

# 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

### Organization

NAME <b>Sarbanand Enterprises, LLC, Attn: Matt Hoezee</b>		PHONE <b>661-565-6421</b>	FAX
ADDRESS <b>786 Road 188</b>			CELL
CITY <b>Delano</b>	STATE <b>CA</b>	ZIP <b>93215</b>	E-MAIL * <b>matt.hoezee@mungerfarms.com</b>

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

AGENT / BUSINESS NAME <b>GSI Water Solutions, Inc. Attn: Kimberly Grigsby</b>		PHONE <b>541-257-9004</b>	FAX
ADDRESS <b>1600 SW Western Blvd., Suite 240</b>			CELL
CITY <b>Corvallis</b>	STATE <b>OR</b>	ZIP <b>97333</b>	E-MAIL * <b>kgrigsby@gsiws.com</b>

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

Matt Hoezee  
Applicant Signature

**Matt Hoezee, Regional Ranch Manager**  
Print Name and Title if applicable

9/4/2023  
Date

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**SECTION 2: PROPERTY OWNERSHIP**

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

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

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

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.

See Attachment B for a legal description of the property.

**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: <b>Pond 3</b>	Tributary to: <b>South Yamhill River</b>
TRSQQ of POD: <b>T5S R5W Section 35 NW SW</b>	

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).

Permit R-15557 is held by the Applicant and authorizes the storage of up to 112.0 acre-feet in Pond 3. See Attachment D for a copy of Permit R-15557.

**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.

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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.

##### 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:

The Applicant will only irrigate when necessary to promote ideal hazelnut production and will use drip irrigation to conserve water.

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

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

Yes  No

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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
<u>Pond 3</u>	<u>Irrigation</u>	<u>April 1 through September 30</u>	<u>112*</u> <input type="checkbox"/> cfs <input type="checkbox"/> gpm <input checked="" type="checkbox"/> af

\*Up to 112 acre-feet further limited to a rate of up to 800 gpm.

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

Primary: 176.6 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: 112.0



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

## SECTION 6: WATER MANAGEMENT

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### A. Diversion and Conveyance

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

- Pump (give horsepower and type): **60-75 HP**  
 Other means (describe): \_\_\_\_\_

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

Water will be diverted from Pond 3 using a 60-75 HP pump and will be conveyed via 8" or 10" PVC pipeline to a filter station and then to the place of use.

### B. Application Method

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

The place of use will be irrigated using drip irrigation.

### 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 applicant will limit the use of stored water to the amount needed for beneficial use, not to exceed 112 acre-feet, further limited to a rate of 800 gpm. The applicant intends to irrigate hazelnut fields using drip irrigation to conserve water. The point of diversion will be equipped with a flowmeter to measure water diverted from Pond 3, if required by OWRD. The proposed use of stored water is not expected to cause damage to public uses of surface water.

## 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: The applicant will install a fish screen on the point of diversion.
- 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: If any excavation or bank clearing is required, it will be minimized to protect the area adjacent to the pond.

- 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 a water body is expected during construction, and the diversion of water will not require any instream equipment operation.
- Water quality will be protected by preventing erosion and run-off of waste or chemical products. Describe planned actions: The Applicant will only irrigate when necessary to promote ideal crop production using the minimum quantity of water needed. This will prevent erosion, and no run-off of chemical products will occur.
- List other federal and state permits or contracts to be obtained, if a water right permit is granted. N/A

**SECTION 8: PROJECT SCHEDULE**

- a) Date construction will begin: Within 5 years of permit issuance
- b) Date construction will be completed: Within 5 years of permit issuance
- c) Date beneficial water use will begin: Within 5 years of permit issuance

**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 <u>N/A</u>	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).

The Applicant is requesting a permit to use up to 112 acre-feet of stored water, further limited to a rate of up to 800 gpm (1.78 cfs) for irrigation purposes.

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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. [See Attachment A](#)
- 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 Attachment B](#)
- Fees - Amount enclosed: **\$2,168.80**  
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: [See Attachment C](#)
  - Permanent quality and drawn in ink
  - Even map scale not less than 4" = 1 mile (example: 1" = 400 ft, 1" = 1320 ft, etc.)
  - North Directional Symbol
  - Township, Range, Section, Quarter/Quarter, Tax Lots
  - Reference corner on map
  - Location of each diversion, by reference to a recognized public land survey corner (distances north/south and east/west)
  - Indicate the area of use by Quarter/Quarter and tax lot identified clearly.
  - Number of acres per Quarter/Quarter and hatching to indicate area of use if for primary irrigation, supplemental irrigation, or nursery
  - Location of main canals, ditches, pipelines or flumes (if well is outside of the area of use)

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## **Attachment A**

Land Use Information Form

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Application for a Water Use Permit – Sarbanand Enterprises, LLC.



