

Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Three Sisters Land Company, LLC and Ceres Ag, LLC, c/o Brian L. Field		PHONE (HM)	
PHONE (WK)	CELL 506.860.3402	FAX 503.263.3376	
MAILING ADDRESS 8835 South Lone Elder Road			
CITY Canby	STATE OR	ZIP 97013	E-MAIL * bfield@demeterag.net

Organization

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

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

AGENT / BUSINESS NAME HGX Solutions LLC		PHONE	FAX
MAILING ADDRESS 1672 SW Country Club Place			CELL 858-775-0811
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL * mhigginsrocks@gmail.com

Note: Attach multiple copies as needed

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

By my signature below I confirm that I understand:

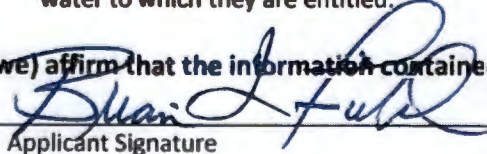
- I am asking to use water specifically as described in this application.
- Evaluation of this application will be based on information provided in the application.
- I cannot legally store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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


 Applicant Signature

Brian L. Field, Managing Member-Three Sisters Land Co. & Ceres Ag

11/15/2023

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date

SECTION 2: SOURCE OF WATER AND LOCATION OF RESERVOIR

Reservoir name:	Pond 2 (East)				
Source*:	Unnamed Stream	Tributary:	Salt Creek		
County:	Polk				
Quantity:	55	Acre-Feet [length x width x depth / 43,560]			
Reservoir Location:	Township (N or S)	Range (E or W)	Section	Quarter-Quarter	Tax Lot #
	6S	5W	20 / 21	SENE / SWNW, NWSW	0400 / 0300
Maximum Height of Dam:	9	feet. If excavated write "zero feet."			

* 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, an unnamed stream, or spring.

SECTION 3: WATER USE

Indicate the proposed use(s) of the stored water: Multipurpose use

NOTE: You may wish to consider filing for "Multipurpose use" for your reservoir. Multipurpose use does not limit the types of future uses for the stored water. Multipurpose covers all uses including: stock water, fish and wildlife, aesthetics, domestic, irrigation, agriculture, fire protection and pollution abatement.

SECTION 4: PROPERTY OWNERSHIP

Do you own all the land where you propose to divert, transport, and use water?

Yes (please check appropriate box below then skip to section 5)

- There are no encumbrances
- This land is encumbered by easements, right of way, roads of way, roads or other encumbrances

No (Please check the appropriate box below)

- I have a recorded easement or written authorization permitting access.
- I do not currently have written authorization or easement permitting access.
- 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 irrigated and/or domestic use only (ORS 274.040). (Do not check this box if you described your use as "Multipurpose" in #3 above.)

List the names and mailing addresses of all affected landowners:

1) Three Sisters Land Company, LLC; 2) Ceres Ag, LLC (same address): 8835 South Lone Elder Road Canby, OR 97013

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SECTION 5: ENVIRONMENTAL IMPACT

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Channel: Is the Reservoir: in-stream or off channel?

Wetland: Is the project in a wetland? YES NO unknown

Existing: Is this an existing reservoir? YES NO

If YES, how long has it been in place? _____ years.

Fish Habitat: Is there a fish habitat upstream of the proposed structure? YES NO unknown

If YES, how much? _____ miles.

Existing: Have you been working with other agencies? YES NO

Indicate agency, staff and phone numbers of those involved. Also indicate any agencies that are cost sharing in this project.

