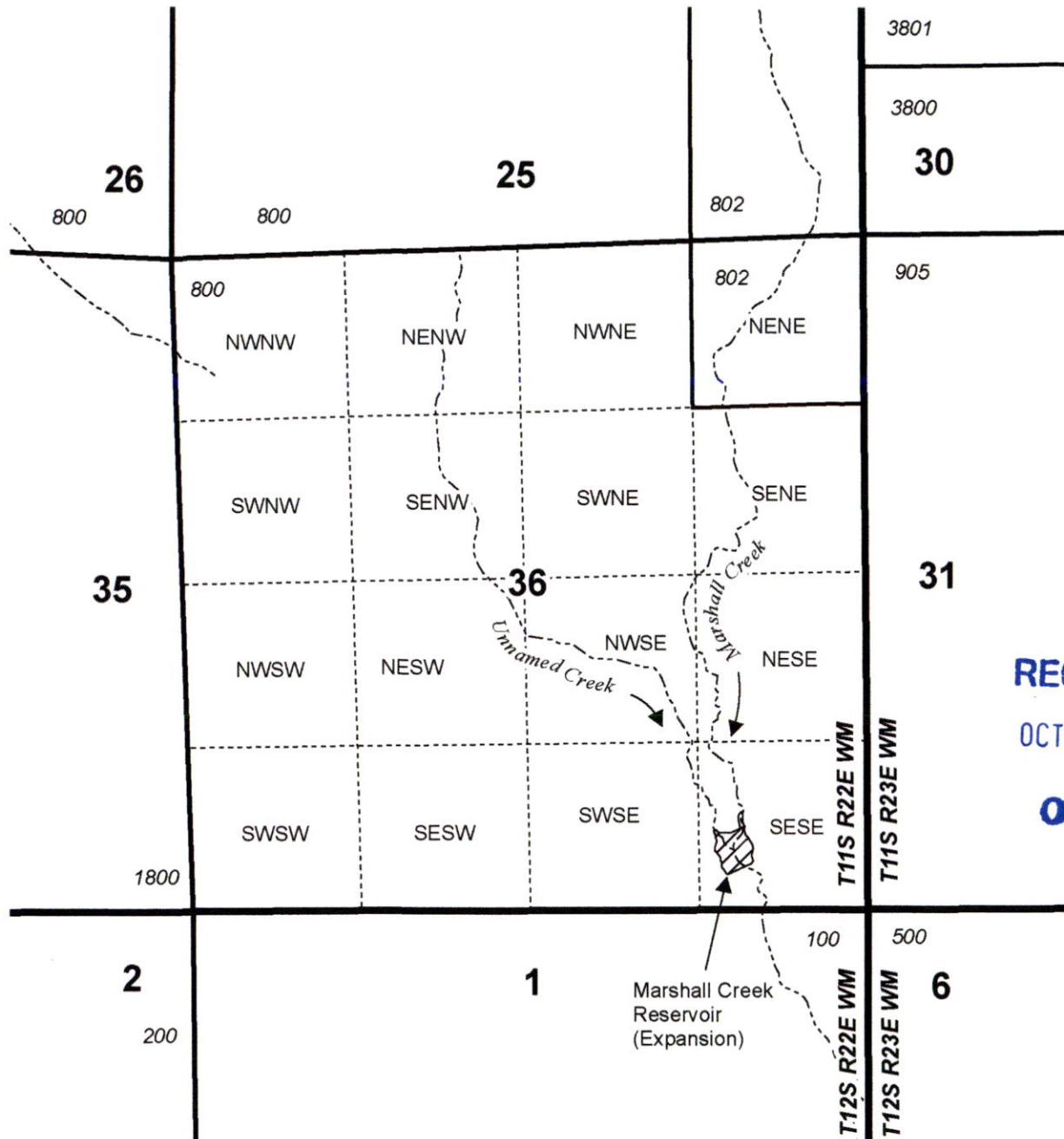
DRAWING:

XXX

**T11S R22E, WM
WHEELER COUNTY, OR**



- Creek
- Reservoir
- Township
- Section
- Quarter Quarter
- Tax Lot

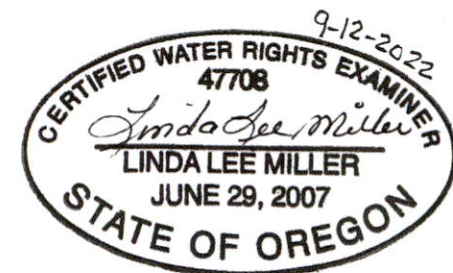


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Dam Location:
330' N, 940' W of the SE Cor Sec 36



RENEWAL DATE 12/31/2022



**RESERVOIR APPLICATION MAP
TWO BROTHERS RANCH, LLC**

Date: 9/8/2022

This map is not intended
to provide legal dimensions
or locations of property
ownership lines.

WATER RIGHT SERVICES, LLC
PO BOX 1830, BEND, OR 97709
WWW.OREGONWATER.US CCB # 197121
johnshort@usa.com 541-389-2837

Wetland Determination Request
Wetlands Program
Oregon Department of State Lands
775 Summer Street, NE, Suite 100, Salem, OR 97301-1279

BATCH
WD#: _____

The Department of State Lands (DSL) conducts *offsite* wetland determinations upon request. There is no fee for this service. An offsite determination consists of reviewing wetlands and soils maps, aerial photos and other information to determine if wetlands or other regulated water bodies (such as creeks) are present, likely to be present, or unlikely to be present. Only an *onsite* check can verify whether or not there are regulated wetlands on a site. As time allows, DSL staff may be able to conduct a site visit to verify an offsite determination. Please allow 2-3 weeks for an initial response.

If wetlands are present or likely to be present on a parcel or near a project area, a wetland delineation by a qualified wetland consultant may be needed. Wetland delineation reports and the required fee should then be submitted to DSL for review and agency approval.

Please provide the following information:

1. Vicinity map (like a city map) with the precise parcel location indicated.
2. Large scale map (1" = 100' if possible) of the parcel showing existing buildings, property boundaries, any creeks and other features. An annotated tax assessor's map is fine, and a hand-drawn map is acceptable.
3. City, County, and site address. Please fill in below.
City _____ (or nearest town if outside City limits)
County _____
Site address _____ (or nearest cross streets if no address)
4. Township, Range, Section, Quarter/Quarter Section and Tax Lot number(s) (Tax Map number is equivalent). Please fill in below.
Township _____ Range _____ Section _____ QQ _____ Tax Lot (s) _____

☐ **Property owner** ☐ **Legal representative** ☐ **Other (specify):** _____

Name: _____

Firm: _____

Mailing Address: _____

Phone: _____ Fax: _____ E-Mail: _____

I either own or have legal authority to allow access to the property for which this request is made. My signature below authorizes DSL staff to conduct a wetland determination and to access the property to confirm the wetland determination, as needed. *(DSL will phone prior to conducting a site visit.)*

Signature: _____ Date: _____

Print Name: _____