# Land Use Information Form



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

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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

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Applicant(s): Sarbanand Enterprises, LLC, Attn: Matt Hoezee

Mailing Address: 786 Road 188

City: Delano

State: CA

Zip Code: 93215

Daytime Phone: 661-565-6421

## 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:
5S	5W	35	SE NE, NW SW, S ½ of SW ¼, SE ¼	200, 700, 800	EF-80	<input checked="" type="checkbox"/> Diverted <input checked="" type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	Irrigation
5S	5W	36	SW NW, W ½ of SW ¼	200, 800, 900		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	
6S	5W	2	N ½ of NE ¼, E ½ of NW ¼	200, 700, 800, 1500		<input type="checkbox"/> Diverted <input type="checkbox"/> Conveyed <input checked="" type="checkbox"/> Used	

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

Yamhill 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: 800     cubic feet per second     gallons per minute     acre-feet **and 112 acre-feet**

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

Briefly describe:

**The applicant is requesting a water use permit to use stored water from Pond 3 at a rate of 800 gpm and a volume of up to 112 AF for the irrigation of a vineyard. See the attached map for the location of Pond 3 and the proposed place of use.**

**Note to applicant:** If the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt at the bottom of the next page and include it with the application filed with the Water Resources Department. **See bottom of Page 3. →**



## For Local Government Use Only

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

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

- Land uses to be served by the proposed water uses (including proposed construction) are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): 402 of the YCZO
- 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

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.

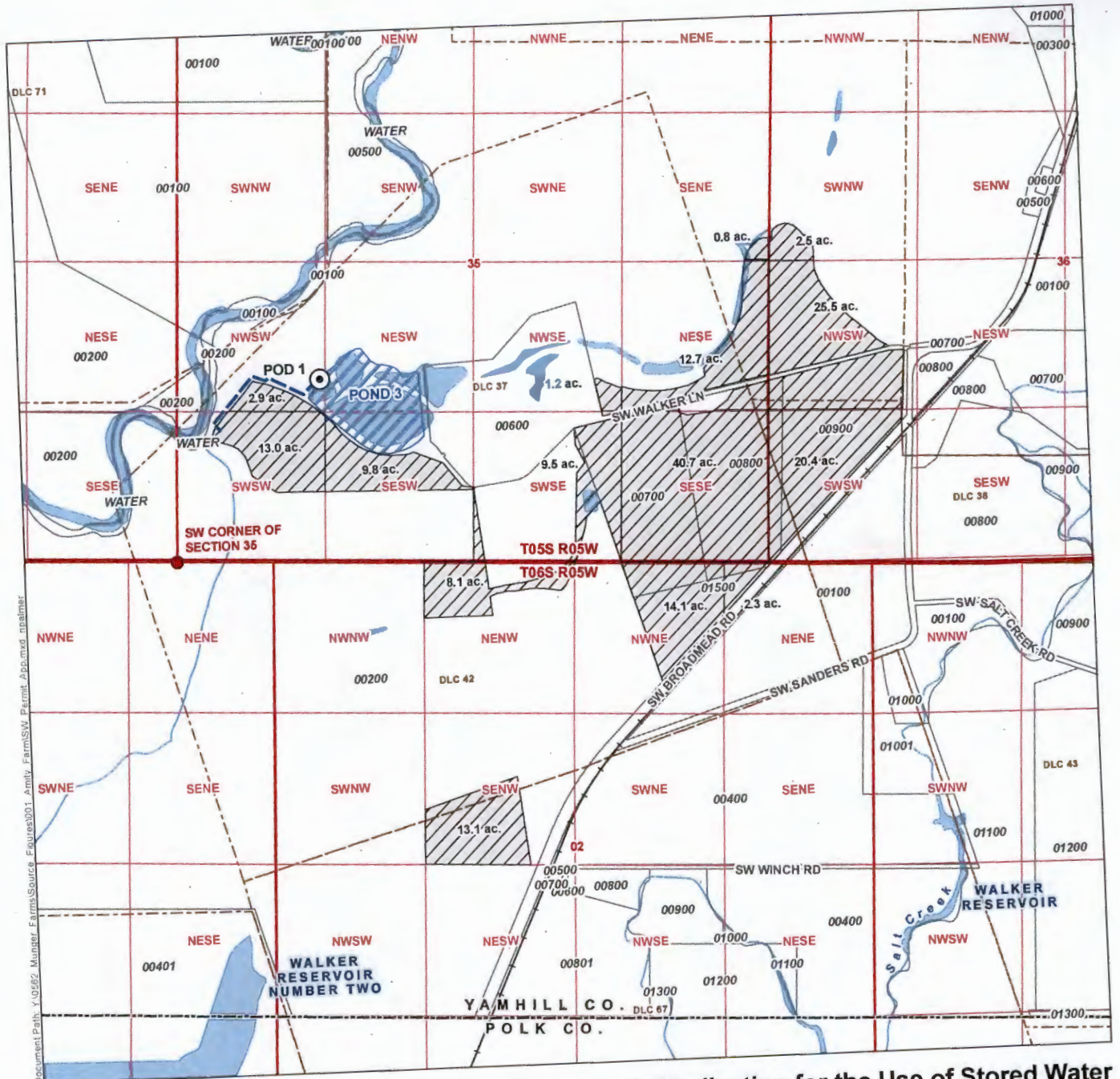
Name: Kenneth P. Friday Title: P. D  
 Signature: [Signature] Phone: 503-434-7516 Date: 9/13/2023  
 Government Entity: Yamhill County