SECTION 6: WITHIN A DISTRICT

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

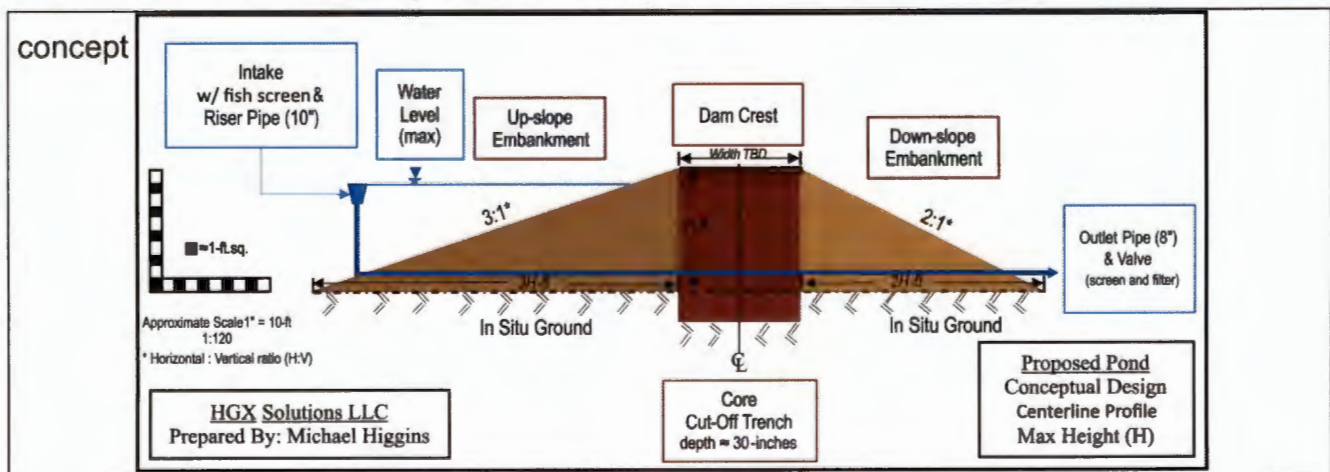
Irrigation District Name: Perrydale Domestic Water Assn.		Address: 11475 West Perrydale Road	
City: Amity	State: OR	Zip: 97101	

SECTION 7: DESCRIPTION

Provide a short description of the design and operation of the proposed diversion, including a description of how live flow will be passed outside the authorized storage season. Use this space for narrative. You may also provide narrative and sketches on separate pages.

The proposed pond 2 (East) location is off channel to capture surface water from local rainfall and stormwater runoff from diversion (POD 1) of an unnamed stream. The proposed diversion would be pumped using an intake valve fixed with an approved fish screen and conveyed in pipe system. The pond being proposed would be excavated with small earth dam or berm for additional storage capacity. The proposed earth dam to be constructed with suitable fill material. The outlet systems would be designed to allow bypass live flow in a manner that does not negatively impact water quality with maximum overflow within a stable spillway and/or intake and outlet pipe system with an approved fish screen.

If the diversion involves a dam, use this space below for sketches of the diversion (e.g. cross-section of the dam with its dimensions, dimension and placement of outlet pipe, means of passing live flow outside of the authorized storage season, and means for providing fish passage).



Watermaster Alternate Reservoir Application Review Sheet

In lieu of the water right application process set forth in ORS 537.140 to 537.211, an owner of a reservoir may submit an alternate reservoir application for a reservoir that has a storage capacity less than 9.2 acre-feet or a dam or impoundment structure less than 10 feet in height. ORS 537.409 describes the criteria used to evaluate alternate reservoir applications.

The review shall be limited to issues pertaining to: a) water availability, b) potential detrimental impact to existing fishery resources; and c) potential injury to existing water rights. (ORS 537.409 (6))

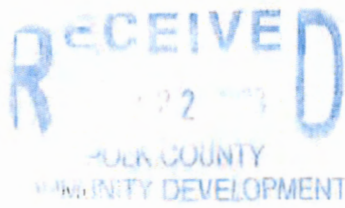
Within 60 days after the Water Resources Department provides public notice, any person may submit detailed, legally obtained information in writing, requesting the Department to deny the application for a permit on the basis that the reservoir: (a) Would result in injury to an existing water right; or (b) Would pose a significant detrimental impact to existing fishery resources. (ORS 537.409 (5))

Applicant's Name Three Sisters Land Co. & Ceres Ag 6S5WSec 20 & 21 TL 400 & 300		
1. Does the proposed reservoir have the potential to injure existing water rights? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO Explain:		
2. Can conditions be applied to mitigate the potential injury to existing water rights? <input type="checkbox"/> YES <input type="checkbox"/> NO Explain: NA		
3. Is water available for the proposed reservoir? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		
4. If yes, during what period? Beginning: Nov 1 End: June 30 Attach a WARS printout at 50% exceedance. If WARS does not cover the proposed location, make a recommendation for a storage season based upon regulation history and your knowledge of the location. (Water Availability for Reservoir Policy found under OAR 690-410-0070(2)(c))		
5. Did you meet with staff from another agency to discuss this application? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		
Who:	Agency:	Date:
Who:	Agency:	Date:

Watermaster Name: Joel Plahn
 Watermaster Signature: Joel Plahn 2023.03.14 14:18:01 Date: 3/14/2023
 Signature: PL-07'00'