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

**Receipt for Request for Land Use Information**

Applicant name: \_\_\_\_\_  
 City or County: \_\_\_\_\_ Staff contact: \_\_\_\_\_  
 Signature: \_\_\_\_\_ Phone: \_\_\_\_\_ Date: \_\_\_\_\_





**LEGEND**

- Point of Diversion (POD)
- Conveyance
- Place of Use (POU)
- Pond 3
- Donation Land Claim (DLC)
- Tax Lot
- Railroad
- Watercourse
- Waterbody

**LOCATION DESCRIPTION**

**POD 1**  
 Located 1,570 feet North and 1,330 feet East from the SW corner of Section 35, Township 5 South, Range 5 West (W.M.)

**Permit Application for the Use of Stored Water  
 in the Name of Sarbanand Enterprises, LLC.  
 Place of Use/Point of Diversion Map**

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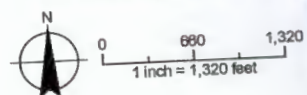
Yamhill County  
 Township 5, 6 South, Range 5 West (W.M.)

**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: August 21, 2023

Data Sources: BLM, ESRI, OWRD, USGS, Yamhill Co.



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## **Attachment B**

Legal Description

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Application for a Water Use Permit – Sarbanand Enterprises, LLC.



RECORDING REQUESTED BY:  
**GRANTOR:**  
 Evergreen Agricultural Enterprises, Inc.  
 3850 Three Mile Lane  
 McMinnville, OR 97128  
**GRANTEE:**  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
**SEND TAX STATEMENTS TO:**  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
**AFTER RECORDING RETURN TO:**  
 Sarbanand Enterprises, LLC  
 786 Road 188  
 Delano, CA 93215  
 Escrow No: 471813029191-TTMIDWIL36

Yamhill County Official Records      **201318001**  
 DMR-DDMR  
 Str=4 MILLSA      11/27/2013 02:57:08 PM  
 \$50.00 \$11.00 \$5.00 \$15.00      **\$81.00**  
 I, Brian Van Bergen, County Clerk for Yamhill County, Oregon, certify  
 that the instrument identified herein was recorded in the Clerk  
 records.  
 Brian Van Bergen - County Clerk

RECORDED IN POLK COUNTY      **2013-012365**  
 Valerie Unger, County Clerk  
 11/27/2013 01:56:54 PM  
 REC-WD      Cnt=1 Str=1 K. WILLIAMS  
 \$45.00 \$11.00 \$10.00 \$5.00 \$15.00      **\$86.00**

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**STATUTORY WARRANTY DEED**

Evergreen Agricultural Enterprises, Inc., an Oregon Corporation, Grantor, conveys and warrants to Sarbanand Enterprises, LLC, an Oregon limited liability company, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill and the County of Polk, State of Oregon:

See Attached Exhibit "A"

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS \$1.00 and other consideration (See ORS 93.030)

Subject only to encumbrances of record at the time of conveyance.

Further subject to and including the water rights appurtenant to the following described real property as referenced in exhibit "A".

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

DATED: 11/24/13

Evergreen Agricultural Enterprises, Inc., an  
 Oregon Corporation  
 Brian Crowe, President

State of OREGON, COUNTY of YAMHILL

This instrument was acknowledged before me on November 26, 2013 by Brian Crowe, President for Evergreen Agricultural Enterprises, Inc., an Oregon Corporation.

Notary Public - State of Oregon

My commission expires: June 14, 2017  
 471813029191-TTMIDWIL36  
 Deed (Warranty-Statutory)



TICOR TITLE COMPANY 471813029191

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Order No.: 471813029191-TTMIDWIL36

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EXHIBIT "A"

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TRACT A ("AMITY"):

PARCEL 1:

Beginning at a point in the County Road, which point is 8.88 chains West of the Southeast corner of the William A. Culberson Donation Land Claim, said point being West 44.45 chains and South 9.00 chains from the Northeast corner of Section 36, Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon; thence South 22° East 15.53 chains to a rock set in the County Road; thence South 17° West 27.80 chains to a rock in the County Road; thence South 82° West 14.25 chains to post with bearing trees; thence South 44 links to post with bearing trees; thence South 0°32' West along the center of County Road to its intersection with the Northerly right of way line of the Southern Pacific Railroad; thence Southwesterly along the Northerly railroad right of way line to its intersection with the county line between Yamhill and Polk Counties; thence West along said county line to its intersection with the East line of the M. B. Burke Donation Land Claim; thence Northwesterly, along the Easterly line of said Burke Claim to the Northeast corner thereof; thence West along the North line of said Burke Claim to the Northwest corner thereof; thence South along the West line of said Burke Claim 12.63 chains to a point which is 20 chains North of the Southern boundary line of Section 3, Township 6 South, Range 5 West of the Willamette Meridian; thence West 8.06 chains to the East line of the Guilford F. Worden Donation Land Claim; thence North along the East line of said Worden Claim, 60 chains to the Northeast corner thereof; thence West along the North line of said Worden Claim 21.08 chains to the most Northerly Southwest corner of the Alanson Wing Certificate Claim; thence North along the West line of said Wing Claim, 21.20 chains to the Northwest corner thereof, also being the Southwest corner of the Jacob Hampton Donation Land Claim at a stake on the left bank of the Yamhill River from which an alder 8 inches in diameter half way down the bank, bears South 70° East 22 links distant; thence East along the North line of said Wing Claim 60.42 chains to a post in the Section line between Sections 34 and 35, Township 5 South, Range 5 West of the Willamette Meridian; thence South along the Section line 3.19 chains to a post on the North line of the Jacob Comegy Donation Land Claim South of the River; thence North 45° East along the North line of said Comegy Claim 2160.0 feet to the centerline of a private road; thence North 45° East along the North line of said Comegy Claim 808 feet to the center of the Yamhill River; thence Northerly along the center line of the Yamhill River to a point which is West 8.75 chains and South 1711.98 feet from the Northwest corner of the William A. Culberson Donation Land Claim; thence East 8.75 chains to the West line of said Culberson Claim; thence North along the West line of said Culberson Claim 3.33 chains to a post from which a white fir 20 inches in diameter bears East 23 links distant; thence East 67.08 chains to a corner in a lake (set at a stone 12 x 12 x 8) on the West bank of pond 120 links West from the true corner as witness to the corner; thence South 3.67 chains to a post on the South bank of the pond from which an ash 8 inches in diameter bears North 6° East 6 links distant, an ash 8 inches in diameter bears North 80° East 21 links distant; thence South 39° East 19.00 chains to the place of beginning.

ALSO:

A part of the Jacob Comegy Donation Land Claim, the Robert J. Hendricks Donation Land Claim, and the Joseph Sander Donation Land Claim in Township 5 South, Range 5 West of the Willamette Meridian, and Township 6 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, more particularly described as follows:

Beginning at a stone in the center of the County Road at a point South 70°30' West 32.28 chains from the Northeast corner of the Edwin T. Stone Donation Land Claim in Township 6 South of Range 5 West of the Willamette Meridian; thence North 19°30' West 18.41 chains to the true point of beginning; thence North 19°30' West 24.15 chains; thence North 76°15' East 46.37 chains; thence South 00°32' West 11.40 chains; thence South 42°34' West 24.33 chains; thence South 89°52' West 42 links to an iron pipe on the North boundary of the railroad right of way; thence South 77°25' West 20.54 chains to the true point of beginning.

ALSO:

Beginning at a stone in the center of the County Road South 70°30' West 32.28 chains from the Northeast corner of the E.T. Stone Donation Land Claim, Notice No. 1929, Claim 67, in Section 1, Township 6 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon; thence North 19°30' West to the point of intersection with the Northerly line of the railroad right of way and the true point of beginning of the tract to be described; thence continuing North 19°30' West to a point, which point is South 77°25' West 20.54 chains from a point on the Northerly line of said railroad right of way; thence North 77°25' East 20.54 chains to the intersection with said railroad right of way; thence Southwesterly, along said railroad right of way, to the true point of beginning.

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EXCEPT THEREFROM the following:

A strip of land 50 feet in width, being 25 feet either side of the center line, described as follows:

Beginning at a stone in the center of the County Road, South 70°30' West 32.28 chains from the Northeast corner of the E.T. Stone Donation Land Claim, Notice No. 1929, Claim 67 aforesaid; thence North 19°30' West to a stake on the fence line between the properties of Hawkins and Robertson, which stake is at the point of intersection of said line between the properties of Hawkins and Robertson and a line 25 feet long running at right angles to the Northerly line of the railroad right of way; thence North 42°34' East, parallel with and 25 feet distant from the said Northerly boundary line of the railroad right of way, a distance of 3184.0 feet to a stake in the center of the County Road, on the line between the Dennis Harty and Joseph Sanders Claims, at a point approximately 280.0 feet North from the Southwest corner of the Dennis Harty Claim.

SAVE AND EXCEPTING therefrom the following described tract:

Beginning at an iron pipe in the center of the County Road at a point 953.6 feet South and 227.6 feet West of the Southeast corner of the William A. Culberson Donation Land Claim; thence North 18°38' West 156.6 feet to an iron pipe for the North corner of this tract; thence South 26°31' West 592.4 feet to an iron pipe; thence South 10°50' West 244.8 feet to an iron pipe; thence South 76°55' East 183.1 feet to an iron pipe in the center of the County Road; thence North 16°11' East along the center of the County Road 690.6 feet to the point of beginning.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to H. M. Hawkins et ux to Baylis M. Fanning et ux by deed recorded January 12, 1965 in Film Volume 42, Page 709, Deed and Mortgage Records.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed by H. M. Hawkins et ux to Glen A. Christensen et ux by deed recorded January 14, 1965 in Film Volume 42, Page 767, Deed and Mortgage Records.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to Frank Adams et ux by deed recorded in Book 179, Page 690, Deed Records.

ALSO SAVING AND EXCEPTING all railroad rights of way.

ALSO SAVING AND EXCEPTING therefrom that portion conveyed to The Brigittine Monks, recorded July 16, 1986 in Film Volume 204, Page 2138, Deed and Mortgage Records.

(APN R5535 00200, R5535 00700, R5535 00800, R5535 00900 and R 6502 01500)

PARCEL 2:

That part of the following described tract of land lying in Polk County, Oregon:

Beginning at a stone at the Northeast corner of the M.B. Burke Donation Land Claim in Section 3, Township 6 South, Range 5 West of the Willamette Meridian, Oregon, said point being also South 20° East 4.16 chains from the Northwest corner of the Edwin T. Stone Donation Land Claim in said Section; thence on the boundary line between the Burke Claim and Alanson Wing Claim, West 42.88 chains to the Northwest corner of the Burke Claim; thence South 12.63 chains to a stake and a stone on the subdivision line 20 chains North of the Southern boundary of Section 3, Township 6 South, Range 5 West of the Willamette Meridian; thence West 8.06 chains to a post and stone on the Eastern boundary line of the Gullford W. Worden Claim; thence on the boundary line between the Worden and Wing claims North 60.00 chains to a post on the Township line between Townships 5 and 6 South, which post is also the Northeast corner of the Gullford W. Worden Claim and from which an ash 10 inches in diameter bears South 16° West 20 links distant; and an ash 10 inches in diameter bears North 35° West 22 links distant, both old bearing trees; thence on the Township line West 21.05 chains to a corner of the Wing Claim and the R. Gaunt Claim from which there are old bearing trees, viz.: a maple 24 inches in diameter bears North 53° West 58 links distant, a fir 24 inches in diameter bears South 15° East 21 links distant; thence North 21.20 chains to the Southwest corner of the Jacob Hampton Claim to a stake in the left bank of the Yamhill River from which an alder 8 inches in diameter halfway down the bank bears South 70° East 27 links distant; thence East 60.42 chains to a post in the Section line between Section 34 and 35, Township 5 South of Range 5 West of the Willamette Meridian; thence on the Section line South 3.19 chains to a post in the North boundary line of the Jacob Comegy's Claim South of the River; thence North 45° East 2160 feet; thence South 34 1/2° East 1720 feet to a point in the center line of private roadway between the house and barn on the Broadmead Farm; thence South 12° East following the center line of said private roadway approximately 4160 feet to the Northerly side of the Southern Pacific Railroad right of way; thence Southwesterly following the Northerly margin of said right of way, approximately 2,360 feet to the intersection of the Westerly line of the Edwin T. Stone Donation Land Claim with the Northerly margin

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of said right of way; thence North 19° 25' West along the line between the Stone and Burke Donation Land Claim approximately 2720 feet, to the true point of beginning.

(APN 290931)

TRACT B ("BELLVUE"):

PARCEL 1:

Part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence North 1665 feet, more or less, to a point that is 810 feet South of the Northwest corner of Parcel 3 of the Eugene J. Wolf contract recorded September 14, 1970 in Film Volume 80, Page 1923, the true point of beginning herein; thence continuing North along said Donation Land Claim line for 810 feet to the North line of said Parcel 3, mentioned above; thence East, along the North line of said Parcel 3, for 545 feet; thence South, parallel to the West line of said Donation Land Claim, for 810 feet; thence West, parallel to the North line of said Parcel 3 for 545 feet to the true point of beginning herein.

EXCEPTING the North 60 feet thereof for road purposes.

PARCEL 2:

Part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence East 40 chains to the center of the County Road; thence North, along the center of the road, 37.50 chains to a point; thence West, parallel with the South line of said Claim, 40 chains to the West line of said Claim; thence South 37.50 chains to the place of beginning.

EXCEPTING that part of the premises lying in the road.