NOTE: This completed form must be returned to the applicant

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Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266503-986-0900
www.oregon.gov/OWRD

NAME Three Sisters Land Company, LLC and Ceres Ag, LLC, c/o Brian L. Field		PHONE (HM)
PHONE (WK)	CELL 506.860.3402	FAX 503.263.3376
ADDRESS 8835 South Lone Elder Road		
CITY Canby	STATE OR ZIP 97013	E-MAIL* bfield@demeterag.net

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:
6S	5W	20	SENE	400	EFU	<input checked="" type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input type="checkbox"/> Used	Farm
6S	5W	21	SENE	300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm
6S	5W	21	NESE	300	EFU	<input type="checkbox"/> Diverted	<input checked="" type="checkbox"/> Conveyed	<input checked="" type="checkbox"/> Used	Farm
						<input type="checkbox"/> Diverted	<input type="checkbox"/> Conveyed	<input type="checkbox"/> Used	

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

Polk County, Perrydale

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) unnamed

Estimated quantity of water needed: 55 cubic feet per second gallons per minute acre-feet

Intended use of water: Irrigation Commercial Industrial Domestic for _____ household(s)
 Municipal Quasi-Municipal Instream Other Multi.

Briefly describe:

The proposed pond would be multiple-purpose use including irrigation, fire suppression, stock watering, wildlife and groundwater recharge.

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.

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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): PC 20 136.030(A)

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
RECEIVED		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
NOV 17 2023		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
OWRD		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued
		<input type="checkbox"/> Obtained <input type="checkbox"/> Denied	<input type="checkbox"/> Being Pursued <input type="checkbox"/> Not Being Pursued

Local governments are invited to express special land-use concerns or make recommendations to the Water Resources Department regarding this proposed use of water below, or on a separate sheet.

Name: Eric Knudson Title: Associate Planner

Signature:  Phone: 503-623-9237 Date: 3/22/23

Government Entity: Polk County Community Development

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

Receipt for Request for Land Use Information

Applicant name: _____

City or County: _____ Staff contact: _____

Signature: _____ Phone: _____ Date: _____

ODFW Alternate Reservoir Application Review Sheet

Applicant Information.

Applicant Name: Three Sisters Land Company, LLC and Ceres Ag, LLC, c/o Brian L. Field

Address: 8835 South Lone Elder Road, Canby, OR, 97013

Phone/Email: 503-263-3376 / bfield@demeterag.net

Reservoir Name: Pond 2 (East)

Volume (AF): 55

Source: Unnamed Stream < Salt Creek

Basin Name: Salt Creek < South Yamhill

in-channel

Twp Rng Sec QQ: 6S 5W 20/21 SENE/SWNW/NWSW

off-channel

Note: It is unlikely that ODFW will be able to complete this form while you wait, nevertheless we recommend making an appointment to submit the form so as to provide any necessary clarifications. See pg. 6 of Instructions for contact information.

This portion to be completed by Oregon Department of Fish and Wildlife (ODFW) staff.

1) Is the proposed project and AO¹ off channel?..... YES NO*
(if yes then proceed to #4; if no then proceed to #2)

* Based on available information, the proposed use would be withdrawing water from an unnamed tributary to Salt Creek. Based on discussions with the consultant, the applicant intends to create an artificial obstruction to fish passage for the proposed use and therefore the applicant will need to address Oregon's fish passage laws at the POD on the unnamed tributary.

2) Is the proposed project or AO located where NMF² are or were historically present?..... YES NO
(if yes then proceed to #3; if no then proceed to #4)

3) If NMF are or were historically present:

a. Is there an ODFW-approved fish-passage plan?..... YES NO

b. Is there an ODFW-approved fish-passage waiver or exemption?..... YES NO

If fish passage is required under ORS 509.580 through .910, then either 3(a) or 3(b) must be "Yes" to move forward with the application. If responses to 3(a) and 3(b) are "No", then the proposed reservoir **does not meet** the requirements of Oregon Fish Passage Law and **shall not** be constructed as proposed.

4) Would the proposed project pose any other significant detrimental impact to an existing fishery resource locally or downstream?..... YES NO

Explain below (for example, list STE species or other existing fishery resources that would be impacted negatively.)