AND FURTHER EXCEPTING THEREFROM that portion conveyed to Ted Reese, et ux, by Deed recorded in Film Volume 77, Page 434, Deed and Mortgage Records, Yamhill County, Oregon, on September 25, 1969.

ALSO EXCEPT part of the Jesse Yocom Donation Land Claim No. 45 in Township 5 South, Range 5 West of the Willamette Meridian, Yamhill County, Oregon, described as follows:

Beginning at the Southwest corner of said claim; thence North 1665 feet, more or less, to a point that is 810 feet South of the Northwest corner of Parcel 3 of the Eugene J. Wolf contract recorded September 14, 1970, in Film Volume 80, Page 1923, the true point of beginning herein; thence continuing North along said Donation Land Claim line for 810 feet to the North line of said Parcel 3, mentioned above; thence East, along the North line of said Parcel 3, for 545 feet; thence South, parallel to the West line of said Donation Land Claim, for 810 feet; thence West, parallel to the North line of said Parcel 3, for 545 feet to the true point of beginning herein.

ALSO EXCEPTING the North 60 feet thereof for road purposes.

PARCEL 3:

Beginning at a point 11.25 chains North of the Southeast corner of the Wellington Fletcher and Laura Ann Fletcher Claim, Certificate No. 515, Notification No. 6878 in Township 5 South, Range 5 West of the Willamette Meridian, in Yamhill County, Oregon; thence West, parallel with the South line of said Claim, 11.531 chains; thence North, parallel with the East line of said Claim, 27.75 chains; thence East, parallel with the South line of said Claim, 11.531 chains to the West line of the Jesse Yocom Donation Land Claim No. 45; thence South 27.75 chains to the place of beginning.

EXCEPTING THEREFROM that portion of the premises conveyed to Malinda S. Lambricht and Isaac Lambricht by deed recorded December 8, 1923, in Book 89, Page 171, Deed Records.

EXCEPT a 60-foot strip for road purposes over the Northeasterly portion of Parcel 3, described as follows:

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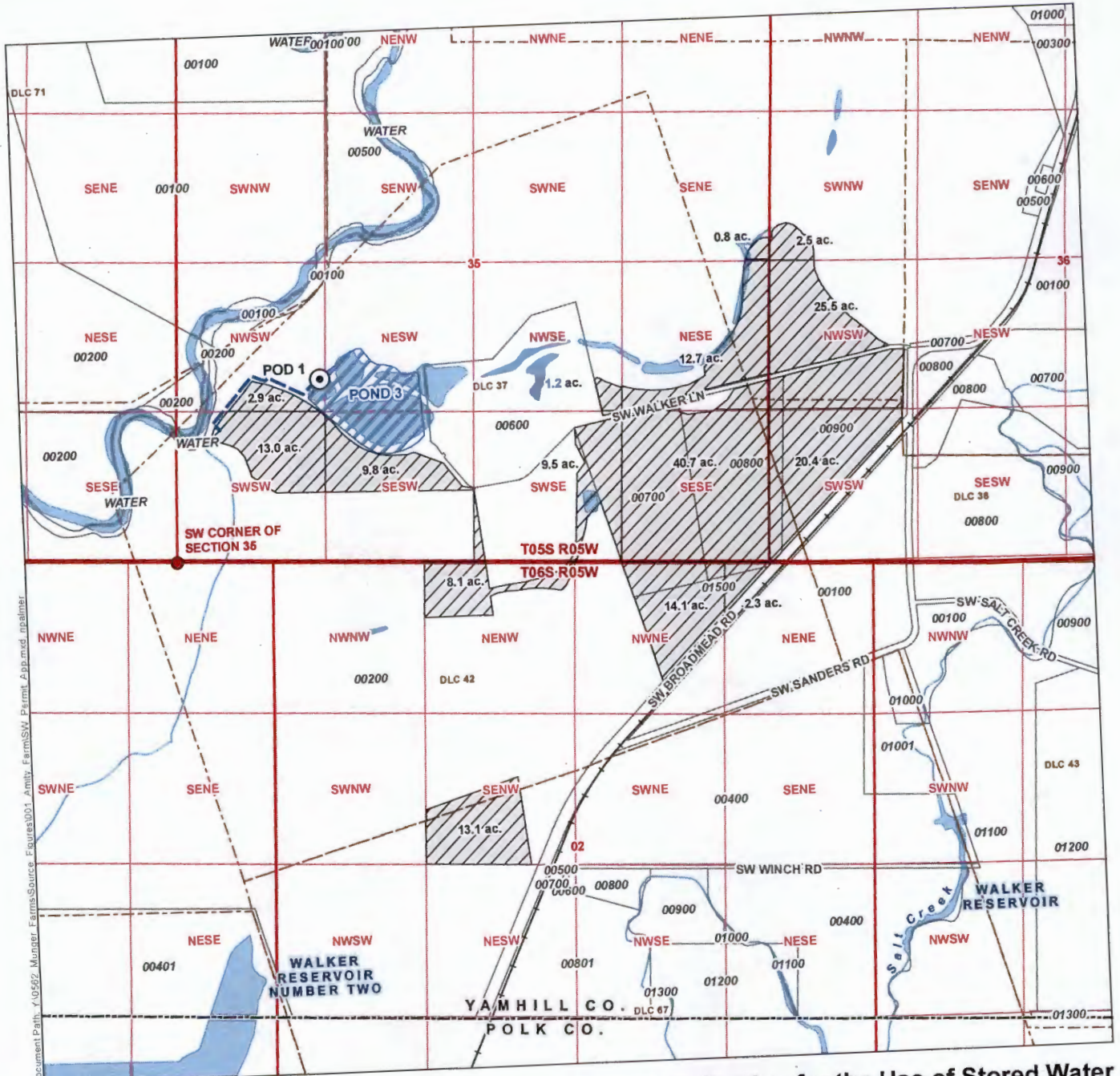
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## **Attachment C**