Any diversion or appropriation of water for storage during the period **May.1 through November.30** poses a significant detrimental impact to existing fishery resources. (For example, if diversion of water for storage during a certain time period would cause a significant detrimental impact to an existing fishery resource,

¹ AO = Artificial Obstruction means any dam, diversion, culvert or other human-made device placed in waters of this state that precludes or prevents the migration of native migratory fish. ORS 509.580 (1)

² NMF = Native Migratory Fish Species in Oregon as defined by OAR 635 - 412 - 0005 (32)

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then ODFW should recommend conditions or limitations.) If NMF fish are present at the project site or point

of water diversion then the applicant should be advised that a fish screen consistent with screening criteria will be required.

- This proposed pond or reservoir contemplates impounding water in the Columbia Basin above Bonneville Dam. ODFW has determined that additional diversions of water in this area pose a significant detrimental impact to existing fishery resources during the period April 15 through September 30.

ESA-listed fish (Spring Chinook, Winter Steelhead), sensitive species (Coho, costal cutthroat), and other game fish (Pacific Lamprey) are present in South Yamhill River and/or Salt Creek during the period of impact. Instream flows to fulfill MF163 for aquatic life are not being met partially or wholly during the period of impact. In addition to existing instream water rights and pending instream water right applications, ODFW recommends the following biologically necessary flows be available on Salt Creek at the mouth to protect public uses:

Salt Creek at the Mouth

JAN	<u>52.58</u> cfs	APR	<u>52.58</u> cfs	JUL	14.73 cfs	OCT	<u>21.38</u> cfs
FEB	<u>52.58</u> cfs	MAY	<u>52.58</u> cfs	AUG	12.22 cfs	NOV	<u>52.58</u> cfs
MAR	<u>52.58</u> cfs	JUN	<u>44.09</u> cfs	SEP	<u>12.63</u> cfs	DEC	<u>52.58</u> cfs

Based on parameters assessed by ODFW, instream flows are currently below those essential to support the biological needs of an existing fishery resource during May 1st – November 30th. In addition, ODFW reviewed the available information (Total Maximum Daily Loads for the Yamhill River) regarding water quality impairment and determined that a TMDL exists for the Yamhill Watershed for phosphorus and an instream water right for pollution abatement is established. Consequently, ODFW recommends that because the proposed use would impair water quality that supports existing fishery resources (e.g., habitat) at or downstream of the Point of Diversion that the water use be restricted to the period of May.1st – October.31st.

Because of these reasons, the proposed use will diminish water quality, physical habitat, and/or alter the flow regime to which fish are naturally adapted. These changes will negatively affect their distribution, productivity, and abundance. Therefore, a further reduction in flow or alteration of habitat from the proposed use would result in a significant detrimental impact to an existing fishery resource without appropriate conditions and/or mitigation.

Impairment to Fishery Resource	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Water Quantity												
Water Quality												

If YES, can conditions be applied to mitigate the significant detrimental impact to an existing fishery resource?

- NO (explain)
- YES (select from Menu of Conditions on next page)

See applicable conditions selected from “Menu of Conditions” on next page

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Recommendation: Through consultation with the local fish biologist, it is recommended that the reservoir be offset from the riparian zone.

Water is only available to support the quality and quantity of biologically necessary flows at the POD and/or downstream during December 1 - April 30. ODFW recommends the storage season be restricted to coincide with this period or the proposed use be mitigated prior to issuance of a Proposed Final Order for any use outside of this period. Without appropriate mitigation and/or conditions, a further reduction in flow or alteration of habitat (including impairment of water quality) from the proposed water use during May 1st – November 30th will result in a significant detrimental impact to an existing fishery resource. Mitigation is often complicated, time consuming, and expensive, and may include, but is not limited to, actions such as replacing the proposed amount of water through purchasing or transferring an existing water right. If the applicant chooses to pursue mitigation after application submittal to WRD, ODFW will provide appropriate conditions and a Mitigation Obligation consistent with the goals and standards of OAR 635-415-0025 (ODFW Habitat Mitigation Recommendations) to compensate for any potential impact from the proposed use. Upon request, the WRD caseworker can schedule a consultation with ODFW for more information.

Note: Fish screening and passage is required at the POD on unnamed tributary to Salt Creek. See "fishapprove" and "fishpass" conditions below.

Janna L
Stevens

Digitally signed by
Janna L Stevens
Date: 2023.07.07
12:00:39 -07'00'

ODFW Signature: _____

Print Name: Janna Stevens

ODFW Title: Water Planning Coordinator

Date: 7/7/2023

NOTE: This completed form must be returned to the applicant.

Revised 10/4/12; reformatted 5/12/20

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MENU OF CONDITIONS FOR WRD, ODFW, DEQ AND ODA

Revised May 12, 2020, March 25, 2021

Use this menu to identify appropriate conditions to be included in the permit:

- 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, including through irrigation practices and the management of any livestock, 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.
- b52** Water may be diverted only when Department of Environmental Quality sediment standards are being met.
- b5** The water user shall install and maintain adequate treatment facilities meeting current DEQ requirements to remove sediment before returning the water to the stream.
- b51a** The period of use has been limited to December through April.
- b57** Before water use may begin under this permit, a totalizing flow meter must be installed at each diversion point.
- b58** 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 must be installed in the reservoir. The staff gage shall be United States Geological Survey style porcelain enamel iron staff gage style A, C, E or I.
- blv:** Water must be diverted to a trough or tank through an enclosed water delivery system. The delivery system must be equipped with an automatic shutoff or limiting flow control mechanism or include a means for returning water to the stream source through an enclosed delivery system. The use of water shall not exceed 0.10 cubic feet per second per 1000 head of livestock.
- Bypass Flows:** Per 690-410-0070 (2)(c), the following flows shall be bypassed or passed through the reservoir during the filling season:
 - 1) When the biologically necessary flows identified below are not available immediately upstream of the impacted area, the permittee shall pass all live flow downstream at a rate equal to the inflow, minus the amount of mitigation water provided upstream, if applicable, and
 - 2) When the biologically necessary flows identified below are available immediately upstream of the impacted area, the permittee shall pass flow downstream at a rate equal to or greater than the biologically necessary flows.

Once the reservoir has reached the permitted volume, all live flow shall be passed downstream at a rate equal to the inflow.

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The permittee shall quantify and document inflow and outflow and maintain the bypass flows for the life of the permit and subsequent certificate per the approved Bypass Plan. The bypass flow data shall be available upon request by the Oregon Water Resources Department, Oregon Department of Fish and Wildlife, Oregon Department of Environmental Quality, or Oregon Department of Agriculture.

- Construction Activities:** For construction activities (clearing, grading, excavation, staging, and stockpiling) that will disturb one or more acres and may discharge to state waters, the permittee is required to obtain from DEQ a 1200-C NPDES Stormwater Construction Permit prior to project construction.
- fence:** The stream and its adjacent riparian area shall be fenced to exclude livestock.
- fishapprove:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.
- fishdiv33:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.

The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional, and approved in writing by ODFW prior to diversion of any water. The permittee may submit evidence in writing that ODFW has determined screens and/or by-pass devices are not necessary.

- fishmay:** Notwithstanding that ODFW has made a determination that fish screens and/or by-pass devices are not necessary at the time of permit issuance, the permittee may be required in the future to install, maintain, and operate fish screening and by-pass devices to prevent fish from entering

the proposed diversion and to provide adequate upstream and downstream passage for fish.