Permit Application Map

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Application for a Water Use Permit – Sarbanand Enterprises, LLC.



- LEGEND**
- ⊙ Point of Diversion (POD)
  - Conveyance
  - ▨ Place of Use (POU)
  - ▩ Pond 3
  - - - Donation Land Claim (DLC)
  - Tax Lot
  - Railroad
  - ~ Watercourse
  - Waterbody

**Permit Application for the Use of Stored Water  
in the Name of Sarbanand Enterprises, LLC.  
Place of Use/Point of Diversion Map**

Yamhill County  
Township 5, 6 South, Range 5 West (W.M.)

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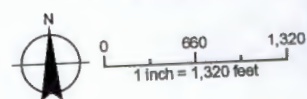
**DISCLAIMER**

This map was prepared for the purpose of identifying the location of a water right only and it is not intended to provide legal dimensions or location of property ownership lines.

Date: August 21, 2023  
Data Sources: BLM, ESRI, OWRD, USGS, Yamhill Co.

**LOCATION DESCRIPTION**

**POD 1**  
Located 1,570 feet North and 1,330 feet East from the SW corner of Section 35, Township 5 South, Range 5 West (W.M.)



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## **Attachment D**

Permit R-15557

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Application for a Water Use Permit – Sarbanand Enterprises, LLC.



STATE OF OREGON

COUNTY OF YAMHILL

PERMIT TO STORE PUBLIC WATERS

THIS PERMIT IS HEREBY ISSUED TO  
SARBANAND ENTERPRISES LLC  
786 RD 188  
DELANO CA 93215

The specific limits and conditions of the use are listed below.

APPLICATION FILE NUMBER: R-89191

SOURCE OF WATER: RUNOFF, TRIBUTARY TO SOUTH YAMHILL RIVER

STORAGE FACILITY: POND 3

MAXIMUM DAM HEIGHT: 6.0 FEET

MAXIMUM VOLUME: 112.0 ACRE-FEET

PURPOSE OR USE OF THE STORED WATER: MULTIPURPOSE USE

WATER MAY BE APPROPRIATED FOR STORAGE DURING THE PERIOD: NOVEMBER 1 THROUGH MAY 31

DATE OF PRIORITY: DECEMBER 10, 2021

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POINT OF DIVERSION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	35	NE SW	1650 FEET NORTH AND 2160 FEET EAST FROM SW CORNER, SECTION 35

RESERVOIR LOCATION:

Twp	Rng	Mer	Sec	Q-Q	Measured Distances
5 S	5 W	WM	35	NE SW	1415 FEET NORTH AND 2210 FEET EAST FROM SW CORNER, SECTION 35

THE AREA TO BE SUBMERGED BY THE RESERVOIR:

Twp	Rng	Mer	Sec	Q-Q
5 S	5 W	WM	35	NE SW
5 S	5 W	WM	35	NW SW
5 S	5 W	WM	35	SW SW
5 S	5 W	WM	35	SE SW

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### PERMIT SPECIFIC CONDITIONS

1. Failure to comply with any of the provisions of this permit may result in action including, but not limited to, restrictions on the use, civil penalties, or cancellation of the permit.
2. **Water Use Measurement, Recording, and Reporting:**
  - A. Before water use may begin under this permit, a staff gage that measures the entire range and stage between full reservoir level and dead-pool storage shall be installed in the reservoir. If no dead-pool, the gage must measure the full depth of the reservoir. The permittee shall maintain the device in good working order.
  - B. The permittee shall allow the watermaster access to the device; provided however, where any device is located within a private structure, the watermaster shall request access upon reasonable notice.
  - C. The permittee shall keep a complete record of the volume of water stored each month and shall submit a report which includes water-storage measurements to the Department annually (or more frequently as may be required by the Director). Further, the Director may require the permittee to report general water-use information, including the place and nature of use of water under the permit.
  - D. The Director may provide an opportunity for the permittee to submit alternative measuring and reporting procedures for review and approval.
3. **Agricultural Water Quality Management Area Rules:**