- fishpass:** As required by ORS 509.585, a person owning or operating an artificial obstruction (AO) may not construct or maintain any AO across any waters of this state that are inhabited, or historically inhabited, by native migratory fish (NMF) without providing passage for NMF. A person owning or operating an AO shall, prior to construction, fundamental change in permit status or abandonment of the AO in any waters of this state, obtain a determination from ODFW as to whether NMF are or historically have been present in the waters. If ODFW determines that NMF are or historically have been present in the waters, the person owning or operating the AO shall either submit a proposal for fish passage to ODFW or apply for a waiver or exemption. Approval of the proposed fish-passage facility, waiver, or exemption must be obtained from the department prior to construction, permit modification or abandonment of the AO. Approved fish-passage plans, waivers, and exemptions shall maintain adequate passage of NMF at all times (ORS 509.601) as per the approved plan, waiver or exemption.
- fishself:** The permittee shall install, maintain, and operate fish screening and by-pass devices consistent with current Oregon Department of Fish and Wildlife (ODFW) standards. Fish screening is to prevent fish from entering the proposed diversion while by-pass devices provide adequate upstream and downstream passage for fish. The required screen and by-pass devices are to be in place and functional prior to diversion of any water. Permittee shall obtain written approval from ODFW that the installation of the required screen and by-pass devices meets the state's criteria or the permittee shall submit documentation that ODFW has determined screens and/or by-pass devices are not necessary.
- Fishegress:** Native migratory fish may become trapped or entrained in the reservoirs/impoundments during/after flooding events; therefore, the permittee shall work with ODFW regarding development of an approved fish egress from the reservoirs/impoundments or other methods to keep fish out of the reservoirs/impoundments during flood events (e.g., berm construction around the reservoirs).
- Fish Stocking:** Per ORS 498.222 and OAR 635-007-0600, all persons transporting fish in Oregon need to 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 approved by ODFW. As part of the permitting process, the permittee may be required to screen the inlet and outlet of the reservoir to ensure that fish cannot escape into public waters and/or to keep wild fish from entering the reservoir.
- futile call:** The use of water allowed herein may be made only at times when waters from the (NAME OF SURFACE WATER) would not otherwise flow into a tributary of the type here River or sufficient water is available to satisfy all prior rights, including rights for maintaining instream flows.
- In-Water or Riparian Construction:** For in-water or riparian construction, permittee may be required to obtain additional permits from the Oregon Department of State Lands, the U.S. Army Corps of Engineers, and the DEQ Section 401 certification program prior to construction. The applicant must contact these agencies to confirm requirements.
- In-Water Work:** Any in-water work related to construction, development, or maintenance of the proposed use shall be conducted during the preferred work period of July.15-Sep.30 unless an alternate time period is approved by the Oregon Department of Fish and Wildlife.
- Live Flow:** Once the allocated volume has been stored, permittee shall pass all live flow downstream at a rate equal to inflow, using methods that protect instream water quality.
- 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.
- On-Channel Reservoir:** The permittee shall design and operate the water storage facility such that all waters within and below the reservoir meet water quality criteria. The permittee shall develop a reservoir operations plan that details how water quality criteria and standards will be met. A Certified Water Rights Examiner shall verify that the reservoir operations are consistent with the plan before a certificate is issued. The reservoir operator shall maintain a copy of the plan and make it available for review upon request.
- riparian:** If the riparian area is disturbed in the process of developing a point of diversion, the permittee shall be responsible for restoration and enhancement of such riparian area in accordance with ODFW's Fish and Wildlife Habitat Mitigation Policy OAR 635-415. For purposes of mitigation, the ODFW Fish and Wildlife Habitat Mitigation Goals and Standards, OAR 635-415, shall be followed.
- Water Quality:** All water use under this permit shall comply with state and federal water quality laws. The permittee shall not violate any state and federal water quality standards, shall not cause pollution of any waters of the state, and shall not place or cause to be placed any wastes in a location where such wastes are likely to escape or be carried into the waters of the state by any means. The use may be restricted if the quality of source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards.
- wetland:** The permittee must submit an offsite determination request to the Oregon Department of State Lands (DSL) to determine the need for a wetland delineation prior to disturbance or development of the point of diversion and/or diversion of water.
- wq:** The use may be restricted if the quality of the source stream or downstream waters decrease to the point that those waters no longer meet existing state or federal water quality standards due to reduced flows.

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RECORDING REQUESTED BY:



5300 SW Meadows Rd., Ste 100
Lake Oswego, OR 97035

AFTER RECORDING RETURN TO:

Brian L. Field
Three Sisters Land Company, LLC, an Oregon limited liability
company
8835 S Lone Elder Road
Canby, OR 97013

SEND TAX STATEMENTS TO:

Three Sisters Land Company, LLC, an Oregon limited liability
company
8835 S Lone Elder Road
Canby, OR 97013

234025 & 234041
6990 Enterprise Road, Dallas, OR 97338

RECORDED IN POLK COUNTY	2022-013098
Valerie Unger, County Clerk	12/21/2022 08:57:01 AM
REC-BS Cnt=1 Str=5 K. WILLIAMS	\$101.00
\$15.00 \$11.00 \$10.00 \$60.00 \$5.00	

SPACE ABOVE THIS LINE FOR RECORDER'S USE

Titel Title # 4718221727

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

Ceres Ag, LLC an Oregon limited liability company, which acquired title as Ceres Ag, LLC, a limited liability company as to Parcel I; and
Three Sisters Land Company, LLC, an Oregon limited liability company, which acquired title as Three Sisters Land Company, LLC, a limited liability company, as to Parcel II,

Grantor, conveys to

Ceres Ag, LLC, an Oregon limited liability company, as to Parcel I, and Three Sisters Land Company, LLC, an Oregon limited liability company, as to Parcel II, Grantee, the following described real property, situated in the County of Polk, State of Oregon,

SEE ATTACHED EXHIBIT "A" LEGAL DESCRIPTION

The true consideration for this conveyance No Dollars And No/100 Dollars (\$0.00). (See ORS 93.030).

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.

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BARGAIN AND SALE DEED - STATUTORY FORM

(continued)

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

Dated: 12/20/2022

Three Sisters Land Company, LLC, an Oregon limited liability company

BY: Brian L. Field
Brian L. Field
Manager

Ceres Ag, LLC, an Oregon limited liability company

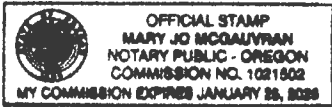
BY: Brian L. Field
Brian L. Field
Manager

State of Oregon Clatsop
County of Clatsop

This instrument was acknowledged before me on 12-20-22 by Brian L. Field, Manager of Three Sisters Land Company, LLC, an Oregon limited liability company and Brian L. Field, Manager, of Ceres Ag, LLC, an Oregon limited liability company.

[Signature]
Notary Public, State of Oregon

My Commission Expires: 1-25-26



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EXHIBIT "A"
Legal Description

PARCEL I:

Beginning at the Northeast corner of the Donation Land Claim of William Robinson and wife, Notification No. 1919, Claim No. 55 in Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence West a distance of 39.75 chains; thence South a distance of 40.0 chains; thence East a distance of 39.75 chains; thence North a distance of 40.0 chains to the place of beginning;

SAVE AND EXCEPT all that portion of the above described property lying Southerly and Easterly of Salt Creek;
ALSO SAVE AND EXCEPT:

Beginning at a point in the center of Salt Creek which is 2646.78 feet South 00°05'46" West and 1185.15 feet North 89°36'23" West from the Northeast corner of the William Robinson Donation Land Claim No. 55 in Section 21, Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, said point being on the South line of that tract of land conveyed to Richard T. Bush and wife by deed recorded in Book of Records 245, Page 1315 of the Polk County Records; thence North 89°36'23" West, 3897.76 feet to an iron rod at the Southwest corner of said Bush tract of land; thence North 00°06'54" East along the West lien of said Bush tract of land a distance of 847.00 feet to an iron rod; thence South 89°36'23" East parallel with said Bush tract of land a distance of 3122.45 feet to an iron rod; thence North 10°40'00" East, 276.98 feet to an iron rod; thence South 61°11'56" East, 96.18 feet to an iron rod; thence South 77°56'37" East, 162.24 feet to an iron rod; thence North 74°52'04" East, 383.95 feet to an iron rod; thence South 87°50'28" East 94.38 feet to an iron rod; thence South 60°06'15" East, 163.90 feet to an iron rod; thence South 66°50'22" East, 253.85 feet to a point in the center of Salt Creek from which an iron bears North 66°50'22" West 20.00 feet; thence South 30°07'00" West along the center of said creek a distance of 353.00 feet; thence South 15°44'07" West, 681.09 feet, more or less, to the point of beginning;

ALSO SAVE AND EXCEPT any portion of the above described parcels of land lying with the boundaries of public roads and highways.

PARCEL II:

Beginning at a point 39.75 chains West from the Northeast corner of the Donation Land Claim of William Robinson and wife, Notification No. 1919, Claim No. 55 in Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon; and running thence West a distance of 40.25 chains; thence South a distance of 7.0 chains; thence East a distance of 3.25 chains; thence South a distance of 33.0 chains; thence East a distance of 37.0 chains; thence North a distance of 40.0 chains to the place of beginning;

ALSO SAVE AND EXCEPT from the above described Parcel:

Beginning at a point in the center of Salt Creek which is 2646.78 feet South 00°05'46" West and 1185.15 feet North 89°36'23" West from the Northeast corner of the William Robinson Donation Land Claim No. 55 in Section 21, Township 6 South, Range 5 West of the Willamette Meridian in Polk County, Oregon, said point being on the South line of that tract of land conveyed to Richard T. Bush and wife by deed recorded in Book of Records 245, Page 1315 of the Polk County Records; thence North 89°36'23" West, 3897.76 feet to an iron rod at the Southwest corner of said Bush tract of land; thence North 00°06'54" East along the West lien of said Bush tract of land a distance of 847.00 feet to an iron rod; thence South 89°36'23" East parallel with said Bush tract of land a distance of 3122.45 feet to an iron rod; thence North 10°40'00" East, 276.98 feet to an iron rod; thence South 61°11'56" East, 96.18 feet to an iron rod; thence South 77°56'37" East, 162.24 feet to an iron rod; thence North 74°52'04" East, 383.95 feet to an iron rod; thence South 87°50'28" East 94.38 feet to an iron rod; thence South 60°06'15" East, 163.90 feet to an iron rod; thence South 66°50'22" East, 253.85 feet to a point in the center of Salt Creek from which an iron bears North 66°50'22" West 20.00 feet; thence South 30°07'00" West along the center of said creek a distance of 353.00 feet; thence South 15°44'07" West, 681.09 feet, more or less, to the point of beginning;

ALSO SAVE AND EXCEPT any portion of the above described parcels of land lying with the boundaries of public roads and highways.