The permittee shall comply with basin-specific Agricultural Water Quality Management Area Rules described in Oregon Administrative Rule Chapter 603-095. The permittee shall protect riparian areas, allowing site capable vegetation to establish and grow along streams, while providing the following functions: shade (on perennial and some intermittent streams), bank stability, and infiltration or filtration of overland runoff.
4. **Fish Stocking:**

Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon shall have a fish transport permit issued by the Oregon Department of Fish and Wildlife (ODFW). The permittee shall not stock fish in the reservoir without a fish transport permit issued by ODFW. As part of the permitting process, the permittee shall also screen the inlet and outlet of their pond to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the pond.
5. **Off-Channel Stored Water Releases:**

The permittee shall not release polluted water from this off-channel reservoir into waters of the state except when the release is directed by the State Engineer to prevent dam failure.



Molly Monroe

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**From:** REECE Nick A \* WRD <Nick.A.REECE@water.oregon.gov>  
**Sent:** Monday, September 18, 2023 2:08 PM  
**To:** Mikaela Clarke; WRD\_DL\_customerservice  
**Cc:** Kim Grigsby; Molly Monroe  
**Subject:** RE: Application for a Permit to Use Stored Water on Behalf of Sarbanand Enterprises, LLC

OWRD

Hello,

OWRD has received and accepted the Groundwater e-application for **Sarbanand Enterprises, LLC**. The temporary application number is: **NR-9**

Please print this email and include a copy of it when mailing in the payment. The fees due for this application are: **\$ 1558 (If opting to include recording fee: \$2168)**

A copy of the fee calculator is included for your reference:

Base Application Fee.
Acre feet of Stored Water to be diverted
Permit Recording Fee. ***
*** 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 t
Estimated cost of Permit Application

Thank you,

**Nick Reece**  
Public Service Representative 4  
725 Summer Street NE, Suite A, Salem, OR 97301 | Phone: 503-986-0810

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Integrity | Service | Technical Excellence | Teamwork | Forward-Looking

**From:** Mikaela Clarke <mclarke@gsiws.com>  
**Sent:** Monday, September 18, 2023 9:56 AM  
**To:** WRD\_DL\_customerservice <wrd\_dl\_customerservice@water.oregon.gov>  
**Cc:** Kim Grigsby <kgrigsby@gsiws.com>; Molly Monroe <mmonroe@gsiws.com>  
**Subject:** Application for a Permit to Use Stored Water on Behalf of Sarbanand Enterprises, LLC

Good morning,

11/30  
GSI Water Solutions, Inc. is electronically submitting the attached application to use stored water on behalf of Sarbanand Enterprises, LLC. The permit application fee of \$2,168.80 will be mailed to the Department after we receive the temporary number for this application.

11/11  
Please let us know if you have any questions.

Thank you,  
Mikaela

**Mikaela Clarke**

**Water Resources Analyst**

direct: 971.200.8501; mobile: 971.212.0276

650 NE Holladay Street, Suite 900, Portland, OR 97232

GSI Water Solutions, Inc. | [www.gsiws.com](http://www.gsiws.com)

*pronouns: she/her*





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Via electronic mail to [wrd\\_dl\\_customerservice@water.oregon.gov](mailto:wrd_dl_customerservice@water.oregon.gov)

September 18, 2023

Katie Ratcliffe  
Oregon Water Resources Department  
725 Summer Street NE, Suite A  
Salem, OR 97301

RE: Application for a Permit to Use Stored Water – Sarbanand Enterprises, LLC

Dear Ms. Ratcliffe:

GSI Water Solutions, Inc. is submitting the enclosed permit application to use stored water for irrigation on behalf of Sarbanand Enterprises, LLC. The Applicant is requesting authorization to use up to 112 acre-feet of stored water, further limited to a rate of up to 800 gpm, to irrigate 176.6 acres. The source of the stored water is Pond 3, which is authorized to store up to 112 acre-feet under Permit R-15557.

The permit application fee will be mailed to OWRD after we receive the temporary number for this application.

The fee was calculated as follows:

\$610 - Base application fee  
\$820 - Rate fee of \$41/acre-foot up to 20 AF  
\$128.80 - Rate fee of \$1.40 for each additional AF  
\$610 - Permit recording fee

**Total = \$2,168.80**

If you have any questions regarding this application, please contact me at 541-257-9004.

Sincerely,

A handwritten signature in black ink that reads "Kimberly Grigsby". The signature is written in a cursive, flowing style.

Kimberly Grigsby  
Principal Water Resources Consultant

CC: Matt Hoezee, Sarbanand Enterprises, LLC

Enclosures: Application for a permit to use stored water and attachments