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Application Completeness Checklist

Applicants are encouraged to use this checklist before submitting a complete application to the Department.

1. Landowner name, mailing address and telephone number provided
2. Application signed – All parties noted as applicants must sign the application
3. Source and tributary listed.
4. Reservoir Location. TRSQQ and tax lot provided.
5. Dam height indicated, if applicable
6. Property ownership completed
7. If applicant does not own all the land, is the affected landowner's name and mailing address listed?
8. Environmental impact section completed?
9. **Completed Watermaster review sheet**, signed and dated. Note: Must be completed within last 6 months.
 - Will the reservoir injure an existing water right? YES NO
 - If YES, can conditions be applied to mitigate injury? YES NO
If NO, return the application.
10. **Completed ODFW review sheet**, signed and dated. Note: Must be completed within last 6 months.
 - Will the reservoir pose a significant detrimental impact to an existing fishery resource? YES NO
 - If YES, can conditions be applied to mitigate the impact? YES NO N/A
If NO, return the application.
11. **Completed Land-Use Form** or receipt signed by the appropriate planning department official enclosed?
Note: Does the use on land-use form match the proposed use on the application? Must be completed within the last 12 months.
12. **Include a copy of a Legal Description** of all the property involved with this application. A copy of a deed, land sales contract, or title insurance to meet this requirement.
13. **Acceptable Map**. Note: Requirements set forth by the Commission; causes fatal flaw if not provided by the applicant.
 - Reservoir Location - noting Township, Range, Section, 1/4 1/4 and Tax Lot number(s)
 - Scale of the Map, even scale such as 1" = 400', 1" = 1000', or 1" = 1320'
 - Reference corner on map
 - North directional symbol
 - ¼'s clearly identified
 - Reservoir clearly identified **
 - Dam location identified, with measured distances from survey corner. If no dam, use coordinates to the center of reservoir.
 - If diverting water from a river or stream to a reservoir located off-channel, include measured distances from survey corner
14. **Fees:** Are the appropriate fees included? Use this fee calculator to determine the application fees:

https://apps.wrd.state.or.us/apps/misc/wrd_fee_calculator/Permit_for_AltRes.aspx

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Application for a Permit to
Store Water in a Reservoir
 Alternate Review (ORS 537.409)



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

You may use this form for any reservoir storing less than 9.2 acre-feet or with a dam less than 10 feet high.

Use a separate form for each reservoir

SECTION 1: APPLICANT INFORMATION AND SIGNATURE

Applicant

NAME Three Sisters Land Company, LLC and Ceres Ag, LLC, c/o Brian L. Field		PHONE (HM)	
PHONE (WK)	CELL 506.860.3402	FAX 503.263.3376	
MAILING ADDRESS 8835 South Lone Elder Road			
CITY Canby	STATE OR	ZIP 97013	E-MAIL * bfield@demeterag.net

Organization

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

Superseded

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

AGENT / BUSINESS NAME HGX Solutions LLC		PHONE	FAX
MAILING ADDRESS 1672 SW Country Club Place			CELL 858-775-0811
CITY Corvallis	STATE OR	ZIP 97333	E-MAIL * mhigginsrocks@gmail.com

Note: Attach multiple copies as needed

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

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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 store water until the Water Resources Department issues a permit.
- Oregon law requires that a permit be issued before beginning construction. Acceptance of this application does not guarantee a permit will be issued.
- If I get a permit, I must not waste water.
- If development of the water use is not according to the terms of the permit, the permit can be cancelled.
- The water use must be compatible with local comprehensive land use plans.
- Even if the Department issues a permit, I may have to stop using water to allow senior water right holders to get water to which they are entitled.

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

Brian L. Field, Managing Member-Three Sisters Land Co. & Ceres Ag

Applicant Signature

Print Name and Title if applicable

Date

Applicant Signature

Print Name and Title if applicable

Date